

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>3 November 2009</b>
Report by:	<b>Executive Director (Enterprise Resources)</b>

Application No	HM/09/0217
Planning Proposal:	Erection of 60 Flats (2 Blocks 4 and 5 Storey High), Formation of Basement and Underground Parking). Formation of 2 Vehicular Accesses, Landscaping and Associated Land Engineering Operations, Including New Retaining Wall.

## 1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Gilchrist & Lynn Ltd
- Location : 27/29 Silverwells Crescent  
Bothwell

## 2 Recommendation(s)

### 2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant Detailed Planning Permission (Subject to Conditions – Based on the Conditions Listed)
- (2) If planning consent is granted, the decision notice should be withheld until a financial contribution of £36,000 for the improvement of community facilities in the area is agreed and submitted by the applicant.

### 2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to determine this application.

## 3 Other Information

- ◆ Applicant's Agent: DTA Chartered Architects
- ◆ Council Area/Ward: 16 Bothwell and Uddingston
- ◆ Policy Reference(s): **South Lanarkshire Local Plan (Adopted)**  
Policy RES 2 – Proposed Housing Sites Policy  
Policy RES 6 – Residential Land Use Policy  
Policy ENV 31 – New Housing Development Policy  
Policy DM 1 – Development Management Policy

- ◆ Representation(s):
  - ▶ 16 Objection Letters
  - ▶ 0 Comments Letters

◆ Consultation(s):

Environmental Services

Roads and Transportation Services (Hamilton Area)

Land and Fleet Services (Arboriculture)

Roads & Transportation Services H.Q. (Flooding)

Scottish Water

S.E.P.A. (West Region)

Roads & Transportation Services H.Q. (Geotechnical)

Bothwell & Uddingston Community Council

Greenspace & Countryside

Education Resources - School Modernisation Team

# **Planning Application Report**

## **1 Application Site**

- 1.1 This application relates to the former site of the Silvertrees Hotel, located within a residential area to the south-west of Bothwell village centre. The hotel was demolished several years ago and the site has remained vacant since its demolition.
- 1.2 Much of the site is covered by mature trees, particularly around the boundaries of the site and within the south-eastern section and these trees are protected by a Tree Preservation Order. Ground levels fall substantially from the front to the rear of the site. Directly beyond the rear boundary are residential properties located on Old Mill Road which sits at a lower level than the application site.
- 1.3 The site is bounded on all sides by residential properties. The opposite side of Silverwells Crescent incorporates substantial 2 storey sandstone villas while more modern styles of development lie to the east, west and south of the site. The site sits adjacent to the boundary with the Bothwell Conservation Area.

## **2 Proposal(s)**

- 2.1 This is a detailed planning application for the erection of 60 flatted dwellings with associated parking. The development would consist of 2 blocks of two and three bedroom flats fronting onto Silverwells Crescent and occupying the area of the site where the previous buildings were located. One block would be 4 storeys in height and the other block would be 5 storeys in height and each block would incorporate underground parking. The buildings would be of a contemporary design with a stepped footprint and would incorporate flat roofs, glazed internal staircases and balconies. The proposed finish materials for the buildings include plastisol coated metal for the roof, a mixture of stone, render and timber cladding for the exterior walls and aluminium powder coated double glazed windows.
- 2.2 The development would be accessed via Silverwells Crescent and would utilise the existing entrance to the western end of the site in addition to a new entrance at the eastern end. The existing low stone wall to the front of the site would be re-built and iron railings reinstated with a new hedge planted behind the wall to reflect the current arrangement along the road edges of Silverwells Crescent. Access to the development would be via controlled entry systems at the gates and both blocks would be accessed separately. The access points would lead to underground parking facilities and additional parking facilities located above ground.
- 2.3 A Design Statement, Tree Survey, Phase 1 Habitat and Species Survey and Bat Survey were submitted with the application as supporting documents.

## **3 Background**

### **3.1 Local Plan Status**

- 3.1.1 The application site is identified as being located within an area designated for residential use in the adopted South Lanarkshire Local Plan. The relevant policies covering the site for the assessment of the application are Policies RES 2 – Proposed Housing Sites Policy, RES 6 – Residential Land Use Policy, ENV 31 – New Housing Development Policy and DM 1 – Development Management Policy. The content of the above policies and how they relate to the proposal is assessed in detail in Section 6 of this report.

### 3.2 **Relevant Government Advice/Policy**

- 3.2.1 Scottish Planning Policy 3 (SPP3) – Planning for Housing states that new housing areas should be easily accessible by public transport and well integrated into walking and cycling networks. As part of a long-term settlement strategy, previously developed land and buildings will have a key role and should be reused where a viable and environmentally satisfactory development can be achieved.

### 3.3 **Planning Background**

- 3.3.1 Beazer Homes were refused planning permission by the Council in 1999 for the erection of 40 flats on the site (HM/99/0064). A subsequent planning application was lodged by Beazer Homes in 2000 for the erection of 40 flats as an alternative development (HM/00/0146). Beazer Homes appealed the Council's decision on Planning Application No. HM/99/0064 and also appealed the failure of the Council to make a decision on Planning Application No. HM/00/0146. The two appeals were conjoined and the Scottish Ministers approved the scheme for Planning Application HM/99/0064 in October 2000.
- 3.3.2 A detailed planning application was submitted by Park Circus Homes Group for the erection of 96 flats and associated parking on the site. However, following discussions with the Planning Service the applicant withdrew the planning application (HM/05/X0745INVALID).
- 3.3.3 A detailed planning application was submitted by Park Circus Homes Group for the erection of 96 flats on the site including underground car parking and landscaping and was refused planning consent on 24 January 2007(HM/06/0362).

## 4 **Consultation(s)**

- 4.1 **Bothwell & Uddingston Community Council** – no response to date.  
**Response:** Noted.
- 4.2 **Education Resources (Schools Modernisation Team)** - have no objections to the application.  
**Response:** Noted.
- 4.3 **Environmental Services** – have no objections to the proposal subject to the inclusion of conditions and informatives advising the applicant of acceptable hours for audible construction activities at the site and the requirement for the submission of full details relating to refuse storage and dust monitoring.  
**Response:-** Noted and any consent granted would incorporate appropriately worded conditions and informatives to address the matters raised.
- 4.4 **Greenspace & Countryside** – have no objections to the application. The submitted Phase 1 Habitat and Species Survey identifies and recommends a range of mitigation and enhancement measures that should be implemented as part of the planning and future management of the site in order to protect its biodiversity value. Greenspace & Countryside strongly endorses all of the measures proposed and recommend the preparation of a detailed landscape and habitat management plan for the site by appropriately experienced consultants. The plan should cover a range of issues including proposals for the retention and protection of as much of the woodland and other habitats as possible, future management arrangements and enhancement measures including additional planting to minimise the loss of habitat. In terms of the submitted bat survey, the survey confirms the presence of at least two colonies of male soprano pipistrelle bats on the site and identifies their probable roosting locations. The survey also confirms that the site is used for foraging

purposes and functions as a bat commuting route. The report recommends a series of mitigation measures and confirms the requirement that the applicant obtain a European Protected Species derogation licence from the Scottish Government prior to carrying out any tree felling on site. The report is considered to be acceptable and its recommended mitigations and conclusions should be conditioned as part of any planning consent granted.

**Response:-** Noted and appropriately worded conditions and informatives would be incorporated into any consent granted to address the matters raised.

- 4.5 **Land and Fleet Services (Arboriculture)** – have no objections to the application subject to the submission of a tree constraints plan which should include trees outwith the site in neighbouring properties; adjustment of development positions if necessary to accommodate trees in particular outwith the site boundaries; provision of a specification for car parking surfaces; accurate plotting of tree number 978; provision of a landscaping scheme which should include replacement tree planting at ratio of at least 3:1 and include mixed conifers and broadleaved species. All tree protection should be erected and inspected prior to any works commencing on site.

**Response:** Noted. A tree constraints plan was submitted and considered to be acceptable and not requiring any amendment to the position of the buildings, tree number 978 was accurately plotted and any consent granted would incorporate appropriately worded conditions to address the additional matters raised.

- 4.6 **Roads and Transportation Services (Hamilton Area)** – have no objections to the application subject to conditions requiring the provision of appropriate visibility splays, footway provision within and along the frontage of the site, car parking provision in accordance with the details submitted, in curtilage refuse collection facilities, provision of a service area and turning facility and provision of upgraded street lighting along the site frontage.

**Response:-** Noted and any consent granted would incorporate appropriately worded conditions and informatives to address the matters raised.

- 4.7 **Roads and Transportation Services (Flooding)** – have no objections to the proposal subject to the Council's Sustainable Urban Drainage Design Criteria being adhered to.

**Response:** Noted. The above Design Criteria would be forwarded to the applicant and an appropriately worded condition would be incorporated into any consent granted in relation to the provision of a sustainable urban drainage system within the site.

- 4.8 **Roads and Transportation Services (Geotechnical)** – have no objections to the proposal. The walls and slopes on this site merit some analysis, however, no ground investigation data has been submitted, therefore, detailed comments on stability cannot be provided. Nevertheless, for a development on this scale it is considered likely that the scheme is buildable. In order to ensure the stability of the ground and the suitability of the design for the prevailing ground conditions and to ensure public safety, conditions should be incorporated into the consent requiring the submission of a suitable intrusive ground investigation which should be accompanied by engineering commentary and recommendations relevant to the development; a slope stability analyses should be undertaken on the existing and proposed slopes to the satisfaction of the Council and the analyses should be accompanied by engineering commentary and should include assessments of both existing and proposed retaining walls; and design and check certificates should be provided for all retaining walls.

**Response:** Noted and appropriately worded conditions would be incorporated into any consent granted to address the above matters.

- 4.9 **Scottish Water** – have no objections to the proposal subject to the provision of a suitable sewerage system and a sustainable urban drainage system for the development. They have advised that Bothwellbank Wastewater Treatment Works currently has limited capacity to serve this new demand and that the applicant should make contact with Scottish Water to discuss this matter further.

**Response:-** Noted. Any consent granted would be conditioned to ensure that no dwellings are occupied until a satisfactory sewerage scheme is in place. The applicant has been advised of the limited capacity at the Treatment Works and an informative would be attached advising the applicant of the need to contact Scottish Water to discuss the matter further.

- 4.10 **SEPA** – have no objections to the proposal subject to the drainage from the site being discharged to the public sewerage system and the applicant consulting with Scottish Water in this regard. SEPA have also advised that any planning permission granted should include a condition requiring the applicant to treat surface water from the site in accordance with the principles of the SUDS Manual (C697) which was published by CIRIA in March 2007. Construction works associated with the development of the site must be carried out with due regard to SEPA's guidelines on avoidance of pollution. The application includes the erection of a new retaining wall and embankment formed against the existing retaining wall. The applicant should contact SEPA's local EPI team regarding any proposals to undertake alterations to or works on the bank or bed of the watercourse as this may constitute an activity which requires to be authorised under The Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended) (CAR). Any waste materials imported to the site during construction must be stored and used only in accordance with the waste management license or exemption under the Waste Management Licensing Regulations 1994 (as amended). Similarly, any waste materials removed from the site must be disposed of at a suitably licensed or exempt waste management facility in accordance with these Regulations. Finally, suitable provision should be made with regard to space for waste storage at individual properties and the development as a whole.

**Response:** Noted and appropriately worded conditions and informatives would be attached to any consent granted to address the matters raised.

## 5 Representation(s)

- 5.1 Statutory neighbour notification procedures were undertaken and the application was advertised as 'Development Affecting the Character of a Conservation Area' in the Hamilton Advertiser. Sixteen letters of objection were received. The grounds of objection are summarised as follows:

- (a) **The development does not pay respect to the location, density in the area, scale, proportions, landscape character, local design characteristics of the surrounding area and Bothwell Conservation Area. The detrimental effect on local amenity, listed buildings and conservation neighbourhood is completely unacceptable.**

**Response:** The scale, design and layout of the development is considered to be acceptable and not out of keeping with development in the surrounding area. This matter is discussed further in Section 6 of this report.

- (b) **The proposal constitutes overdevelopment of the site. The scale of the development, including the design and finish materials of the buildings, is disproportionate to the surrounding housing.**

**Response:** As more than 50% of the application site would remain undeveloped, I am satisfied that the proposal does not constitute overdevelopment of the site. The design and finish materials are considered to be acceptable and are discussed further in Section 6 of this report.

- (c) **The development would generate a serious increase in traffic in the local area resulting in more road congestion. The proposal will also create road safety issues during both the construction and occupation of the flats.**

**Response:** Roads and Transportation Services are satisfied that the proposal is acceptable and that it raises no access, parking or road safety issues.

- (d) **The flats will impact on existing residential amenity in terms of overlooking adjacent residential properties. Screen fencing should be erected on top of the existing boundary wall to ensure that privacy is maintained.**

**Response:** I am satisfied that the proposal conforms with the guidance set out in the Council's Residential Development Guide in terms of window to window distances and that the buildings are set back sufficiently to ensure that the development will not result in privacy or overlooking issues with neighbouring properties.

- (e) **A replacement coping should be installed along the existing boundary wall with 24 Old Mill Road to prevent further deterioration of the wall.**

**Response:** Any consent granted would incorporate a condition requiring the submission of full details regarding proposed boundary treatment for the Council's approval.

- (f) **The ground water from the site currently enters the property at 24 Old Mill Road from weep holes in the rear boundary retaining wall and unless adequate drainage measures are installed the parking/hardstanding area will exacerbate this problem. Previous correspondence from the Council stated that conditions could be attached to a planning permission to ensure that appropriate measures are put in place to deal with drainage issues.**

**Response:** A condition would be incorporated into to any consent granted requiring the submission of full details of a sustainable urban drainage system (SUDS) which would have to be approved and implemented prior to the occupation of the development. A condition would also be incorporated requiring the submission of proposed drainage mitigation measures in relation to the condition of the existing rear boundary wall.

- (g) **There are concerns regarding the number of trees that will be removed as part of the development. Will the trees to be retained be protected by durable fencing throughout the development period.**

**Response:** The Council's Arboricultural Manager raised no objection to the proposal subject to the provision of a landscaping scheme which would include replacement tree planting at ratio of at least 3:1 and include mixed conifers and broadleaved species. In terms of tree protection, all tree protection measures would require inspection by the Council prior to any works commencing on site.

- (h) **A bat and badger survey should be carried out to assess the environmental impact from this development.**

**Response:** A Phase 1 Habitat and Species Survey and a Bat Survey were submitted with the application and their conclusions and recommendations were considered to be acceptable. The Survey's recommended mitigation measures would be conditioned as part of any planning consent granted.

- (i) **As the flats are five stories in height they could overshadow the evenly numbered properties to the south of the site in the winter when the sun is low in the sky.**

**Response:** Whilst it is accepted that the sun is lower in the sky in the winter months I am satisfied that the proposed buildings would be located a sufficient distance away from neighbouring properties to ensure there would be no significant adverse impact on the amenity of those properties in terms of overshadowing.

- (j) **There are current water supply problems and the proposal will further increase the demand on public utilities of water and sewage services.**

**Response:** Whilst Scottish Water did not object to the proposal they advised that Bothwellbank Wastewater Treatment Works currently has limited capacity to serve this new demand and that the applicant should make contact with Scottish Water to discuss this matter further. The applicant has been advised of Scottish Water's comments.

- (k) **There are sufficient numbers of residential flat accommodation in the Bothwell area.**

**Response:** The application site is designated for residential use under the terms of Policies RES 2 and RES 6 of the adopted South Lanarkshire Local Plan, therefore, the principle of residential development on this site including flatted accommodation is considered to be acceptable.

- (l) **The previous building on the site was listed and surrounded by green belt land and the owner should have been required to rebuild it to its original state. The site will now be developed with flats, which is unacceptable and not compatible in a Conservation Area. If planning permission is granted what is there to prevent owners of similar properties demolishing their homes and making similar applications.**

**Response:** Each application requires to be assessed on its own merits. In this instance, the application site is located in an area designated for residential use in the adopted Local Plan and outwith the Conservation Area. The principle of residential development on the site, therefore, including flatted accommodation is considered to be acceptable.

These letters have been copied and are available for inspection in the usual manner.

## **6 Assessment and Conclusions**

- 6.1 The determining issues in consideration of this application are its compliance with national and local plan policy and its impact on the amenity of adjacent properties.
- 6.2 The applicant seeks detailed planning consent for residential development on the site in the form of 60 flatted dwellings, formation of basement and underground parking, formation of 2 vehicular accesses, landscaping and associated land engineering operations including a new retaining wall. In terms of national planning policy SPP3 (Planning for Housing) states that new housing areas should be easily accessible by public transport and well integrated into walking and cycling networks. As part of a long-term settlement strategy, previously developed land and buildings



will have a key role and should be reused where a viable and environmentally satisfactory development can be achieved. In this instance, the application site would be fairly easily accessible by public transport and well integrated into existing walking and cycling networks. Furthermore, the application involves the re-use of a brownfield site for housing. I am, therefore, satisfied that the proposal conforms with national planning guidance.

- 6.3 In terms of local plan policy, the application can be assessed against Policies RES 2 - Proposed Housing Sites, RES 6 – Residential Land Use Policy, ENV 31 – New Housing Development Policy and DM 1 – Development Management Policy.
- 6.4 Policy RES 2 identifies the application site as being located within a proposed housing site and as the proposal relates to residential development and it raises no traffic, parking or service implications I am satisfied that the proposal meets the terms of this policy. Policy RES 6 states that within these areas, the Council will oppose the loss of houses to other uses and resist any developments which will be detrimental to the amenity of those areas. Any new development must relate satisfactorily to adjacent and surrounding development in terms of scale, massing, materials and intensity of use. The character and amenity of the area must not be impaired by reason of traffic generation, parking or visual intrusion. In this instance, it is considered that the proposal relates satisfactorily to adjacent and surrounding development in terms of its scale, massing, materials and intensity of use. I am satisfied that the character and amenity of the area would not be impaired by reason of traffic generation, parking or visual intrusion. I am, therefore, satisfied that the proposal meets the terms of this policy.
- 6.5 In terms of the detail of the proposal Policies ENV 31 and DM1 generally require all development to take account of the layout, form, design and local context of the area and to make provision for suitable access, sustainability and safety measures. It is considered that the proposed layout is acceptable and that it meets the main standards set out in the Council's Residential Development Guide. It should be noted that the application site is located adjacent to rather than within the Bothwell Conservation Area, however, given the site's close proximity to the Conservation Area the proposal has been assessed carefully in terms of its design and finish materials and its relationship with surrounding development. Whilst the proposed buildings are of a contemporary design the site is located in an area where there is a mix of both traditional and more modern building styles and I am satisfied that the proposal incorporates a high quality design and a suitably high standard of materials, including a mix of sand stone and render, to ensure that the buildings will not be out of character with surrounding development. It should be noted that any consent granted would be conditioned for the submission of sample materials to ensure that the proposed finish materials are of a particularly high standard. In terms of the height of the buildings the submitted sectional drawings show that the proposed buildings would sit no higher than the existing buildings located on Silverwells Crescent and only slightly higher than those on Silverwells Court. I am also satisfied that the proposed flats would be positioned a sufficient distance away from existing properties to ensure that there will be no adverse impact to those properties in terms of overshadowing or loss of privacy.
- 6.6 The application involves the re-use of a brownfield site for housing which conforms with both national and local policy guidance. The site has been lying vacant for a number of years and in its present condition is considered to be detrimental to the general amenity of the area. With this in mind it is considered that the visual appearance and, therefore, visual impact at this location would be improved with this development. The applicant has agreed to provide a financial contribution of

£36,000 towards upgrading recreational provision in the area in lieu of providing play facilities in the site, which would be payable to the Council prior to the issue of consent. I am, therefore, satisfied that the proposal meets the terms of Policies ENV 31 and DM 1.

- 6.7 In summary, it is considered that the application complies with both national and local plan policy and that the proposal raises no significant environmental or infrastructure issues. I would, therefore, raise no objection to the application and recommend that planning permission be granted subject to the submission of a financial contribution of £36,000 for the improvement of community facilities in the area.

## **7 Reasons for Decision**

- 7.1 The proposal has no adverse impact on residential or visual amenity nor raises any environmental or infrastructure issues and complies with Policies RES 2, RES 6, ENV 31 and DM 1 of the adopted South Lanarkshire Local Plan.

**Colin McDowall**  
**Executive Director (Enterprise Resources)**

**21 October 2009**

### **Previous References**

HM/06/0362  
HM/05/X0745INVALID  
HM/00/0146  
HM/99/0064

### **List of Background Papers**

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations
  - Environmental Services 26/05/2009
  - Scottish Water 22/05/2009
  - Roads and Transportation Services (Hamilton Area) 22/07/2009
  - Roads & Transportation (Flooding) 24/08/2009
  - Roads & Transportation (Geotechnical) 23/09/2009
  - SEPA (West Region) 16/06/2009
  - Greenspace & Countryside 25/08/2009
  - Education Resources (Schools Modernisation Team) 16/06/2009
  - Land and Fleet Services (Arboriculture) 14/09/2009

► Representations

- Representation from : Mrs Helen Callahan, 26 Old Mill Road,Bothwell,G71 8AX, DATED 18/05/2009
- Representation from : Mr Colin Tait, Flat 3,18 Silverwells Crescent,Bothwell,G71 8DR, DATED
- Representation from : Owner/Occupier, Hunting Tower,4 Fife Crescent,Bothwell,G71 8DG, DATED 22/05/2009
- Representation from : T M Paterson, Dechmont,24 Silverwells Crescent,Bothwell G71 8DP, DATED 22/05/2009
- Representation from : W.J.A Wilson, 22 Silverwells Crescent,Bothwell,G71 8DR, DATED 22/05/2009
- Representation from : Robert B Boyle, The Gables,4 St Andrews Avenue,Bothwell,G71 8DL, DATED 22/05/2009
- Representation from : Richard Fowler, 8 Silverwells Crescent,Bothwell,G71 8SE, DATED 21/05/2009
- Representation from : Patrick O'Donnell, 16 Silverwells Crescent,Bothwell,G71 8SF, DATED 26/05/2009
- Representation from : Mr Gavin Hall, 2 Silverwells Drive,Bothwell,G71 8FF, DATED 26/05/2009
- Representation from : Mr & Mrs W.T.Bethel, 12 Douglas Drive,Bothwell,G71 8DH, DATED 26/05/2009
- Representation from : William O Thomson, Flat 7 Silverwells Court,Bothwell,G71 8LT, DATED 27/05/2009
- Representation from : William F Gow, 2 St Andrews Avenue,Bothwell,G71 8DL, DATED 27/05/2009
- Representation from : Averil Giffard Easton, 12 Banavie Road,Glasgow,G11 5AN, DATED 11/06/2009
- Representation from : Michael Easton, 1B St Andrews Avenue,Bothwell,G71 8DL, DATED 11/06/2009
- Representation from : Mrs Sarah Deans, The Coach House,17 Mill Road,BOTHWELL,G71 8DJ, DATED 29/05/2009
- Representation from : Alasdair Mackie & Pauline Davies, 24 Old Mill Road,Bothwell,G71 8AX, DATED 09/06/2009

► **Contact for Further Information**

If you would like to inspect the background papers or want further information, please contact:-

Jim Blake, Planning Officer, Brandon Gate, Hamilton  
Ext 3508 (Tel :01698 453508 )

E-mail: [Enterprise.hamilton@southlanarkshire.gov.uk](mailto:Enterprise.hamilton@southlanarkshire.gov.uk)

**CONDITIONS**

- This decision relates to drawing numbers:
- 1 L(0-) 01  
L(1-) 01  
L(1-) 02  
L(1-) 03  
L(1-) 04  
L(1-) 05  
L(1-) 06  
L(1-) 07  
L(1-) 08  
L(2-) 01  
L(2-) 02  
L(2-) 03  
L(2-) 04  
L(2-) 05  
L(2-) 06  
L(2-) 07
  - 2 The development hereby permitted shall be started within three years of the date of this permission.
  - 3 That the development shall be carried out strictly in accordance with the plans hereby approved and no change to the design or external finishes shall take place without the prior written approval of the Council as Planning Authority.
  - 4 That before any work commences on the site, a scheme of landscaping shall be submitted to and approved by the Council as Planning Authority and it shall include:(a) an indication of all existing trees and hedgerows plus details of those to be retained and measures for their protection in the course of development; (b) details and specification of all trees, shrubs, grass mix, etc.; (c) details of any top-soiling or other treatment to the ground; (d) sections and other necessary details of any mounding, earthworks and hard landscaping; (e) proposals for the initial and future maintenance of the landscaped areas; (f) details of the phasing of these works; and no work shall be undertaken on the site until approval has been given to these details.
  - 5 That the approved landscaping scheme shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the building(s) or completion of the development hereby approved, whichever is the sooner, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.
  - 6 That before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority.
  - 7 That before the development hereby approved is completed or brought into use, a visibility splay of 4.5 metres by 35 metres measured from the road channel shall be provided on both sides of the vehicular access and everything exceeding 0.9

metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.

- 8 That before the development hereby approved is completed or brought into use, a 2 metre wide footway shall be constructed along the full length of the frontage of the site to the specification of the Council as Roads and Planning Authority.
- 9 That no dwelling shall be occupied until the access roads and footpaths leading thereto from the existing public road have been constructed in accordance with the specification of the Council as Roads and Planning Authority.
- 10 That before the development hereby approved is completed or brought into use, the entire access road and footpath network serving the development shall be laid out and constructed in accordance with the specification of the Council as Roads and Planning Authority.
- 11 That before the development hereby approved is completed or brought into use, all of the parking spaces shown on the approved plans shall be laid out, constructed and thereafter maintained to the specification of the Council as Roads and Planning Authority.
- 12 That no further changes in ground levels within the site shall take place without the prior written consent of the Council as Planning Authority.
- 13 That before development starts, details of all boundary treatment(s) shall be submitted to and approved by the Council as Planning Authority and thereafter all approved works shall be completed to the satisfaction of the Council prior to the development hereby approved being occupied or brought into use.
- 14 That before development starts, full details of the design and location of all fences and walls, including any retaining walls, to be erected on the site shall be submitted to and approved by the Council as Planning Authority.
- 15 That notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (or any such order revoking or re-enacting that order), no gates, fences, walls or other means of enclosure shall be erected between the front of the flatted dwellings and the adjoining road.
- 16 That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and requirements.
- 17 That wheel washing facilities shall be installed at the entrance/exit to the site in order that all vehicles leaving the site are kept clear and free from debris. The applicant or subsequent operator(s) shall at all time be responsible for the removal of mud or other materials deposited on both the public and private highways leading to the site by vehicles entering or leaving the site.
- 18 That no trees within the application site shall be lopped, topped, pollarded or felled, or otherwise affected, without the prior written consent of the Council as Planning Authority.

- 19 That all trees to be retained within the site shall be fully protected during the period of construction and prior to any work commencing on the site, written details specifying the nature of such measures shall be submitted to and approved by the Council as Planning Authority. The tree protection measures shall be inspected by the Council on site prior to any work commencing.
- 20 Prior to the commencement of development on site, an energy statement which demonstrates that on-site zero and low carbon energy technologies contribute at least an extra 15% reduction in CO2 emissions beyond the 2007 building regulations carbon dioxide emissions standard, shall be submitted to and approved in writing by the Council as Planning Authority. The statement shall include:
- a) the total predicted energy requirements and CO2 emissions of the development, clearly illustrating the additional 15% reduction beyond the 2007 building regulations CO2 standard;
  - b) a schedule of proposed on-site zero and low carbon energy technologies to be included in the development and their respective energy contributions and carbon savings;
  - c) an indication of the location and design of the on-site energy technologies; and
  - d) a maintenance programme for the on-site zero and low carbon energy technologies to be incorporated.
- 21 The approved on-site zero and low carbon energy technologies shall be fully installed and operational prior to the occupation of any approved buildings and shall thereafter be maintained and shall remain fully operational in accordance with the approved maintenance programme, unless otherwise agreed in writing by the Council as Planning Authority.
- 22 That the recommendations included in the Bat Survey produced by EnviroCentre Ltd in August 2009 shall be adhered to prior to and during construction works.
- 23 That the recommendations included in the Phase 1 Habitat and Species Survey produced by EnviroCentre Ltd in June 2009 shall be adhered to prior to and during construction works.
- 24 That before any development commences on site, details of facilities for the storage of refuse within the site, including design, location, external finishes and access for its uplift, shall be submitted to and approved in writing by the Council as Planning Authority. No dwelling unit shall be occupied until these facilities have been provided in accordance with the approved scheme or such alternative as may be agreed in writing with the Council as Planning Authority.
- 25 Prior to development commencing on site, a scheme of dust monitoring shall be submitted to and approved in writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority.
- 26 That before the flatted dwellings hereby approved are occupied an adoptable 2.0 metre wide pedestrian link from the entrance of each of the blocks to Silverwells Crescent shall be provided to the satisfaction of the Council as Planning Authority.

- 27 That the landscaping scheme required under the terms of Condition 4 shall include details of replacement tree planting on the site which shall be at a ratio of 3:1 and shall include mixed conifers and broadleaf trees all to the satisfaction of the Council as Planning Authority.
- 28 That before work commences on site full details and specification of the proposed car park surfacing shall be submitted to and approved by the Council as Planning Authority.
- 29 That prior to work commencing on site a suitable intrusive ground investigation shall be undertaken, to the satisfaction of the Council as Planning Authority. The investigation shall be accompanied by engineering commentary and recommendations relevant to the development and shall be submitted for the consideration and written approval of the Council as Planning Authority.
- 30 That prior to work commencing on site slope stability analyses shall be undertaken on the existing and proposed slopes to the satisfaction of the Council as Planning Authority. The analyses shall be accompanied by engineering commentary and shall include assessments of both existing and proposed retaining walls. The analyses shall be submitted for the consideration and written approval of the Council as Planning Authority.
- 31 That the mitigation measures approved under the terms of Conditions 29 and 30 above shall be implemented to the full satisfaction of the Council as Planning Authority.
- 32 That prior to work commencing on site design and check certificates shall be provided for all retaining walls to the satisfaction of the Council as Planning Authority.
- 33 That before development starts, details of proposed drainage mitigation measures all boundary treatment(s) shall be submitted to and approved by the Council as Planning Authority and thereafter all approved works shall be completed to the satisfaction of the Council prior to the development hereby approved being occupied or brought into use.
- 34 That before work commences on site full details of proposed drainage mitigation measures in relation to the condition of the existing rear boundary wall shall be submitted to and approved by the Council as Planning Authority.
- 35 That before any work commences on site full details of an adoptable street lighting design shall be submitted and approved by the Council as Planning Authority and thereafter shall be implemented to the entire satisfaction of the Council.
- 36 That before the development hereby approved is brought into use, a dropped kerb access to the site shall be constructed in accordance with the specification and to the satisfaction of the Council as Roads and Planning Authority.
- 37 That before the development hereby approved is completed or brought into use, a service area with turning facility shall be provided within the site to enable vehicles to enter and leave the application site in forward gears at all times.
- 38 That prior to the occupation of any of the flats hereby approved, the surface of the access roads shall be so trapped and finished in hardstanding as to prevent any



surface water or deleterious material from running onto or entering the highway.

## REASONS

- 1 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 2 To comply with section 58 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 3 In the interests of amenity and in order to retain effective planning control.
- 4 In the interests of the visual amenity of the area.
- 5 In the interests of amenity.
- 6 In the interests of amenity and in order to retain effective planning control.
- 7 In the interest of road safety
- 8 In the interest of public safety
- 9 To ensure satisfactory vehicular and pedestrian access facilities to the dwellings
- 10 To ensure satisfactory vehicular and pedestrian access facilities to the site.
- 11 To ensure the provision of adequate parking facilities within the site.
- 12 In the interests of amenity and in order to retain effective planning control.
- 13 These details have not been submitted or approved.
- 14 These details have not been submitted or approved.
- 15 In the interests of amenity and in order to retain effective planning control.
- 16 To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.
- 17 To prevent deleterious material being carried into the highway.
- 18 To ensure the protection and maintenance of the existing mature trees within the site
- 19 To ensure that adequate steps are taken to protect existing trees on the site throughout the period of the proposed building operations.
- 20 To secure a reduction in carbon dioxide emissions.
- 21 To secure the timeous implementation of on-site zero and low carbon energy technologies.
- 22 To ensure the protection of existing habitats within the site.
- 23 To ensure the protection of existing habitats within the site.
- 24 To ensure that adequate refuse arrangements are provided that do not prejudice the enjoyment of future occupiers of the development or neighbouring occupiers of their properties, to ensure that a satisfactory external appearance is achieved and to ensure that appropriate access is available to enable refuse collection.
- 25 To minimise the risk of nuisance from dust to nearby occupants.
- 26 In the interest of public safety.
- 27 In the interests of amenity.
- 28 To ensure the protection and maintenance of existing trees within the site.
- 30 To ensure the stability of the ground and the suitability of the design for the prevailing ground conditions and to ensure public safety.
- 31 In the interests of amenity and in order to retain effective planning control
- 32 To ensure the stability of the ground and the suitability of the design for the prevailing ground conditions and to ensure public safety.
- 33 In the interests of amenity
- 34 In the interests of amenity
- 35 In the interests of amenity and in order to retain effective planning control.

36	In the interest of public safety
37	In the interest of public safety
38	In the interest of public safety

For information only

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