



**Clackmannanshire  
Council**

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Comhairle Siorrachd  
Chlach Mhanann

Kilncraigs, Greenside Street, Alloa, FK10 1EB (Tel.01259-450000)

# **Local Review Body**

**Thursday 21 January 2021 at 9.30 am**

**(This is the re-convened meeting which  
was adjourned on 22 September 2020)**

**The meeting will take place via  
Video Conference (MS Teams)**

**Scheme of Delegation: Duties and Responsibilities Delegated to Committees**

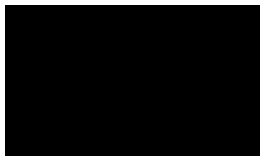
**Local Review Body**

Considering and determining applications for review of decisions made by officers under delegated powers in respect of planning applications for local development, in accordance with the Town and Country Planning (Scotland) Act 1997, as amended.

13 January 2021

**MEETING of the LOCAL REVIEW BODY will be held via Video Conference (MS Teams), on Thursday 21 January 2021 at 9.30 AM**

**This is the re-convened meeting which was adjourned on 22 September 2020 for a site visit. Due to covid restrictions, it has not been possible to hold a physical site visit, therefore photographs and/or video of the site will be made available by the Planning Adviser at the meeting.**



**LEE ROBERTSON**  
**Solicitor, Legal Services**

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| 2. | Declarations of Interest  | -- |
|    | Members should declare any financial or non-financial interests they have in any item on this agenda, identifying the nature of their interest in accordance with the Councillors' Code of Conduct. A Declaration of Interest form should be completed and passed to the Committee Officer. |    |

3. Notice of Review:

Mr Michael Clayton via Agent,  
Mr Stuart Szylak, Rick Finc Associates Limited

**Erection of 2 No. Houses at Land to the North of Cemetery Lodge, Dollar Road, Tillicoultry (Planning Application Reference 20/00036/FULL)**

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#### **Members of the Local Review Body:**

Councillor Jane (Chair)  
 Councillor Chris Dixon  
 Councillor George Matchett QPM  
 Councillor Denis Coyne  
 Councillor Kenneth Earle

Plans and papers relating to the applications and reviews can be viewed online at [www.clacks.gov.uk](http://www.clacks.gov.uk)



Kilncraigs Greenside Street Alloa FK10 1EB Tel: 01259 450 000 Email: [planning@clacks.gov.uk](mailto:planning@clacks.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100273326-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number:  You must enter a Building Name or Number, or both: \*

First Name: \*  Building Name:

Last Name: \*  Building Number:

Telephone Number: \*  Address 1 (Street): \*

Extension Number:  Address 2:

Mobile Number:  Town/City: \*

Fax Number:  Country: \*

Postcode: \*

Email Address: \*

Is the applicant an individual or an organisation/corporate entity? \*

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Melford House"/>
First Name: *	<input type="text" value="Michael"/>	Building Number:	<input type="text" value="3"/>
Last Name: *	<input type="text" value="Clayton"/>	Address 1 (Street): *	<input type="text" value="Walker Street"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text" value="01312266166"/>	Postcode: *	<input type="text" value="EH3 7JY"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

## Site Address Details

Planning Authority:	<input type="text" value="Clackmannanshire Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

<input type="text" value="Approximately 0.4 miles to the east of Tillicoultry High Street near 44 Dollar Road."/>
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Northing	<input type="text" value="697112"/>	Easting	<input type="text" value="292568"/>
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## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

Erection Of 2 No Houses With Detached Garages, Formation Of Access And Associated Parking, Replacement Boundary Wall And Landscaping, And The Removal Of Protected Trees

## Type of Application

What type of application did you submit to the planning authority? \*

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? \*

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please see separate Review Statement

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? \*

Yes  No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

Review Statement. Current Application Form. Decision Notice. Report of Handling. Location Plan. Layout Plan. Proposed Garage Design. Proposed Elevations. Woodland Management Plan 2019 Report of Handling; Decision Notice; Approved Site Layout Plan; Approved Access Junction; Approved Elevations; Approved Floor and Roof Plans; Approved Bedroom Layout; Approved Site Sections; Approved Site Survey; Approved Tree Survey; Approved Woodland Management Plan; Design and Access Statement

## Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

20/00036/FULL

What date was the application submitted to the planning authority? \*

30/01/2020

What date was the decision issued by the planning authority? \*

01/04/2020

## Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

Yes  No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure \*

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

Site visit is essential as reasons for refusal mainly relate to the visual amenity of open space and amenity of neighbouring properties.

Please select a further procedure \*

Holding one or more hearing sessions on specific matters

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

The applicant requests his advisory team be given a chance to discuss the planning and environmental merits of the proposals, and also chance to question the contradictory decisions and opinions of the Council.

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? \*

Yes  No

Is it possible for the site to be accessed safely and without barriers to entry? \*

Yes  No



If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

## Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

- Have you provided the name and address of the applicant?. \*  Yes  No
- Have you provided the date and reference number of the application which is the subject of this review? \*  Yes  No
- If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*  Yes  No  N/A
- Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*  Yes  No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*  Yes  No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

## Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Stuart Szylak

Declaration Date: 26/06/2020

**NOTICE OF REVIEW  
20/00036/FULL**

**LAND TO THE NORTH OF CEMETERY LODGE,  
DOLLAR ROAD, TILlicOUNTRY,  
CLACKMANNANSHIRE**

**REVIEW STATEMENT**

**LAND TO THE NORTH OF CEMETERY LODGE,  
DOLLAR ROAD, TILlicouLTRY,  
CLACKMANNANSHIRE**

**FULL APPLICATION FOR THE ERECTION OF 2 NO. HOUSES WITH DETACHED GARAGES; THE  
FORMATION OF ACCESS AND ASSOCIATED PARKING; REPLACEMENT OF BOUNDARY WALL  
AND LANDSCAPING; AND THE REMOVAL OF PROTECTED TREES.**



**RFA DEVELOPMENT CONSULTANTS  
ON BEHALF OF MICHAEL CLAYTON**

**JUNE 2020**

**RFA Development Planning Ltd  
3 Walker Street  
Edinburgh  
EH3 7JY**



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## Executive Summary

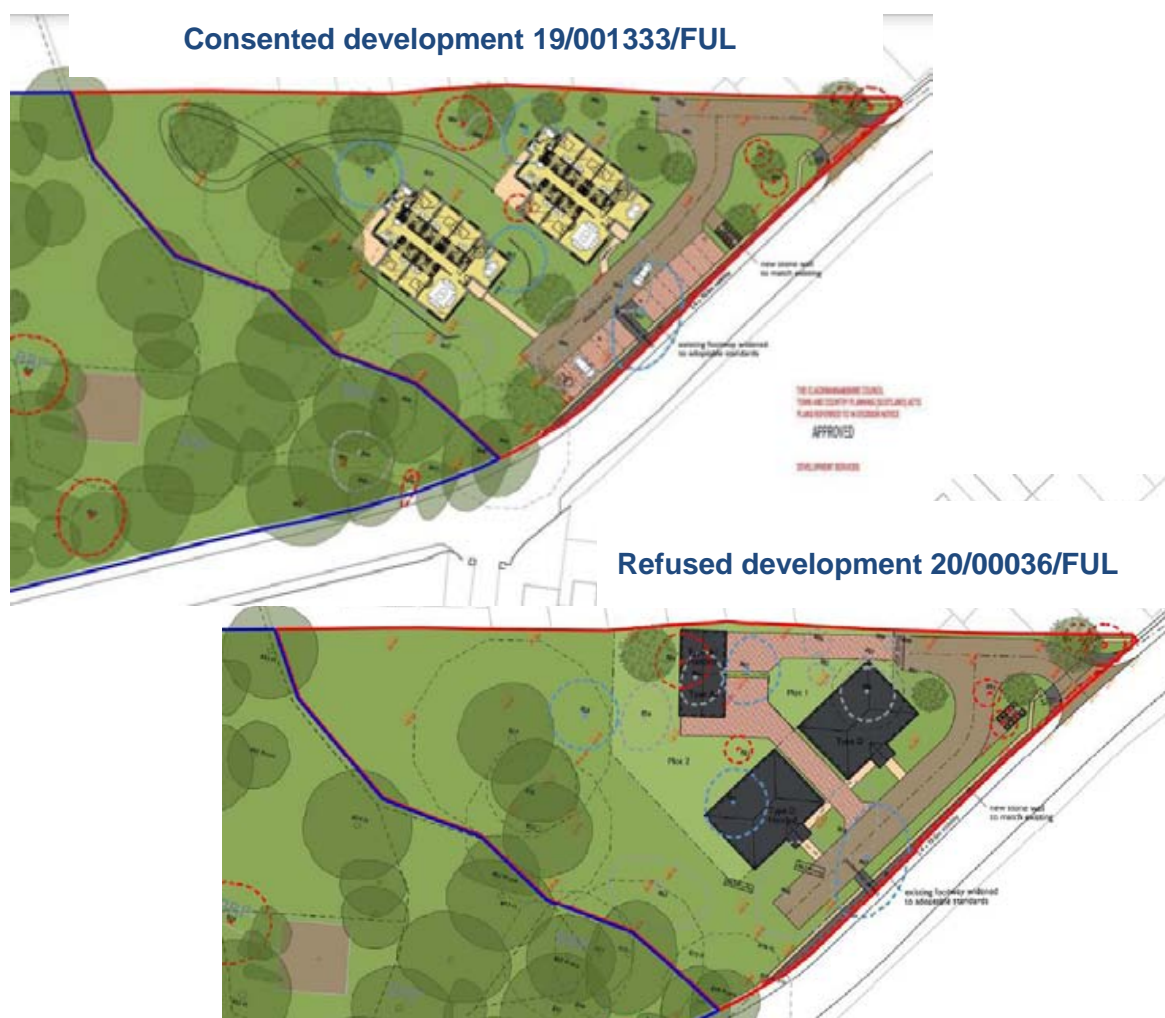
This application before the LRB for review relates to a proposal for two dwellinhouses on a site recently consented by the Council for a similar scale of development, albeit forming a care home function rather than mainstream residential.

The site is located on Dollar Road, towards the east of Tillicoultry. The site is currently designated as Protected Open Space and a TPO covers a portion of the application site adjacent to Dollar Road.

The previously consented care home development on the same site was considered by the Council to comply with all relevant Development Plan policies and guidance. Of particular note was the Council's comment in relation to policy SC10 that development was not considered to result in a significant adverse impact on the value and function of the Protected Open Space.

The refusal of this current application, now before the LRB, is grounded on Council opinions and decisions which are completely contrary to opinions and decisions made a little over 8 months ago.

A core principle of Scottish Planning Policy (SPP Paragraph 8), which should underpin the modernised planning system, states that '*confidence in the planning system needs to be reinforced through the efficient and **predictable** ... **handling of applications***'. It is considered that the decision made on this application was anything but predictable.



# 1 Introduction

## Introduction

- 1.1 This Notice of Review is to the Clackmannanshire Council Local Review Body (LRB) on behalf of the applicant, who owns the application site at Dollar Road, Tillicoultry. The Applicant seeks Full Planning Permission for the erection of two single storey homes which would constitute a small housing development within an established urban residential area. The Applicant is Mr Michael Clayton and the agents for the application are Yeoman McAllister Architects.

## Planning History

- 1.2 Initial pre-application enquiries were undertaken with Clackmannanshire Council's Planning Officers in 2014. This provided informal pre-application advice based on earlier proposals for the site.
- 1.3 A full planning application was submitted in 2018 (18/00253/FULL) and at that stage the Planning Officer requested further studies to be carried out on the site. To allow time to undertake these studies, and so as not to procrastinate over the study period, the application was withdrawn before being re-submitted in 2019.
- 1.4 The 2019 application by Clayton Care obtained consent for the development of a care facility on the site (19/00133/ FULL). Unfortunately Clayton Care has been unable to deliver the facility for a variety of business and operational reasons. It is considered that this previous consent is a major material consideration in this Review.
- 1.5 Consequently, in light of the business and operational issues of operating a care home, the Applicant has sought to alter the principle of development from a care facility (Class 8) to residential use (Class 9).
- 1.6 The previous development proposal was considered by the Council to comply with all relevant Development Plan policies and guidance. Of particular note was the Council's comment in relation to policy SC10 that development was not considered to result in a significant adverse impact on the recreational value and function of the designated Open Space area.
- 1.7 The scale and scope of the new residential development, including the development footprint, has now diminished with less impact on woodland, open space or neighbouring amenity. Unfortunately, these issues have now presented themselves as the main Reasons for Refusal.

## Refusal 20/00036/FULL

- 1.8 Recent application ref 20/00036/FULL was refused on the 1 April 2020, through delegated decision, without proper Committee scrutiny. A decision has therefore been taken to submit this request for Review to draw on the good common sense of members, given that the dialogue with planning officials has now ceased.
- 1.9 It is the Applicant's view that the Reasons for Refusal are unreasonable, contrary to the Council's previous opinions, and do not warrant a refusal of the application. Planning policy and material considerations have not been consistently appraised or accounted for. There is no compelling or strong evidence for the refusal of this application. Consequently, the Applicant has decided to progress this Review to the LRB to demonstrate that the proposal is in compliance with planning policy and that mitigation and improvements can be controlled through planning conditions.

### Summary of Case

- 1.10 The Reasons for Refusal are wholly predicated on narrow issues relating to the woodland, TPO and open space. A precedent would not be set by the proposals and there is no opportunity for any further sprawl of development in this location.
- 1.11 In particular, it is contended that the Reasons related to the Woodland Management Plan and its viability appear to be subjective in nature and completely contrary to previous decisions made by the Council. None of the concerns in relation to Woodland Management, TPO, Open Space as well as viability and management concerns are substantiated. Indeed, these did not prove to be a concern in 2019 when the care home development was consented. These related matters could be controlled by condition or in agreement with the landowner who is willing to adhere to such commitments.
- 1.12 The obvious solution to this Review would be to draft an appropriate condition related to the Woodland Management Plan that safeguards the Council's position in relation to woodland, the TPO and safeguarding of Open Space. This would be acceptable to the Applicant and could take on board practical issues related to implementation.
- 1.13 To this effect we suggest the following condition (or equivalent) to mitigate the impact on visual amenity and biodiversity:

*Before any works take place on site the developer shall provide a fully detailed Woodland Management Plan to the satisfaction of and approval of the Council. This will address the existing woodland and TPO and should contain.*

- i. An expanded Tree Survey Report*



- ii. *A phased re-planting programme*
- iii. *A comprehensive Landscape Management Plan*
- iv. *A written programme of proposed works and*
- v. *Measures to monitor the programme*

1.14 It is appreciated that planning authorities find this type of development difficult to deal with without issuing a refusal for fear of precedent elsewhere. However, it is hoped that the members of the LRB can apply a degree of pragmatism to land that is clearly urban in nature and offers significant betterment to Tillicoultry.

1.15 We would respectfully request that the LRB undertake a site visit to Dollar Road. Furthermore, we request that the Applicant is heard in terms of verbal evidence on this case.

### **Structure of Review Statement**

1.16 This Review Statement is structured to address the issues raised in the Reasons for Refusal and will address the following matters.

- The Site and Proposed Development.
- Reasons for Refusal.
- Determining Issues.
- Relevant Planning Policy and Supplementary Guidance.
- Material Considerations.
- Rebuttal of Reasons for Refusal.
- Conclusions.

## 2 The Site and Development Proposals

### Site Description

- 2.1 Site conditions, proposed layout and development proposals are generally as set out within the Council's Report of Handling. Exact measurements and areas quoted in the Council's report are not agreed.
- 2.2 The site comprises of an area of woodland between Dollar Road and Sandyknowe, Tillicoultry. It is located approximately 0.4 miles to the east of Tillicoultry High Street and is located within the settlement boundary.
- 2.3 It is a triangular area of land extending to 0.39 hectares. The Applicant also owns the adjacent woodland to the west. Both areas are designated as Open Space within the urban area and are partially covered by a Tree Preservation Order (TPO).
- 2.4 The site is private land and has no formal access routes or play equipment.
- 2.5 Existing footways link the site to nearby bus stops, local services/shops and the surrounding neighbourhoods. Dollar Road is an important traffic route for the town, with good links to the local and strategic road networks. The area is predominantly residential and comprises a mix of one and two storey detached, semi-detached and terraced properties. Houses along this part of Dollar Road have generous plot sizes and many properties have been extended.

### Development Proposals

- 2.6 The development proposals are for two single storey modern dwellinghouses with rectangular footprint, the houses will front onto Dollar Road. The area of the plots would be approximately 564 and 823 sqm respectively and will have front and back garden areas. The development is of a high standard and would blend in with existing residences and the local character.
- 2.7 A new access road/point is proposed from Dollar Road which allows for a 2.4 x 70m visibility splay, increased parking and suitable turning facilities within the site. To achieve the necessary visibility splays an existing rubble stone wall would need to be partially relocated, but this would have the benefit of widening the footway adjacent to the main road. Circulation would be through the formation of a new access with driveways to the houses and a garage block at the rear of the houses.
- 2.8 Arrangements for servicing complies with highway standards in relation to the internal access road design. A separate pedestrian access is proposed on the frontage of Dollar Road to

provide segregated access, as previously approved.

- 2.9 Development would involve the loss of 22 trees of variable size and quality, some of these removals being for safety reasons. A comprehensive Tree Survey and a Woodland Management Plan were submitted with the application recommending a range of mitigation and management proposals, including replanting.

## 3 Reasons for Refusal

### Introduction

3.1 The development management system should operate under guidance from Scottish Planning Policy (SPP 2014) with the aim of providing greater certainty and speed of decision making as a means of creating economically, environmentally and socially sustainable places.

3.2 With relevance to this case SPP states:

*“The planning system operates in the long-term public interest. It does not exist to protect the interests of one person or business against the activities of another. In distinguishing between public and private interests, the basic question is whether the proposal would unacceptably affect the amenity and existing use of land and buildings which ought to be protected in the public interest, not whether owners or occupiers of neighbouring or other existing properties would experience financial or other loss from a particular development.”*

3.3 When policies in a development plan are out-of-date or not directly relevant to the proposal, the presumption in favour of development that contributes to sustainable development will be a significant material consideration. Planning authorities should also consider any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies in the Development Plan.

3.4 Clackmannanshire Council refused planning permission based on the following reasons, which are largely concerned with the woodland and open space.

1. The proposed development, involving the development of 2 houses and associated garden areas and access roads within part of a woodland area allocated as Safeguarded Open Space in the adopted Clackmannanshire Local Development Plan, would have an unacceptable adverse impact on the function and value of the area of open space. Furthermore, it is concluded that the measures outlined in the Woodland Management Plan submitted with the application to provide sufficient mitigation of this impact could not be reasonably justified or delivered through the planning application process. Therefore, it is considered that little weight can be attributed to the measures and objectives in the Plan including the woodland and habitat management measures designed to offset the removal of 22 trees and loss of habitat and amenity. As such, and in the absence of any mitigatory factors, the application has failed to address the presumption against development that would result in the loss of open space and would be contrary to policy SC10 of the Clackmannanshire Local Development Plan, adopted 2015.

2. The proposed development, by virtue of its impact on trees protected by a Tree Preservation Order, including the felling of 4 protected trees and 18 other trees within the woodland but out with the TPO area, would have an unnecessary and adverse impact on the amenity and appearance of the woodland. Furthermore, it is concluded that the measures outlined in the Woodland Management Plan submitted with the application to mitigate this impact and contribute to the longevity of the woodland could not be reasonably justified or delivered through the planning application process. As such, and in the absence of any other material consideration which would justify an exception to the policy presumption against the loss of protected trees and woodland areas, the application would be contrary to policy EA7 of the Clackmannanshire Local Development Plan adopted 2015 and Supplementary Guidance SG8 Woodlands and Forestry.

3. The proposed development, which is located within and is part of a larger area of woodland allocated as part of the Green Network in the adopted Local Development Plan, is not considered to accord with the objectives of Policies EA1 one and EA2 in terms of; improving access to green space; protecting and enhancing biodiversity and habitat networks; and avoiding habitat fragmentation. Furthermore, it is concluded that the measures outlined in the application, including the Woodland Management Plan to provide mitigation considered sufficient to offset the adverse impact could not be reasonably justified or delivered through the planning application process. Therefore, it is considered that little weight can be attributed to the proposed mitigation measures. As such, and in the absence of any other mitigatory factors, the application would be contrary to Policies EA1 and EA2 of the Clackmannanshire Local Development Plan, adopted 2015 and Supplementary Guidance SG6 - Green Infrastructure.

4. The proposed development by virtue of its relationship with and impacts on the existing standards of visual amenity and privacy enjoyed by the properties at Sandyknowe abutting the site, and the absence of adequate land and measures to create a landscaped buffer to address these impacts, would fail to integrate sufficiently well with the existing neighbourhood and maintain suitable standards of amenity. As such the application would be contrary to Policy SC5 of the Clackmannanshire Local Development Plan, adopted August 2015 and Supplementary Guidance SG3 on Placemaking.

5. The proposed development on Plot 1, by virtue of the proposed size and juxtaposition of the area of rear garden with the neighbouring property at plot 2, would fail to provide an adequate standard of amenity for the occupants of Plot 1 nor reflect the character of the surrounding area. Furthermore it is considered that the mitigatory measures proposed by the applicant, including the rebuilding of a natural stone wall along the site frontage, may adversely affect the viability of the development and result

in pressure at a later date to delete or dilute the mitigation to the detriment of the character of the area. On balance, the application would be contrary to Policy SC5 of the Clackmannanshire Local Development Plan, adopted August 2015 and Supplementary Guidance SG – 3 Placemaking.

6. The proposed development if approved is considered to set an unwelcome precedent for further development within this area of land to the detriment of the integrity and function of the land in terms of its allocation as Safeguarded Open Space in the adopted Clackmannanshire Local Development Plan and on the trees within the site, including those protected by a Tree Preservation Order.

- 3.5 The Applicant considers that the Reasons for Refusal are unreasonable and do not align with the spirit of the Act, SPP or the Development Management Regulations. It is considered that each of the Reasons for Refusal could be addressed, controlled and effectively managed by appropriately worded planning conditions or an appropriate unilateral agreement.
- 3.6 A comprehensive rebuttal of the Reasons is contained within Section 7.

## 4 Determining Issues

### Introduction

4.1 This Review requires to be determined in accordance with the Development Plan unless material considerations indicate otherwise. Having regard to the provisions of the Development Plan it is submitted that the main issues in this Review are:

- whether the proposals, including mitigation, will irreconcilably damage the integrity of the woodland;
- whether the proposals would enhance the green network in terms of access, biodiversity and habitat;
- whether the proposals would integrate suitably well with existing properties at Sandyknowe;
- whether the two plots will enjoy a suitable standard of amenity; and
- whether the Woodland Management Plan can be implemented in conjunction with maintenance and management of the open space.

4.2 The Applicant contends that each of these matters can be addressed through planning conditions and that the development will not only provide an attractive use of underused land, but that it will bring benefits to the woodland, green space and recreational potential of the area. This was indeed the opinion of the Council when consenting the similar application for a care home facility about 8 months ago.

4.3 Each of these issues is considered further as part of the rebuttal in Section 7.

### Legislative Considerations

4.4 Section 25 of the Town & Country Planning (Scotland) Act 1997 (the Act) states that '*Where in making any determination under the Planning Act, regard is to be had to the Development Plan and that determination shall be made in accordance with the Development Plan unless material considerations indicate otherwise*'. It is supplemented by Section 37(2) which states: '*In dealing with an application, the Planning Authority shall have regard to the provisions of the Development Plan so far as material to the application and to any other material considerations*.'

4.5 The House of Lords in its judgement in the City of Edinburgh Council v Secretary of State for Scotland case 1998 (SLT120) ruled that if a proposal accords with the Development Plan and no other material considerations indicate that it should be refused, planning permission should be granted. It ruled that: '*Although priority must be given to the Development Plan in*

*determining a planning application, there is **built in flexibility** depending on the facts and circumstances of each case.'*

4.6 The judgement set out the following structured approach to determining a planning application:

- 1. Identify any provisions of the Development Plan that are relevant to the decision.
- 2. Consider them carefully looking at the aims and objectives of the plan as well as the detailed wording of policies.
- 3. Consider whether or not the proposal accords with the Development Plan.
- 4. Identify and consider relevant material considerations for and against the proposal.
- 5. Assess whether these considerations warrant a departure from the Development Plan.

4.7 In determining a planning application, it clarifies how the development plan should be properly used. If a proposal is considered to accord with the development plan, it follows that consent should be granted, unless any site-specific matters preclude consent.

4.8 Scottish Planning Policy (SPP) further clarifies this point. Paragraph 8 sets out the 'core principles' which should underpin the 'modernised system.' The third core principle states that '*Confidence in the planning system needs to be reinforced through the efficient and **predictable** preparation of plans and **handling of applications**; transparency in decision making and reliable enforcement of the law and planning decisions.'*

4.9 Material considerations must satisfy two tests:

- they must be planning considerations, in other words, they must have consequences for the use and development of land or the character of the use of the land; and
- they must be material to the circumstances of the case, and they must relate to the proposed development.

4.10 There may be circumstances where the achievement of one policy objective requires another policy to be waived or reduced in impact. It is therefore also relevant to refer to a further court decision *Tesco Stores v. Dundee* [2012] PTSR 983.

4.11 Essentially, the Court ruled that the interpretation of planning policy is a matter of law but the application of planning policy is a matter of planning judgment. Therefore, provided the determining authority demonstrates a proper understanding of policy in its reasoning it can proceed as it sees fit and weigh one policy against another and/or give weight to factors other than policy in its determination.

4.12 Therefore, the aims and objectives of the Development Plan need to be properly assessed. If they show a specific requirement for development that is demonstrably not met, it provides the



basis to argue that material considerations should overcome any policy argument.

- 4.13 The Courts have confirmed that the Development Plan provides the determining authority with discretionary powers and these can be used flexibly. It is not sufficient to conclude that in the Local Planning Authority's view the proposal does not comply with elements of policy. Instead the Courts require the procedure set out in case law to be followed. The Planning Authority must take a view on a case by case basis with the Development Plan the starting point for its assessment depending on the specific circumstances of a particular site.

### **Presumption in Favour of Sustainable Development**

- 4.14 Policy states that SPPs presumption in favour of development that contributes to sustainable development will be a significant material consideration. Such an assessment is a matter of planning judgement but SPP also suggests that in carrying out that assessment the decision-maker has to be satisfied, if it is proposed to refuse the development on the grounds that it is unsustainable, that the evidence demonstrates that its identified **dis-benefits significantly outweigh its benefits**. If the benefits outweigh the dis-benefits the proposal should be deemed to be capable of contributing towards sustainable development.

# 5 Planning Policy and Supplementary Guidance

## Introduction

- 5.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Clackmannanshire Local Development Plan (LDP) was adopted in August 2015 and provides the local planning policy framework for Clackmannanshire, and more specifically Tillicoultry.
- 5.2 The LDP provides strategic direction and a set of detailed policies and proposals which guide the future development of land in the area. A primary objective of the LDP is to create the conditions within which sustainable economic development and population growth can take place.
- 5.3 The current LDP is supported by a wide array of Supplementary Guidance, which is reviewed as part of this case. The LDP is now reaching the end of its lifespan and is to be replaced by a new LDP in 2021.

## Specific Policy

- 5.4 The Report of Handling identified the following LDP policies being of relevance to the determination.

- |   |
|---|
| <p><b>(i) Policies</b></p> <ul style="list-style-type: none"><li>• SC1 (Maintaining a Housing Land Supply)</li><li>• SC5 (Layout and Design Principles)</li><li>• SC7 (Energy Efficiency and Low Carbon Development)</li><li>• SC9 (Developer Contributions)</li><li>• SC10 (Education, Community Facilities and Open Spaces)</li><li>• SC12 (Access and Transport Requirements)</li><li>• EA1 (Clackmannanshire Green Network)</li><li>• EA2 (Habitat Networks and Biodiversity)</li><li>• EA3 (Protection of Designated Sites and Protected Species)</li><li>• EA7 (Hedgerows, Trees and Tree Preservation Orders)</li><li>• EA9 (Managing Flood Risk)</li><li>• EA11 (Environmental Quality)</li><li>• EA20 (Other Archaeological Resources)</li></ul> |
|---|

- 5.5 The Report of Handling concluded that the proposals would not be contrary to a number of these policies, including SC9, EA9, EA11 and EA20. It also indicated that relevant planning conditions could be used to ensure compliance with other policies, such as SC7.

- 5.6 However, the Report of Handling, contrary to previous Council opinion, concluded that the proposals conflicted with a number of LDP policies, namely SC10, SC5, EA1, EA2 and EA7. It is these policies that warrant more careful consideration by the Local Review Body. The essence of these policies is summarised below.

#### *LDP Strategic Objective 4 - Meeting the Need for New Homes*

- 5.7 To meet Clackmannanshire's housing needs the LDP allocates a range of appropriate sites and dwelling types and ensures the most efficient use of land in meeting development needs. In Tillicoultry, urban expansion has taken place at the eastern side of the settlement, otherwise there are limited opportunities within the settlement envelope. The approved planning strategy contains new housing development within the existing urban boundary.

#### *Policy SC10 - Education, Community Facilities and Open Spaces*

- 5.8 The aim of this policy is to retain and enhance the provision of education facilities, community facilities and open spaces. The Council will support developments which will provide new and/or enhanced community facilities and open spaces, where the development accords with the LDP Vision, Spatial Strategy, Strategic Objectives, Plan Policies and the Open Space Strategy.
- 5.9 There is a presumption against development that would result in the loss or change of use of land, buildings and open spaces, including privately run facilities, which are currently, or were last used for, education or community purposes, unless the following criteria can be met:
1. it would not detrimentally affect the value and function of open space and community facilities in the local community: and either
  2. no suitable alternative community uses can be found for the land or buildings in question; or
  3. the proposal would result in the provision of alternative facilities, or facilities of equivalent or enhanced value and function in accordance with the Council's Leisure and Sports Strategy; and
  - 4a. any outdoor sports facility lost would be replaced by the provision of one of comparable or greater benefit in a location which is convenient for its users, or by the upgrading of an existing outdoor sports facility to provide a better quality facility, either on the same site or at another location that is convenient for users and maintains or improves the overall playing capacity in the area; or
  - 4b. the Council's Open Space Strategy and consultation with Sport Scotland show that there is a clear excess of provision to meet current and anticipated demand in

the area, and that the site could be developed without detriment to the overall quality of provision.

- 5.10 The application site lies within the settlement boundary of Tillicoultry and is identified as Safeguarded Open Space subject to Policy SC10 - Education, Community Facilities and Open Spaces.

#### *Policy EA7 - Hedgerows, Trees and Tree Preservation Orders*

- 5.11 This policy aims to retain trees, woodland and hedgerows that make a positive contribution to local amenity. Where necessary, the Council will protect trees and woodlands through the designation of Tree Preservation Orders (TPOs). Development will not be supported within TPO areas unless the applicant demonstrates to the satisfaction of the Council that the proposals will not adversely affect the longevity, stability or appearance of the trees.
- 5.12 Where development is permitted which will involve the loss of existing woodland, trees or hedgerows the Council will require the development proposals to include appropriate replacement planting in terms of number, size and species. The Council will favour the use of native species. All proposals which involve new trees will be expected to be accompanied by a management plan, including provisions for future management.
- 5.13 This policy works in conjunction with Supplementary Guidance SG8 – Woodlands and Forestry.

#### *Policy EA1 - Clackmannanshire Green Network*

- 5.14 The aim of this policy is to support the implementation of the Central Scotland Green Network infrastructure by ensuring that new development contributes to its objectives where possible. Wherever possible, new development should contribute to Green Network principles and objectives as set out in the LDP and the Green Infrastructure SG.
- 5.15 The Council will assess the potential impact of all new development proposals on the Green Network to ensure that they comply with the principles set out in the Green Infrastructure SG. All new developments will be expected to contribute to the enhancement of the connectivity, quality and/or extent of the network, except where this is impractical.
- 5.16 Proposals for new development must demonstrate how this has been incorporated into the proposed design of the development, or alternatively how enhancement will be achieved through off-site provision. Development resulting in any reduction in the connectivity, quality or extent of the network will not be permitted unless adequate proposals for mitigation can be agreed with the Council.
- 5.17 This policy works in conjunction with SG6 - Green Infrastructure.

### *Policy EA2 - Habitat Networks and Biodiversity*

- 5.18 This policy aims to encourage the protection and enhancement of biodiversity and habitat networks by safeguarding the integrity of features of the landscape which are important because of their linear and continuous structure or function as intermediate sites for the movement of both fauna and flora.
- 5.19 All development proposals will be expected to fulfil all of the following criteria:
- maximise the potential of the development to contribute positively to biodiversity, conservation and enhancement (and seek mitigation for any adverse impacts of development);
  - protect and enhance existing habitat networks in or adjacent to the development site;
  - mitigate any negative impacts on habitats, species or network connectivity either resulting from the development or as a result of the cumulative effects of developments locally;
  - identify opportunities to strengthen the existing habitat network by creating new habitat links. Wherever possible, development proposals should contribute to the objectives of the Clackmannanshire Biodiversity Action Plan; and
  - the ongoing improvement of the Integrated Habitat Network and the Clackmannanshire Green Network, in accordance with the Green Infrastructure SG.

### *Policy SC5 - Layout and Design Principles*

- 5.20 This policy sets out criteria that should be followed in the design of all new residential developments to ensure they are designed to high standards and contribute positively to their local environment and community. All new residential developments, regardless of tenure, will be expected to demonstrate the qualities of successful places as set out in *Designing Streets* and the SG on 'Placemaking'.
- 5.21 The Council will expect proposed developments to (inter alia):
- contribute positively to their setting, surrounding landscape/townscape, character, appearance and ecology;
  - integrate well with existing streets, neighbourhoods, green networks, as well as active travel and public transport networks, and in so doing, reduce the need for journeys to be made by private car;
  - be designed around principles of placemaking rather than vehicle movement by creating new streets and public realm in accordance with the principles of *Designing Streets* and the guidance set out in the SG;

- ensure protection and enhancement of green networks, such as through provision and enhancement of woodland and other valuable habitats, in and adjacent to the site, in accordance with Policy EA1;
- provide adequate space and facilities for recycling, waste storage and collection, and composting;
- provide high quality landscaping proposals using, wherever possible, native species appropriate to the site conditions and setting;
- ensure that development density in new developments reflects the character and townscape quality of the surrounding area, and is consistent with Plan objectives to promote quality of life, promote energy efficiency and reduce the need to travel by private car; and
- avoid adverse impact on water, air and soil quality The Placemaking SG sets out criteria that should guide the density of new developments.

5.22 This policy works in conjunction with SG3 - Placemaking which is process orientated.

## 6 Material Considerations

### Introduction

6.1 Material considerations are defined in Circular 3/2013 Development Management Procedures (paragraph 3). To be a material consideration case law indicates *‘it should serve or be related to the purpose of planning. It should therefore relate to the development and use of land, and it should relate to the particular application.’*

6.2 Material considerations must satisfy two tests:

- they must be planning considerations, in other words, they must have consequences for the use and development of land or the character of the use of the land; and,
- they must be material to the circumstances of the case, and they must relate to the proposed development.

6.3 The material considerations which are considered relevant to this Review are discussed below and include the following.

- Scottish Planning Policy.
- Planning History.
- Design and Supplementary Guidance.
- Statutory Consultation Responses.
- Third party Representations.
- Precedent.

### Scottish Planning Policy

6.4 Scottish Planning Policy (SPP) looks for planning to take a positive approach to enabling high quality development and making efficient use of land to deliver long-term benefits for the public (paragraph 2). SPP introduces a presumption in favour of development that contributes to sustainable development and which supports sustainable economic growth and regeneration, and the creation of well-designed, sustainable places.

6.5 Paragraph 29 of SPP sets out the principles which are to guide planning policy and decision making. These include supporting good design and the six qualities of successful places; making efficient use of existing capacities of land, buildings and; supporting delivery of accessible housing development; and improving health and well-being by offering opportunities for social interaction.

- 6.6 SPP looks for plans to support locations that allow walkable access to local amenities and are also accessible by cycling and public transport. It promotes development which maximises its travel demands through firstly walking, then cycling, then public transport and finally cars.
- 6.7 The presumption applies to all development that is considered to be sustainable when tested against the other policies of the SPP as a whole and is a relevant material consideration in the determination of all applications. It is given 'significant' weight in circumstances where the development plan is more than 5 years old. Development is considered unsustainable if the evidence demonstrates that its dis-benefits significantly outweigh its benefits when tested against sustainability principles.
- 6.8 The site's location means that the urban area will remain geographically contained and avoids sprawl along Dollar Road. Layout has been governed by factors such as site access, landform and topography and consideration of adjacent houses, following the site's natural characteristics. Development retains the landscape and assists in its biodiversity by retaining a high percentage of the land as open space, incorporating woodlands and key features.
- 6.9 In addition, SPP acknowledges that the land supply can be made up from windfall sites such as the Dollar Road site (para117) particularly in urban areas. In addition paragraph 194 states that the planning system should: *facilitate positive change while maintaining and enhancing distinctive landscape character; conserve and enhance protected sites and species, taking account of the need to maintain healthy ecosystems and work with the natural processes which provide important services to communities; promote protection and improvement of the water environment, including rivers, lochs, estuaries, wetlands, coastal waters and groundwater, in a sustainable and co-ordinated way; seek to protect soils from damage such as erosion or compaction; protect and enhance ancient semi-natural woodland as an important and irreplaceable resource, together with other native or long-established woods, hedgerows and individual trees with high nature conservation or landscape value; seek benefits for biodiversity from new development where possible, including the restoration of degraded habitats and the avoidance of further fragmentation or isolation of habitats; and support opportunities for enjoying and learning about the natural environment.*
- 6.10 Paragraph 217 states that, where appropriate, planning authorities should seek opportunities to create new woodland and plant native trees in association with development. If a development would result in the severing or impairment of connectivity between important woodland habitats, workable mitigation measures should be identified and implemented, preferably linked to a wider green network.
- 6.11 Paragraph 221 of SPP states that '*The planning system should: • consider green infrastructure as an integral element of places from the outset of the planning process; • assess current and future needs and opportunities for green infrastructure to provide multiple benefits; • facilitate the provision and long-term, integrated management of green infrastructure and prevent*



*fragmentation; and provide for easy and safe access to and within green infrastructure, including core paths and other important routes, within the context of statutory access rights under the Land Reform (Scotland) Act 2003'.*

- 6.12 In the design of green infrastructure, consideration should be given to the qualities of successful places (paragraph 232). Green infrastructure should be treated as an integral element in how the proposal responds to local circumstances, including being well-integrated into the overall design layout and multi-functional. Arrangements for the long-term management and maintenance of green infrastructure, and associated water features, including common facilities, should be incorporated into any planning permission.

### **Planning History**

- 6.13 The planning history is a significant material consideration which should be given considerable weight in this Review. There are obvious similarities in location, footprint, layout and design to the approval recently granted on the site 19 /001333/FULL. The main difference being the Use Class alteration from Class 8 to Class 9. The decision taken on this recent application is totally contrary to the Council's opinions and decision of the previously similar scheme.
- 6.14 The approved application was predicated on Policy SC4 in relation to a care facility, however, most physical and environmental considerations were based on the same LDP policies. The approved application had a larger footprint than the current residential proposal and the impact in land use and environmental terms arguably greater.
- 6.15 Reference is made to the respective site layouts for each proposal and it is requested that the LRB view these. Extracts are presented below.
- 6.16 The Applicant is not convinced that the assessment takes full account of these matters and do not individually or cumulatively justify withholding planning permission in this case. There were previously no concerns regarding the Woodland Management Plan, management / maintenance arrangements or viability considerations.
- 6.17 It is therefore considered that the material considerations in this case should carry significant weight and that on balance the application should be granted.

**Consented development 19/001333/FUL**



**Refused development 20/00036/FUL**



## Designing Streets

- 6.18 It is clear that the site has the potential to deliver a distinctive, safe and pleasant, welcoming, adaptable and resource-efficient development. It could link well to existing foot and cycle paths that link to local recreational, shopping, transport and educational facilities. The proposed density would make efficient use of the site and would clearly support the delivery of housing choice, supporting local infrastructure. The applicant considers that the development displays most of the principles of sustainable development, and therefore considers that the presumption in favour of development that contributes to sustainable development provides further support for this proposal.

## Planning Advice Notes

- 6.19 The design and layout also complies with advice on good planning practice as set out within the Planning Advice Notes (PANs) published by the Scottish Government. PANs which are considered to be of particular relevance to the assessment of the proposals relating to the development of this site include:
- PAN 44 | Fitting New Developments into the Landscape.
  - PAN 60 | Planning for Natural Heritage.
  - PAN 65 | Planning and Open Space.
  - PAN 67 | Housing Quality.
  - PAN 68 | Design Standards.
  - PAN 75 | Planning for Transport.
  - PAN 77 | Designing Safer Places.
  - PAN 78 | Inclusive Design.
  - PAN 83 | Masterplanning.

## Consultees

- 6.20 Section 2 of the Report of Handling presents the results of consultations with the statutory and departmental consultees. These record the following outcomes:
- Council Roads and Transport – **no objection** but some informatives in relation to road safety on the Dollar Road. Roads also raised the issue of development costs and viability, but it is not clear why this should be an issue.
  - Environmental Health – **no objection** on noise grounds and subject to contamination report.
  - Scottish Water – **no objection** subject to a Pre-Development Enquiry in respect of foul drainage capacity;

- Regional Archaeologist- **no objection** subject to a programme of Approved Archaeological Works including investigation.
- 6.21 Conspicuous by its absence within this section of the Report of Handling is the lack of specific response from the Council's Sustainability Team on this new application. The Planning Authority has therefore made a decision, supported by detailed Reasons for Refusal concerning woodland, trees and biodiversity, without this specialist advice and opinion.
- 6.22 Notwithstanding that the consultation response on the previous application from the Sustainability Team was positive and endorsed the Woodland Management Plan, the planning officers have sought to completely disregard this evidence. Whilst this is largely the same as previously submitted it has not been assessed against the new development or footprint.
- 6.23 Relatively balanced comments made in relation to this issue within Section 2 of the Handling Report appear to be contradicted in the more negative narrative contained within Section 8 of the Report, which takes an opposing stance and forms the basis of the Reasons for Refusal.
- 6.24 The Planning Assessment within Section 8 of the Report of Handling is considered further in Section 7 of this Statement. However, it is relevant to point out that the Council's assessment focuses on loss of a community facility, despite the approved application being for a quasi-residential care home building (Use Class 8). Furthermore, in terms of exception criteria there is no detriment to the open space, the Open Space Strategy is not prejudiced, the previous use is no longer favoured by the owner as a community use; and the proposals provide significant betterment.
- 6.25 Tillicoultry, Coalsnaughton and Devonside Community Council has objected to the proposed development on the basis that it is designated as Safeguarded Open Space. The Community Council wishes to discount the previous planning decision which clearly has significant weight as a material consideration. Its objection within the Report of Handling appears to be based on the misguided assumption that a community asset would be lost without any betterment or positive effect on the appearance or character of the overall woodland.
- 6.26 Contrary to the Council's view the Community Council states that this is a valuable and 'well used' piece of land which would be 'lost'. It is clear though that this is a private area of land that has no formal access or recreational value and is not and should not be used as a recreational resource. A major concern appears to be the fear of future development of additional houses in the woodland area and the view that this application would inevitably set a precedent for more housing in the future. There is clearly little confidence in the planning authority's ability to make the appropriate decision and balance the scale of development with the value of the woodland.

- 6.27 The Community Council also objected to the previous application for a Care Facility. Its original concerns revolved around access and drew a detailed response from the Council's Roads officer. It appears to have maintained this objection albeit without any supporting evidence. Other concerns were around the incompatibility of the designated Safeguarded Open Space, impact on wildlife damage to archaeology. It also referred to noise nuisance to local residents from traffic movements.
- 6.28 Each of these matters was effectively rebutted by the Council in conjunction with the residents' objections. Clearly, the Council as the planning authority can only determine the application before it on the basis of information submitted without conjecture or speculation on future proposals.

### **Third Party Neighbours**

- 6.29 As documented within the Report of Handling a total of 19 neighbours were notified. This resulted in only 5 objections which is a relatively low level of opposition given the locality with only 4 objections from Sandyknowe itself.
- 6.30 The representations include material and non-material planning matters. As proven by the Council a significant number of detailed points (noise and disruption, privacy, flood risk, road safety and circulation) were found to be spurious or not relevant for further consideration. Other legitimate concerns regarding privacy and amenity have been addressed by the Council, albeit in an erroneous manner.
- 6.31 It should be noted that the previous application circulated to 19 neighbours attracted a larger number of 18 objections from 9 households. This would suggest that the majority of local neighbours do not object or are indifferent to the housing development which they view as preferential to the previous care facility.
- 6.32 Based on the above assessment third party views and objections received cannot therefore be seen as having any significant weight in this case. In any case these are covered by the Council as the planning authority.

## 7 Rebuttal of Reasons for Refusal

7.1 The following section provides a comprehensive rebuttal of the Reasons for Refusal having regard to the policy requirements and material considerations discussed in previous sections.

### Reason 1

7.2 Reason 1 relates to Policy SC10 of the LDP. The Reason claims that the development would have an unacceptable adverse impact on the '*function and value of the area of open space*'. This would appear to be a highly subjective and unbalanced view of the wider benefits which development of a small area could deliver. There is no commentary by the Council as to what the current function and value of this small area of Open Space actually is. It certainly has no recreational value, so it is assumed its protection is based on its amenity (visual) and ecological value. Its amenity and ecological value would be enhanced by the proposals, as was proposed and accepted by the Council in its previous decision.

7.3 Secondly, and as a supplementary point, it states that the measures within the Woodland Management Plan could not be reasonably delivered through the planning application process. The woodland and habitat management measures referred to are not specified or cross referenced to the Management Plan.

7.4 The clear inference from the Council is that development of the open space would remove the recreational and amenity value for the community. However, the open space would be managed and enhanced as a valuable space. It is also suggested that the WMP is deficient when in reality, and according to the case files, it was not requested in respect of this application.

7.5 Policy SC10 has been covered in a previous section however, there is a need to specifically relate to the material issues including the Tree Preservation Order and loss of trees. A comprehensive tree survey and Tree Constraints Plan were submitted as a basis for assessment in terms of impact.

7.6 Firstly, a TPO does not necessarily prohibit the removal of trees and the layout clearly maintains the amenity value adjacent to Dollar Road. In overall terms the impact on the integrity of the woodland and its amenity value is maintained and enhanced by the proposed mitigation of replacement planting. Furthermore:

- A relatively small proportion of the site is covered by a TPO with a limited amount on the application site, and trees in the north east corner of the woodland are in poor condition.
- Account needs to be taken of the condition of the trees' health and safety considerations.

- Any loss of trees would be mitigated by replacement planting with tree protection and management measures controlled by planning condition.

- 7.7 Implementation of the Woodland Management Plan would ensure the integrity, biodiversity, and sustainability of the woodland providing a mechanism for positive management of the woodland as a whole. The WMP is based on professional advice and good arboriculture practice leading to an improved and enhanced established woodland which addresses planning policy.
- 7.8 The use proposed is appropriate to its surroundings being located in a generally residential area. Policy SC10 aims to retain or enhance the provision of open space in the local area. Residential development would facilitate the enhancement of the existing area of open space retained on the remaining part of the site. The proposed development can therefore be supported by Policy SC10 on the basis that it would not detrimentally affect the value and function of the existing open space area found on the site.
- 7.9 The Applicant does not accept that the proposal is therefore contrary to Policy SC10.

## **Reason 2**

- 7.10 The Council argues that the felling of 4 trees within the TPO and 18 trees within the woodland would have an unnecessary and adverse effect on the amenity and appearance of the woodland outwith the TPO. It is claimed that this is contrary to Policy EA7 of the LDP and Supplementary Guidance SG8 – Woodlands and Forestry.
- 7.11 A similar criticism of the WMP is made in respect to longevity of the woodland and the delivery of mitigation through the planning process. Again, it is not clear how this relates to the policy or guidance and infers that a ‘do nothing or no management approach’ would be preferred by the Council.
- 7.12 Policy EA7 has been previously discussed and relates to Hedgerows, Trees and Tree Preservation Orders. As required the development contributes positively to biodiversity, conservation and enhancement; protects and enhances habitat networks adjacent to the development site; mitigates any negative impacts on habitats, species or network connectivity and identify opportunities to strengthen the existing habitat network.
- 7.13 The proposed development was accompanied by a Woodland Management Plan including provisions for future management. This was previously endorsed by both the Council’s Sustainability Team and the Planning Authority. The Sustainability Team did not specifically comment on this application.
- 7.14 The stance now taken by the Council is contrary to its stated position issued previously in relation to the care home application. The Council fully justified the loss of these trees, where

a well-balanced and rational approach to long term management and sustainability was taken.

- 7.15 Supplementary Guidance SG8 – Woodlands and Forestry is referred to in this Reason. This emphasises the value of trees and the importance of the Central Scotland Green Network as well as the potential use of planning conditions to deliver the creation, management and enhancement of woodlands. A review of SG8 and the sister document SG6 Green Infrastructure does strengthen the Council’s argument and would tend to support the applicant in terms of attempting to introduce positive management measures into this location.
- 7.16 The Applicant does not accept that the proposal is contrary to Policy EA7 or SG8 Woodlands and Forestry.

### Reason 3

- 7.17 The Council submits that the proposed development within a woodland area, that is part of the Green Network, does not accord with Policies EA1 and EA2 in terms of improving access to greenspace, protecting, or enhancing biodiversity and habitat or avoiding habitat fragmentation.
- 7.18 It also makes the standard criticism of the Woodland Management Plan suggesting it is contrary to the same policies. This is despite no substantive discussion of this matter with the Applicant.
- 7.19 The Council acknowledges that the area is poorly used as a recreational facility by the public and therefore has limited value. The Applicant’s own understanding confirms the Council’s views due to its topography, fencing and the lack of a well-defined route through vegetation. There can be no doubt that the proposals by the Applicant would improve access and connections through the area.
- 7.20 Policy EA1 Clackmannanshire Green Network is concerned with implementation of the Central Scotland Green Network and adherence to principles and objectives that enhance the network. In addition, *‘All new development will be expected to contribute to the enhancement of the connectivity, quality and/or extent of the network, except where this is impractical. Proposals for new development must demonstrate how this has been incorporated into the proposed design of the development, or alternatively how enhancement will be achieved through off-site provision’*. The proposed development fully complies with this objective.
- 7.21 The policy also refers to SG6 Green Infrastructure which sets out the requirements for the Clackmannanshire standard. Section 8 sets out Design Guidance Tests and Section 9 the Design Process. The Applicant is satisfied that all principles contained within SG6 will be satisfactorily complied with or can be adequately conditioned.
- 7.22 Policy EA2 Habitat Networks and Biodiversity encourages the protection and enhancement of habitat networks contributing to the Clackmannanshire Biodiversity Network. It states that



development proposals will be expected to maximise the potential of their development ‘to contribute positively to biodiversity conservation and enhancement (and seek mitigation for any adverse impacts of development); protect and enhance existing habitat networks in or adjacent to the development site; mitigate any negative impacts on habitats, species or network connectivity either resulting from the development or as a result of the cumulative effects of developments locally; identify opportunities to strengthen the existing habitat network by creating new habitat links’.

7.23 The proposed development clearly achieves each of these policy requirements.

#### **Reason 4**

7.24 Reason 4 relates to the relationship with properties at Sandyknowe. It relates to existing standard of visual amenity and privacy enjoyed by properties abutting the site and a failure to integrate sufficiently well with the existing neighbourhood or maintain suitable standards of amenity. In responding to this the Applicant acknowledges that the existing standard of visual amenity would preclude any development and that the term ‘suitable’ is not one that is recognised without the application of a given standard or specification.

7.25 This reason appears to be driven by the objections from neighbouring residents although it would appear that only Nos 23-27 and 35 Sandyknowes are affected in any way. It is claimed that the proposal is therefore contrary to Policy SC5 and Supplementary Guidance SG3 Placemaking.

7.26 In reality Policy SC5 criteria are general and unspecific in terms of detailed design requirements. However, the Council acknowledges that the development is of high quality and integrates with the townscape / landscape character and appearance. Development immediately abuts an existing street and neighbourhood as well as being adjacent to the Green Network and public transport.

7.27 Assessment confirms that the additional two dwellings integrate seamlessly with the existing area and the surrounding woodland. The Applicant does not agree that it would not be possible to provide a landscape buffer between rear gardens and the new access driveway. Indeed, this would be an acceptable condition if deemed to be a requirement.

7.28 It is not evident how the two houses or the proposed garage block as sited on plan could impact on daylight sunlight, overshadowing or privacy. The comment on negative impact on visual amenity would appear to infer that the existing dwellings should have an uninterrupted view and aspect to the woodland in perpetuity. This is of course not a valid reason and should not be considered as part of the argument for refusal.

## Reason 5

- 7.29 This reason relates to the relationship between Plot 1 and Plot 2 which is considered to be contrary to the policy and guidance on placemaking. The footprint and siting has been subject to pre application discussion and amendment to the satisfaction of the case officer. In addition, the proposed development meets design and space standards in terms of 'an adequate standard of amenity' which, incidentally, is not referenced or quantified in policy or guidance.
- 7.30 Both plots are generous in size and enjoy high levels of amenity, space, and privacy. Plot ratios and footprints are comparable with neighbouring development and reflect extensions and modifications made to housing in the vicinity.
- 7.31 The handling report states that '*the proposed plot layout would not achieve a standard of amenity expected by a development of this nature in terms of the size of the garden in Plot 1 (85sqm in area), and the juxtaposition with the garage block which serves this plot and Plot 2*'. In the absence of any set standards this would appear to be a completely subjective assessment. The layout arrangement is specifically designed to integrate with surrounding neighbours, and to achieve a safe access and minimise impact on the woodland.
- 7.32 It is disputed that the development does not reflect the character of the surrounding area as the evidence for this assertion is not substantiated. Indeed, the Council acknowledges that it fully reflects the amenity and character on Dollar Road.
- 7.33 In this regard the development is compliant with Policy SC5 of the LDP and Supplementary Guidance SG3 Placemaking. Policy SC5 is concerned with broad principles and does not refer to individual small-scale development plots, whereas SG3 Placemaking is primarily concerned with the design process rather than design standards. In terms of integration, SG3 (Section 2) relates to high quality development, landscaping to enhance the urban edge and incorporating green assets, all of which are achieved in this proposal. It is not therefore clear how the Council can rely on these items as justification for this Reason for Refusal.
- 7.34 In addition, the Reason for Refusal goes on to suggest that '*mitigatory measures such as rebuilding the natural stone wall along the site frontage may adversely affect the viability of the development*'. This is not substantiated in any way and was not raised as an issue with the Applicant during the pre application process.
- 7.35 The narrative suggests that this '*may result in pressure at a later date to delete or dilute the mitigation to the detriment of the character of the area*'. This would appear to be complete speculation given the proposals presented to the Council and analysing the content of Policy SC5 which does not relate to such matters. There is no information or assessment of costs requested by the Council to confirm that this would be unviable.

- 7.36 Nonetheless it forms the basis for a decision made '*on balance*'. In reality, the planning authority should be able to assess future proposals on their own merits having regard to previous decisions and prevailing conditions.
- 7.37 Works to the wall are considered to be an acceptable planning requirement and the Applicant is surprised by this assertion, its meaning, as well as its use as a legitimate reason for refusal.

## Reason 6

- 7.38 This reason cites the development as setting an '*unwelcome precedent*' and detrimental to the integrity and function of Safeguarded Open Space. It also refers to woodland and the TPO.
- 7.39 It therefore acts as a catch all and repeats previous Reasons for Refusal in this regard and makes no new substantive points and is considered by the Applicant to be superfluous. There is no reference to specific policies within the LDP which also diminishes its legitimacy as a competent Reason for Refusal.
- 7.40 The use of 'precedent' in terms of planning law and practice needs to be explained as every application should be legitimately treated on its own merits in accordance with the Planning Act and Regulations. Decisions cannot be taken on the assumption that an approval would be detrimental to future proposals.

## Summary

- 7.41 The material issues have been addressed above but it should be emphasised that the existence of TPO does not necessarily preclude the removal of trees where this can be considered as acceptable. The Council has been wholly inconsistent in this view to the detriment of the Applicant.
- 7.42 Likewise, the Council has varied its opinion in relation to the woodland and open space. The woodland would remain open space and part of the Green Network within the Central Scotland Green Network. This would ensure the maintenance of greenspace, habitat and biodiversity benefits in compliance with policy and guidance.
- 7.43 Indeed, it is argued that the development in conjunction with the Woodland Management Plan would improve the integrity and function of the Safeguarded Open Space. The Applicant has complied with Policy and Supplementary Guidance which will result in an enhanced woodland which is more accessible and generates betterment for the wider community.
- 7.44 The implication of the current decision is that the area would remain unmanaged with poor arboriculture practice, inaccessible and would dilute the value of the asset to the detriment of the appearance and character of the area. It is considered that the woodland would continue

to be underused.

- 7.45 It is submitted the Council's reasons are not robust in planning terms, nor can they be subject to proper scrutiny given their subjective nature.
- 7.46 In general terms the policies are inconsistently applied in an arbitrary fashion without due regard for the overall objectives of the LDP. Nor do they represent a fair assessment on the impact of development.

## Clackmannanshire Supplementary Guidance

- 7.47 The contradictory approach taken to policy and its supplementary guidance is well illustrated through the disparity between both applications, namely the current application and the consented application 19/00133/FULL.

**Table 7.1 – Council Opinions**

Supplementary Guidance	Current Application – Council Opinion	Consented Application - Council Opinion
SG 3 Placemaking	<i>The proposed layout <b>is not considered to fully accord</b> with the guidance in SG3 as discussed in Policy SC5.</i>	<i>The applicants approach including the submission of a design Statement, is considered to accord with the guidance in SG3 and demonstrates how the development would contribute to placemaking</i>
SG6 Green Infrastructure	<i>It is concluded that the development <b>is likely</b> to have an adverse impact on green infrastructure.</i>	<i>It is concluded that the impact on green infrastructure would not be sufficiently adverse to justify withholding permission.</i>
SG8 Woodlands and Forestry	<i>It is <b>concluded that the development would not accord</b> with the guidance and objectives in SG8.</i>	<i>Subject to the proposed conditions the development is considered to accord with the objectives of the SG.</i>

- 7.48 The Table above demonstrates the subjective and marginal nature of the recent refusal decision compared to the opinions previously provided. The words and phrases in bold are our emphasis. In terms of placemaking it can only be concluded that the design *partially* accords with SG3 Placemaking. On Green Infrastructure the conclusion is based on a *likelihood*. Finally, in relation to SG8 Woodlands and Forestry the conclusion is *questioned* as it was reached without the opinion of the Council's Sustainability Team.

## 8 Conclusions

- 8.1 The application site has been earmarked for care home development by virtue of the previous Council decision made relatively recently in 2019. This set an acceptable principle and precedent for development of a similar scale and scope and renders this refusal as being both unreasonable and inconsistent, as well as contrary to sustainable development objectives.
- 8.2 Planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Each application must be treated on its own merits on the basis of the facts submitted. The Development Plan should be interpreted in a holistic fashion and decisions must be fair and transparent. Of particular importance is the Government's expectation that the planning system should allow for **predictable handling of applications**.
- 8.3 Scottish Planning Policy supports the nature of development being proposed and the overarching strategic objectives of the Clackmannanshire Local Development Plan. The principle of development is established with the previously approved care home being a quasi-residential use.
- 8.4 The Applicant rejects the view that the integrity of the woodland or the conjoined TPO would be damaged. The decision to develop two plots must be properly balanced against the benefits to the open space, recreational potential and green network within Tillicoultry. In addition, a proposed planning condition for a revised Woodland Management Plan is suggested that would address all the Council's relevant policies (SC10: EA7; EA1;EA2 and SC5) and is in accordance with Supplementary Guidance. To this effect we suggest the following condition (or equivalent) to mitigate the impact on amenity and biodiversity:

*Before any works take place on site the developer shall provide a fully detailed Woodland Management Plan to the satisfaction of and approval of the Council. This will address the existing woodland and TPO and should contain.*

- vi. An expanded Tree Survey Report*
- vii. A phased re-planting programme*
- viii. A comprehensive Landscape Management Plan*
- ix. A written programme of proposed works and*
- x. Measures to monitor the programme*

- 8.5 Consultations with Council departments and outside agencies have raised some comments but **no objections**. The Woodland Management Plan is supported for a range of arboriculture (and health and safety reasons), indeed the refusal decision was made without the specialist input

- of the Council's Sustainability Team who endorsed the same WMP for the consented application.
- 8.6 Furthermore, the weight of public objection is limited, and much reduced from the previously approved application. This recognises the beneficial use of the land within the urban envelope which will provide betterment in terms of management, access and amenity. The impact on the TPO and integrity of the woodland would be minimal.
- 8.7 Issues raised in respect of the stone wall and quantum of open space burden are conjecture and groundless in terms of fact, not having been discussed with the Applicant. In any case, it is considered that these could be controlled by condition or agreement. On this basis these are not sufficient to withhold consent for good planning reasons. The Applicant therefore looks forward to the LRB's comments on this submission as part of the review proceedings.
- 8.8 The key planning issues associated with the Review are considered in full in this Statement. Outstanding concerns have been satisfactorily addressed, with the Council actually supporting the landscape proposals.
- 8.9 Having regard to the proposals, the Applicant concludes that the proposed development complies with the aims and objectives of the Development Plan. Where there is not an exact fit with the policies it is considered that material considerations warrant flexibility. Overall, the proposals are policy compliant, sustainable, and will bring environmental benefits.
- 8.10 Through this Statement of Review and the comprehensive and robust set of supporting documentation, it has been demonstrated that the proposed development complies with the policies outlined in the Development Plan and there are no adverse impacts that outweigh the proposal's benefits.
- 8.11 The Review site has previously been identified by the Council as a suitable location for Class 8 quasi residential development. The Council has not raised any in-principle concerns regarding the site or the Applicant's proposals. There are no objections from any of the technical consultees, including transport, education, SEPA, or water and drainage.
- 8.12 It is submitted, therefore, that the development complies with the LDP requirements and all relevant planning policies and as such there is a presumption in favour of upholding the Review and granting consent for the proposed development. There are no material considerations which would outweigh the presumption in favour of development.
- 8.13 For the reasons stated above the Applicant respectfully requests that the Review reconsiders and overturns the Case Officer's decision and that planning permission is granted, subject to the necessary conditions on the Woodland Management Plan.

## Appendix 1 – List of Supporting Documents

### 20/00036/FULL – 2 Residential Dwellings

- Application Form
  - Decision Notice
  - Report of Handling
  - Location Plan
  - Site Layout Plan
  - Proposed Garage Design
  - Proposed Elevations
  - Woodland Management Plan (as previously approved)
- All can be accessed from:
- <https://publicaccess.clacks.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=Q4WZX8EYKF100>

### 19/00133/FULL – Care Home Facility

- Report of Handling
  - Decision Notice
  - Approved Site Layout Plan
  - Approved Access Junction
  - Approved Elevations
  - Approved Floor and Roof Plans
  - Approved Bedroom Layout
  - Approved Site Sections
  - Approved Site Survey
  - Approved Tree Survey
  - Approved Woodland Management Plan
  - Design and Access Statement (Part 1, 2 and 3)
- All can be accessed from :
- <https://publicaccess.clacks.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=PSQ9S3EYIBO00>

**CLACKMANNANSHIRE COUNCIL**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS**

**REFUSAL OF PLANNING PERMISSION**

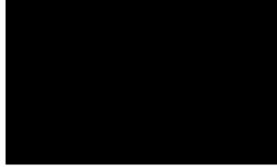
**Applicant**

Mr Michael Clayton



**Agent**

Yeoman McAllister Architects



The Council hereby **REFUSE PLANNING PERMISSION** for the:-

Erection Of 2 No Houses With Detached Garages, Formation Of Access And Associated Parking, Replacement Boundary Wall And Landscaping, And The Removal Of Protected Trees

Land To The North Of Cemetery Lodge, Dollar Road, Tilllicoultry, Clackmannanshire,

in accordance with your application and plans Ref. No:- 20/00036/FULL dated 6th February 2020

For the following reasons:-

1. The proposed development, involving the development of 2 houses and associated garden areas and access roads within part of a woodland area allocated as Safeguarded Open Space in the adopted Clackmannanshire Local Development Plan, would have an unacceptable adverse impact on the function and value of the area of open space. Furthermore, it is concluded that the measures outlined in the Woodland Management Plan submitted with the application to provide sufficient mitigation of this impact could not be reasonably justified or delivered through the planning application process. Therefore it is considered that little weight can be attributed to the measures and objectives in the Plan including the woodland and habitat management measures designed to offset the removal of 22 trees and loss of habitat and amenity. As such, and in the absence of any other mitigatory factors, the application has failed to address the presumption against development that would result in the loss of open space and would be contrary to Policy SC10 of the Clackmannanshire Local Development Plan, adopted 2015.

2. The proposed development, by virtue of its impact on trees protected by a Tree Preservation Order, including the felling of 4 protected trees and 18 other trees within the woodland but outwith the TPO area, would have an unnecessary and adverse impact on the amenity and appearance of the woodland. Furthermore, it is concluded that the measures outlined in the Woodland Management Plan submitted with the application to mitigate this impact and contribute to the longevity of the woodland could not be reasonably justified or delivered through the planning application process. As such, and in the absence of any other material consideration which would justify an exception to the policy presumption against the loss of protected trees and woodland areas, the application would be contrary to Policy EA7 of the Clackmannanshire Local Development Plan, adopted 2015 and Supplementary Guidance 5G8 - Woodlands and Forestry .

3. The proposed development, which is located within and is part of a larger area of woodland allocated as part of the Green Network in the adopted Local Development Plan, is not considered to not accord with the objectives of Policies EA1 and EA2 in terms of; improving access to greenspace; protecting and enhancing biodiversity and habitat networks; and avoiding habitat fragmentation. Furthermore, it is concluded that the measures outlined in the application, including within the Woodland Management Plan to provide mitigation considered sufficient to offset the adverse impact could not be reasonably justified or delivered through the planning application process. Therefore, it is considered that little weight can be attributed to the proposed



mitigation measures. As such, and in the absence of any other mitigatory factors, the application would be contrary to Policies EA1 and EA2 of the Clackmannanshire Local Development Plan, adopted 2015 and Supplementary Guidance SG6 - Green Infrastructure.

4. The proposed development by virtue of its relationship with and impacts on the existing standards of visual amenity and privacy enjoyed by the properties at Sandyknowe abutting the site, and the absence of adequate land and measures to create a landscaped buffer to address these impacts, would fail to integrate sufficiently well with the existing neighbourhood and maintain suitable standards of amenity. As such the application would be contrary to Policy SC5 of the Clackmannanshire Local Development Plan, adopted August 2015 and Supplementary Guidance SG3 - Placemaking.

5. The proposed development on Plot 1, by virtue of the proposed size and juxtaposition of the area of rear garden with the neighbouring property at Plot 2, would fail to provide an adequate standard of amenity for the occupants of Plot 1, nor reflect the character of the surrounding area. Furthermore, it is considered that the mitigatory measures proposed by the applicant, including the rebuilding of a natural stone wall along the site frontage, may adversely affect the viability of the development and result in pressure at a later date to delete or dilute the mitigation to the detriment of the character of the area. On balance, the application would be contrary to Policy SC5 of the Clackmannanshire Local Development Plan, adopted August 2015 and Supplementary Guidance SG3 - Placemaking.

6. The proposed development if approved is considered to set an unwelcome precedent for further development within this area of land to the detriment of the integrity and function of the land in terms of its allocation as Safeguarded Open Space in the adopted Clackmannanshire Local Development Plan and on the trees within the site, including those protected by a Tree Preservation Order.

Dated: 1 April 2020



DEVELOPMENT SERVICES

Plan Numbers Relating to this Decision

Plan No	Title
Loc - 01	Location Plan
PL-01	Proposed Site Layout Plan
PL-02	Proposed Type D Floor and Roof Plans
PL-03	Proposed Garage Elevations
PL-04	Proposed Type D Elevations
PL-06	Vehicle Tracking
PL-07	Tree Removal Plan
01A	Topo Survey

- Expanded Tree Survey Report, Brindley Associates, Sept, 2019
- Woodland Management Plan and Tree Proposals, Yeoman McAllister Associates, Sept, 2019
- Preliminary Roost Assessment for Bats by Brindley Associates, Aug, 19
- Protected Species Site Appraisal, by Brindley Associates, Feb, 19

**Note to Applicant**

For the avoidance of doubt this Decision Notice also authorises the undernoted works to trees protected by Tree Preservation Order No 8 (Dollar Road, Tillicoultry);

- i) the felling of the trees numbered 823, 828, 844, 846, and
- ii) the pruning of the trees numbered 808, 814, 842, 849, 852, 854, 867, 869 and 875,

as defined by, and in accordance with, the Expanded Tree Survey Report prepared by Brindley Associates, dated September 2019.

## NOTES FOR GUIDANCE

1. Please examine your decision notice carefully. It describes the development to which the decision relates, includes any conditions that must be complied with and explains the reasons for the decision.
2. Please also read the following guidance. It contains important information regarding
  - \* the duration of the permission
  - \* rights of review
  - \* requirements for further notification to the Council; and
  - \* the publicising of the development.
3. Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006 - Planning Permission in Principle:-
  - (a) In the case of matters specified by conditions, further application(s) for approval must be made to the Council not later than the expiration of 3 years beginning with the date of this permission. Otherwise, the planning permission lapses on that date.
  - (b) The development to which this permission relates must be begun not later than the expiration of 5 years from the date of this permission or within the expiration of 2 years from the final approval of matters specified, whichever is the later. Otherwise, the planning permission lapses on the latter date.
4. Section 58 of the Town and Country Planning (Scotland) Act as amended by the Planning etc. (Scotland) Act 2006 - Planning Permission: Unless otherwise stated overleaf, the development to which this permission relates must be begun not later than the expiration of 3 years from the date of this permission. Otherwise, the planning permission lapses on that date.
5. There are 2 different rights of appeal if the applicant is aggrieved by the decision to refuse permission for the proposed development, or to grant permission subject to conditions.

- (i) If decision has been made by the Appointed Officer under the Council's Scheme of Delegation, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The Notice of Review form is available to download on the Council's website or can be obtained from the Council's Local Review Body at [LRB@clacks.gov.uk](mailto:LRB@clacks.gov.uk). Once completed the form should be returned to the same mailbox or, alternatively, you can post your appeal form to:

Clerk to the Local Review Body  
Resource & Governance – Legal Services  
Clackmannanshire Council  
Kilncraigs  
Alloa FK10 1EB

- (ii) If the decision has been made by the Council's Planning Committee, then you or your agent may lodge an appeal, within three months from the date of this decision, with the Directorate for Planning and Environmental Appeals (DPEA). The easiest way to do this is via the Planning Appeals Online Portal which can be found on our Clacksweb site, or you can request paper forms from:

Directorate for Planning and Environmental Appeals  
4 The Courtyard  
Callendar Business Park  
Callendar Road  
Falkirk, FK1 1XR  
Telephone 01324 696400

#### **Notification of Initiation of Development**

6. Once it has been decided on the date to start work on the development to which this permission relates, **the developer must inform the Council of that date as soon as is practicable and certainly before starting work. This is termed Notification of Initiation of Development (NID). Failure to give such notice to the Council constitutes a breach of planning control.** Please therefore ensure that the NID form attached to this decision notice is completed and returned to the Council before the start of development.

#### **Notification of Completion of Development**

7. Once the development to which this permission relates has been completed, the applicant or developer must, as soon as practicable, notify the Council accordingly. This is termed Notification of Completion of Development (NCD). If the development is carried out in phases, the notification must be issued to the Council as soon as practicable after each phase. Please therefore ensure that the NCD form attached to this decision notice is completed and returned to the Council as soon as practicable.

#### **Display of Notice while Development is carried out**

8. If this permission relates to a national, major or bad neighbour development (such as a public house or hot food takeaway), the applicant or developer must, for the duration of the development, display one or more signs. The sign(s) must be displayed in a prominent place at or in the vicinity of the site, and be readily visible to the public. **Failure to display the sign(s)/notice while carrying out the development constitutes a breach of planning control.** The information to be displayed must include:-
  - (i) The location of the development.
  - (ii) Any conditions attached to the planning permission.
  - (iii) The name and address of the developer.
  - (iv) The date on which planning permission was granted.
  - (v) The planning authority reference number.
  - (vi) A description of the development.
  - (vii) A note of the Council's contact details for enquiries relating to the development, which is [development\\_services@clacks.gov.uk](mailto:development_services@clacks.gov.uk) or Community & Regulatory Services, Clackmannanshire Council, Kilmcraigs, Greenside Street, Alloa, FK10 2EB.
9. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.
10. **It should be understood that this permission does not carry with it any necessary consent or approval to the proposed development under other statutory enactments. In particular, it does not constitute approval under the Building (Scotland) Acts, The Water Environment (Controlled Activities) (Scotland) Regulations or Roads (Scotland) Acts in respect of street works.**

**DEVELOPMENT & ENVIRONMENT SERVICES  
CLACKMANNANSHIRE COUNCIL**

<b>REPORT OF HANDLING PLANNING APPLICATION DELEGATED REPORT</b>
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Application Ref. No. **20/00036/FULL**      Date of Site Visit: 25/2 and 25/3 2019

Description of Proposal      **Erection Of 2 No Houses With Detached Garages,  
Formation Of Access And Associated Parking,  
Replacement Boundary Wall And Landscaping, And  
The Removal Of Protected Trees**

Location:                              **Land To The North Of Cemetery Lodge, Dollar Road,  
Tillicoultry, Clackmannanshire**

**1. The Proposed Development**

Planning permission is sought for development on part of a wooded area of ground lying between Dollar Road and the rear gardens of houses in Sandyknowe, Tillicoultry. The application site extends to 0.39 Ha and forms a generally triangular shaped area of ground which lies at a lower level than the rest of the woodland area to the west. The proposal would comprise 2 single storey dwelling houses which would have a rectangular footprint extending to approximately 140 sqm. The external design would be modern, incorporate a front porch and pitched roof. The houses would contain 4 bedrooms. The houses would face Dollar Road and be set back approximately 13.0 m from the road. A garage block would be erected at the rear of the houses which would provide a double garage for each house. This would measure approximately 12.0m by 6.0m. The driveway to Plot 1 would run along the rear boundary of the site and the driveway to Plot 2 would run up the east side of Plot 2 between the 2 houses. While the land within the site boundary extends to approximately 3,900 sqm, the proposed curtilages of Plots 1 and 2 would be 564 sqm and 823 sqm respectively.

The curtilages would extend between the rear of the internal access road and the rear gardens of the houses at Sandyknowe. The access road and turning head would accommodate the land to the south and south east of the houses. The remainder of the site to the west would remain as woodland. This area rises to the top of an embankment where it is enclosed by an existing fence. The applicant also owns the woodland beyond the fence which extends to approximately 0.35 Ha.

The access proposals would include;

- i) The formation of a junction at the eastern end of the site which includes dropped kerb crossings. This would be approximately 5.0 m wide with an 8.0 m radius on the east side. In order to achieve the required visibility splays of 2.4 m x 70 m in both directions, the existing rubble stone wall on the west side of the

proposed access would have to be removed over approximately 58 m. The proposed plan shows this being rebuilt with a matching stone wall immediately to the rear of the required splay.

ii) The strip of land behind the existing footway and the new section of wall would be incorporated into the adopted footway on Dollar Road.

iii) An internal access road which would run enter along the north boundary and turn south to run along the front of the 2 houses behind the front boundary wall. The road would be generally 5.5 m wide with no footway. It would incorporate a turning head at the north end. The driveway for Plot 1 would be taken from the end of the turning head.

iv) A drawing showing vehicle tracking for the largest vehicle likely to enter the site has been provided. This shows that the design of the bellmouth and internal road design would enable a 3 axle bin lorry to enter and exit the site in forward gear.

v) A separate pedestrian access to the site would be formed near the midpoint of the frontage onto the footway on Dollar Road to provide a segregated pedestrian access into the site.

A number of existing trees and shrubs within the site would have to be removed to accommodate the buildings and associated works. The Tree Removal Plan shows 22 trees would have to be felled within the site to accommodate the development. This includes a mix of less mature trees at the eastern end and several mature trees towards the western part of the site. 6 of the trees within the site are recommended for felling by the accompanying Tree Survey Report primarily for health and safety reasons rather than to be able to accommodate the proposed development.

Part of the site is covered by Tree Preservation Order (TPO) No 8 – Dollar Road, Tillicoultry. The Order covers part of the woodland area adjacent to Dollar Road from the boundary with No 44 Dollar Road and tapers to a point approximately midway along the site frontage with Dollar Road. 4 of the trees to be felled within the site are within the TPO area and the remaining 18 are outwith. 1 protected tree also requires to be pruned. This Report of Handling also considers the request to remove these protected trees as required by the T&CP (Scotland) Act, 1997, as amended. The applicant owns all of the woodland area covered by the TPO although part is outwith the application site.

The Tree Survey Report and Woodland Management Plan details submitted with the application also recommend that 4 protected trees outwith the site but on land within the ownership of the applicant are removed due to their poor health and condition and that 3 are pruned. These works also require the approval of the planning authority. It is concluded that these works would be justified on health and safety grounds and are therefore acceptable.

## **2. Summary of Consultation Responses**

Roads and Transportation notes that the proposed access arrangements largely replicate those approved as part of the previous permission for a residential care development (our ref 19/00133/FULL). However, having regard to the fact the application is for 2 houses, they have highlighted the following concerns;

- i) The costs associated with the formation of the access, internal road and turning area and relocation of the front boundary wall to achieve adequate visibility splays may make a development of 2 houses unviable at this location.
- ii) The design of the access arrangements, including an internal road to serve the plots, may lead to visitors slowing or stopping on the A91 in front of the site which would not be in the interests of road safety.

Comment – *the proposed junction and access reflects the design approved as part of the permission for the residential care facility (Ref 19/00133/FULL). The justification for the design and geometry of these access arrangements was set out in a Transportation Statement submitted with the previous application and the Roads Service concluded at that time that the proposed design and specification of the access would meet the appropriate standards. This included the visibility splays at the access and the standard of forward visibility for drivers approaching a vehicle waiting to turn right into the site. The Statement has not been submitted in support of the current application. However, it is considered that the same conclusion can be reached given the design and geometry of the proposed access would be sufficiently comparable to the previously approved design which is acknowledged in the advice from Roads.*

*Roads have highlighted that the cost of the proposed measures to create safe access at this location would be significant in terms of the viability of a development for 2 houses. While the measures would satisfy the technical road safety requirements thereby addressing the road safety issues which could have justified withholding permission, we also are concerned that the scope of the works would be a significant cost to any developer which could lead to adverse impacts on the amenity of the area. For example, this could lead to further proposals to increase the number of units on the site or to reduce the scope or specification of the works, such as the replacement natural stone wall, to reduce the cost to make the development viable for a developer given the likely costs and value of 2 houses in this area. The erection of a replacement natural stone wall is considered necessary by the Service as the existing stone wall makes an important contribution to the established character of Dollar Road which is the main route through the town.*

*Roads have also raised concern about the risk of vehicles stopping on Dollar Road rather than entering the site due to the access arrangements. However the risk of this would not appear to be sufficiently significant to withhold permission for this reason alone. On balance, it is concluded that having regard to the proposed design, the summary of our assessment of the Roads advice above, and the concerns raised by the objectors in Section 4 below, the proposals would address the potential adverse road safety impacts subject to the details included on the proposed plans. Consequently, it is considered that there would not be justifiable grounds to withhold permission for road or pedestrian safety reasons.*

Environmental Health do not object but have advised that construction hours and activities be regulated to safeguard the residential amenity of neighbours, a noise assessment be undertaken to demonstrate that road traffic noise would not exceed recommended levels within the houses, and that a suitable risk assessment of

potential ground contamination be undertaken, in the event permission is granted. Comment – *given the scale and nature of the development, it is not considered necessary to regulate construction hours or activities through the regulatory planning process. The other matters could be regulated using suitably worded planning conditions if permission was approved.*

Scottish Water has no objection. They advise that there is sufficient capacity in the public water supply but cannot confirm capacity for foul drainage and suggest the developer should complete a Pre-Development Enquiry to progress this issue.

Comment – *the advice is not considered to preclude development taking place at the site.*

The Regional Archaeologist does not object to the application but advises that if approved, the developer undertakes an approved Programme of Archaeological Works including a scheme of investigation so that any archaeological features of interest can be recorded and recovered. His response highlights the possible proximity of the site to where the Cunninghar stone circle and prehistoric burial ground may have been but notes that records indicate that this was destroyed in the 19<sup>th</sup> Century. Consequently, in the absence of reliable evidence that any remains survive, there would be insufficient grounds to object to development taking place.

Comment – *a planning condition could be attached as advised by the Regional Archaeologist to ensure any archaeological interests are safeguarded and recorded if permission was granted.*

Tillicoultry, Coalsnaughton and Devonside Community Council object. They have raised a number of points which can be summarised as follows; although permission was previously approved for a care home facility on the site, the decision ought to carry no weight in favour of this application as it comprises a different nature and form of development; the land is shown within the Development Plan as "safeguarded open space" and the land ought to be enhanced to serve its current purpose as a community asset in amenity being largely within an area covered by a Tree Preservation Order; the proposals would be contrary to this allocation and would be harmful to public amenity and the trees; the application form states that the site is vacant land which it is not and this is deliberately misleading; the area is a valuable and well used area of public open space by locals which would be lost if this type of development went ahead; the proposal shows a layout that appears to indicate that the access and access roads could provide the opportunity to build even more homes on-site and if approved there could be an opportunity to build more units on the site at a later date; the application does not indicate the form of drainage proposed for the site; the proposed access is not favoured by the Council's roads engineers and they concur that it presents a serious risk to the safety of the general public and; whilst there are other matters of some specific detail that concern us, these are the key planning issues that indicate that the proposal is not acceptable. Comment – *we have carefully considered all these issues and sought advice from relevant consultees where appropriate. Although it is acknowledged that the design of the proposed internal access road would not preclude further development to the west of the 2 houses, every application has to be determined on its individual planning merits and a decision on one form of development on the site does not automatically provide support for a different proposal. The other issues overlap with those raised by individual objectors and our response is summarised in Sections 4 and 8 below.*



The Council's Sustainability Team was consulted but has not submitted a response at the time of compiling the report. However, its advice received on the previous application for development on the site highlighted a number of issues which are still considered to be applicable to the application, namely; the site is adjacent to a Core Path; before any trees are removed checks should be carried out that the works would not affect bats; and that the measures contained in the Woodland Management Plan and Tree Proposals document submitted with the application would have a positive impact on the longevity of the woodland and its amenity and biodiversity value. Comment – *the proposed development would not directly affect the Core Path which is located outwith the application site boundary. A Protected Species Survey and a Preliminary Roost Assessment for Bats has been submitted which are the same documents as those submitted with the previous application. These did not identify any significant constraint to development taking place, subject to adequate mitigation measures being employed during the construction phase. 3 potential roost sites were identified but these were in trees outwith the application site. The Woodland Management Plan document is largely the same as submitted with the previous application for a residential care home facility.*

### 3. Neighbour Notification and Publicity

Number Of Neighbours Notified	19	Number of Objections	5
		Number of Other Representations	0

### 4. Summary of Representation(s)

Objections have been received from the following parties;

- Scott Sinclair, 27 Sandy Knowe Tillicoultry
- Dr Steven Hall, 8 Sandy Knowe, Tillicoultry
- Helena Paterson, 1 Daiglen, Tillicoultry
- Kay Anderson, 35 Sandy Knowe, Tillicoultry
- Christopher Noble, 23 Sandy Knowe, Tillicoultry

The main concerns raised can be summarised as follows;

#### Residential Amenity

- The site is elevated above the adjoining rear garden. The development would adversely affect the standard of privacy currently enjoyed in the rear garden areas. The proposed removal of the intervening trees to accommodate the development would exacerbate this impact.
- Increased noise and disruption including during construction while the turning area would be close to neighbouring properties and result in disturbance to the residents.
- The proposed layout and design seeks to address visual amenity considerations on Dollar Road but not the visual amenity of the occupiers of the properties at the rear of the site.
- The quality of the layout is poor and the site looks cramped.

Comment – *it is not considered that the level of noise and disruption associated with construction activity or vehicle turning would be sufficiently adverse to withhold permission given the nature of the development and the likely daytime noise generated by traffic on Dollar Road. Having regard to the impact on the residential amenity of neighbours, the intervening distance between the openings in the proposed houses and the houses at Sandyknowe would be at least 31.0 m which would safeguard the privacy of occupants. However, the proximity of the proposed driveway for Plot 1 to the boundary with the rear gardens of 23-27 Sandyknowe would make it difficult to provide a landscape buffer to mitigate the impacts of the development on the existing standards of amenity and privacy within the rear gardens of these houses due to the removal of the existing trees and the introduction of the houses and garden areas. The proposed layout and siting of the garage block would also have an unnecessary negative impact on the existing standard of visual amenity enjoyed by the residents given the contribution from the existing trees and wooded character of the site.*

#### Water Management and Flood Risk

- Increased surface water run off from hard surfacing and tree removal could increase flood risk within the garden areas as they lie below the site level.
- Where will surface and roof run off go if it cannot be directed to the public sewer.

Comment - *the site is not within land identified as being at medium to higher risk of flooding on SEPA's Flood Map and the Council's Flooding Officer advised during the assessment of the previous application that there is no recorded history of flood risk in the site or surrounding area. The Flooding Officer also had advised that details should be provided that the development would not result in increased risk of surface run off towards neighbouring houses. This could be regulated by a planning condition if permission was granted. These issues are not considered to provide grounds to withhold permission.*

#### Road Safety

- The Roads and Transportation Section do not appear to support the application.
- The access would not be safe due to, vehicle speeds on this section of road, the effects of the bends and gradients on visibility, the proximity to the junction with Harviestoun Grove and Dollar Road, drivers not expecting vehicles to be slowing or stopped to turn into the site and the standard of visibility for drivers egressing the site is not safe.
- Adverse impact on road safety from construction traffic. Traffic may divert onto Harviestoun Road which is unsuitable.
- Is access for service and emergency vehicles adequate?
- The footway fronting the site is well used by residents including by mobility scooters and parents with buggies.

Comment – *As discussed in the Roads comments in Section 2 above, it is concluded that the proposed development would not be likely to result in an unacceptable increase in risk to road or pedestrian safety or be unsafe based on the*

*proposed access design and formation of appropriate visibility splays. The proposed replacement boundary wall would result in an overall increase in the width of the footway along most of the site frontage which would benefit rather than adversely affect pedestrian movements. If approved, a construction management plan could be required regulated by a planning condition which would help manage traffic safely during the construction period. The potential risks associated with displacement of traffic onto surrounding residential roads during this period are considered to be low.*

#### Impact on Protected Trees and Woodland

- What is the point of protecting trees if they can be removed at a later date?
- It is unlikely that the management measures contained in the Woodland Management Plan will be implemented. There is no evidence of proactive actions by the owner over the past few years.
- It is not clear how many trees would be removed or how many replanted.

*Comment – The existence of the TPO does not preclude the removal of trees, but only where their removal is considered acceptable by the planning authority. This is considered in Section 8 below. The existence of the TPO reflects the valuable contribution this part of the woodland makes to the amenity and enjoyment of the area. The Tree Removal Plan submitted with the application clarifies how many trees would be removed and this is summarised in Section 1 above. The Layout Plan includes 4 replacement specimen trees to replace the 22 that would be removed although there are no details of species or size. The applicant has re-submitted the Woodland Management Plan approved as part of the previous permission for the site. While it is considered that the implementation of the objectives of the Woodland Management Plan would have a positive impact on the integrity, biodiversity and sustainability of the woodland owned by the applicant, we also have concerns about the ability to secure and enforce its implementation if approved as discussed in the section relating to Policy SC10 in Section 8 (a) (i) below. There is reasonable doubt about whether the Plan could or would be implemented if the site was developed for 2 single houses.*

#### Impact on Environmental Interests

- The development would destroy habitat used by wild animals including bats, toads and lizards. There are regulatory powers to protect wildlife which should be respected,
- The site provides part of an important local amenity which should be protected.
- Potential adverse impact on protected species within the site including bats.
- The site is allocated as “Safeguarded Open Space” in the LDP while “protecting and enhancing green spaces” is identified as a priority in the current Tillicoultry, Coalsnaughton and Devonside Community Action Plan.
- The development of this woodland area would fragment part of the green network. The site currently allows for public access which would be threatened by the development of 2 houses.

Comment – these issues are discussed in Section 8 below under the relevant policies.

#### Archaeology

- Several significant finds have been made on or near to the site which included the site of a stone circle. Any heritage interest should be addressed if permission is granted. The application makes no reference to this issue.

Comment – the archaeological significance of the site and surroundings has been assessed but the Regional Archaeologist has advised that there would not be grounds to withhold permission on the basis of the potential archaeological value of the site. He is satisfied that any potential heritage interests could be satisfactorily managed through the approval of a Programme of Archaeological Works including a scheme of investigation so that any archaeological features of interest which were identified could be recorded and recovered. This could be regulated by a planning condition if permission was granted.

#### Other Issues

- This is the third application registered for this site from the applicant. The previous two were for a residential care home facility. The Council had taken cognizance of advice from social care colleagues that there was a need for this type of social care in the community which provided weight in favour of the application which was approved. Concerns had been raised at the time that the proposal could be used as a “Trojan horse” or cover to facilitate conversion to dwellinghouses at a later date. Comment – every application must be determined on its own planning merits. However, it was the case that the local need for and compatibility with the Council’s emerging model of care for adults, were both material considerations which were attributed positive weight in the determination of the development and neither of these factors would apply to the current proposal.
- There is sufficient land available for housing elsewhere in the village and surrounding area. The development of additional private housing is not a priority in the town. Comment – the principle of development has to be weighed against any relevant provisions in the LDP. It is considered that there is sufficient land allocated for residential development to meet local demand.
- There have been a large and diverse number of objections to the application principally on the grounds of road safety.
- Can you confirm who the owner of this wooded area, known locally as Bunny hill, is. Comment – the details submitted with the application clarify that the applicant owns the land known as Bunny hill as annotated on the Location Plan.

#### **5. Summary of Supplementary Statements**

- Extended Tree Survey Report (Amended) dated 09/2019 – this extends to all the land owned by the applicant and not just within the application site. It includes a tree survey, recommendations for tree surgery, tree protection and

- future tree management. This includes proposed felling and pruning works to trees in the interests of health and safety. The Report was also submitted as part of the previous application ref 19/00133/FULL.
- Woodland Management Plan and Tree Proposals (Amended) dated 09/2019 – the document sets out a proposed management plan for all of the woodland owned by the applicant to improve its overall quality, longevity and biodiversity value. The Plan area extends to approximately 0.73Ha while the application site area is 0.39Ha. The Plan also sets out the justification for works to fell or prune trees within the site and on adjoining land owned by the applicant which would be required to safely accommodate development or due to the existing poor condition of the trees. The Plan contains the site layout drawing for the previously approved development (ref 19/00133/FULL) rather than the current proposal.
  - Protected Species Site Appraisal (dated 18/2/19) and a Preliminary Roost Assessment for Bats dated 7/8/19 – these assessments did not identify any evidence of protected species within the site. Potential bat roost features were identified within 3 trees which were all located outwith the application site on land also owned by the applicant. The reports conclude that development could proceed subject to implementing suitable mitigation measures.
- 6. Summary of Section 75 Planning Obligations.**
- None proposed. This is discussed in Section 8 (a) (i) below.
- 7. Site History/Background**
- 19/00133/FULL - Erection Of Residential Care Home Facility (Class 8) Comprising Two 5 Bedroom Units With Associated Formation of Access, Footpath and Parking, Replacement Boundary Wall, Landscaping And The Removal of Protected Trees – *planning permission approved on 11<sup>th</sup> October 2019. The development would have provided supported living accommodation for people with learning difficulties and the applicant had met with the Clackmannanshire and Stirling Health and Social Care Partnership to discuss their interest in the facilities. A Council representative advised the Service that the proposed accommodation would be compatible with its emerging model of care which features; supported independent living; technology enabled care; cluster living; resulting in more cost effective service provision. The permission has not been implemented.*
  - 18/00253/FULL - Erection Of Residential Care Home Facility (Class 8) Comprising Two 5 Bedroom Units With Associated Formation of Access and Parking, Landscaping And The Removal of Protected Trees – *the application was withdrawn by the applicant following comments from the Service to enable an amended proposal to be submitted to address the issues raised.*
  - C/91/177 – Outline Application for 1 Dwellinghouse was refused permission and a subsequent appeal to Scottish Ministers was dismissed. This site comprised a 0.067Ha area of land within the north eastern part of the current site. The reasons for refusal related to; inadequate visibility associated with the access to the proposed site which would not be in the interests of road

safety and; the site was not allocated for residential development in the draft Local Plan at that time and it was not required to accommodate the predicted demand for housing in the area.

- Part of the site is covered by a Tree Preservation Order (TPO). The Order covers a group of mature trees within a larger wooded area located next to Dollar Road to the east of 44 Dollar Road. The majority of the TPO covers the land which is elevated above the road. The land covered by the TPO extends to approximately 3220 m<sup>2</sup> and approximately 790 m<sup>2</sup> of it lies within the application site. The TPO and Survey information indicates that there are 6 trees within the site which are protected by the TPO, 4 of which are proposed for removal.

## **8. Planning Assessment**

### **(a) Development Plan Position**

The site is located within the settlement boundary of Tillicoultry as defined in the adopted Clackmannanshire LDP. The site also falls within part of an area allocated as Safeguarded Open Space on the Proposals Map except for a small area at the north eastern tip of the site which extends to approximately 230sqm. The allocation covers the woodland area and linear area of open space which extends from Dollar Road in the south to the rear of the gardens of the houses at Tullich Terrace some 360m to the north. The site is also part of the Green Network as defined on the Proposals maps.

### **(i) Policies**

- SC1 (Maintaining a Housing Land Supply)
- SC5 (Layout and Design Principles)
- SC7 (Energy Efficiency and Low Carbon Development)
- SC9 (Developer Contributions)
- SC10 (Education, Community Facilities and Open Spaces)
- SC12 (Access and Transport Requirements)
- EA1 (Clackmannanshire Green Network)
- EA2 (Habitat Networks and Biodiversity)
- EA3 (Protection of Designated Sites and Protected Species)
- EA7 (Hedgerows, Trees and Tree Preservation Orders)
- EA9 (Managing Flood Risk)
- EA11 (Environmental Quality)
- EA20 (Other Archaeological Resources)

The site is not allocated for development in the LDP. It forms part of a woodland area recognised in the LDP for its function as part of a larger area of open space and is allocated as Safeguarded Open Space. While Policy SC10 is supportive of proposals for new community facilities and open spaces, it states that there will be a presumption against development that would result in the loss or change of use of land and open spaces which are used, or last used, for community purposes, unless it can meet the criteria set out in the Policy. The proposed development would comprise 2 dwelling

houses which would not constitute a community facility. In terms of the criteria which could justify an exception, the development should;

- i) Not detrimentally affect the value and function of the open space or community facility and,
- ii) It accords with the Council's Open Space Strategy, and either;
- iii) No suitable alternative community uses can be found for the land; or
- iv) The proposals would result in the provision of alternative facilities or facilities of equivalent value or function.

The site is allocated as Safeguarded Open Space although it does comprise part of the larger woodland area which is not readily accessible in terms of public access and this would diminish its current contribution to the function and value of the larger area of allocated land to the west and north. This character is partly due to the physical division with the land outside the site due to a steep incline and a fence along the top of the incline. There was no clear evidence of footpaths or desire lines within the site during the site visit. While the development may not result in a significant adverse impact on the recreational function of the site or the area as a whole, on balance, the development is not considered to comply with the provisions of Policy SC10 having regard to the following factors;

- a) The application includes details of a Woodland Management and Tree Planting Plan to mitigate the impact of the development. This includes measures to enhance the existing footpaths within the woodland area, implement replacement planting and management of the woodland area, including the removal of trees which are unsafe and enhancing its biodiversity value, on the full extent of the woodland owned by the applicant which includes land outwith the application site. However, it is not considered reasonable to expect the owners of the 2 houses to be responsible for the burden of management of all of the woodland controlled by the applicant, given the nature and size of land involved and the modest scale of the development and the limited extent of the proposed house curtilages. The ownership of the woodland area is also likely to become fragmented if 2 houses are developed as prospective residential owners are unlikely to be willing to take ownership of the land outwith their respective plots or the responsibility for woodland containing a large number of mature trees. A Planning Obligation could provide a more effective means to address these constraints on the future management of the land. However, it is considered that in this instance, such an Obligation would not meet all of the policy tests set out in Circular 3/2012, namely that; it would fairly and reasonably relate in scale and kind to the proposed development and; it would be considered to be reasonable in all other respects. The scope and scale of the requirements are considered too onerous for a development of 2 houses and there is a real possibility that the burden would be considered unreasonable if challenged through the appeal process.
- b) Further to the conclusions reached in a) above, the potential mitigation which would be provided by the full implementation of the Woodland

Management Plan to offset the impact on the integrity and enjoyment of the Safeguarded Open Space could not be reasonably justified or delivered through the planning application process. It is considered that little weight can therefore be attributed to the measures and objectives in the Plan including the woodland and habitat management measures designed to offset the removal of 22 trees. The introduction of 2 houses is also more likely to increase tensions between future residents and members of the public who currently benefit from the established access within the woodland area.

- c) The proposed nature of the development which would comprise 2 speculative dwellings would not constitute community facilities or provide value to the community to mitigate the impact on the open space.

On balance, Policy SC10 is considered to provide a presumption against the development and it is concluded that the application would not satisfy the criteria which would justify an exception to the policy presumption against. The development would be contrary to Policy SC10.

There is sufficient land allocated in the LDP to satisfy the requirements of Policy SC1 and the policy is not considered to provide any support for the proposed development.

Policy SC5 sets out the siting and design requirements associated with a residential development while Policy SC7 seeks to deliver energy efficient homes and using low carbon technologies to provide heat and energy. Policy SC5 states that residential development should demonstrate the qualities set out in the Supplementary Guidance on Placemaking, including;

- i) Contributing positively to their setting, character and ecology
- ii) Integrate well with existing areas
- iii) Employ sustainable design
- iv) Ensure protection and enhancement of green networks including through the enhancement of woodland.
- v) Provide high quality landscaping
- vi) Avoid adverse environmental impacts.

While the proposed development would respect the amenity and character of Dollar Road in terms of the building orientation and siting and the proposed rebuilding of a natural stone wall along the road frontage, the impact on the properties to the north would be less positive as discussed in Section 4 above. The proposed plot layout would also not achieve a standard of amenity expected by a development of this nature in terms of the size of the private garden in Plot 1 (only 85 sqm in area) and the juxtaposition with the garage block which serves this plot and Plot 2. The Service is also concerned that the cost of rebuilding the wall together with the other cost of the access works would be a significant cost to any developer which could affect the viability of the development and lead to amended proposals or pressure to reduce the specification of the works, such as the replacement natural stone wall to address this issue. Consequently, the proposed layout is



not considered to fully accord with the requirements of Policy SC5. No information has been submitted to demonstrate what energy efficiency or low carbon technologies would be incorporated within the development. While this would not accord with Policy SC7, if permission was granted, a planning condition could be used to require the submission of such information and its implementation.

As discussed in Sections 2 and 4 above, it has been concluded that the development could be safely accessed to the relevant standards and that the site would be accessible by a choice of transport modes. The proposed turning and parking provision would satisfy the relevant requirements although the layout would require a substantial amount of carriageway and mitigation measures than usually associated with a development of 2 houses within the settlement boundary. The development would not adversely affect the Core Path which is on adjoining land although no direct link from the site is proposed. Having regard to all of these factors, it is concluded that the development would not be contrary to Policy SC12.

The site is also defined as part of the Green Network in the LDP. This allocation extends onto land beyond the site and largely covers the same land allocated as Safeguarded Open Space. Policy EA1 seeks to ensure the network remains interconnected and will provide a range of environmental, social and economic benefits. Given the doubts we have about the ability to secure the measures to mitigate the impact of the development on the existing woodland discussed under Policy SC10 above, in its absence it is considered that the development is likely to have a negative rather than neutral or positive effect on the value of this part of the Green Network. Consequently, the development is not considered to meet the key objectives of this Policy, namely; improving access to greenspace, promoting biodiversity, avoiding habitat fragmentation and incorporating sustainable forms of construction and drainage. The application is therefore considered to be contrary to this Policy.

The applicant has provided sufficient information to demonstrate that the development would not have any unacceptable impact on protected species. The site is not subject to any designation in relation to biodiversity. The application is therefore not considered to be contrary to Policy EA3. The development would require the felling of a significant number of trees and the removal of some areas of vegetation within the site to accommodate the development. For the same reasons as discussed in relation to Policies SC10 and EA1 above, it is concluded that the mitigation considered necessary to safeguard and enhance the integrity and biodiversity value of the woodland habitat could not be delivered through the planning process and therefore the application would not accord with the requirements of Policy EA2.

Part of the site is covered by a TPO and 4 protected trees would have to be felled and 1 pruned to accommodate the proposed development. Policy EA7

states that development will not be supported within TPO areas unless the applicant can demonstrate that the proposal will not adversely affect the longevity, stability or appearance of trees. Where approval is given, replacement planting and a management plan would be required. For the same reasons as discussed in relation to Policies SC10 and EA1 above, it is concluded that the mitigation measures considered necessary to safeguard and enhance the longevity, amenity and appearance of the TPO area, and to provide for its future management, could not be reasonably or effectively implemented through the planning process. The number of replacement trees shown is also not considered adequate. Consequently, the application would not satisfy the requirements of this policy where the removal of protected trees is proposed and would be therefore contrary to Policy EA7.

It is concluded that the proposed development would not be contrary to the requirements of Policies SC9, EA9, EA11 and EA20 as adequate details or a contribution to public art could be required and regulated using planning conditions in the event that permission was granted.

Having regard to the above analysis of relevant policies, and the tensions with Policies SC10, SC5, EA1, EA2 and EA7, it is considered that on balance, the application would be contrary to the provisions of the Local Development Plan.

**(ii) Proposals**

- N/A

**(iii) Supplementary Guidance**

- SG1 – Developer Contributions
- SG3 – Placemaking – the proposed layout is not considered to fully accord with the guidance in SG3 as discussed in Policy SC5 in Section 8 above.
- SG6 – Green Infrastructure – as discussed above, it is concluded that the development is likely to have an adverse impact on green infrastructure.
- SG8 – Woodlands and Forestry – as discussed above, it is concluded that the development would not accord with the guidance and objectives in SG8.

**(b) Other Material Considerations**

- With the exception of the Community Council, the advice from consultees are not considered to justify withholding planning permission given the issues raised would be capable of being addressed using planning conditions in the event permission was granted. The advice from Roads relating to the cost of the road safety mitigation measures are not considered to provide grounds to withhold permission for road safety reasons but would raise concerns for the Service relating to environmental and amenity impacts

associated with the consequences of their impact on the viability of a development of this nature.

- There have been a number of objections to the application from neighbouring residents. The issues raised have been summarised and discussed in Sections 2 and 4 above. Some of the issues relating to the impact on residential amenity, the integrity of the safeguarded open space and the delivery of mitigation are considered to weigh against the application as discussed in Section 8 (a) above.

- The proposed felling and pruning of trees to accommodate the development, including those within the site protected by a TPO, has been carefully considered. It is concluded that, subject to the proposed conditions requiring mitigation, the impact of the works on the amenity and biodiversity of the area and integrity of the woodland and objectives for the Order, would not be sufficiently adverse to justify withholding permission. We are satisfied that our assessment satisfies the statutory obligation on the planning authority to ensure adequate provision is made for the preservation or planting of trees.

- The development would require the felling of 4 trees protected by a TPO and 18 other trees. Policy EA7 states that development will not be supported within TPO areas unless the applicant can demonstrate that the proposal will not adversely affect the longevity, stability or appearance of trees. Where approval is given, replacement planting and a management plan would be required. It is concluded that the mitigation measures considered necessary to safeguard and enhance the longevity, amenity and appearance of the TPO area and woodland area, and to provide for its positive management in the future, could not be reasonably or effectively implemented through the planning process.

- The erection of 2 houses within part of the site would not meet any identifiable demand or need which could not be met from other less sensitive sites in the area, including a number identified in the Clackmannanshire LDP. The development would not deliver any community benefit or facilities which could offset the adverse impact of the development on the integrity and function of the land which is allocated as Safeguarded Open Space in the LDP.

- It is concluded that there would not be sufficient material considerations which would outweigh the development plan position and justify approval of the application.

## 9. Recommendation

Approve  Approve with Conditions (see below)   
Refusal (see below)  Referral to Historic Scotland

### Reasons for Refusal

1. The proposed development, involving the development of 2 houses and associated garden areas and access roads within part of a woodland area

allocated as Safeguarded Open Space in the adopted Clackmannanshire Local Development Plan, would have an unacceptable adverse impact on the function and value of the area of open space. Furthermore, it is concluded that the measures outlined in the Woodland Management Plan submitted with the application to provide sufficient mitigation of this impact could not be reasonably justified or delivered through the planning application process. Therefore it is considered that little weight can be attributed to the measures and objectives in the Plan including the woodland and habitat management measures designed to offset the removal of 22 trees and loss of habitat and amenity. As such, and in the absence of any other mitigatory factors, the application has failed to address the presumption against development that would result in the loss of open space and would be contrary to Policy SC10 of the Clackmannanshire Local Development Plan, adopted 2015.

2. The proposed development, by virtue of its impact on trees protected by a Tree Preservation Order, including the felling of 4 protected trees and 18 other trees within the woodland but outwith the TPO area, would have an unnecessary and adverse impact on the amenity and appearance of the woodland. Furthermore, it is concluded that the measures outlined in the Woodland Management Plan submitted with the application to mitigate this impact and contribute to the longevity of the woodland could not be reasonably justified or delivered through the planning application process. As such, and in the absence of any other material consideration which would justify an exception to the policy presumption against the loss of protected trees and woodland areas, the application would be contrary to Policy EA7 of the Clackmannanshire Local Development Plan, adopted 2015 and Supplementary Guidance SG8 – Woodlands and Forestry .
3. The proposed development, which is located within and is part of a larger area of woodland allocated as part of the Green Network in the adopted Local Development Plan, is not considered to not accord with the objectives of Policies EA1 and EA2 in terms of; improving access to greenspace; protecting and enhancing biodiversity and habitat networks; and avoiding habitat fragmentation. Furthermore, it is concluded that the measures outlined in the application, including within the Woodland Management Plan to provide mitigation considered sufficient to offset the adverse impact could not be reasonably justified or delivered through the planning application process. Therefore, it is considered that little weight can be attributed to the proposed mitigation measures. As such, and in the absence of any other mitigatory factors, the application would be contrary to Policies EA1 and EA2 of the Clackmannanshire Local Development Plan, adopted 2015 and Supplementary Guidance SG6 – Green Infrastructure.
4. The proposed development by virtue of its relationship with and impacts on the existing standards of visual amenity and privacy enjoyed by the properties at Sandyknowe abutting the site, and the absence of adequate land and measures to create a landscaped buffer to address these impacts, would fail to integrate sufficiently well with the existing neighbourhood and maintain

suitable standards of amenity. As such the application would be contrary to Policy SC5 of the Clackmannanshire Local Development Plan, adopted August 2015 and Supplementary Guidance SG3 - Placemaking.

5. The proposed development on Plot 1, by virtue of the proposed size and juxtaposition of the area of rear garden with the neighbouring property at Plot 2, would fail to provide an adequate standard of amenity for the occupants of Plot 1, nor reflect the character of the surrounding area. Furthermore, it is considered that the mitigatory measures proposed by the applicant, including the rebuilding of a natural stone wall along the site frontage, may adversely affect the viability of the development and result in pressure at a later date to delete or dilute the mitigation to the detriment of the character of the area. On balance, the application would be contrary to Policy SC5 of the Clackmannanshire Local Development Plan, adopted August 2015 and Supplementary Guidance SG3 - Placemaking.
6. The proposed development if approved is considered to set an unwelcome precedent for further development within this area of land to the detriment of the integrity and function of the land in terms of its allocation as Safeguarded Open Space in the adopted Clackmannanshire Local Development Plan and on the trees within the site, including those protected by a Tree Preservation Order.

#### **Plan Numbers Relating to the Decision**

<u>Plan No</u>	<u>Title</u>
Loc – 01	Location Plan
PL-01	Proposed Site Layout Plan
PL-02	Proposed Type D Floor and Roof Plans
PL-03	Proposed Garage Elevations
PL-04	Proposed Type D Elevations
PL-06	Vehicle Tracking
PL-07	Tree Removal Plan
01A	Topo Survey

- Expanded Tree Survey Report, Brindley Associates, Sept, 2019
- Woodland Management Plan and Tree Proposals, Yeoman McAllister Associates, Sept, 2019
- Preliminary Roost Assessment for Bats by Brindley Associates, Aug,19
- Protected Species Site Appraisal, by Brindley Associates, Feb,19

#### **Note to Applicant**

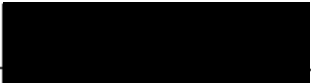
For the avoidance of doubt this Decision Notice also authorises the undernoted works to trees protected by Tree Preservation Order No 8 (Dollar Road, Tillicoultry):


- i) the felling of the trees numbered 823, 828, 844, 846, and
- ii) the pruning of the trees numbered 808, 814, 842, 849, 852, 854, 867, 869 and 875,

as defined by, and in accordance with, the Expanded Tree Survey Report prepared by Brindley Associates, dated September 2019.

**10. Checklist**

- The application involves development of land in which the Council has an interest
- The list of owners/occupiers of neighbouring land has been verified during the site visit and appears to be correct
- The charge for advertising this application has been paid or is not required
- Any publicity period has expired
- The recommendation requires authorisation by the following Appointed Officers:
- Development Quality Team Leader
- Development Services Manager
- The recommendation/decision has secured added value which is recorded in Uniform
- Two complete sets of plans to be approved are attached, or identified from the electronic file
- The electronic file requires annotated plans which are attached
- There are instructions to Business Support attached to this report/file
- Site Notice - Note to Applicant required for National, Major or Bad Neighbour development
- Coal Authority Householder Referral Area Note to go with Decision**
- Coal Authority Standing Advice Note to go out with Decision**

Signed  (Case Officer) Date 1/4/20

Signed  (Team Leader) Date 1/4/20



Kilncraigs Greenside Street Alloa FK10 1EB Tel: 01259 450 000 Email: [planning@clacks.gov.uk](mailto:planning@clacks.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100228002-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Type of Application

What is this application for? Please select one of the following: \*

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

Proposed erection of 2 new dwelling houses with detached garages and associated parking and landscaping.

Is this a temporary permission? \*

Yes  No

If a change of use is to be included in the proposal has it already taken place?  
(Answer 'No' if there is no change of use.) \*

Yes  No

Has the work already been started and/or completed? \*

No  Yes – Started  Yes - Completed

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:	Yeoman McAllister Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Yeoman McAllister	Building Name:	Waterside Studios
Last Name: *	Architects	Building Number:	64
Telephone Number: *		Address 1 (Street): *	Collbridge Avenue
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	United Kingdom
		Postcode: *	EH12 6AH
Email Address: *			
Is the applicant an individual or an organisation/corporate entity? *			
<input type="checkbox"/> Individual <input checked="" type="checkbox"/> Organisation/Corporate entity			

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Michael	Building Number:	90
Last Name: *	Clayton	Address 1 (Street): *	Giles Street
Company/Organisation	Clayton Care Ltd	Address 2:	
Telephone Number: *		Town/City: *	Edinburgh
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	EH6 6BZ
Fax Number:			
Email Address: *			



## Site Address Details

Planning Authority:

Clackmannanshire Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

The site is located approximately 0.4 miles to the East of Tillicoultry High Street, at 44 Dollar Road

Northing

697112

Easting

292568

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Site Area

Please state the site area:

0.39

Please state the measurement type used:

Hectares (ha)  Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: \* (Max 500 characters)

Vacant Land

## Access and Parking

Are you proposing a new altered vehicle access to or from a public road? \*

Yes  No

If Yes please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? \*  Yes  No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? \*

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

### Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*  Yes  No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? \*

Yes – connecting to public drainage network

No – proposing to make private drainage arrangements

Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water?? \*  Yes  No  
(e.g. SUDS arrangements) \*

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? \*

Yes

No, using a private water supply

No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

### Assessment of Flood Risk

Is the site within an area of known risk of flooding? \*  Yes  No  Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? \*  Yes  No  Don't Know

### Trees

Are there any trees on or adjacent to the application site? \*  Yes  No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

### Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? \*  Yes  No

If Yes or No, please provide further details: \* (Max 500 characters)

in accordance with local authority waste collection regime

## Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? \*

Yes  No

How many units do you propose in total? \*

2

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

Yes  No

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) \*

Yes  No  Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

Yes  No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*

Yes  No

Is any of the land part of an agricultural holding? \*

Yes  No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

# Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Yeoman McAllister Architects

On behalf of: Clayton Care Ltd

Date: 29/01/2020

Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

Yes  No  Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

Yes  No  Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

Yes  No  Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

Yes  No  Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

If Other, please specify: \* (Max 500 characters)

Provide copies of the following documents if applicable:

- |  |  |
|--|--|
| A copy of an Environmental Statement. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. *                                   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. *   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Habitat Survey. *  | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A |
| A Processing Agreement. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |

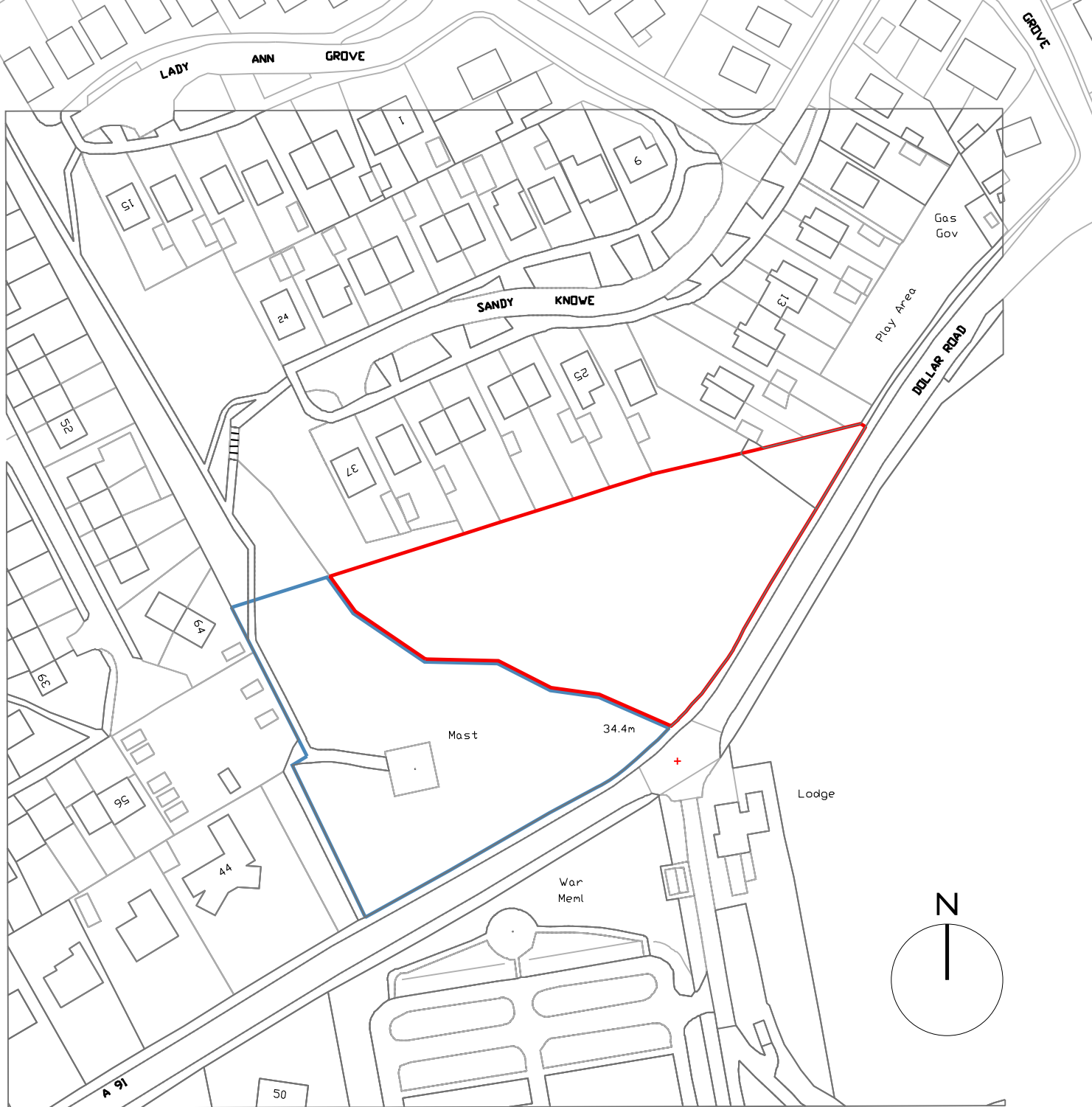
Other Statements (please specify). (Max 500 characters)

## Declare – For Application to Planning Authority

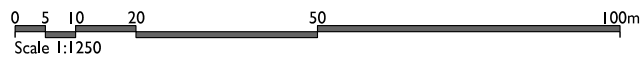
I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Yeoman McAllister Architects

Declaration Date: 29/01/2020



- Application Site
- Boundary of Land Under Management of the Applicant



0 | 50 | 100

CLIENT	Clayton Care Ltd		
JOB	Proposed Dwellings, Dollar Road, Tillicoultry		
DRAWING	Site Location Plan		
STATUS	<b>PLANNING</b>		
Drawn ..	Checked ..	Approved ..	DATE Dec 19 JOB NO s/4417 DR NO LOC-01 REV ..
<small>This drawing and its data are the copyright of Yeoman McAllister Architects and must not be used for any purpose other than that for which it is intended. Yeoman McAllister accepts no responsibility for any inaccuracy in printing of this drawing by any parties.</small>			
SCALE	1:1250	SHEET SIZE	A4

yeomanmcallister



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Fax 0131 346 1189  
info@ym-architects.com

LONDON:-  
Wimbledon  
SW19  
Tel 07825186637  
info@ym-london.com

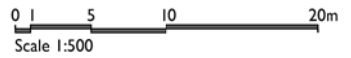


**Key**

- 02
- 
- New Specimen Tree Planting
- Existing Tree Retained
- Extent of Tree Protection Zone
- Tree BS 5837 Category A (Good)
- Tree BS 5837 Category B (Fair) - Proposed for Removal
- Tree BS 5837 Category C (Poor) - Proposed for Removal
- Tree BS 5837 Category U (Poor) - Recommended for Removal

NB. To be read in conjunction with Tree Survey by Brindley Associates

- New natural stone wall to match existing (height circa 1.2m and is outwith the visibility splay)
- Boundary of Proposed Development
- Boundary of Land Under Management of the Applicant
- pedestrian barrier
- existing level
- proposed level



REV	DATE	DRAWN	DESCRIPTION	CHECK	APP'D

REVISIONS

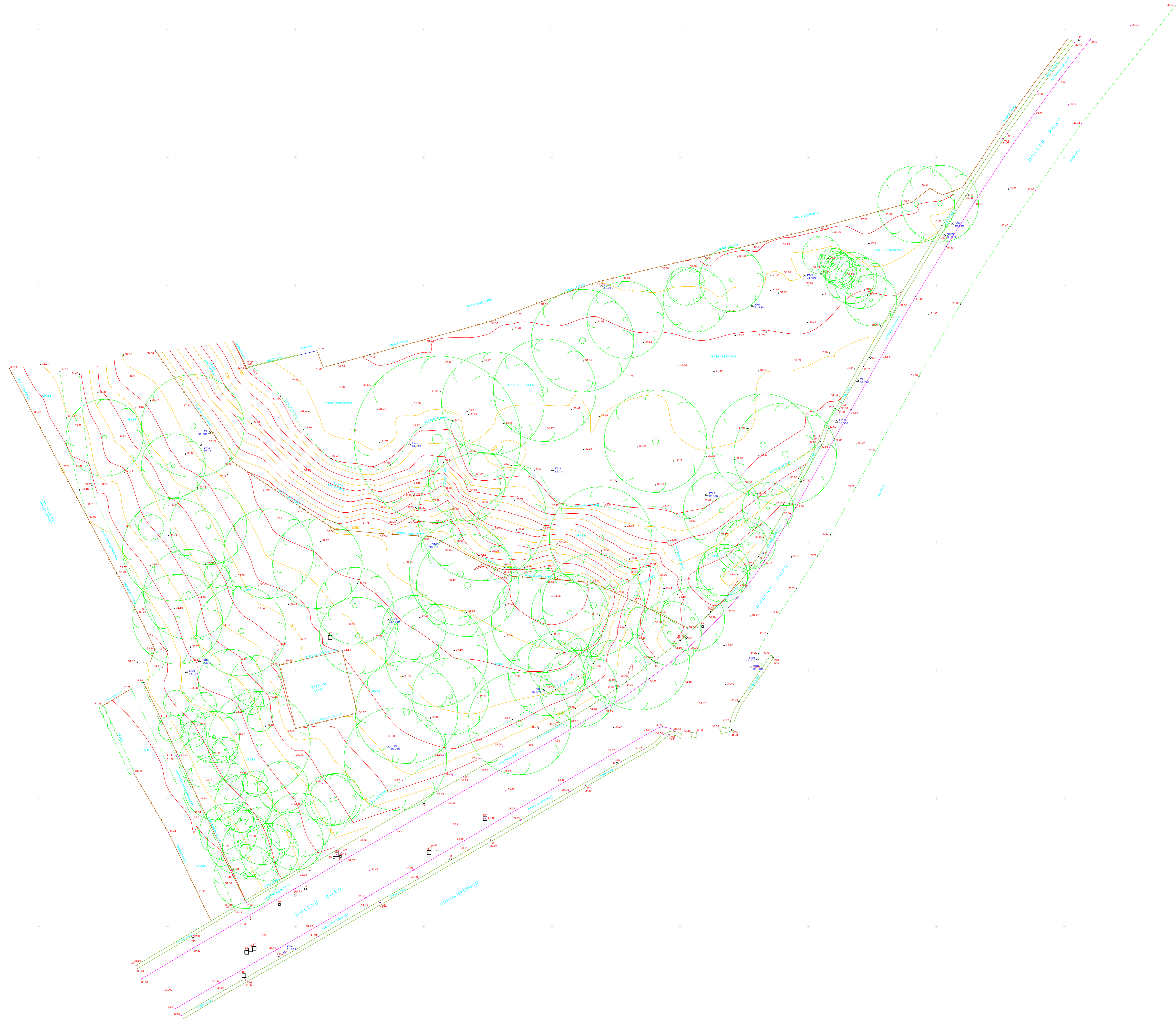
01 **Site Layout Pan**  
1:500

CLIENT	Clayton Care Ltd
JOB	Proposed Dwellings, Dollar Road, Tillicoultry
DRAWING	Proposed Site Layout Plan
STATUS	<b>PLANNING</b>
Drawn	AW
Checked	..
Approved	..
DATE	Dec 19
JOB NO	s/4417
DR NO	PL-01
REV	..
SCALE	1:500
SHEET SIZE	A3

**yeomanmcallister**

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Wimbledon  
SW19  
Tel 07825186637  
info@ym-london.com



**NOTES**

1) All survey work and co-ordinates are related to OS Datum and Grid (National Grid Network).

2) Whilst G.L. Surveys has made every effort to locate all underground and buried features we cannot accept responsibility for any features which may be omitted if they are obscured from view for any fixed or temporary reason at the time of the survey taking place.

**LEGEND**

AV - All Vents	MC - Manhole Cover
BA - Junction	MA - Manhole
B - Borehole	MB - Manhole
BT - British Telecom Cover	MP - Manhole Post
C - (Cover/Personnel access)	MR - Manhole Ring
CL - Cell Line	OM - O.S. Benchmark
CO - Column	OH - Overhead Wire
CT - Cable Telecom Cover	OT - O.S. Top Mark
D - Drain	P - Pole
DC - Drop Cables	PM - Parking Meter
EC - Electricity Cover	PT - Gas Pipe
EL - Eaves Level	RE - Road/Ey
EP - Electric Pole	RL - Ridge Level
ER - Earth Road	RS - Road Sign
EV - Earth Vents	SP - Sign Post
FL - Floor Level	SV - Step/Vent
G - Gully	T - Step
GA - Gas Cover	TM - Tree Pit
GC - Gas Cover Box	TL - Traffic Light
GT - Gas Tank	TP - Telegraph Pole
IC - Inhabited Cover	TV - Cable T.V. Cover
L - Level Line	UP - Valve Pipe
LC - Level Line Below	WC - Waste Cover
LA - Lighting Cabinet	WM - Waste Head Level
LL - Level Line	WS - Waste Level
LP - Lamp Post	WM - Waste Meter
LT - Lighting Tower	WT - Waste Top

**SURVEY STATIONS**

Station	Eastings	Northings	Level
ST01	202244.67	69762.72	37.22
ST02	202255.30	69774.04	37.47
ST03	202265.70	69785.70	38.21
ST04	202334.47	69797.87	38.20
ST05	202442.60	69810.00	38.21
ST06	202504.04	69821.37	35.83
ST07	202572.98	69832.86	37.05
ST08	202621.01	69844.72	34.72
ST09	202672.72	69856.82	32.78
ST10	202721.00	69868.25	32.21
ST11	202772.72	69879.74	32.78
ST12	202821.00	69891.25	32.30
ST13	202872.72	69902.74	32.81
ST14	202921.00	69914.25	32.28
ST15	202972.72	69925.74	32.81
ST16	203021.00	69937.25	32.28
ST17	203072.72	69948.74	32.81
ST18	203121.00	69960.25	32.28
ST19	203172.72	69971.74	32.81
ST20	203221.00	69983.25	32.28
ST21	203272.72	69994.74	32.81
ST22	203321.00	70006.25	32.28

REV A SURVEY UPDATED  
TREES ADDED

20.08.19  
PMA

**G.L.S. SURVEYS**  
87 COMBES BANK AVENUE  
EDINBURGH EH4 1EU  
0131 315 2012  
edinburgh@glssurveys.com

CLIENT: YM pdc

JOB TITLE: DOLLAR ROAD/  
SANDY KNOWE/  
TILlicOUNTRY

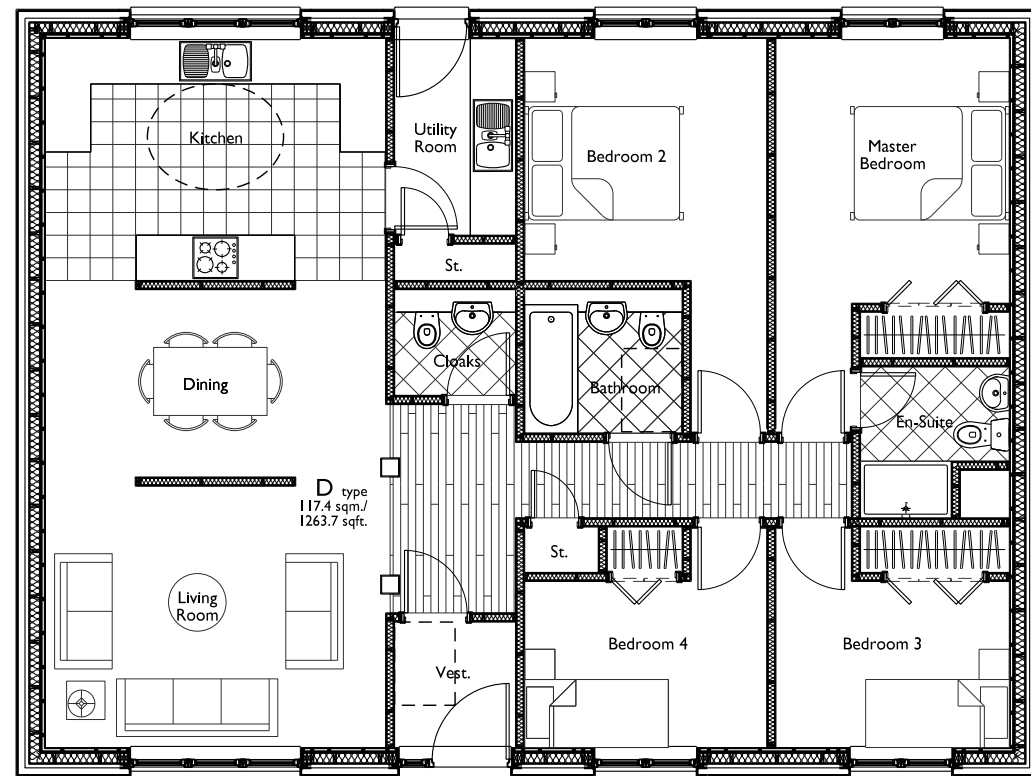
DRAWING TITLE: SITE SURVEY (2D)

DATE: SEPTEMBER 2016 SCALE: 1:200@A0

SURVEYED BY: EL EDITED BY: EL CHECKED BY: SL

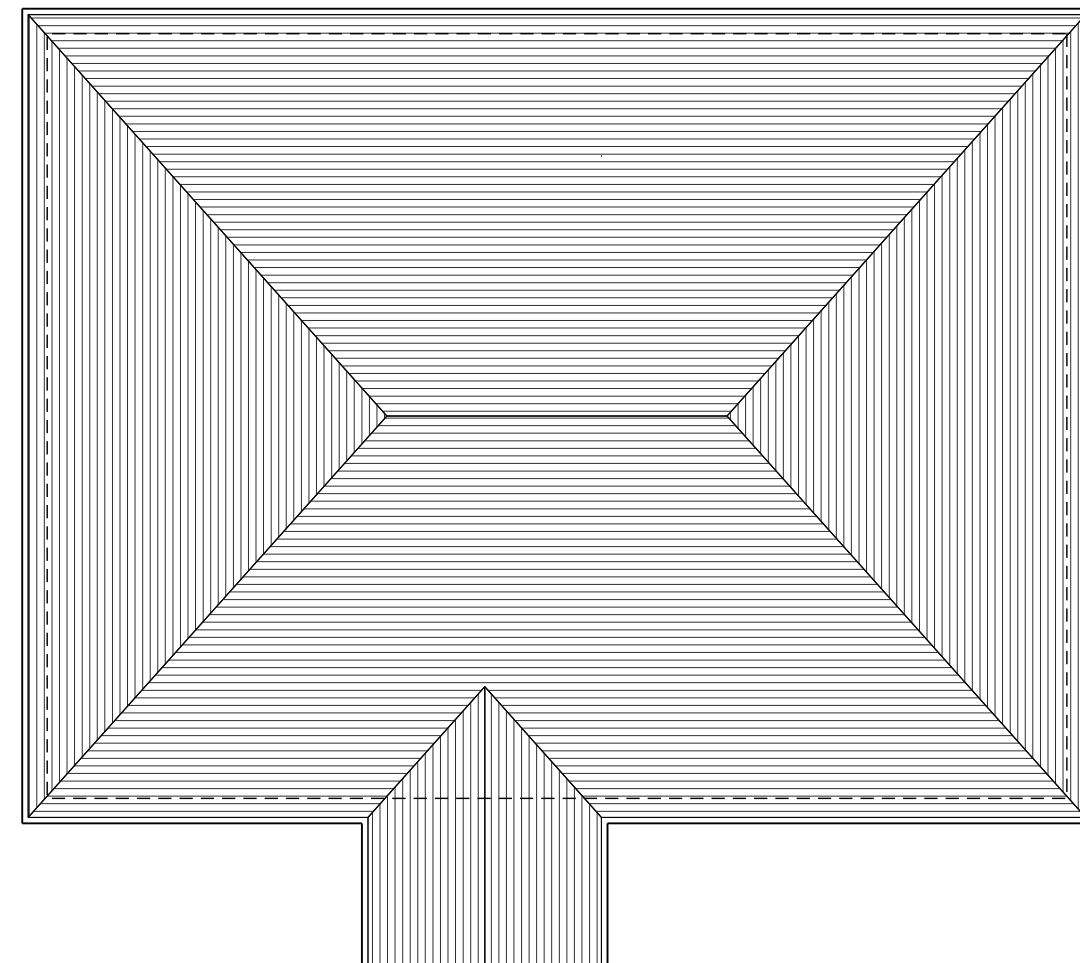
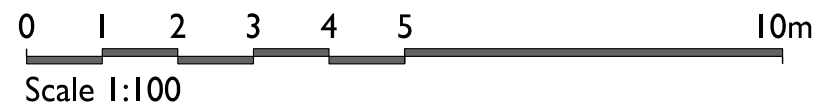
JOB NUMBER: 16-04-12 DRAWING NUMBER: 01A





Ground Floor Plan 1:100

Floor Area  
117.4 sq.m  
1263.7 sq.ft



Roof Plan 1:100

REV	DATE	DRAWN	DESCRIPTION	CHECK	APP'D
-	-	-	-	-	-

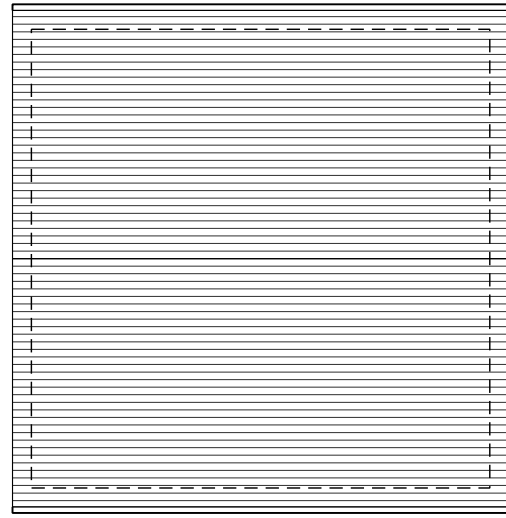
REVISIONS

0	50	100
CLIENT	Clayton Care Ltd	
JOB	Proposed Dwellings, Dollar Road, Tillicoultry	
DRAWING	Proposed Type D Floor & Roof Plans	
STATUS	<b>PLANNING</b>	
Drawn	AW	Checked ... Approved ...
DATE	Dec 19	JOB NO s/4417 DR NO PL-02
SCALE	1:100	SHEET SIZE A3

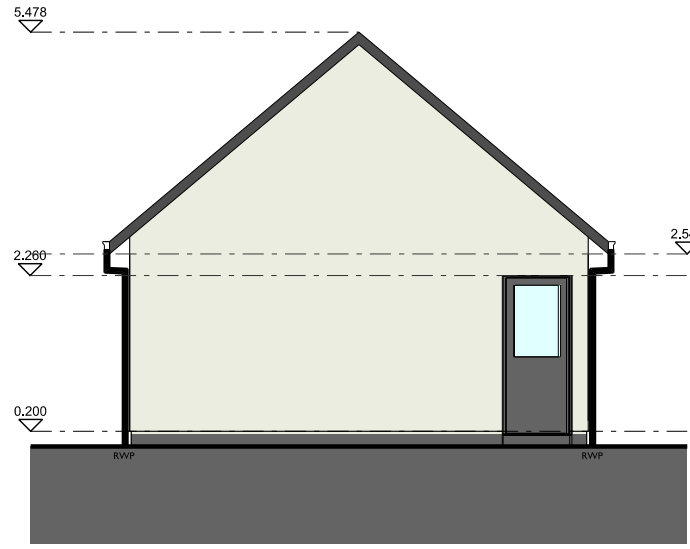


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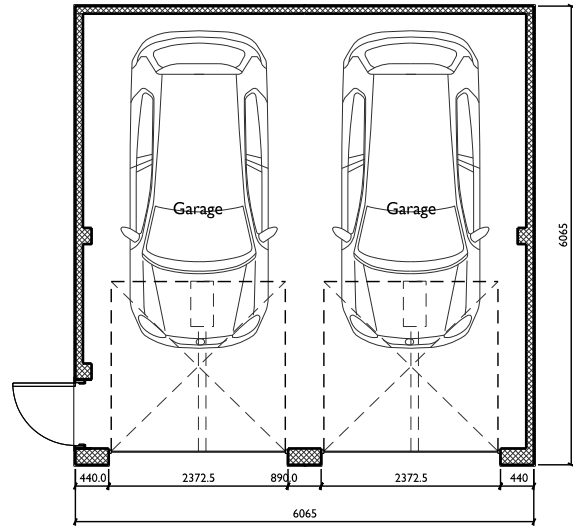
Roof Plan 1:100



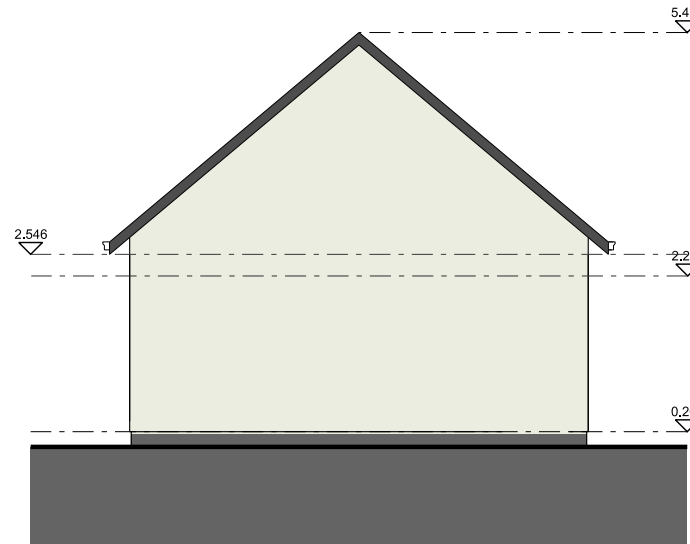
Side Elevation 1:100



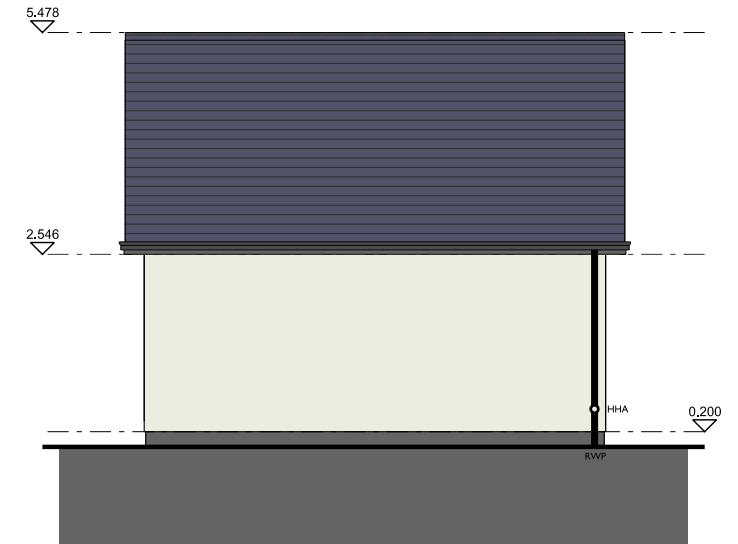
Front Elevation 1:100



Ground Floor Plan 1:100



Side Elevation 1:100



Rear Elevation 1:100

**MATERIAL SPECIFICATION**

**EXTERNAL WALLS**

'K rend silicone FT' scraped texture through coloured render or equal and approved, colour off white, Facing brick base courses and feature panels to be 'Edenhall' colour Midnight Blue with bucket handle joints Feature timber panels to be treated Siberian larch on timber branders finished using clear varnish / stain.

**ROOF FINISH**

'Lagan' concrete flat roof tiles, colour grey or equal and approved

**WINDOWS/DOORS**

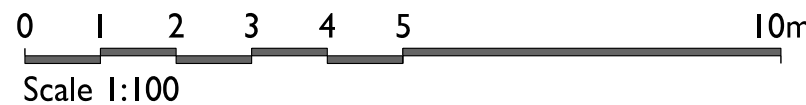
UPVC double glazed with extended window cill pieces colour Anthracite RAL 7016

**FASCIAS/SOFFITS**

Treated softwood timber painted Anthracite using ICI Dulux Weathershield Range or equal and approved

**RAINWATER GOODS**

'Marley' deep flow gutters and 68mm circular downpipes all clips fixing accessories to be black.



REV	DATE	DRAWN	DESCRIPTION	CHECK	APP'D
-	-	-	-	-	-

0	50	100
CLIENT	Clayton Care Ltd	
JOB	Proposed Dwellings, Dollar Road, Tillicoultry	
DRAWING	Proposed Type A1 Garage	
STATUS	<b>PLANNING</b>	
Drawn	Checked	Approved
DATE	Dec 19	JOB NO s/4417 DR NO PL-03
SCALE	1:100	SHEET SIZE A3

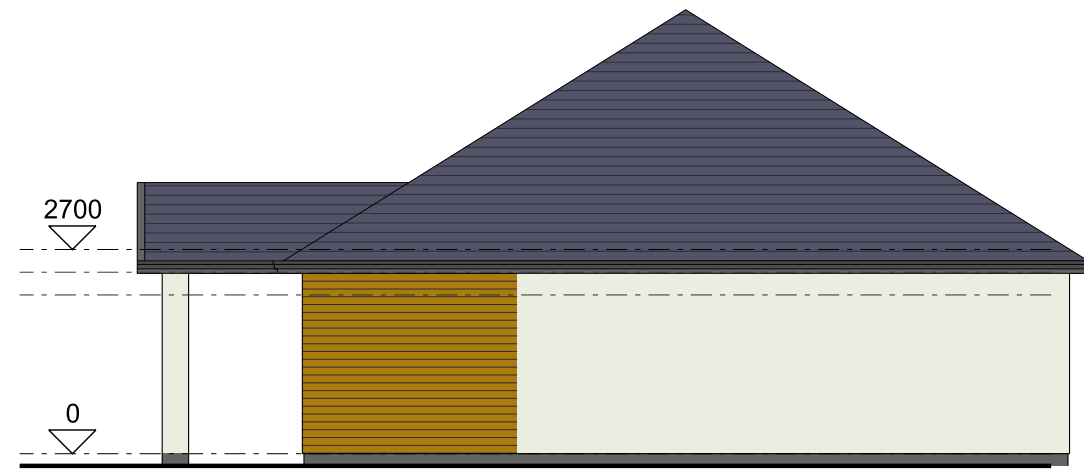
**yeomanmcallister**

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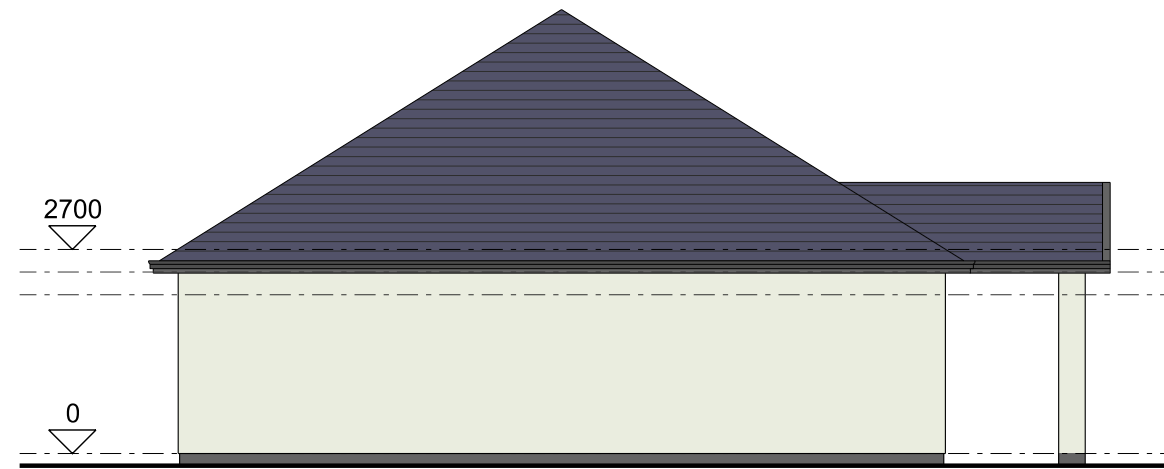
Front (East) Elevation



Side (North) Elevation



Rear (West) Elevation



Side (South) Elevation

**MATERIAL SPECIFICATION**

**EXTERNAL WALLS**

'K rend silicone FT' scraped texture through coloured render or equal and approved, colour off white, Facing brick base courses and feature panels to be 'Edenhall' colour Midnight Blue with bucket handle joints Feature timber panels to be treated Siberian larch on timber branders finished using clear varnish / stain.

**ROOF FINISH**

'Lagan' concrete flat roof tiles, colour grey or equal and approved

**WINDOWS/DOORS**

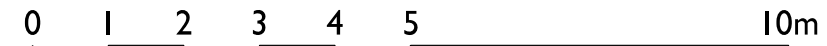
UPVC double glazed with extended window cill pieces colour Anthracite RAL 7016

**FASCIAS/SOFFITS**

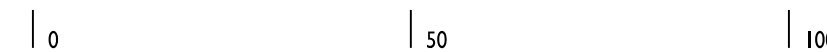
Treated softwood timber painted Anthracite using ICI Dulux Weathershield Range or equal and approved

**RAINWATER GOODS**

'Marley' deep flow gutters and 68mm circular downpipes all clips fixing accessories to be black.



Scale 1:100

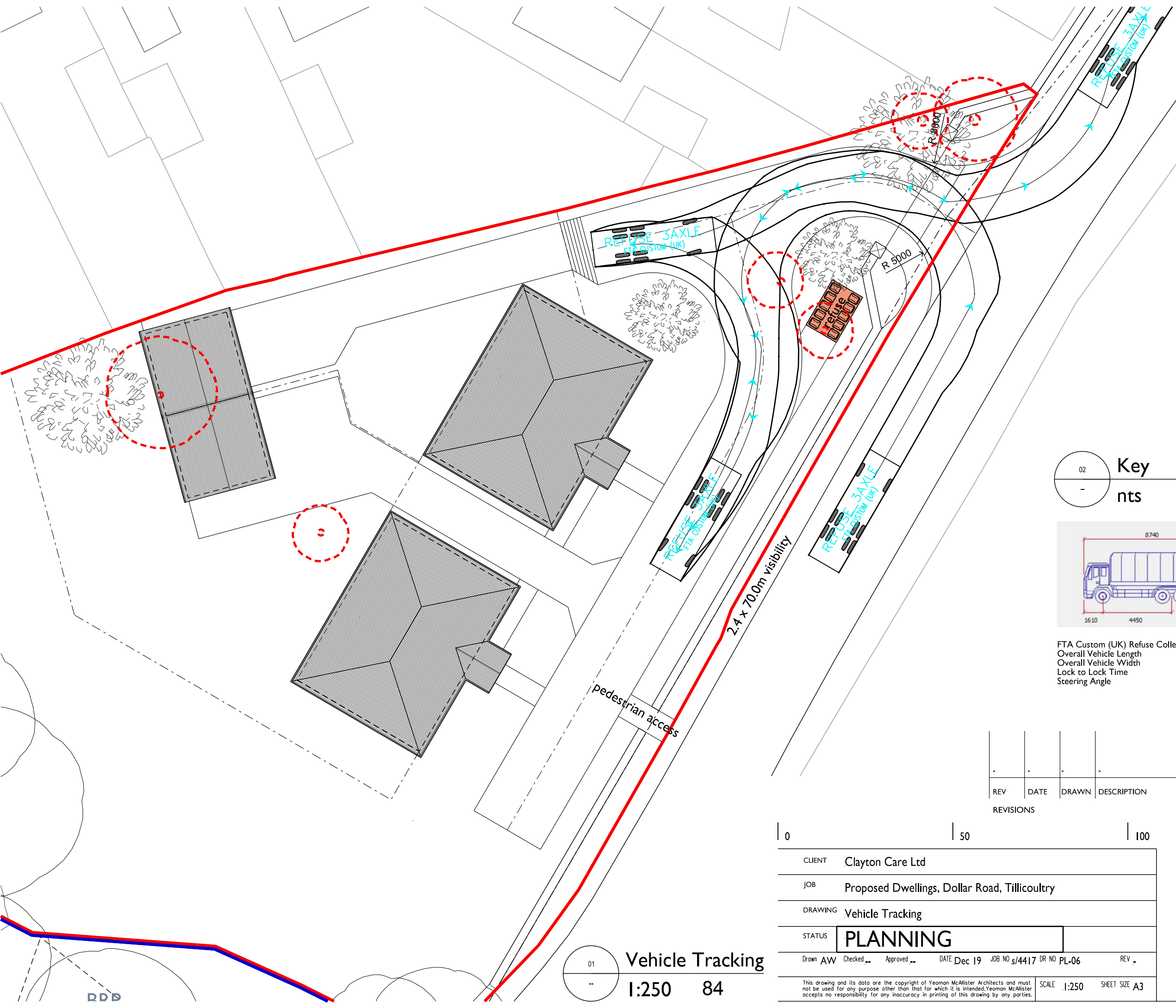


CLIENT	Clayton Care Ltd		
JOB	Proposed Dwellings, Dollar Road, Tillicoultry		
DRAWING	Proposed Type D Elevations		
STATUS	<b>PLANNING</b>		
Drawn	AW	Checked	Approved
DATE	Dec 19	JOB NO	s/4417 DR NO PL-04
REV	/		
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SCALE	1:100	SHEET SIZE	A3

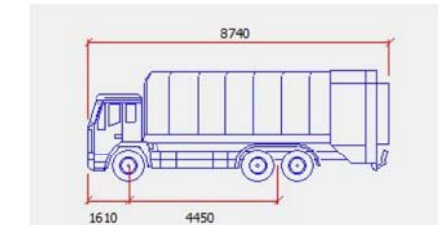


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02 Key  
nts



Refuse Store

FTA Custom (UK) Refuse Collection 3 axle  
Overall Vehicle Length 8740mm  
Overall Vehicle Width 2500mm  
Lock to Lock Time 6.0 sec  
Steering Angle 35.3 deg

REV	DATE	DRAWN	DESCRIPTION	CHECK	APP'D
-	-	-	-	-	-

REVISIONS

0	50	100
CLIENT	Clayton Care Ltd	
JOB	Proposed Dwellings, Dollar Road, Tillicoultry	
DRAWING	Vehicle Tracking	
STATUS	<b>PLANNING</b>	
Drawn	Checked	Approved
DATE	Dec 19	JOB NO s/4417 DR NO PL-06
SCALE	1:250	SHEET SIZE A3



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01 Vehicle Tracking  
1:250 84

DD



**Key**

- 02
- 
- Existing Tree Retained
- Tree BS 5837 Category A (Good)
- Tree BS 5837 Category B (Fair) - Proposed for Removal
- Tree BS 5837 Category C (Poor) - Proposed for Removal
- Tree BS 5837 Category U (Poor) - Recommended for Removal

NB. To be read in conjunction with Tree Survey by Brindley Associates

Boundary of Proposed Development

01  
--  
**Tree Removal Plan**  
1:500

REV	DATE	DRAWN	DESCRIPTION	CHECK	APP'D
REVISIONS					

0 50 100

CLIENT	Clayton Care Ltd				
JOB	Proposed Dwellings, Dollar Road, Tillicoultry				
DRAWING	Tree Removal Plan				
STATUS	<b>CONSTRUCTION</b>				
Drawn	AW	Checked	Approved	DATE	Dec 2019
JOB NO	s/4417		DR NO	PL-07	
REV	/				



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SCALE 1:500 SHEET SIZE A3  
Do not scale from this drawing

# Dollar Road, Tillicoultry

Expanded Tree Survey Report

September 2019



creative • environmental



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## 1.1 General Introduction

### 1.1.1 Client Brief

Brindley Associates Ltd was commissioned by Yeoman McAllister Architects to conduct a pre-development tree survey, in accordance with BSI 5837: 2012, "*Trees in relation to design, demolition and construction-Recommendations*". An initial site survey, of 67 trees, was completed during May 2018, with an expanded survey completed during September 2019. The expanded survey covered 95 trees, which included for an additional 28 trees in the east of the site as well as a resurvey of the original 67 trees.

The purpose of the survey is to establish the constraints and opportunities in integrating new structures and is submitted to comply with Local planning authority conditions.

This survey has been undertaken on behalf of Brindley Associates by Adam Riedi of Blebo Tree Surgery.

### 1.1.2 The Author and Surveying Team – Qualifications and Experience

Adam Riedi holds the Arboricultural Association Technicians Certificate, and also holds the LANTRA Professional Tree Inspection Certificate. He has been working in the industry since 1995 as both a contracting and consulting arborist. As part of a continuing professional development programme, he is currently working towards the Royal Forestry Society Professional Diploma in Arboriculture.

Mr Riedi was the Secretary of the Scottish Branch of the Arboricultural Association where his role included the organisation of seminars and events. In May 2010, he chaired a seminar given by world-leading tree expert Professor Claus Mattheck (Institute of Materials Research, Karlsruhe University, Germany). He has demonstrated modern ultra-sound decay detection techniques at a number of events and colleges. In 2014, he chaired a seminar on 'trees and the law' where the principal speakers were Dr David Lonsdale and Jeremy Barrell.

In 2011, he attended a visual tree assessment elite field training course held in Germany with Professor Claus Mattheck.

In 2012, Mr Riedi was asked to join an international research group researching trees, wood-decay fungi and ultrasound diagnostics with tree consultants and leading academics from the UK, Holland, Germany and Switzerland.

In 2015, Mr Riedi advised the National Tree Collection of Scotland on tree management at several of their sites. He has also advised a number of Scottish Universities on integrating new buildings into the existing valuable and historic tree collections.



### 1.1.3 Aims

#### 1.1.3.1 Aims of the Arboricultural Constraints Survey

- To collect arboricultural measurements and calculations pertaining to and required by the British Standards Institute (BSI) publication BSI 5837: 2012, "Trees in relation to design, demolition and construction-Recommendations" which will aid in quantifying the opportunities and constraints to proposed development;
- To provide an inventory of some of the principle priority tree species growing within the proposed site;
- To provide an assessment of the hazards posed by the tree population and quantify the associated risk to create a defensible strategy for individual tree management;
- To prioritise and specify remedial work and, where necessary, more detailed investigation, to deal with potential hazards observed during individual tree assessment; and
- To attempt to preserve the amenity value of the landscape, while managing the conflicts that may arise with respect to the client's duty of care.

#### 1.1.4 Trees and Development - An Introduction

The purpose of this process is to identify the nature and quality of existing tree cover and highlight the opportunities and constraints to development activity and the resultant permanent structures.

Good quality and sustainable tree cover is an essential component of green infrastructure and confers many benefits to society and can have considerable landscape, ecological and cultural values. Equally, the tree population should not pose unacceptable risk or nuisance to home owners and their homes. Design and implementation of new structures should be realistic about what is achievable, leave no significant impact on the condition of retained trees and create new structures and spaces with good "liveability".

The tree survey and tree constraints plan should therefore be regarded as a design tool for the project architect and engineers.

A project arboriculturalist who can advise, as well as specify and supervise works, is an essential part of any successful development team on sites where trees exist. A high level of communication between architects, contractors and an arboriculturalist should ensure a realistic and sustainable outcome for both living trees and new structures.

The tree survey should be carried out and considered prior to any detailed design work and should be submitted to the Local Planning Authority as part of the initial planning application. Trees on development sites should not be conditioned in the planning process as this undermines the role of trees in the process and is in breach of the statutory duty of the Local Planning Authority (LPA) to consider tree protection and re-planting.

This tree survey document should allow the design team, with the assistance of the project arboriculturalist, to reach a number of objectives:

- Present a tree retention/removal plan;
- Present a strategic soft and hard landscaping design, including planting; and
- Present a subsequent arboricultural impact assessment that quantifies direct and indirect effects of the proposed design on the tree population.

Reserved matters and meeting planning conditions:

- Present plans and methods for the alignment of utilities;
- Present a subsequent tree protection plan that shows the position of root protection areas, protective barriers, ground protection and work exclusion zones;
- Present a subsequent detailed arboricultural method statement that details the precise method of tree protection to be used; and
- Present a detailed hard and soft landscape design.

### 1.1.5 Site introduction

The proposed site is currently a woodland. The early mature and mature tree population is largely comprised of deciduous trees that are native to Scotland or naturalised.

The species of those trees surveyed are Common Beech, Common Oak, Goat Willow, Mountain Ash, Norway Maple, Sitka Spruce, Sycamore and Wych Elm.

The clear majority of the trees are in normal health and moderate structural condition.

Three early mature trees are recommended for removal at this point based on the site as it currently exists.

Six trees are for recommended for pruning

Four trees are recommended for further inspection.

## 1.2 Methodology

### 1.2.1 Visual Tree Assessment

The VTA (Visual Tree Assessment) system was used to evaluate the physiological and structural condition of each tree.

The VTA system was used together with the QTRA (Quantified Tree Risk Assessment) system for recording target values. On occasion, the QTRA system was used to calculate a precise risk of harm for a particular tree. Elements of the tree STATICS system were also used.

A nylon *Thor* hammer and manual probe were employed for simple decay detection.

Tree heights were measured using the *trupulse* laser hypsometer system.

The tree constraints plan was made using a geo-referenced topographical mapping tile of the area and a mobile mapping GPS unit, which together with a *trupulse* laser collected the on-site data. The resulting plan shows the tree position, tag number, tree quality, crown spread and root protection area.

The survey consists 95 67 trees in total, as located on the topographical survey plan supplied. The trees were tagged and these tags run from 801 to 895 consecutively.

It is understood the report is in support of a planning application. Therefore, measurements and calculations pertaining to and required by the British Standards Institute (BSI) publication BSI 5837: 2012, "*Trees in relation to design, demolition and construction-Recommendations*" have been taken.

The field work for the current survey was carried out on the 4<sup>th</sup> of May 2018 under reasonable working conditions.

### 1.2.2 Tree Selection Method

This includes all the trees identified on the topographical survey plan supplied.

## 1.3 Observations

### 1.3.1 Introduction

No direct comment is made within this report upon the suitability of any development proposals and the likely impact of proposed development on the tree population of this site. This is because the pre-development tree survey is essentially an aid to design that highlights the opportunities for and constraints upon development posed by the tree population.

The tree cover is essentially woodland and is dominated by broadleaved trees that are both native and naturalised. There are some isolated examples of exotic conifer species.

The topography is extremely varied. The east of the site is low and quarried. The ground to the west is a steep hummock. The ground drops suddenly to the south of the site and is retained by a historic masonry wall. There is moderate to high exposure to the prevailing south-westerly wind.

95 trees were surveyed as individuals. The majority of the trees are in moderate structural condition and normal health.

#### 1.3.1.1 Targets

Two principle target rating zones currently exist at the site.

The interior of the site zoned as QTRA 3-4. This is based upon the regularity of pedestrian site usage. The main road is zoned as QTRA 2-3.

#### 1.3.1.2 Felling

Ten trees are recommended for complete felling at this stage.

#### 1.3.1.3 Pruning

Eleven trees are recommended for pruning at this stage.

#### 1.3.1.4 Further inspection

Six trees are recommended for further inspection at this stage.

#### 1.3.1.5 Re-inspection

It is recommended that trees should have an initial re-inspection cycle of 12 months. Should the target rating increase, the risk from the tree population should be immediately reviewed by a competent arboriculturalist.

### 1.3.2 Limitations

- The observations and recommendations contained within this document are valid for 6 months from the date of the site assessment (24<sup>th</sup> September 2019). Given the dynamic and complex nature of living trees it is advised that regular tree inspections are maintained as stated in the tree schedule and after extreme weather.
- This survey is based upon observations of the site as it currently exists.
- Tree condition should be re-evaluated after extremes of weather that may affect the trees' health or stability. Alteration to the site and the context in which these trees grow will make it necessary to re-assess tree condition.
- Only the trees with individual tree numbers fall within the scope of this survey.
- The survey was carried out using the Visual Tree Assessment Level 1 (VTA) technique as defined by C. Mattheck (2003; 2007).
- The survey was carried out from ground level and from within the site boundaries.
- No soil, pathogen or tree samples were taken. No drilling or other decay detection devices were employed.
- No detailed assessment of the rooting zone and below ground tree physiology was made.
- No neighbouring property was entered in order to survey the trees. All VTA observations were made from within the site. Some measurements were estimated due to limitations imposed by the terrain.
- Trees are dynamic and complex organisms and are subject to change. No long-term guarantee can be given as to the absolute safety of any tree.
- Target ratings and zones were established on the basis of the site as it was observed. If the client, on the basis of frequent site visits, are able to observe that the target rating is higher than is stated then the hazard posed by the tree population should be upgraded and management recommendations reviewed.

### 1.3.3 General Recommendations

#### 1.3.3.1 Root Protection Areas

The Root Protection Area (RPA) for every tree surveyed has been recorded and shown on the Tree Constraints Plan (TCP) (Appendix B). The TCP is a layout design tool indicating the minimum around a tree deemed to contain sufficed roots and rooting volume to maintain the tree's viability, and where the protection of the roots and soil structure is treated as priority.

#### 1.3.3.2 Restrictions within Tree Protection Areas

Inside the exclusion area of the fencing, the following should apply:

- No mechanical excavation whatsoever;
- No excavation by any other means without arboricultural site supervision;
- No hand digging without a written method statement having first been approved by the project arboriculturist;
- No alteration of levels for any purpose (except the removal of grass sward using hand tools);
- No storage of plant or materials;
- No vehicular access; and
- No storage or handling of any chemical including cement washings.

Further precautionary measures are necessary adjacent to trees:

- No substances harmful to tree health, including fuels, oil, bitumen, cement (including cement washings), builders sand concrete mixing and other chemicals should be used or stored within the root protection area; and
- No fire shall be lit that allows flames within 5 metres of tree foliage or within the root protection area.

#### 1.3.3.3 General Tree Protection Recommendations

The following considerations should be planned for:

- Plant and material delivery;
- Landscaping;
- Construction works;
- Utility installation;
- Demolition; and
- Soil stripping.

Once constructed in situ, no tree protection measures will be removed or changed in any way without prior recommendation by the project arboriculturist and approval of the local planning authority.

#### 1.3.3.4 Type 1 Tree Protection Barriers (Appendix D)

This is suitable for areas of high intensity development, and should consist of interlocking weld-mesh panels, well braced to resist impacts by attachment to a scaffold framework that is set firmly into the ground.

Should an alternative method of barrier construction be requested, consultation with the project arboriculturist will be obtained to confirm the suitability of the revised design prior to informing the local planning authority and obtaining their consent.

Once the exclusion zone has been protected by barriers and/or ground protection, construction work may begin. All weather notices may be displayed on the barriers

#### 1.3.3.5 Ground Protection

All ground protection installed must be capable of supporting the expected loads as well as protecting against compaction, rutting or damage to the soil.

#### 1.3.3.6 Avoiding Damage to Stems and Branches

Care shall be taken when planning site operations near to retained trees to ensure that wide or tall loads, or plant with booms, jibs and counterweights, operate without coming into contact with retained trees. If any such contact were to take place, serious injury to trees is risked which might make their safe retention impossible.

Therefore, any transit or traverse of plant near to trees shall be conducted under the supervision of a banksman, in order to ensure that the correct clearance from trees is at all times maintained. In some circumstances, it may be possible to achieve this without pruning work known as 'access facilitation pruning'

Access facilitation pruning shall be kept to the absolute minimum necessary to allow development and shall be carried out in strict accordance with the guidance below (**Tree surgery**). Under no circumstances shall construction personnel undertake any tree pruning operations.



## 1.4 Tree surgery

Given that tree surgery is required, it will be carried out in accordance with BS 3998:2010 *Recommendations for Tree Work*, industry best practice and in line with any works already agreed with the Council.

Proof of experience and insurance provision will be required. All work shall be undertaken at the appropriate time and with the consent and approval of the Site Agent.

If bats or other protected flora or fauna, are discovered during tree work, advice should be obtained from Scottish Natural Heritage or other qualified persons and recommendations adhered to.

The contractor shall seek consent from the arboricultural consultant for the chosen Tree Surgeon to be used. All work shall be undertaken at the appropriate time and with the consent of the Site Agent who shall approve a programme of work.

The stumps of any trees removed from within the Construction Exclusion Zone or the RPAs of retained trees will be either; cut flush to ground level and treated with eco-plug translocated herbicide or ground using a stump grinder. They will not be winched out.

All operations shall be carefully carried out to ensure that damage to any trees being treated or neighbouring trees is avoided. Under no circumstance should retained trees be used for anchorage or winching purposes.

All arisings should be removed from site (unless other arrangements have been made) and the site left clean and tidy.

### 1.4.1.1 New planting and mitigation

Replacement tree planting should be implemented to off-set the impact of any tree losses during development. The decision of what species to plant should be left until the impact of the development on the local hydrology and topography is apparent.

## 1.5 Specifications for Tree Work

This section defines in more detail the specifications for the suggested courses of action advised within the tree schedule. All tree work should be carried out by qualified and insured arborists to the standards defined in the following document; British Standard Institution 3998: 2010, "*Recommendations for tree work*".

### 1.5.1 Pruning

Dead wood management: removal, or shortening, of all dead branches from the crown of the tree.

Crown reduction: reduction of the height and/or lateral width of the crown of the tree. This can be an effective method of reducing the lever arm forces (wind and gravitational load) on the tree or individual limbs, thus compensating for bio-mechanical defects by improving the ratio of strength to mass.

Extreme crown reduction: this involves removal of a large proportion, or all, of the primary branches, and possibly, also the reduction in height of the principle stem. This can be appropriate on trees where structural defects are so severe that conventional pruning systems cannot hope to re-instate the ratio of strength to mass within tolerable limits. The physiological response of any individual tree is uncertain, and the success of the operation should be assessed annually. Some species and individuals may produce adventitious growth and continue to function as compact bio-mechanical structures. Other trees may not respond well and become standing dead wood. Any tree parts, or whole trees, that move to senescence have high ecological and habitat values but may constitute a hazard depending on their proximity to targets, so ongoing monitoring is essential. Coronet cuts can also be used to encourage niche habitats and adventitious growth. For more information see; Read, H. (2000) *Veteran Trees: A guide to good management*, English Nature, BS 3998: 2010, *Recommendations for tree work*, Fay, N. (2003) *Coronet Cutting and Retrenchment Pruning-Natural fracture pruning techniques* ([www.treeworks.co.uk/press\\_releases\\_publications.php](http://www.treeworks.co.uk/press_releases_publications.php)).

Fell or section fell: the removal of trees with significant structural defects or those trees that are in severe conflict with their context.

Further Inspection: this aims to clarify the presence, extent and severity of potential defects highlighted in the Level 1 survey. Inspection can vary from a simple aerial visual assessment by Arborists of potential defects that are hard to assess from ground level, through to decay mapping using Ultrasound Tomography.

Target reduction method: Valuable old trees with structural defects can sometimes be defensibly retained if the target rating is reduced. Target reduction measures may include fencing off trees, re-directing paths and use of barrier planting.

Cable bracing: The artificial restraint of branches and stems to prevent mechanical failure. Bracing can be specified as dynamic or static depending on the severity of the defect.

### 1.5.2 General Tree Management Proposal

1. It is strongly advised that arboricultural recommendations made within this report are carried out within the appointed time scales. It is advised that a formal budget and schedule of work are created by the client. That can be done after consultation between the client, the arboricultural consultant and contractors.
2. That the legal status of the trees, the laws and guidelines covering tree management be respected and adhered to. Of particular importance are:
  - Trees in conservation areas: these are protected by 'Town and Country Planning (Scotland) Act 1997'. Applications to carry out tree work should be made to the local planning authority.
  - Trees and the public road: 'Roads (Scotland) Act 1994' and amendments.
  - Protected flora and fauna: 'Nature Conservation Act 2004' (Scotland).
  - Felling licenses. Forestry Commission Scotland.
3. All arboricultural remedial work should be carried out to the standards defined in British Standard 3998 'Recommendations for tree work': 2010, and be carried out by professional arborists with the relevant qualifications (level 3 or above) and public liability and employers insurance for arboriculture.
4. If any non-arboricultural work (e.g. path creation, maintenance) is planned, all work should adhere to the guidelines defined in British Standard 5837: 'Trees in relations to construction – recommendations 2012' in order to protect the trees from unnecessary damage. Any activity likely to affect the trees, above or below ground, within or out-with the area should be monitored and recorded. Work carried out by statutory undertaker's out-with the site but potentially within the rooting zone of the trees, should be recorded and the implications for tree health and stability assessed.
5. That a qualified Ecologist be consulted prior to any tree work commencing, in order to advise on the likely impact on any protected flora and fauna.
6. In the event of site usage altering, the risk from trees should be re-evaluated in altered areas.
7. During periods of extreme weather, especially high winds (i.e. over 35 mph), it would be advisable to warn site users, including residents and employees, of the potential risks given the natural failure rate of trees under such conditions and close access to areas in close proximity to the tree population. A mechanism for measuring wind speed and closing areas with physical barriers should be formalised.
8. Should paths be upgraded, or new features like benches be installed, thought should be given to not only on not impacting on tree condition during construction of structures, but also to not unnecessarily raise the target rating of trees through a lack of strategic planning. Careful consideration should be given to the positioning of benches etc.

### 1.5.3 Monitoring the Site

The site will need to be monitored by the project arboriculturalist during the duration of the construction and landscaping phase.

The condition of the trees and the tree protection barriers should be assessed and a record kept of any observations and recommendations.

The project arboriculturalist will confirm in writing his observations to the project architect and the LPA following each visit.

The site monitoring visits should take place every 2 weeks during the construction and landscaping phase.

### 1.5.4 Post-Construction

It is advised that the site owner commissions a Level 1 Arboricultural Survey in order to discharge the landowner's duty of care as regards the tree population and to inform tree management decisions. This will address tree condition, risk and safety.

The precise inspection cycle should be established following the first post-construction site visit.

The new planting should also be assessed twice a year (once in the summer to assess foliage condition and once in the winter to assess structural condition).

## 1.6 References

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- Shigo, A.L. (2002) **A New Tree Biology: Facts, photos, and philosophies on trees and their problems and proper care**, Durham, USA: Shigo and Trees, Associates
- Smiley, E.T, Matheny, N. and Lily, S. (2011) **Tree Risk Assessment**, International Society of Arboriculture.
- Toomer, S. (2010) **Planting and managing a tree collection**, Timber Press.

### Standards Publications:

- BSI 3998: 2010, **Recommendations for tree work.**
- BSI 5837: 2012, **Trees in relation to design, demolition and construction – Recommendations.**

## Appendix A Tree Schedule

Table 1: Tree Survey Schedule

Tag	Common name	Botanical name	Age	Vigour	Observation	Recommendation	Urgency	Category
801	Norway Maple	<i>Acer platanoides</i>	Young	Normal	MODERATE Reasonable trunk with crown lift pruning wounds showing good wound wood formation.	NWR	NA.	C
802	Norway Maple	<i>Acer platanoides</i>	Young	Normal	MODERATE Reasonable trunk with crown lift pruning wounds. compression fork union supporting upright largely defect free crown.	NWR	NA.	C
803	Norway Maple	<i>Acer platanoides</i>	Young	Normal	MODERATE reasonable stem with small pruning wounds with good wound wood formation. largely defect free crown.	NWR	NA.	B
804	Norway Maple	<i>Acer platanoides</i>	Young	Normal	MODERATE Reasonable trunk with crown lift pruning wounds. Inadequate compression fork union supporting upright largely defect free	FELL Fell to ground level.	M6	U

Tag	Common name	Botanical name	Age	Vigour	Observation	Recommendation	Urgency	Category
					crown.			
805	Norway Maple	<i>Acer platanoides</i>	Young	Normal	MODERATE Reasonable trunk with crown lift pruning wounds. compression fork union supporting upright largely defect free crown.	NWR	NA.	C
806	Norway Maple	<i>Acer platanoides</i>	Young	Normal	MODERATE Reasonable trunk with crown lift pruning wounds. compression fork union supporting upright largely defect free asymmetric crown.	NWR	NA.	C
807	Norway Maple	<i>Acer platanoides</i>	Young	Normal	MODERATE Reasonable trunk with crown lift pruning wounds. compression fork union supporting upright largely defect free crown.	NWR	NA.	C
808	Norway Maple	<i>Acer platanoides</i>	Young	Normal	MODERATE Reasonable intact trunk. multiple compression fork unions with upright form.	PRUNING Reduce height and width of primary branch to west by	M6	C

Tag	Common name	Botanical name	Age	Vigour	Observation	Recommendation	Urgency	Category
					Inadequate compression fork unions to west. largely defect free crown.	approximately 1.5 meters.		
809	Norway Maple	<i>Acer platanoides</i>	Young	Normal	MODERATE Reasonable intact trunk supporting largely defect free crown.	NWR	NA.	C
810	Norway Maple	<i>Acer platanoides</i>	Young	Normal	MODERATE Reasonable intact trunk supporting largely defect free crown.	NWR	NA.	C
811	Norway Maple	<i>Acer platanoides</i>	Young	Normal	MODERATE Reasonable intact trunk supporting largely defect free crown.	NWR	NA.	C
812	Norway Maple	<i>Acer platanoides</i>	Young	Normal	MODERATE Reasonable trunk with area of damage to south east at 0.5 meters from ground level showing good wound wood formation. largely defect free crown.	NWR	NA.	C
813	Norway Maple	<i>Acer platanoides</i>	Young	Normal	MODERATE Reasonable intact trunk supporting largely defect free asymmetric crown. Suppressed form.	NWR	NA.	C



Tag	Common name	Botanical name	Age	Vigour	Observation	Recommendation	Urgency	Category
814	Norway Maple	<i>Acer platanoides</i>	Early mature	Normal	MODERATE Reasonable trunk with crown lift pruning wounds showing good wound wood formation . Inadequate compression fork union at 2m supporting upright suppressed asymmetric crown. Hanging branch in crown to north west.	PRUNING Reduce height and width of phototropic primary branch to north west by approximately 2 meters. Remove hanging branch in crown.	H3	C
815	Norway Maple	<i>Acer platanoides</i>	Young	Normal	MODERATE Reasonable intact trunk supporting largely defect free asymmetric crown. Suppressed form	NWR	NA.	C
816	Norway Maple	<i>Acer platanoides</i>	Early-mature	Normal	MODERATE Reasonable intact trunk supporting largely defect free asymmetric crown. Suppressed form	NWR	NA.	C
817	Mountain Ash	<i>Sorbus aucuparia</i>	Young	Normal	MODERATE Reasonable intact trunk supporting largely defect free asymmetric crown.	NWR	NA.	C

Tag	Common name	Botanical name	Age	Vigour	Observation	Recommendation	Urgency	Category
					Suppressed form			
818	Mountain Ash	<i>Sorbus aucuparia</i>	Young	Normal	MODERATE Reasonable intact trunk supporting largely defect free crown. suppressed form.	NWR	NA.	C
819	Mountain Ash	<i>Sorbus aucuparia</i>	Young	Normal	MODERATE Reasonable intact trunk supporting largely defect free asymmetric crown. Suppressed form	NWR	NA.	C
820	Mountain Ash	<i>Sorbus aucuparia</i>	Young	Normal	MODERATE Reasonable intact trunk supporting largely defect free crown.	NWR	NA.	C
821	Mountain Ash	<i>Sorbus aucuparia</i>	Young	Normal	MODERATE Reasonable intact trunk supporting largely defect free asymmetric crown. Suppressed form	NWR	NA.	C
822	Sycamore	<i>Acer pseudoplatanus</i>	Mature	Normal	MODERATE Incomplete survey of basal area due to prolific epicormic growth. reasonable intact upper stem supporting largely defect free crown with	FURTHER INSPECTION Remove basal epicormic growth using hand tools and reinspect.	M6	B

Tag	Common name	Botanical name	Age	Vigour	Observation	Recommendation	Urgency	Category
					some phototropic primary branches.			
823	Common Beech	<i>Fagus sylvatica</i>	Early-mature	Normal	POOR Multiple areas of squirrel damage on stem. very poor compression fork union.	FELL Fell to ground level.	H3	U
824	Common Beech	<i>Fagus sylvatica</i>	Semi-mature	Normal	MODERATE-POOR Multiple areas of damage on lower trunk with good wound wood formation. reasonable intact upper trunk supporting largely defect free crown.	NWR	NA.	C
825	Norway Maple	<i>Acer platanoides</i>	Young	Normal	MODERATE Reasonable intact trunk supporting largely defect free asymmetric crown. Suppressed form	NWR	NA.	C
826	Norway Maple	<i>Acer platanoides</i>	Young	Normal	MODERATE Reasonable intact trunk supporting largely defect free asymmetric crown. Suppressed form	NWR	NA.	C
827	Norway Maple	<i>Acer platanoides</i>	Early-mature	Normal	MODERATE Reasonable	NWR	NA.	C

Tag	Common name	Botanical name	Age	Vigour	Observation	Recommendation	Urgency	Category
					intact trunk supporting largely defect free asymmetric crown. Suppressed form			
828	Common Oak	<i>Quercus robur</i>	Dead	Normal	Dead	FELL Fell to ground level. Retain timber in large sections on site.	H3	U
829	Common Oak	<i>Quercus robur</i>	Mature	Normal	MODERATE Reasonable intact trunk with distorted upper form supporting largely defect free crown. Some large diameter dead wood in crown.	PRUNING Remove dead wood 40mm>	M6	B
830	Sycamore	<i>Acer pseudoplatanus</i>	Young	Normal	MODERATE Reasonable intact trunk supporting largely defect free asymmetric crown. Suppressed form	NWR	NA.	C
831	Common Oak	<i>Quercus robur</i>	Mature	Normal	MODERATE Reasonable intact trunk supporting largely defect free suppressed crown. some historic storm damage.	PRUNING Remove hanging branch in upper crown.	H3	B

Tag	Common name	Botanical name	Age	Vigour	Observation	Recommendation	Urgency	Category
					hanging branch in upper crown.			
832	Common Oak	<i>Quercus robur</i>	Mature	Normal	MODERATE Reasonable intact trunk with distorted upper form supporting sparse crown with isolated dead wood.	NWR	NA.	B
833	Beech	<i>Fagus sylvatica</i>	Mature	Normal	MODERATE POOR Basal cavity to south. Reasonable intact upper trunk supporting largely defect free crown. some phototropic primary branches.	FURTHER INSPECTION Picus tomography testing at close to ground level.	H3	B
834	Beech	<i>Fagus sylvatica</i>	Mature	Normal	MODERATE POOR Several areas of decayed surface wounds on lower trunk. good functional units.	FURTHER INSPECTION Picus tomography testing at 1 metre from ground level.	H3	B
835	Common Oak	<i>Quercus robur</i>	Mature	Normal	MODERATE Reasonable intact trunk supporting largely defect free asymmetric sparse crown with some small diameter	NWR	NA.	B

Tag	Common name	Botanical name	Age	Vigour	Observation	Recommendation	Urgency	Category
					dead wood.			
836	Common Oak	<i>Quercus robur</i>	Mature	Normal	MODERATE Reasonable intact trunk with 10 degree lean south. Distorted upper form. largely defect free asymmetric crown.	NWR	NA.	B
837	Sycamore	<i>Acer pseudoplatanus</i>	Early-mature	Normal	MODERATE-POOR Multiple pruning wounds and areas of damage on trunk with good wound wood formation. high crown base. sparse asymmetric crown with areas of squirrel damage.	NWR	NA.	C
838	Common Beech	<i>Fagus sylvatica</i>	Mature	Normal	MODERATE POOR Reasonable intact trunk but with surface wound to east. historic storm damage to south.	NWR	NA.	B
839	Common Beech	<i>Fagus sylvatica</i>	Mature	Normal	MODERATE Reasonable trunk with small areas of damage at 1 meter to east with excellent wound wood formation. high crown	NWR	NA.	C

Tag	Common name	Botanical name	Age	Vigour	Observation	Recommendation	Urgency	Category
					base. asymmetric crown with large diameter dead wood. suppressed form.			
840	Common Beech	<i>Fagus sylvatica</i>	Mature	Normal	Moderate Minor cavity to south at base. Reasonable intact trunk with 10 degrees lean to south. largely defect free asymmetric crown. some phototropic primary branches	NWR	NA.	B
841	Common Oak	<i>Quercus robur</i>	Mature	Normal	MODERATE Reasonable intact trunk with 5 degree lean south supporting largely defect free asymmetric crown with isolated dead wood.	NWR	NA.	B
842	Common Oak	<i>Quercus robur</i>	Mature	Normal	MODERATE Reasonable trunk with historic crown lift pruning wounds. Historic branch failure to south.	PRUNING Reduce crown height by approximately 3 metres, Remove hanging branches in crown.	H3	B
843	Common Beech	<i>Fagus sylvatica</i>	Mature	Normal	MODERATE Minor area of basal decay to north with	NWR	NA	B

Tag	Common name	Botanical name	Age	Vigour	Observation	Recommendation	Urgency	Category
					adequate wound wood formation.			
844	Common Beech	<i>Fagus sylvatica</i>	Mature	Normal	MODERATE Reasonable intact trunk with 10 degree lean to south supporting largely defect free asymmetric crown. suppressed form.	NWR	NA.	C
845	Common Oak	<i>Quercus robur</i>	Mature	Normal	MODERATE Reasonable trunk with 5 degrees lean to east with multiple crown lift pruning wounds showing mixed wound wood formation supporting largely defect free asymmetric crown. some isolated dead wood.	NWR	NA.	B
846	Common Oak	<i>Quercus robur</i>	Mature	Normal	POOR Decaying distorted stem.	FELL Fell to ground level.	M6	U
847	Common Oak	<i>Quercus robur</i>	Mature	Normal	MODERATE Reasonable stem with multiple small diameter crown lift pruning wounds with good wound wood formation.	NWR	NA.	B



Tag	Common name	Botanical name	Age	Vigour	Observation	Recommendation	Urgency	Category
					asymmetric crown with some storm damage and isolated deadwood. phototropic branches to south.			
848	Sycamore	<i>Acer pseudoplatanus</i>	Mature	Normal	MODERATE Growing on top of retaining wall. multiple historic pruning wounds on trunk with good wound wood formation. largely defect free asymmetric crown.	NWR	NA.	B
849	Common Oak	<i>Quercus robur</i>	Mature	Normal	MODERATE POOR Sinuous, leaning trunk. Historic crown lift pruning with mixed wound wood formation. dead wood in upper crown.	PRUNING Reduce crown height 3 metres. Remove hanging branches.	H3	B
850	Common Beech	<i>Fagus sylvatica</i>	Mature	Normal	MODERATE Prominent buttress roots. localized basal decay with very robust wound wood formation. Reasonable intact upper trunk supporting largely defect	NWR	NA.	B

Tag	Common name	Botanical name	Age	Vigour	Observation	Recommendation	Urgency	Category
					free asymmetric crown.			
851	Common Beech	<i>Fagus sylvatica</i>	Mature	Normal	MODERATE Reasonable stem with multiple small areas of damage showing good wound wood formation. asymmetric suppressed crown with some large diameter dead wood.	NWR	NA.	B
852	Common Beech	<i>Fagus sylvatica</i>	Mature	Normal	POOR Basal decay, poor union and upper cavity.	EXTREME PRUNING reduce entire tree to height just above cavity.	H3	C
853	Common Beech	<i>Fagus sylvatica</i>	Mature	Normal	POOR Very large basal cavity to north filled with concrete. other areas of decay on stem.	FURTHER INSPECTION Picus tomography testing of basal cavity.	H3	B
854	Common Beech	<i>Fagus sylvatica</i>	Mature	Normal	POOR Large area of basal decay filled with concrete. Kretzschmaria deusta fruiting bodies present at base to north.	EXTREME PRUNING Reduce entire tree to 5 meters from ground level.	H3	C

Tag	Common name	Botanical name	Age	Vigour	Observation	Recommendation	Urgency	Category
855	Common Beech	<i>Fagus sylvatica</i>	Mature	Normal	MODERATE Two stems arising at 0.5 meters from ground level. surface wound at base of secondary stem with good wound wood formation. Large area of damage to west with good wound wood formation. largely defect free asymmetric crown.	NWR	NA.	B
856	Common Oak	<i>Quercus robur</i>	Mature	Normal	MODERATE Localized basal decay largely defect free asymmetric crown.	NWR	NA.	B
857	Common Beech	<i>Fagus sylvatica</i>	Mature	Normal	MODERATE-POOR fissured lower trunk branching at 1.5 meters from ground level. Phototropic primary branches.co-dependant compression fork supporting sparse crown.	NWR	NA.	C
858	Sitka Spruce	<i>Picea sitchensis</i>	Mature	Normal	MODERATE-POOR reasonable intact trunk. tree previously been topped. upper crown now	NWR	NA.	B

Tag	Common name	Botanical name	Age	Vigour	Observation	Recommendation	Urgency	Category
					composed of heliotropic epicormic growth.			
859	Sitka Spruce	<i>Picea sitchensis</i>	Mature	Normal	MODERATE Reasonable intact trunk supporting storm damaged crown.	NWR	NA.	C
860	Sitka Spruce	<i>Picea sitchensis</i>	Mature	Normal	MODERATE POOR Reasonable intact trunk. Distorted upper form. Suppressed.	NWR	NA.	C
861	Sitka Spruce	<i>Picea sitchensis</i>	Mature	Normal	MODERATE Reasonable intact trunk supporting largely defect free crown.	NWR	NA.	B
862	Goat Willow	<i>Salix caprea</i>	Mature	Normal	MODERATE Multiple stems arising between ground level and 1.5 m frequent deadwood in lower crown.	NWR	NA.	B
863	Sycamore	<i>Acer pseudoplatanus</i>	Mature	Normal	MODERATE POOR Stem to south with reasonable intact trunk and distorted upper form. Adequate co-dominant union on northern stem. Pronounced dieback on north eastern stem.	NWR	NA.	C

Tag	Common name	Botanical name	Age	Vigour	Observation	Recommendation	Urgency	Category
864	Wych Elm	<i>Ulmus glabra</i>	Early-mature	Normal	MODERATE POOR Two fused contorted stems supporting largely defect free crown.	NWR	NA.	C
865	Common Oak	<i>Quercus robur</i>	Mature	Normal	MODERATE Reasonable intact trunk with minor wounds supporting largely defect free asymmetric crown. Some phototropic Primary branches.	NWR	NA.	B
866	Sycamore	<i>Acer pseudoplatanus</i>	Mature	Normal	MODERATE POOR Multiple stems arising at close to ground level. Multiple co-dependant compression forks supporting upright crown.	NWR	NA.	C
867	Norway Maple	<i>Acer platanoides</i>	Early-mature	Normal	MODERATE POOR Reasonable intact trunk. Atypical union at approximately at 2.5 meters from ground level, largely defect free crown.	PRUNING Reduce height by approximately 2 meters.	M6	C
868	Common Beech	<i>Fagus sylvatica</i>	Early mature	Normal	MODERATE Reasonable intact trunk. Adequate	NWR	NA	C

Tag	Common name	Botanical name	Age	Vigour	Observation	Recommendation	Urgency	Category
					compression fork union at approximately 5 meters. Largely defect free crown.			
869	Common Oak	<i>Quercus robur</i>	Early mature	Normal	MODERATE POOR Reasonable intact lower trunk. Large tear out wound top south east with fair wound wood formation. Historic storm damage in crown. Hanging branches in lower crown.	PRUNING Reduce crown height be approximately 2 meters. Remove hanging branches and any unstable deadwood.	H3	C
870	Sycamore	<i>Acer pseudoplatanus</i>	Early mature	Normal	MODERATE Reasonable intact trunk supporting largely defect free crown.	NWR	NA	C
871	Common Oak	<i>Quercus robur</i>	Early mature	Normal	MODERATE Reasonable intact trunk supporting largely defect free crown. Moderate sized deadwood overhanging low target area.	NWR	NA	C
872	Sycamore	<i>Acer pseudoplatanus</i>	Young	Normal	MODERATE Reasonable intact trunk supporting largely defect free crown.	NWR	NA	C
873	Common Beech	<i>Fagus sylvatica</i>	Mature	Normal	MODERATE POOR	FURTHER	M6	C

Tag	Common name	Botanical name	Age	Vigour	Observation	Recommendation	Urgency	Category
					Reasonable trunk with minor wounds. Compression fork union at approximately 8 meters from ground level with obscured adaptive growth. Largely defect free crown with apparently stable large diameter deadwood.	INSPECTION Ariel inspection of compression fork union.		
874	Wych Elm	<i>Ulmus glabra</i>	Early mature	Normal	MODERATE Reasonable intact sweeping trunk supporting largely defect free asymmetric crown.	NWR	NA	C
875	Wych Elm	<i>Ulmus glabra</i>	Early mature	Normal	MODERATE POOR Two stems arising at close to ground level with compression fork showing limited adaptive growth. Stems leaning to south at approximately 30 degrees. Largely defect free crown.	PRUNING Reduce height by approximately 2 meters.	M6	C
876	Wych Elm	<i>Ulmus glabra</i>	Early mature	Normal	MODERATE Profuse epicormic growth at base. Multiple stems arising from close to ground level.	FURTHER INSPECTION Remove basal epicormic growth	M6	C

Tag	Common name	Botanical name	Age	Vigour	Observation	Recommendation	Urgency	Category
					Reasonable stems supporting largely defect free crown.	using hand tools and reinspect.		
877	Wych Elm	<i>Ulmus glabra</i>	Early mature	Normal	MODERATE Growing in close proximity to retaining wall. Two stems arising from close to ground level with adequate union showing mixed adaptive growth. Large adventitious roots to south and east. Reasonable trunks supporting largely defect free crown.	NWR	NA	C
878	Wych Elm	<i>Ulmus glabra</i>	Early mature	Normal	MODERATE Two stems arising from ground level with adequate union. Eastern stem sweeping to east supporting small crown. Western stem intact and upright supporting largely defect free crown.	NWR	NA	C
879	Sycamore	<i>Acer pseudoplatanus</i>	Early mature	Normal	MODERATE Reasonable intact trunk with approximately 10 degrees	NWR	NA	C



Tag	Common name	Botanical name	Age	Vigour	Observation	Recommendation	Urgency	Category
					lean to south supporting largely defect free asymmetric crown.			
880	Common Beech	<i>Fagus sylvatica</i>	Early mature	Normal	MODERATE Reasonable intact trunk supporting largely defect free crown.	NWR	NA	B
881	Wych Elm	<i>Ulmus glabra</i>	Early mature	Normal	MODERATE Reasonable intact trunk supporting largely defect free crown with phototropic primary branches.	NWR	NA	B
882	Common Beech	<i>Fagus sylvatica</i>	Young	Normal	MODERATE Reasonable intact trunk supporting largely defect free asymmetric crown.	NWR	NA	C
883	Sycamore	<i>Acer pseudoplatanus</i>	Early mature	Normal	POOR Inadequate compression fork union at close to ground level.	FELL Fell to ground level.	M6	U
884	Sycamore	<i>Acer pseudoplatanus</i>	Early mature	Normal	POOR Inadequate compression fork union at close to ground level.	FELL Fell to ground level.	M6	U
885	Sitka Spruce	<i>Picea sitchensis</i>	Early mature	Normal	MODERATE Reasonable trunk supporting largely	NWR	NA	C

Tag	Common name	Botanical name	Age	Vigour	Observation	Recommendation	Urgency	Category
					defect free crown.			
886	Sitka Spruce	<i>Picea sitchensis</i>	Early mature	Normal	MODERATE Reasonable trunk supporting largely defect free crown.	NWR	NA	C
887	Sitka Spruce	<i>Picea sitchensis</i>	Early mature	Normal	MODERATE Reasonable trunk supporting largely defect free crown.	NWR	NA	C
888	Sitka Spruce	<i>Picea sitchensis</i>	Early mature	Normal	MODERATE Reasonable trunk supporting largely defect free crown.	NWR	NA	C
889	European Larch	<i>Larix decidua</i>	Early mature	Normal	MODERATE Reasonable trunk supporting largely defect free crown.	NWR	NA	C
890	Sitka Spruce	<i>Picea sitchensis</i>	Early mature	Normal	MODERATE Reasonable trunk supporting largely defect free crown.	NWR	NA	C
891	Douglas fir	<i>Pseudotsuga menziesii</i>	Early mature	Normal	POOR Reasonable intact trunk. Ring barked branch at approximately 2 meters from ground level with mixed wound wood formation. Intact upper trunk supporting largely	NWR	NA	C

Tag	Common name	Botanical name	Age	Vigour	Observation	Recommendation	Urgency	Category
					defect free crown.			
892	western red cedar	<i>Thuja plicata</i>	Early mature	Normal	POOR Group of 10 individual trees with multiple compression forks and areas of decay throughout.	FELL Fell to ground level.	M6	U
893	Sycamore	<i>Acer pseudoplatanus</i>	Early mature	Normal	POOR Extensive decay in main tensile root to north.	FELL Fell to ground level.	H3	U
894	Silver birch	<i>Betula pendula</i>	Dead	Dead	Dead	FELL Fell to ground level.	H3	U
895	Lawsons cypress	<i>Chamaecyparis Lawsoniana</i>	Early mature	Normal	POOR Multiple inadequate compression fork unions throughout.	FELL Fell to ground level.	M6	U

**Table 2: Key to Tree Survey Schedule**

Full term	Explanation
Tree Tag Number	Number on metal tag attached to the tree at approximately 2 meters above ground level.
Tree Species	Botanical Name (Common English Name). Where contemporary botanical opinion about taxonomy and nomenclature is at variance then the species synonym is also stated as (syn.)
Age Class	<p>Young (up to the first 1/3rd of expected height).</p> <p>Early-mature (1/3rd to 2/3rds of expected height),</p> <p>Mature (close to expected ultimate height with rapid girth expansion),</p> <p>Late-mature (at ultimate height and with slow girth expansion),</p> <p>Veteran (a valued tree surviving beyond the typical age for the species).</p>
Vigour	Physiological condition: Normal, Fair, or Poor

Full term	Explanation
Summary of tree condition	<p>Good: Full healthy canopy; free from major cavities, wounds, pests or diseases. A tree of excellent shape and form.</p> <p>Moderate: Slightly reduced leaf cover or isolated sparse leaf cover, minor deadwood or isolated major deadwood; early stages of decay or disease; stable structural defects. A tree of reasonable shape and form.</p> <p>Poor: Overall sparse foliage; extensive deadwood; well-established decay organisms; cavities and or large wounds; structural defects prone to failure. A tree of distorted and imbalanced shape and form.</p> <p>Very Poor: Large areas of dead crown; advanced decay; structurally unsafe. A tree of very poor shape and form.</p> <p>Dead: Dead tree.</p>
Notes on the structural and physiological condition and its growing context.	Observations made using the level 1 Visual Tree Assessment system.
Preliminary Management Recommendations	<p>Specified works that are recommended for the reduction of the identified hazard(s), or for further investigation.</p> <p>NWR = No Work Required</p> <p>PRUNING</p> <p>EXTREME PRUNING</p> <p>FELLING</p> <p>FURTHER INSPECTION</p> <p>CABLE BRACING</p>

Full term	Explanation
Urgency	H3-within 3 months of the date of the report. M6-within 6 months of the date of this report.
Tree Quality Categorization as per BS 5838:2012	A,B,C OR U Category See Tree Categorisation table, below.

**Table 3: Tree Categorisation**

TREES UNSUITABLE FOR RETENTION				
Category and definition	Criteria			Identification on plan
<p><b>Category U</b> Those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years</p>	<ul style="list-style-type: none"> <li>Trees that have a serious, irremediable, structural defect, such that their early loss is expected due to collapse, including those that will become unviable after removal of other U Category trees (e.g. where, for whatever reason, the loss of companion shelter cannot be mitigated by pruning);</li> <li>Trees that are dead or are showing signs of significant, immediate, and irreversible overall decline; and</li> <li>Trees infected with pathogens of significance to the health and/or safety of other trees nearby, or very low quality trees suppressing adjacent trees of better quality.</li> </ul> <p>NOTE : Category U trees can have existing or potential conservation value which it might be desirable to preserve.</p>			<b>Red</b>
TREES TO BE CONSIDERED FOR RETENTION				
Category and definition	Criteria – Subcategories			Identification on plan
	1 Mainly arboricultural values	2 Mainly landscape values	3 Mainly cultural values, including conservation	
<p><b>Category A</b> Trees of high quality with an estimated remaining life expectancy of 40 years</p>	Trees that are particularly good examples of their species, especially if rare or unusual, or essential components of groups, or of formal or semi-formal arboricultural features (e.g. the dominant and/or principal trees within an avenue).	Trees, groups or woodlands of particular visual importance as arboricultural features and/or landscape features.	Trees, groups or woodlands of significant conservation, historical, commemorative or other value (e.g. veteran trees or wood-pasture).	<b>Green</b>

<p><b>Category B</b> <b>Trees of moderate quality</b> with an estimated remaining life expectancy of at least 20 years</p>	<p>Trees that might be included in Category A, but are downgraded because of impaired condition (e.g. presence of significant though remediable defects including unsympathetic past management and storm damage), such that they are unlikely to be suitable for retention beyond 40 years; or trees lacking the special quality necessary to merit the Category A designation.</p>	<p>Trees present in numbers, usually as groups or woodlands, such that they attract a higher collective rating than they might as individuals; or trees occurring as collectives but situated so as to make little visual contribution to the wider locality.</p>	<p>Trees with material conservation or other cultural value.</p>	<p><b>Blue</b></p>
<p><b>Category C</b> <b>Trees of low quality</b> with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm</p>	<p>Unremarkable trees of very limited merit or such impaired condition that they do not qualify in higher categories</p>	<p>Trees present in groups or woodlands, but without this conferring on them a greater collective landscape value; and/or trees offering low or only temporary/transient landscape benefits.</p>	<p>Trees with no material conservation or other cultural value.</p>	<p><b>Grey</b></p>



**Table 4: Tree Dimensions**

Tag no.	Height (m)	Crown clearance (m)	No. of stems	Stem 1 (mm)	Stem 2 (mm)	Stem 3 (mm)	Stem 4 (mm)	Spread – N (m)	Spread – E (m)	Spread – S(m)	Spread – W (m)	RPR (m)	RPA (m <sup>2</sup> )
801	13	2	1	350				1	3	4	5	4.2	55.4
802	13		1	290				1	3	4	1	3.5	38.1
803	13	1	1	370				3	3	3	3	4.4	61.9
804	15	1	1	400				3	4	5	3	4.8	72.4
805	15	5	1	280				2	3	2	3	3.4	35.5
806	15	5	1	260				1	1	4	4	3.1	30.6
807	15	6	1	260				1	1	1	3	3.1	30.6
808	14	6	1	410				4	1	1	4	4.9	76.1
809	15	3	1	230				1	2	1	2	2.8	23.9
810	15	3	1	280				1	5	4	4	3.4	35.5
811	14	1	1	160				1	1	3	1	1.9	11.6
812	13	6	1	230				1	1	1	1	2.8	23.9
813	14	5	1	290				3	3	3	3	3.5	38.1
814	15	2	1	390				5	2	5	6	4.7	68.8
815	11	2	1	150				1	1	1	3	1.8	10.2
816	12	3	1	410				6	2	1	5	4.9	76.1

Tag no.	Height (m)	Crown clearance (m)	No. of stems	Stem 1 (mm)	Stem 2 (mm)	Stem 3 (mm)	Stem 4 (mm)	Spread – N (m)	Spread – E (m)	Spread – S(m)	Spread – W (m)	RPR (m)	RPA (m <sup>2</sup> )
817	6	2	1	110				2	1	1	2	1.3	5.5
818	5	2	1	120				3	1	1	3	1.4	6.5
819	6	3	1	170				2	1	1	3	2.0	13.1
820	6	1.5	1	190				3	2	1	2	2.3	16.3
821	15	2	1	170				3	2	1	2	2.0	13.1
822	17	2	1	1060				8	7	7	9	12.7	508.4
823	14	1	3	250	240	230		6	5	6	5		
824	14	1	1	340				5	5	6	4	4.1	52.3
825	7	3	1	100				1	5	1	1	1.2	4.5
826	11	4	1	170				3	4	1	1	2.0	13.1
827	15	2	1	350				4	5	4	1	4.2	55.4
828	12	4		500				6	6	6	6	6.0	113.1
829	19	3	1	940				7	6	6	7	11.3	399.8
830	7	2	1	140				3	1	1	1	1.7	8.9
831	18	2	1	490				5	5	5	4	5.9	108.6
832	18	6	1	570				3	2	5	6	6.8	147.0
833	24	2	1	800				8	9	9	9	9.6	289.6

Tag no.	Height (m)	Crown clearance (m)	No. of stems	Stem 1 (mm)	Stem 2 (mm)	Stem 3 (mm)	Stem 4 (mm)	Spread – N (m)	Spread – E (m)	Spread – S(m)	Spread – W (m)	RPR (m)	RPA (m <sup>2</sup> )
834	24	2	1	800				6	7	5	7	9.6	289.6
835	19	7	1	620				3	4	5	6	7.4	173.9
836	17	1	1	630				4	5	5	5	7.6	179.6
837	13	6	1	340				5	4	5	4	4.1	52.3
838	21	2	1	800				7	9	6	8	9.6	289.6
839	20	5	1	490				4	5	5	1	5.9	108.6
840	22	1	1	830				6	8	9	7	10.0	311.7
841	21	1	1	690				5	4	9	8	8.3	215.4
842	24	2	1	900				5	8	7	8	10.8	366.5
843	20	4	1	720				9	8	9	8	8.6	234.5
844	16	1	1	420				3	5	6	4	5.0	79.8
845	18	10	1	590				1	6	7	3	7.1	157.5
846	11	8	1	440				1	1	5	1	5.3	87.6
847	18	7	1	640				1	3	8	3	7.7	185.3
848	19	5	1	750				6	5	9	5	9.0	254.5
849	18	1	1	790				4	5	8	5	9.5	282.4
850	19	2	1	910				8	7	9	6	10.9	374.7

Tag no.	Height (m)	Crown clearance (m)	No. of stems	Stem 1 (mm)	Stem 2 (mm)	Stem 3 (mm)	Stem 4 (mm)	Spread – N (m)	Spread – E (m)	Spread – S(m)	Spread – W (m)	RPR (m)	RPA (m <sup>2</sup> )
851	18	3	1	510				7	5	6	1	6.1	117.7
852	21	8	1	790				6	7	7	6	9.5	282.4
853	18	2	1	920				5	8	8	8	11.0	383.0
854	18	3	1	830				7	6	1	6	10.0	311.7
855	15	2	2	740	490			7	8	7	5	10.7	356.3
856	19	8	1	550				7	7	5	6	6.6	136.9
857	18	2	1	1200				8	6	7	8	14.4	651.5
858	11	0	1	690					5	5	5	8.3	215.4
859	18	2	1	540				5	4	5	3	6.5	131.9
860	14	2	1	320				4	4	4	2	3.8	46.3
861	20	1	1	660				5	5	5	3	7.9	197.1
862	11	2	6	200				5	5	5	4	2.4	18.1
863	19	7	3	680	580	620		4	8	6	7	13.1	535.3
864	17	1	1	740				8	4	3	5	8.9	247.8
865	18	2	1	540				8	6	9	4	6.5	131.9
866	18	2	4	550	290	110	110	8	7	6	4	7.7	185.8
867	15	2	1	330				2	4	1	3	4.0	49.3

Tag no.	Height (m)	Crown clearance (m)	No. of stems	Stem 1 (mm)	Stem 2 (mm)	Stem 3 (mm)	Stem 4 (mm)	Spread – N (m)	Spread – E (m)	Spread – S(m)	Spread – W (m)	RPR (m)	RPA (m <sup>2</sup> )
868	16	1	1	450				5	4	5	5	5.4	91.6
869	14	2	1	570				5	4	4	5	6.8	147.0
870	13	2	1	370				2	4	4	4	4.4	61.9
871	14	3	1	450				1	3	4	4	5.4	91.6
872	11	3	1	160				1	2	2	2	1.9	11.6
873	23	2	1	800				7	5	7	7	9.6	289.6
874	7	1	1	210				2	5	1	1	2.5	20.0
875	15	2	2	250	250			1	3	4	4	4.2	56.5
876	14	1	12	100				3	3	3	3	4.2	54.3
877	16	4	2	340	370			4	5	4	4	6.0	114.2
878	17	6	2	210	300			3	6	3	4	4.4	60.7
879	16	1	1	350				2	4	6	3	4.2	55.4
880	16	1	1	420				6	6	6	6	5.0	79.8
881	16	1	1	310				5	8	3	2	3.7	43.5
882	9	1	1	190				4	4	3	1	2.3	16.3
883	NA.	NA.	NA.	NA.				2	NA.	NA.	NA.	NA.	NA.
884	NA.	NA.	NA.	NA.				4	NA.	NA.	NA.	NA.	NA.

Tag no.	Height (m)	Crown clearance (m)	No. of stems	Stem 1 (mm)	Stem 2 (mm)	Stem 3 (mm)	Stem 4 (mm)	Spread – N (m)	Spread – E (m)	Spread – S(m)	Spread – W (m)	RPR (m)	RPA (m <sup>2</sup> )
885	13	1	1	360				1	2	2	2	4.3	58.6
886	13	1	1	310				2	2	2	2	3.7	43.5
887	10	1	1	220				1	1	1	1	2.6	21.9
888	7	2	1	180				1	1	1	1	2.2	14.7
889	13	1	1	440				4	4	4	4	5.3	87.6
890	9	1	1	290				2	2	1	1	3.5	38.1
891	13	1	1	320				2	2	2	2	3.8	46.3
892	NA.	NA.	NA.	NA.				2	NA.	NA.	NA.	NA.	NA.
893	NA.	NA.	NA.	NA.				2	NA.	NA.	NA.	NA.	NA.
894	NA.	NA.	NA.	NA.				2	NA.	NA.	NA.	NA.	NA.
895	NA.	NA.	NA.	NA.				3	NA.	NA.	NA.	NA.	NA.

**Table 5: Tree Dimensions Table Key**

Full term	Explanation
Tree Tag Number	Number on plastic tag attached to the tree at approximately 2 meters above ground level.
Height	Measured height in metres from ground level to growing tips.
Crown clearance	The distance from ground level in metres to the first significant branch
Diameter of stem	Recorded in millimetres at 1.5m height on the stem in accordance with Annex C of BS 5837:2012. In trees with multiple trunks the first 5 trunks are recorded. Trees with more trunks than 5 have the average diameter recorded.
Crown spread	The spread of the crown on all four cardinal points (north, east, south and west) measured in metres.
Root Protection Radius	A layout design tool indicating the minimum around a tree deemed to contain sufficed roots and rooting volume to maintain the tree's viability, and where the protection of the roots and soil structure is treated as priority. Expressed in metres.
Root Protection Area	As above but expressed as square metres (metres <sup>2</sup> ).

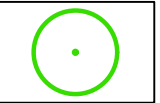
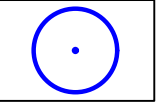
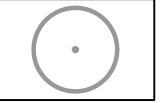
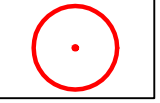
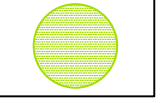

## Appendix B Tree Constraints Plan







**LEGEND**

-  Category A trees
-  Category B trees
-  Category C trees
-  Category U trees to be removed due to health and safety
-  Root protection area
-  Site boundary



**Rev B:** 29/09/2019 - Additional tree canopies numbered 868-895 shown. (RM)  
**Rev A:** 04/12/2018 - Canopies shown for tree numbers 828,837 and 858. (GB)

**General Notes**

1. Prior to commencement of any work on site, protective fencing must be erected around existing trees to be retained in accordance with BS 5837:(2012).
  2. Prior to any deep cultivation or excavation of planting pits the landscape contractor must check with the site manager / engineer for exact locations of any underground services.
  3. Some tree positions may have to be amended to accommodate any amendments to locations of services.
  4. For information on surface materials & details of hard landscape features such as walls & fences refer to architect's drawings.
  5. For information on levels & drainage refer to engineer's drawings.
  6. Limited information with regard to levels, drainage & underground services was available to us at time of preparation of drawing.
  7. For Planting Schedule refer to drawing number 0000 / 00.
- 137 For Planting Notes and Maintenance & Management Proposals refer to separate A4 document.

Project: Dollar Road, Tillicoukry	Client: Yeoman McAllister
Drawing Title: Tree Constraints Plan	
Scale: 1:500 @ A3	Date: 23 / 11 / 2018
Drawing No: Figure 01 Rev A	Status: Final
Drawn by: R Moore	Checked by: T Paterson



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## Appendix C GLOSSARY OF ARBORICULTURAL TERMS

**Abscission.** The shedding of a leaf or other short-lived part of a woody plant, involving the formation of a corky layer across its base; in some tree species twigs can be shed in this way

**Abiotic.** Pertaining to non-living agents; e.g. environmental factors

**Absorptive roots.** Non-woody, short-lived roots, generally having a diameter of less than one millimetre, the primary function of which is uptake of water and nutrients

**Adaptive growth.** In tree biomechanics, the process whereby the rate of wood formation in the cambial zone, as well as wood quality, responds to gravity and other forces acting on the cambium. This helps to maintain a uniform distribution of mechanical stress

**Adaptive roots.** The adaptive growth of existing roots; or the production of new roots in response to damage, decay or altered mechanical loading

**Adventitious shoots.** Shoots that develop other than from apical, axillary or dormant buds; see also 'epicormic'

**Age class.** A means of classifying the trees current position in its expected life cycle. This is often classified as; young, early mature, mature, over mature, veteran, dead.

**Anchorage.** The system whereby a tree is fixed within the soil, involving cohesion between roots and soil and the development of a branched system of roots which withstands wind and gravitational forces transmitted from the aerial parts of the tree

**Architecture.** In a tree, a term describing the pattern of branching of the crown or root system

**Arisings.** All branch, stem wood, foliage, etc. that has been produced as a result of tree pruning or felling operations

**Axil.** The place where a bud is borne between a leaf and its parent shoot

**Bacteria.** Microscopic single-celled organisms, many species of which break down dead organic matter, and some of which cause diseases in other organisms

**Bark.** A term usually applied to all the tissues of a woody plant lying outside the vascular cambium, thus including the phloem, cortex and periderm; occasionally applied only to the periderm or the phellem

**Basidiomycotina (Basidiomycetes).** One of the major taxonomic groups of fungi; their spores are borne on microscopic peg like structures (basidia), which in many types are in turn borne on or within conspicuous fruit bodies, such as brackets or toadstools. Most of the principal decay fungi in standing trees are basidiomycetes

**Bolling.** A term sometimes used to describe pollard heads

**Bottle-butt.** A broadening of the stem base and buttresses of a tree, in excess of normal and sometimes denoting a growth response to weakening in that region, especially due to decay involving selective delignification

**Bracing.** The use of rods or cables to restrain the movement between parts of a tree

**Branch:**

- **Primary.** A first order branch arising from a stem
- **Lateral.** A second order branch, subordinate to a primary branch or stem and bearing sub-lateral branches
- **Sub-lateral.** A third order branch, subordinate to a lateral or primary branch, or stem and usually bearing only twigs

**Branch bark ridge.** The raised arc of bark tissues that forms within the acute angle between a branch and its parent stem

**Branch collar.** A visible swelling formed at the base of a branch whose diameter growth has been disproportionately slow compared to that of the parent stem; a term sometimes applied also to the pattern of growth of the cells of the parent stem around the branch base

**Brown-rot.** A type of wood decay in which cellulose is degraded, while lignin is only modified

**Buckling.** An irreversible deformation of a structure subjected to a bending load

**Buttress zone.** The region at the base of a tree where the major lateral roots join the stem, with buttress-like formations on the upper side of the junctions

**Cambium.** Layer of dividing cells producing xylem (woody) tissue internally and phloem (bark) tissue externally

**Canker.** A persistent lesion formed by the death of bark and cambium due to colonisation by fungi or bacteria

**Canopy species.** Tree species that mature to form a closed woodland canopy

**Cavity.** A void in the tree's structure. This is normally caused by the activity of wood decay fungi

**Cleaning out.** The removal of dead, crossing, weak, and damaged branches, where this will not damage or spoil the overall appearance of the tree

**Co-dominant (crown class).**

**Co-dominant (stems or branches).** Two branches or stems of equal size that have arisen from 2 apical buds at the tip of the same stem. This is often associated (depending on genetic and circumstantial factors) with an inclusion of bark which may cause a point of mechanical weakness

**Compartmentalisation.** The confinement of disease, decay or other dysfunction within an anatomically discrete region of plant tissue, due to passive and/or active defences operating at the boundaries of the affected region

**Compression strength.** The ability of a material or structure to resist failure when subjected to compressive loading; measurable in trees with special drilling devices

**Compressive loading.** Mechanical loading which exerts a positive pressure; the opposite to tensile loading

**Condition.** An indication of the physiological vitality of the tree. Where the term 'condition' is used in a report, it should not be taken as an indication of the stability of the tree

**Construction exclusion zone.** Area based on the Root Protection Area (in square metres) to be protected during development, by the use of barriers and/or ground protection

**Coppicing.** A process whereby, following the cutting of a tree stem close to ground level, adventitious buds develop over time into stems arising from the parent stump

**Crown/Canopy.** The main foliage bearing section of the tree

**Crown lifting.** The removal of limbs and small branches to a specified height above ground level

**Crown thinning.** The removal of a proportion of secondary branch growth throughout the crown to produce an even density of foliage around a well-balanced branch structure

**Crown reduction/shaping.** A specified reduction in crown size whilst preserving, as far as possible, the natural tree shape

**Crown reduction/thinning.** Reduction of the canopy volume by thinning to remove dominant branches whilst preserving, as far as possible the natural tree shape

**Deadwood.** Branch or stem wood bearing no live tissues. Retention of deadwood provides valuable habitat for a wide range of species and seldom represents a threat to the health of the tree. Removal of deadwood can result in the ingress of decay to otherwise sound tissues and climbing operations to access deadwood can cause significant damage to a tree. Removal of deadwood is generally recommended only where it represents an unacceptable level of hazard

**Decurrent.** In trees, a system of branching in which the crown is borne on a number of major widely-spreading limbs of similar size (cf. excurrent). In fungi with toadstools as fruit bodies, the description of gills which run some distance down the stem, rather than terminating abruptly

**Defect.** In relation to tree hazards, any feature of a tree which detracts from the uniform distribution of mechanical stress, or which makes the tree mechanically unsuited to its environment

**Delamination.** The separation of wood layers along their length, visible as longitudinal splitting

**Dieback.** The death of parts of a woody plant, starting at shoot-tips or root-tips

**Disease.** A malfunction in or destruction of tissues within a living organism, usually excluding mechanical damage; in trees, usually caused by pathogenic micro-organisms (especially wood decay fungi)

**Distal.** In the direction away from the main body of a tree or subject organism (cf. proximal)

**Dominance.** In trees, the tendency for a leading shoot to grow faster or more vigorously than the lateral shoots; also the tendency of a tree to maintain a taller crown than its neighbours

**Dormant bud.** An axial bud which does not develop into a shoot until after the formation of two or more annual wood increments; many such buds persist through the life of a tree and develop only if stimulated to do so (for example, by pruning and or increased light levels)

**Dysfunction.** In woody tissues, the loss of physiological function, especially water conduction, in sapwood

**DBH (Diameter at Breast Height).** Stem diameter measured at a height of 1.5 metres (UK) or the nearest measurable point. Where measurement at a height of 1.5 metres is not possible, another height may be specified

**Epicormic shoot.** A shoot having developed from a dormant or adventitious bud and not having developed from a first year shoot

**Excrecence.** Any abnormal outgrowth on the surface of tree or other organism

**Excurrent.** In trees, a system of branching in which there is a well-defined central main stem, bearing branches which are limited in their length, diameter and secondary branching (cf. decurrent)

**Felling.** The process of cutting a tree down, to a point near ground level, in a controlled way. This is a course of remedial action with the intention of permanently removing a tree.

**Felling licence.** In the UK, a permit to fell trees in excess of a stipulated number of stems or volume of timber

**Flush cut.** A pruning cut which removes part of the branch bark ridge and or branch-collar

**Girdling root.** A root which circles and constricts the stem or roots possibly causing death of phloem and/or cambial tissue

**Guying.** A form of artificial support with cables for trees with a temporarily inadequate anchorage

**Habit.** The overall growth characteristics, shape of the tree and branch structure

**Hazard beam.** An upwardly curved part of a tree in which strong internal stresses may occur without being reduced by adaptive growth; prone to longitudinal splitting

**Heartwood/false-heartwood/ripewood.** Sapwood that has become dysfunctional as part of the natural aging processes

**Incipient failure.** In wood tissues, a mechanical failure which results only in deformation or cracking, and not in the fall or detachment of the affected part

**Included bark (ingrown bark).** Bark of adjacent parts of a tree (usually forks, acutely joined branches or basal flutes) which is in face-to-face contact

**Increment borer.** A hollow auger, which can be used for the extraction of wood cores for counting or measuring wood increments or for inspecting the condition of the wood

**Infection.** The establishment of a parasitic micro-organism in the tissues of a tree or other organism

**Internode.** The part of a stem between two nodes; not to be confused with a length of stem which bear nodes but no branches

**Lever arm.** A mechanical term denoting the length of the lever represented by a structure that is free to move at one end, such as a tree or an individual branch

**Lignin.** The hard, cement-like constituent of wood cells; deposition of lignin within the matrix of cellulose microfibrils in the cell wall is termed Lignification

**Lions tailing.** A term applied to a branch of a tree that has few if any side branches except at its end, and is thus liable to snap due to end-loading

**Loading.** A mechanical term describing the force acting on a structure from a particular source; e.g. the weight of the structure itself or wind pressure

**Longitudinal.** Along the length (of a stem, root or branch)

**Minor deadwood.** Deadwood of a diameter less than 25mm and unlikely to cause significant harm or damage upon impact with a target beneath the tree

**Mulch.** Material laid down over the rooting area of a tree or other plant primarily to help conserve moisture; a mulch may consist of organic matter or a sheet of plastic or other artificial material

**Occluding tissues.** A general term for the roll of wood, cambium and bark that forms around a wound on a woody plant (cf. woundwood)

**Occlusion.** The process whereby a wound is progressively closed by the formation of new wood and bark around it

**Pathogen.** A micro-organism which causes disease in another organism

**Picus sonic tomography.** A diagnostic technology which creates a two dimensional picture of a trees cross section by measuring the velocity of a series of ultra-sound pulses which are sent, and received, from a number of sensors (usually eight to twelve in number) which are placed around the trees circumference

**Pollarding.** The removal of the tree canopy, back to the stem or primary branches. Pollarding may involve the removal of the entire canopy in one operation, or may be phased over several years. The period of safe retention of trees having been pollarded varies with species and individuals. It is usually necessary to re-pollard on a regular basis, annually in the case of some species

**Primary branch.** A major branch, generally having a basal diameter greater than 0.25 x stem diameter

**Primary root zone.** The soil volume most likely to contain roots that are critical to the health and stability of the tree and normally defined by reference to BS5837 (2005) Trees in Relation to Construction Recommendations

**Priority.** Works may be prioritised, 1. = high, 5. = low

**Probability.** A statistical measure of the likelihood that a particular event might occur

**Proximal.** In the direction towards from the main body of a tree or other living organism (cf. distal)

**Pruning.** The removal or cutting back of twigs or branches, sometimes applied to twigs or small branches only, but often used to describe most activities involving the cutting of trees or shrubs

**Radial.** In the plane or direction of the radius of a circular object such as a tree stem

**Reactive Growth/Reaction Wood.** Production of woody tissue in response to altered mechanical loading; often in response to internal defect or decay and associated strength loss (cf. adaptive growth)

**Removal of dead wood.** Unless otherwise specified, this refers to the removal of all accessible dead, dying and diseased branchwood and broken snags

**Removal of major dead wood.** The removal of, dead, dying and diseased branchwood above a specified size

**Respacing.** Selective removal of trees from a group or woodland to provide space and resources for the development of retained trees.

**Residual wall.** The wall of non-decayed wood remaining following decay of internal stem, branch or root tissues

**Root-collar.** The transitional area between the stem/s and roots

**Root-collar examination.** Excavation of surfacing and soils around the root-collar to assess the structural integrity of roots and/or stem

**Root protection area.** An area of ground surrounding a tree that contains sufficient rooting volume to ensure the tree's long term retention, close to optimal physiological and structural condition. Calculated with reference to BS5837 (2005)

**Root zone.** Area of soils containing absorptive roots of the tree/s described. The Primary root zone is that which we consider of primary importance to the physiological well-being of the tree

**Sapwood.** Living xylem tissues

**Secondary branch.** A branch, generally having a basal diameter of less than 0.25 x stem diameter

**Selective delignification.** A kind of wood decay (white-rot) in which lignin is degraded faster than cellulose

**Shedding.** In woody plants, the normal abscission, rotting off or sloughing of leaves, floral parts, twigs, fine roots and bark scales

**Silvicultural thinning.** Removal of selected trees to favour the development of retained specimens to achieve a management objective

**Simultaneous white rot.** A kind of wood decay in which lignin and cellulose are degraded at about the same rate

**Snag (stub).** In woody plants, a portion of a cut or broken stem, branch or root which extends beyond any growing-point or dormant bud; a snag usually tends to die back to the nearest growing point

**Soft-rot.** A kind of wood decay in which a fungus degrades cellulose within the cell walls, without any general degradation of the wall as a whole

**Sprouts.** Adventitious shoot growth erupting from beneath the bark

**Stem/s.** The main supporting structure/s, from ground level up to the first major division into branches

**Stress.** In plant physiology, a condition under which one or more physiological functions are not operating within their optimum range, for example due to lack of water, inadequate nutrition or extremes of temperature

**Stress.** In mechanics, the application of a force to an object

**Stringy white-rot.** The kind of wood decay produced by selective delignification

**Structural roots.** Roots, generally having a diameter greater than ten millimetres, and contributing significantly to the structural support and stability of the tree

**Subsidence.** In relation to soil or structures resting in or on soil, a sinking due to shrinkage when certain types of soil dry out, sometimes due to extraction of moisture by tree roots

**Subsidence.** In relation to branches of trees, a term that can be used to describe a progressive downward bending due to increasing weight

**Taper.** In stems and branches, the degree of change in girth along a given length

**Target canker.** A kind of perennial canker, containing concentric rings of dead occluding tissues

**Targets.** In tree risk assessment (with slight misuse of normal meaning) persons or property or other things of value which might be harmed by mechanical failure of the tree or by objects falling from it

**Topping.** In arboriculture, the removal of the crown of a tree, or of a major proportion of it

**Torsional stress.** Mechanical stress applied by a twisting force

**Tree preservation order (TPO).** A legal protection of the tree, and its rooting zone, enforced by the planning department of local government. Most remedial work proposed on a preserved tree requires written approval from this authority.

**Veteran tree.** A loosely defined term for an old specimen that is of interest biologically, culturally or aesthetically because of its age, size or condition and which has usually lived longer than the typical upper age range for the species concerned

**Vigour.** In tree assessment, an overall measurement of the rate of shoot production, shoot extensi. Often expressed as normal, fair, low or dead (for a given species) (cf. Vitality)

**Vitality.** In tree assessment, an overall measurement of physiological and bio-chemical processes, in which high vitality equates with healthy function (cf. Vigour)

**White-rot.** A range of kinds of wood decay in which lignin, usually together with cellulose and other wood constituents, is degraded

**Wind exposure.** The degree to which a tree or other object is exposed to wind, both in terms of duration and velocity

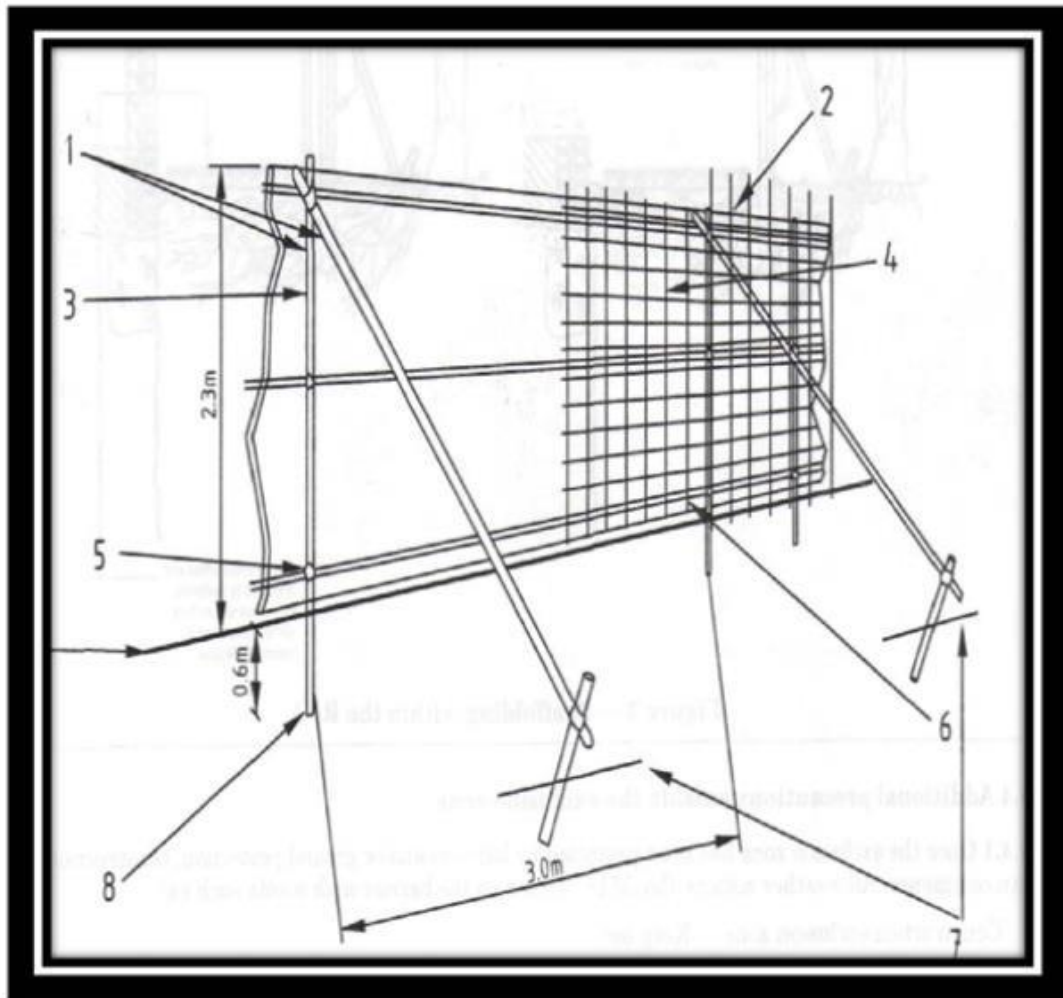
**Wind pressure.** The force exerted by a wind on a particular object

**Windthrow.** The blowing over of a tree at its roots

**Woundwood.** Wood with atypical anatomical features, formed in the vicinity of a wound



**Appendix D DEFAULT SPECIFICATION FOR PROTECTIVE BARRIERS,  
(AS PER BS 5837: 2012 FIGURE 2)**



Extract from BS 5837:2012-Figure 2-Default specification for protective barriers





**a:** Axwel House  
East Mains Industrial Estate  
Broxburn  
West Lothian  
EH52 5AU

**t:** 01506 858 757

**w:** [brindleyassociates.co.uk](http://brindleyassociates.co.uk)

**Dollar Road, Tillicoultry – Preliminary Roost Assessment for Bats - Summary of Site Observations**

Our Ref: Yeoman McAllister / Dollar Road, Tillicoultry / Preliminary Roost Assessment / 5398

Issue Date: 7<sup>th</sup> August 2019

**1.1 Introduction**

Brindley Associates Ltd was commissioned by Yeoman McAllister Architect Ltd to undertake a 'Preliminary Roost Assessment for Bats' (PRA) of a proposed development site at Dollar Road, Tillicoultry.

A 'Protected Species Site Appraisal', undertaken in February 2019 (Brindley, 2019), identified the trees within the site to have potential suitability to support roosting bats. The PRA survey aimed to further assess the suitability of these trees to support bat roosts.

The survey was undertaken on 6<sup>th</sup> August 2019 by Karen Hassard BSc (Hons) MCIEEM MCEEW (Brindley Associates). The scope of the assessment included for:

- An inspection of the trees within the site from ground level, looking for features which could be used by roosting bats, such as holes, cracks and crevices. Features found were then examined, where possible, for signs of bat usage, including bats, droppings and feeding remains, using a torch and endoscope where appropriate; and
- Concise reporting of results, detailing site observations and recommendations for further survey where necessary.

**1.2 Results**

Three trees were recorded to have features at height, which from ground-level appear to be suitable to support bat roosts as detailed in Table 1 below:

**Table 1: Identified trees containing PRFs within the survey area**

Tree Tag	OS Grid Reference	Tree Species	Potential Roost Feature (PRF) Information
o828	NS 92517 97079	Oak	Dead tree with decaying wood present on the upper main stem, approximately 8m from ground level.  Cavities may be present within the dead wood which can't be observed from ground level.

*Continued overleaf.*

**a:** Axwel House  
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Broxburn  
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**w:** [brindleyassociates.co.uk](http://brindleyassociates.co.uk)



Tree Tag	OS Grid Reference	Tree Species	Potential Roost Feature (PRF) Information
o840	NS 92542 97078	Beech	Small wound cavity present on limb on west aspect of tree, approx. 6m from ground level.  Further wound cavity present on on west aspect of main stem, approx. 3.5m from ground level.
o852	NS 92565 97095	Beech	Cavity present on upper limb on north approx. 6 m from ground level facing north. Cavity appears to extend up into limb.

### 1.3 Recommendations

For trees o840 and o852, should direct works on the three trees be required (such as felling or lopping), or heavy engineering works which may cause disturbance (such as piling or blasting) be planned on or within 30m of these trees, then further aerial assessment of is recommended.

For tree number o828, aerial surveys may not be possible, due to dead or decaying wood. For this tree, if direct works are required, then supervision by a licenced bat ecologist of the tree works would be recommended. The works to tree o828 should be undertaken during the period of October to April, outwith the bat activity period.

Aerial surveys, for trees o840 and o852, can be undertaken at any time of year, however, should suitability be confirmed or if a feature is not able to be fully assessed during the aerial assessment, then emergence/re-entry activity surveys may be required during the bat activity season (May to September, inclusive), with a proportion to be completed before the end of August.

In the event that a roost is identified as a result of further survey, a European Protected Species (Regulation 44) licence may be required from Scottish Natural Heritage (SNH), should development activities have the potential to disturb or destroy the roost. To allow for fluctuations in SNH's seasonal workload, a period of six to eight weeks should be allowed to process a licence application, should one be required.

The woodland edges and tree lines within the site provide suitable foraging and commuting habitat for bats and link into habitats in the wider area. The following good practice recommendations have been provided to reduce the potential impact on foraging and commuting success for bat species during and post-construction:

- Any artificial/security lighting used during and after construction works should be fitted with shades to prevent light spillage outside the working are;
- Temporary lights should not illuminate the tree lines or woodland as lighting can affect wildlife commuting and foraging success. For more information please refer to the guidance note 'Bats and artificial lighting in the UK' (ILP, 2018).

If works at the site do not commence and there has been no change in the land-use prior to 06/12/2021, then further surveys should be commissioned in order to ascertain that the situation regarding protected species at the site has not changed and thus the conclusions of this report are still valid.

## Dollar Road, Tillicoultry - Protected Species Site Appraisal - Summary of Site Observations

Our Ref: Yeoman McAllister / Dollar Road, Tillicoultry / Site Observations / 5145

Issue Date: 15<sup>th</sup> February 2019

### 1.1 Introduction

Brindley Associates Ltd was commissioned by Yeoman McAllister Architect Ltd to undertake a 'Protected Species Site Appraisal' of a proposed development site at Dollar Road, Tillicoultry. The site appraisal was undertaken on 14<sup>th</sup> February 2019 by Karen Hassard BSc (Hons) MCIEEM MCEEW (Brindley Associates). The scope of assessment included for:

- Ecological assessment, within site boundary only, of the habitat's suitability to support, and field signs of, protected and notable species of flora and fauna; and
- Concise reporting of results, detailing site observations and recommendations for further survey where necessary.

### 1.2 Summary

No confirmed evidence (sightings or field signs) of protected species was observed during the survey. However, the site is considered suitable to support the following protected species. In addition, instances of snowberry, a non-native floral species, were observed (please see below).

### 1.3 Site Observations

#### 1.3.1 Bats

Mature trees are present throughout the site, many of which initially display features which may have the potential to support roosting bats. If any of these trees require to be felled or disturbed by the proposed development, then further bat assessment of the trees is recommended.

Further assessment of the trees would comprise an initial ground level daytime Preliminary Roost Assessment (PRA). Subsequent aerial inspection surveys may be required should any of these trees be identified as containing Potential Roost Features (PRFs) during the PRA. PRA and aerial surveys can be undertaken at any time of year.

Should a feature be found to support bats or not be able to be fully assessed during the preliminary surveys, then emergence/re-entry bat activity surveys may be required. Bat activity surveys can be undertaken during May to September, inclusive, with a proportion to be completed before the end of August.

**a:** Axwel House  
East Mains Industrial Estate  
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EH52 5AU

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**w:** [brindleyassociates.co.uk](http://brindleyassociates.co.uk)



### 1.3.2 Birds

A flock of rooks were observed to be building nests within the mature trees in the north-west of the site. Due to the presence of suitable nesting habitat, it is recommended that, if required, the site trees and vegetation are worked upon outside of the bird nesting season (March to August), inclusive). If this is not possible, and works are due to take place between March to August, then nesting bird checks should be undertaken by a suitably qualified ecologist, immediately prior to the tree or vegetation works commencing. If undertaken, we would consider the results of a nesting check as valid for three days, including the date of survey, after which further checks will be required to ascertain that the situation with regards to nesting birds has not changed.

Please note, some species such as feral pigeon can nest throughout the year, including the winter months.

### 1.3.3 Badgers

The embankments and substrate within the site are considered suitable habitat for sett creation. No setts or badger field signs were observed. The site is regularly used by dog walkers and residents with well-worn tracks throughout. This disturbance reduces the sites overall suitability for badger. No further survey for this species is currently recommended.

#### 1.3.3.1 Habitats

Snowberry, a non-native species, was recorded along the north-east and south-east boundary of the site. Unless controlled, snowberry can grow and spread quickly and out-compete native species. It is recommended that control measures are put in place during site activities.

No other protected or notable floral species or habitats were observed within the site boundary. The species and habitats were observed to be common and widespread.

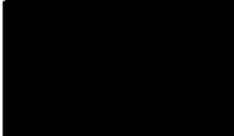


**TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS**

**DECISION NOTICE ON APPLICATION FOR PLANNING PERMISSION**

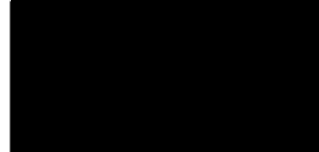
**Applicant**

Mr Michael Clayton



**Agent**

Yeoman McAllister Architects



The Council, in exercise of its powers under the above Acts, hereby **GRANT PLANNING PERMISSION** for the:-

Erection Of Residential Care Home Facility (Class 8) Comprising Two 5 Bedroom Units With Associated Formation of Access, Footpath and Parking, Replacement Boundary Wall, Landscaping And The Removal of Protected Trees

Land To The North Of Cemetery Lodge, Dollar Road, Tillicoultry, Clackmannanshire,

in accordance with your application Ref. No:- 19/00133/FULL dated 13th June 2019

Subject to the following conditions:

1. No works shall take place within the development site until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted in advance by the applicant, agreed by and approved by the planning authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority. Such a programme of works could include some or all of the following historical research, survey, recording, excavation, post-excavation assessment and analysis, publication in an appropriate academic journal and archiving.

2. (a) No development shall take place on site until a Preliminary Risk Assessment (Phase 1 Desk study report) has been submitted to and approved in writing by the local planning authority.

(b) Where further intrusive investigation is recommended in the Preliminary Risk Assessment as approved, development shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the planning authority.

(c) Where site remediation is recommended in the Phase II Intrusive Site Investigation Report development shall not commence until a Remediation Statement has been submitted to and approved in writing by the planning authority. The Remediation Statement shall include a timetable for the implementation and completion of the approved remediation measures. Remediation of the site shall be carried out and completed in accordance with the approved Remediation Statement.



(d) In the event that remediation is unable to proceed in accordance with the approved Remediation Statement or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the planning authority, works shall not recommence until proposed revisions to the Remediation Statement have been submitted to and approved in writing by the local planning authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Statement.

(e) Following completion of any measures identified in the approved Remediation Statement or any approved revised Remediation Statement, a Verification Report shall be submitted to the planning authority. Unless otherwise agreed in writing with the planning authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Statement and a Verification Report in respect of those remediation measures has been approved in writing by the planning authority.

(f) In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the planning authority, works on site shall not recommence until either (a) a Remediation Statement has been submitted to and approved in writing by the planning authority or (b) the local planning authority has confirmed in writing that remediation measures are not required. The Remediation Statement shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Statement.

Following completion of any measures identified in the approved Remediation Statement a Verification Report shall be submitted to the planning authority. Unless otherwise agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the whole site has been remediated in accordance with the approved Remediation Statement and a Verification Report in respect of those works has been approved in writing by the planning authority.

3. Before any works commence on site, the following details shall have been submitted and approved in writing by the planning authority;

i) Samples of the materials to be used on the external walls and roofs of the buildings and hard surfaced areas within the site.

ii) Details of the location, specification and materials of any means of enclosure within the site. This shall include details of the proposed means of enclosure along the north boundary of the site in addition to the details annotated on the approved Proposed Site Layout Plan (Dwg No PL-01 Rev E) and including, but not restricted to, the section between the access road and rear boundaries of adjoining houses.

iii) The design and specification for low and zero carbon generating technologies within or on the buildings

iv) A revised Site Layout Plan which includes a 6.0m radius on the west kerb radius at the bellmouth access.

v) The siting and design of the waste storage arrangements within the site.

vi) The location, design and specification of any external lighting to be installed within the site. The lighting shall be designed to accord with the advice in "Artificial Lighting and Wildlife - Recommendations to Help Minimise the Effect of Artificial Lighting, Bat Conservation Trust, 2014.

- vii) A Flood Risk and Drainage Impact Assessment for the development, prepared by a suitably qualified person. This shall demonstrate that there would be no increase in flood risk to neighbouring houses as a result of the development and surface water would be managed in accordance with the requirements of the SUDS Manual (Ciria C753).
- viii) A Construction Management Plan. This shall include details of the proposed arrangements to safely manage vehicle movements travelling to and from the site and minimise and monitor the risk of environmental impacts during the construction phase.
- ix) A Travel Plan Statement to include details of the proposed measures to encourage and monitor sustainable travel to and from the development.

Thereafter, the development shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the planning authority.

4. Before any construction works commence within the site, the vehicular access shall have been formed and the developer shall have demonstrated to the satisfaction of the Council that the visibility splays at the access achieve a minimum of 2.4 metres by 70 metres in both directions as annotated on drawing no K105-SK-01 titled Access Junction Detail by Andrew Carrie Traffic and Transportation. No construction work shall commence until the Council has confirmed in writing that it is satisfied that the above visibility splays have been achieved.

There shall be no obstruction to visibility above footway level within the above splays. Unless otherwise agreed by the Council, the land between the outside edge of the replacement wall and the heel of the existing footway on Dollar Road shall be hard surfaced to a standard adoptable by the Council as Roads Authority and offered for adoption prior to the first occupation of either of the buildings hereby approved.

5. Further to Condition No 4 above, the replacement section of wall on the Dollar Road frontage as annotated on the approved Site Layout Plan shall be constructed to match the existing stone wall which will be removed. This shall comprise a natural stone wall and copings and the stone shall be sized and laid to match the appearance of the existing wall. Before the commencement of construction of the external faces of the wall, the developer shall have constructed a sample section of the wall and invited a representative of the Council to inspect and approve the sample section of wall. The wall shall be constructed in accordance with the approved sample and shall be completed by the date of first occupation of either of the 2 buildings hereby approved.

6. Before any construction works commence on site, and further to the details set out in the Expanded Tree Survey Report by Brindley Associates and the Woodland Management Plan and Tree Proposals document by Yeoman McAllister Architects, both dated September 2019, the following details shall have been submitted to and agreed in writing by the planning authority;

- i) A Landscaping Plan prepared by a suitably qualified person which shall include details of the number, species, sizes and location of native trees to be planted within the site or adjacent land to replace those trees that require to be felled to accommodate the development or for health and safety reasons.
- ii) The location, specification and means of establishment of native tree and shrub planting to create screen planting between the approved buildings and road and the north boundary of the site.
- iii) An appraisal by a suitably qualified person of the potential impact of trees within and adjacent to the site from the works to site and install services and drainage associated with the development.
- iv) A written programme of the proposed works to secure the recommended actions in Table 1 Appendix A of the Brindley Report and the short term and long term management objectives described in the approved Woodland Management Plan by Yeoman McAllister and dated

September 2019 and the measures to monitor the implementation and effectiveness of the programme, the safety of the woodland and the delivery of any actions to remedy any failings.

Thereafter, the development shall be implemented in accordance with the approved details. This permission authorises the tree works recommended in the Expanded Tree Survey Report and Woodland Management Plan only. All tree works shall be carried out by a suitably experienced and qualified Arborist in accordance with the standards defined in BS 3998 "Recommendations for Tree Work", 2010, or as amended.

7. (a) The construction phase of the development shall be implemented in accordance with the recommendations relating to tree protection contained in paragraphs 1.3.3.1 to 1.3.3.6 of the Expanded Tree Survey Report by Brindley Associates, September 2019

(b) Further to 7(a) above, before development commences on site, details of the arrangements for the monitoring of the construction and landscaping phases of the development by a suitably qualified Arborist appointed by the applicant, shall have been submitted to and agreed in writing by the planning authority. The development shall be implemented in accordance with the approved details.

c) Between March and August in any calendar year, no works shall take place to fell or prune trees within the site unless a nesting bird check has been undertaken by a suitably qualified ecologist immediately prior to the works commencing. Where a check is required, the development shall be implemented in accordance with the recommendation of the ecologist, unless otherwise agreed in writing by the Council.

d) The development shall be implemented in accordance with the guidelines defined in BS5837: Trees in Relation to Construction- Recommendations - 2012, or as amended.

8. a) The access road, turning area, parking spaces and pedestrian link onto the footway on Dollar Road as annotated on the approved Site Layout Plan shall have been completed prior to the first occupation of either of the buildings hereby approved, unless otherwise agreed in writing by the planning authority.

b) The section of road within the site to the rear of the bellmouth area of the access onto Dollar Road shall be designed to ensure that no surface water or loose material is discharged onto the public road.

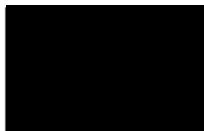
9. The proposed ground, finished floor and roof levels shall accord with the details annotated on the approved drawings, including Drawing No PL-04 Rev C - Proposed Site Sections, unless otherwise agreed in writing by the Council, as planning authority. Before any works commence on site, details of the arrangements for the setting out of the development and monitoring of changes to site levels shall have been submitted to and agreed in writing by the planning authority. Thereafter, the development shall be implemented in accordance with the approved details.

For the following reasons:

1. To safeguard and record the archaeological potential of the area.
2. To ensure potential risk arising from previous site uses has been adequately assessed, evaluated and suitable remediation is provided where necessary.

3. To consider these details yet to be submitted and in the interests of visual and residential amenity, environmental quality, road safety, sustainability and to manage the risk from flooding.
4. To safeguard road safety.
5. In the interests of visual amenity and to safeguard the established character of the area.
6. To consider these details yet to be submitted, in order to mitigate the impact of the development on the visual amenity and the biodiversity value of the site and its environs and the amenity value of the woodland, part of which is protected by a Tree Preservation Order.
7. In the interests of visual amenity and the amenity value of the woodland, part of which is protected by a Tree Preservation Order and minimise the impact on fauna.
8. In the interests of road safety.
9. For the avoidance of doubt and in the interests of visual and residential amenity.

Dated: 11 October 2019



.....  
DEVELOPMENT SERVICES

#### **Note to Applicant**

For the avoidance of doubt this Decision Notice also authorises the undernoted works to trees protected by Tree Preservation Order No 8 (Dollar Road, Tillicoultry);

- i) the felling of the trees numbered 823, 828, 844, 846 and 863 to 866 inclusive, and
- ii) the pruning of the trees numbered 808, 814, 842, 849, 852, 854, 867, 869 and 875,

as defined by, and in accordance with, the Expanded Tree Survey Report prepared by Brindley Associates, dated September 2019.

#### **Reasons for Decision**

1. Subject to the proposed conditions and mitigation measures, on balance it is concluded that the development would not be contrary to the provisions of the adopted Clackmannanshire LDP.
2. The concerns and issues raised in the representations from neighbours and other third parties would not outweigh the development plan position and justify withholding permission, having regard to the information submitted by the applicant in support of the application, the proposed measures to mitigate impacts, the advice received from consultees, the assessment undertaken by the Service and the terms of the proposed conditions.
3. There have been no objections received from consultees and the amended details and proposed conditions can satisfactorily address the comments made.
4. The development would provide a facility which would meet a need in the Clackmannanshire area for the support of adults with learning disabilities involving a model of

care supported by the Clackmannanshire and Stirling Health and Social Care Partnership. This contribution and the community benefit it would provide would attract positive weight.

5. There are no other material considerations which would outweigh the level of LDP support for the development and justify withholding permission.

#### Plan Numbers Relating to the Decision

Plan No	Title
Loc-01	Location Plan
PL-01 RevE	Proposed Site Layout Plan
PL-02 RevB	Proposed Floor and Roof Plans
PL-03	Proposed Elevations
PL-04 RevC	Proposed Site Sections
PL-05	Proposed Bedroom Layout
16-04-12	Site Survey
K105-SK-01	Proposed Access Junction

- Extended Tree Survey Report, Brindley Associates, September 2019
- Woodland Management Plan and Tree Proposals, Yeoman McAllister Associates, September 2019

## NOTES FOR GUIDANCE

1. Please examine your decision notice carefully. It describes the development to which the decision relates, includes any conditions that must be complied with and explains the reasons for the decision.
2. Please also read the following guidance. It contains important information regarding
  - \* the duration of the permission
  - \* rights of review
  - \* requirements for further notification to the Council; and
  - \* the publicising of the development.
3. Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006 - Planning Permission in Principle:-
  - (a) In the case of matters specified by conditions, further application(s) for approval must be made to the Council not later than the expiration of 3 years beginning with the date of this permission. Otherwise, the planning permission lapses on that date.
  - (b) The development to which this permission relates must be begun not later than the expiration of 5 years from the date of this permission or within the expiration of 2 years from the final approval of matters specified, whichever is the later. Otherwise, the planning permission lapses on the latter date.
4. Section 58 of the Town and Country Planning (Scotland) Act as amended by the Planning etc. (Scotland) Act 2006 - Planning Permission: Unless otherwise stated overleaf, the development to which this permission relates must be begun not later than the expiration of 3 years from the date of this permission. Otherwise, the planning permission lapses on that date.
5. There are 2 different rights of appeal if the applicant is aggrieved by the decision to refuse permission for the proposed development, or to grant permission subject to conditions.
  - (i) If the decision has been made by the Appointed Officer under the Council's Scheme of Delegation, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The Notice of Review should be addressed to:-

Clerk to the Local Review Body  
Clackmannanshire Council  
Kilnbraigs  
Alloa FK10 1EB

The Notice of Review form is available to download on the Council website at [www.clackweb.org.uk](http://www.clackweb.org.uk). Alternatively, send an e-mail with your name and address to [planning@clacks.gov.uk](mailto:planning@clacks.gov.uk) and we will arrange to send a form to you.
  - (ii) If the decision has been made by the Council's Planning Committee, then you or your agent may lodge an appeal with the Directorate for Planning and Environmental Appeals (DPEA). The easiest way to do this is via the Planning Appeals Online Portal which can be found on our Clackweb site, or you can request paper forms from:

Directorate for Planning and Environmental Appeals  
4 The Courtyard  
Callendar Business Park  
Callendar Road  
Falkirk, FK1 1XR  
Telephone 01324 696400

#### **Notification of Initiation of Development**

6. Once it has been decided on the date to start work on the development to which this permission relates, **the developer must inform the Council of that date as soon as is practicable and certainly before starting work. This is termed Notification of Initiation of Development (NID). Failure to give such notice to the Council constitutes a breach of planning control.** Please therefore ensure that the NID form attached to this decision notice is completed and returned to the Council before the start of development.

#### **Notification of Completion of Development**

7. Once the development to which this permission relates has been completed, the applicant or developer must, as soon as practicable, notify the Council accordingly. This is termed Notification of Completion of Development (NCD). If the development is carried out in phases, the notification must be issued to the Council as soon as practicable after each phase. Please therefore ensure that the NCD form attached to this decision notice is completed and returned to the Council as soon as practicable.

#### **Display of Notice while Development is carried out**

8. If this permission relates to a national, major or bad neighbour development (such as a public house or hot food takeaway), the applicant or developer must, for the duration of the development, display one or more signs. The sign(s) must be displayed in a prominent place at or in the vicinity of the site, and be readily visible to the public. **Failure to display the sign(s)/notice while carrying out the development constitutes a breach of planning control.** The information to be displayed must include:-
  - (i) The location of the development.
  - (ii) Any conditions attached to the planning permission.
  - (iii) The name and address of the developer.
  - (iv) The date on which planning permission was granted.
  - (v) The planning authority reference number.
  - (vi) A description of the development.
  - (vii) A note of the Council's contact details for enquiries relating to the development, which is [planning@clacks.gov.uk](mailto:planning@clacks.gov.uk) or Development Services, Clackmannanshire Council, Kilncraigs, Greenside Street, Alloa, FK10 2EB.
9. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and

cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

10. **It should be understood that this permission does not carry with it any necessary consent or approval to the proposed development under other statutory enactments. In particular, it does not constitute approval under the Building (Scotland) Acts, The Water Environment (Controlled Activities) (Scotland) Regulations or Roads (Scotland) Acts in respect of street works.**





**Clackmannanshire  
Council**

**NOTIFICATION OF INITIATION  
OF DEVELOPMENT**

This notice must be submitted to the Council before you intend to start development with planning permission. Failure to do so is a breach of planning control under Section 123(1) of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006

Please complete all sections of this form and return it to Development Services (Development Quality), Clackmannanshire Council, Kilncraigs, Greenside Street, Alloa, FK10 1EB

**1. Applicant, or other person carrying out the development**

Name

Address

Town  Post Code

Phone No  Fax Number

E-mail

Are you the owner of the land  Yes  No If no, please provide the owner's details:

Name

Address

Town  Post Code

Phone No

**2. Site Agent/Contractor, if any:**

Name

Address

Town  Post Code

Phone No  Fax Number

E-mail

**3. Application Details**

Application No

Please state the postal address of the development site (as shown on planning decision notice)

Address

Town  Post Code

Date planning permission granted

Date on which you intend to start the development

**4. Signature**

Signed

Print Name  Date

**5. Notes to Applicant/Developer:**

Please note that if there are any conditions attached to the planning permission to which the development relates that require the submission and approval of details before the start of work on site, you are advised to ensure that such conditions have been discharged.

**CAUTION:** You are reminded that any person who knowingly or recklessly submits false or misleading information for the purpose of obtaining consent is guilty of an offence and liable on conviction to a significant fine. A consent issued as a result of such information may be revoked.

Development Services (Development Quality)  
Clackmannanshire Council  
Kilncraigs  
Greenside Street  
Alloa, FK10 1EB

Tel: 01259 450000  
Web: [www.clacks.org.uk](http://www.clacks.org.uk)  
E-mail: [planning@clacks.gov.uk](mailto:planning@clacks.gov.uk)



**Clackmannanshire  
Council**

**NOTIFICATION OF  
COMPLETION  
OF DEVELOPMENT**

This notice must be submitted to the Council as soon as practicable after completion of the work which has planning permission. If the planning permission involves phases of development, a separate notice must be submitted at the completion of each phase.

Please complete all sections of this form and return it to Development Services (Development Quality), Clackmannanshire Council, Kilncraigs, Greenside Street, Alloa, FK10 1EB

**1. Applicant, or other person carrying out the development**

Name	<input type="text"/>		
Address	<input type="text"/>		
Town	<input type="text"/>	Post Code	<input type="text"/>
Phone No	<input type="text"/>	Fax Number	<input type="text"/>
E-mail	<input type="text"/>		

**2. Site Agent/Contractor, if any:**

Name	<input type="text"/>		
Address	<input type="text"/>		
Town	<input type="text"/>	Post Code	<input type="text"/>
Phone No	<input type="text"/>	Fax Number	<input type="text"/>
E-mail	<input type="text"/>		

**3. Application Details**

Application No \_\_\_\_\_

Please state the postal address of the development site (as shown on planning decision notice)

Address \_\_\_\_\_

Town \_\_\_\_\_ Post Code \_\_\_\_\_

Date planning permission granted \_\_\_\_\_

Date development completed \_\_\_\_\_

**4. Signature**

Signed \_\_\_\_\_

Print Name \_\_\_\_\_ Date \_\_\_\_\_

**CAUTION:** You are reminded that any person who knowingly or recklessly submits false or misleading information for the purpose of obtaining consent is guilty of an offence and liable on conviction to a significant fine. A consent issued as a result of such information may be revoked.

Development Services (Development Quality)  
Clackmannanshire Council  
Kilnraigs  
Greenside Street  
Alloa, FK10 1FB

Tel: 01259 450000  
Web: [www.clacks.org.uk](http://www.clacks.org.uk)  
E-mail: [planning@clacks.gov.uk](mailto:planning@clacks.gov.uk)

**DEVELOPMENT & ENVIRONMENT SERVICES  
CLACKMANNANSHIRE COUNCIL**

<b>REPORT OF HANDLING PLANNING APPLICATION DELEGATED REPORT</b>
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Application Ref. No. **19/00133/FULL**      Date of Site Visit: **8/7/19 and 2/8/19**

Description of Proposal      **Erection Of Residential Care Home Facility (Class 8)  
Comprising Two 5 Bedroom Units With Associated  
Formation of Access, Footpath and Parking,  
Replacement Boundary Wall, Landscaping And The  
Removal of Protected Trees**

Location:                      **Land To The North Of Cemetery Lodge, Dollar Road,  
Tillicoultry, Clackmannanshire**

**1. The Proposed Development**

Planning permission is sought to develop part of a wooded area of ground to create a residential care facility. The site is within the settlement boundary and is part of a larger area of open space which is mainly wooded and lies between the housing areas at Johnston Crescent and Sandy Knowe. The development would comprise 2 single storey buildings each of which would include 5 ensuite bedrooms with lounge, kitchen and dining facilities for residents and staff office/sleeping facilities. Each building would have a rectangular shaped footprint and extend to 221 sqm in floor area.

The external design and proportions of the buildings would be modern and include large elements of glazing. The roof would comprise hipped roofs of varying proportions. The external finishes would comprise a tiled roof and mainly rendered walls.

The buildings would be accessed by a new entrance from Dollar Road at the north eastern end of the site. This bellmouth entrance has been designed to accommodate safe entry and egress including by the largest commercial vehicle likely to enter the site. A separate pedestrian access would be formed approximately at the midpoint of the site frontage which would provide a link from the site onto the public footway on Dollar Road. A shared surface road incorporating a vehicle turning area would be formed within the site which would provide access to the buildings and 11 carparking spaces. The initial section would run adjacent to the rear boundary of the properties at 19-23 Sandyknowe before turning to the south of the proposed buildings. The parking spaces would be located between the road and the proposed wall on the Dollar Road frontage. This frontage is currently enclosed by a stone rubble wall, but this would have to be relocated in order that the recommended visibility splays of 2.4m by 70m could be achieved in both directions

at the proposed new access. The applicant proposes to replace the wall with a matching natural stone wall incorporating downtakings from the original wall. The wall would be located behind the line of the existing wall so that it would not encroach within the visibility splay. The degree of realignment would be at its widest towards the western part of the site where the wall would be setback approximately 0.8m behind the existing wall.

A number of existing trees and shrubs within the site would have to be removed to accommodate the buildings and associated works. The amended Proposed Site Layout Plan indicates that 19 trees would have to be felled within the site. This includes a mix of less mature trees at the eastern end and several mature trees towards the western part of the site. 6 of the trees within the site are recommended for felling by the accompanying Tree Survey Report primarily for health and safety reasons rather than as a result of the development.

Part of the site is covered by Tree Preservation Order (TPO) No 8 – Dollar Road, Tillicoultry. The Order covers part of the woodland area adjacent to Dollar Road from the boundary with No 44 Dollar Road and tapers to a point approximately midway along the site frontage with Dollar Road. 4 of the trees to be felled within the site are within the TPO area and the remaining 15 are outwith. 1 protected tree also requires to be pruned. This Report of Handling also considers the request to remove these protected trees as required by the T&CP (Scotland) Act, 1997, as amended. The applicant owns all the woodland covered by the TPO as well as part of the wooded area to the north of the TPO which is outwith the application site.

A Tree Survey Report and Woodland Management Plan have been submitted by the applicant in support of the proposals. These also recommend that 4 trees outwith the site but within the TPO area are removed due to their poor health and condition and that 3 are pruned. These works also require the approval of the planning authority.

## **2. Summary of Consultation Responses**

Roads and Transportation has advised that following amendments by the applicant to the proposed layout and design of the access, they do not object. They are satisfied that the applicant has now demonstrated that the proposed development would not result in an adverse impact or unacceptable increase in risk to road and pedestrian safety. Comment – *several factors have been addressed by the applicant in response to the advice from Roads to the current application and the previous application for a similar development which was subsequently withdrawn (ref 18/00253/FULL). This has included the submission of a Transportation Statement from a suitably qualified person. The main factors can be summarised as follows;*

- i) The location of the access junction has been moved further to the east to achieve adequate visibility splays of 2.4m x 70m in both directions. This has required the removal and replacement of the existing boundary wall to avoid encroaching within the splay.*
- ii) A Transportation Statement has been submitted which demonstrates that the forward visibility for drivers "the sight stopping distance" approaching a vehicle waiting to turn right into the site would be satisfactory.*

- iii) *Vehicle tracking for the largest vehicle likely to enter the site has been undertaken to demonstrate that both the internal road design and turning facilities would be adequate and the bellmouth geometry has been enlarged so that vehicles exiting the site would not need to manoeuvre onto the opposite lane width.*
- iv) *A separate pedestrian access to the site has been included onto the footway on Dollar Road to create segregated pedestrian and vehicular access into the site.*
- v) *The number of parking spaces within the site has been increased to 11. The original layout under ref no 18/00253/FULL contained 4.*
- vi) *Dropped kerb crossings have been included on either side of the bellmouth access to facilitate pedestrian movements on Dollar Road.*
- vii) *The applicant has agreed to produce a Travel Plan to encourage staff/resident trips to and from the site other than by the private car.*

*We have concluded, having had regard to the proposed design, the advice from Roads and the issues raised by objectors outlined in Section 4 below, that the applicant has satisfactorily demonstrated that any potential adverse road safety impacts have been addressed or could be regulated using planning conditions. Consequently, it is not considered that there would be justifiable grounds to withhold permission on road or pedestrian safety grounds.*

Environmental Health do not object and have advised that a suitable risk assessment should be undertaken to demonstrate that any ground contamination risk has been adequately addressed. Comment – *this could be regulated using a suitably worded planning condition.*

The Council's Sustainability Team has highlighted the following points; the site is adjacent to a Core Path; before any trees are removed checks should be carried out that the works would not affect bats; and if the development is approved, the proposed Woodland Management Plan would have a positive impact which would help sustain its longevity and its amenity and biodiversity value. Comment – *the development would not directly affect the Core Path and there is scope to enhance the informal access routes within the woodland area under the control of the applicant. A link would be provided from the site to access the woodland and Core Path which would encourage active travel and recreational activity for residents and staff. A Protected Species Survey and a Preliminary Roost Assessment for Bats has been undertaken on behalf of the applicant. These have not identified any significant constraint to development taking place, subject to adequate mitigation measures being employed during the construction phase. 3 potential roost sites were identified but these are in trees outwith the application site. Two of them are in poor condition and felling or pruning maybe necessary in the interests of safety. There is also some non native invasive species within part of the site and control measures would be implemented to minimise its impact on native species.*

Scottish Water has no objection. They advise that the developer should complete a Pre-Development Enquiry to them to agree the details of the connections to the public water and foul supplies. Comment – *the applicant is aware of this advice.*

The Regional Archaeologist does not object to the application but advises that if approved, the developer undertakes an approved Programme of Archaeological

Works including a scheme of investigation so that any archaeological features of interest can be recorded and recovered. His response highlights the possible proximity of the site to where the Cunninghar stone circle and prehistoric burial ground may have been but notes that records indicate that this was destroyed in the 19<sup>th</sup> Century. There is no evidence that any remains survived and therefore there is insufficient evidence to object to development taking place. *Comment – a planning condition could be attached as advised by the Regional Archaeologist to ensure any archaeological interests are safeguarded and recorded before development is completed.*

Tillicoultry, Coalsnaughton and Devonside Community Council object to the proposed development. They advise that while they support the provision of such a facility in the area, they consider this site to be inappropriate due to; the safety of the access for drivers turning into the site and pedestrian safety on the footway; inadequate parking provision which lead to parking demand being displaced onto nearby streets; insufficient turning space within the site; adverse impact on wildlife interests within the site; incompatibly with the allocation of the site as Safeguarded Open Space in the Local Development Plan and it could set an undesirable precedent if approved; the historical and archaeological significance of the site would be damaged; the land was apparently sold by the Council without any community consultation thus preventing the opportunity for its purchase by the community and maintaining it as open space; and the potential for noise nuisance to neighbours from traffic movements including at night time or early morning. *Comment – we have carefully considered all these issues and sought advice from relevant consultees where appropriate. The issues overlap with those raised by individual objectors and our response is summarised in Section 4 below. The reference to the sale of the land in the past would not be a material planning consideration.*

### 3. Neighbour Notification and Publicity

Number Of Neighbours Notified

19

Number of Objections

18

Number of Other Representations

0

The application was also publicised in the Alloa Advertiser for neighbour notification reasons.

### 4. Summary of Representation(s)

Objections have been received from the following parties;

- Jonathon Watkins, 22 Sandy Knowe, Tillicoultry
- Heather Watkins, 22 Sandy Knowe Tillicoultry
- Scott Sinclair, 27 Sandy Knowe Tillicoultry
- Ewart McAuslane, 32 Melloch Crescent, Tillicoultry
- Anne Lindsay, 4 Harviestoun Grove, Tillicoultry
- Peter Foster, 25 Sandy Knowe, Tillicoultry
- Jayne Foster, 25 Sandy Knowe, Tillicoultry
- Steve Hall, 8 Sandy Knowe, Tillicoultry



- Hector Nicolson, 16 Sandy Knowe, Tillicoultry
- Susan McLaine, 3 Harviestoun Grove, Tillicoultry
- Peter and Helena Paterson, 1 Daiglen, Tillicoultry
- Jacqueline Cavellini, 29 Sandy Knowe, Tillicoultry
- Kay Anderson, 35 Sandy Knowe, Tillicoultry
- Christopher Noble, 23 Sandy Knowe, Tillicoultry
- Dr Ken McLachlan, 37 Sandy Knowe, Tillicoultry
- Mr and Mrs Bain, 31 Sandy Knowe, Tillicoultry
- Ian Millar, 3 Kirkhill Terrace, Tillicoultry

A number of issues have been raised and where appropriate, these have been grouped under the headings below.

1. **Road Safety** – the access would be unsafe; concern about traffic visibility and the adequacy of the proposed sight stopping distance particularly for vehicles approaching from the west over the brow of a hill; this is a sensitive section of road due to traffic speeds, proximity to other accesses, close to a bend and history of road traffic accidents and is evidenced by speed reduction measures implemented by the Council; will the visibility splays meet the appropriate design requirements; road safety issues should be addressed by specialists using appropriate methodologies before any decision is taken; development on the site has previously been refused for road safety reasons; traffic on Dollar Road may divert via Fir Park during the construction phase; concern whether emergency vehicles could enter and egress the site safely; how would construction related traffic be safely managed; *Comment – It is recognised that many of the objectors have raised road safety concerns and these issues have been carefully considered in consultation with colleagues in the Roads Section. We have however concluded that the applicant has satisfactorily demonstrated that the proposed development would not be likely to result in an unacceptable increase in risk to road or pedestrian safety or "be unsafe", subject to the proposed conditions. This conclusion has been reached having regard to the following factors;*
  - i) *A Transport Statement has been submitted from a suitably qualified person which has satisfactorily demonstrated how the relevant junction design standards could be achieved if the development proceeded.*
  - ii) *Roads and Transportation have confirmed, having had regard to the information from the applicant and the road safety concerns raised by objectors, that the issues set out in its consultation response have been adequately addressed by the applicant and they have no objection on road safety grounds.*
  - iii) *The provision of appropriate visibility splays at the junction have been annotated on the Proposed Plan and could be effectively regulated using planning conditions.*
  - iv) *From the information provided, the number of off-street parking spaces proposed would accord with the relevant parking standards for this type of development.*

- v) *The applicant has provided information to demonstrate how vehicles would be able to safely turn within the site and be able to exit in forward gear.*
  - vi) *The proposed replacement boundary wall would result in an overall increase in the width of the footway on most of the site frontage which would benefit rather than adversely affect pedestrian movements.*
  - vii) *A construction management plan would be required by a planning condition which would help manage traffic during the construction period. The potential risks associated with displacement of traffic onto residential roads during this period are considered to be low.*
  - viii) *The application has to be considered on its individual merits, notwithstanding decisions on any previous applications at the site.*
2. Need for betterment – development should only be approved if it provides betterment such as straightening the bend at the cemetery or providing a right-hand lane into Harviestoun Road or improving the existing footpath link between Sandyknowe and the path next to 44 Dollar Road; Comment – *having regard to the advice from the Roads Section, it is concluded that neither of these suggestions would be reasonable as they would not be necessary to make the development acceptable in planning terms; would not relate to the proposed development as a direct consequence of it; and would not fairly and reasonably relate in scale or kind to the proposed development. The works would also be outwith the application site boundary. Therefore, it would not be lawful to make the development conditional on implementation of these works.*
  3. Parking and Circulation – the proposed number of spaces is inadequate to meet demand from staff and visiting health professionals or family; parking may overspill onto adjacent residential streets; parking bays may not meet the required dimensions; the proposed turning head does not accord with the dimensions contained in the guidelines for public roads; the tracking analysis may not be based on the largest vehicle to visit the site; the accessibility of the site is poor with limited public transport; Comment *from the information provided by the applicant, and the advice received from the Roads Section, we are satisfied that the parking, circulation, vehicle turning and pedestrian access arrangements would be acceptable and accord with relevant guidelines. The site is close to bus stops on Dollar Road and pedestrian links to the town centre some 700m to the west and a Core Path. On balance, the level of accessibility of the site is not considered to be poor or be incompatible with a use of this nature.*
  4. Removal of stone wall on Dollar Road frontage – it would appear just as effective to retain the existing wall as the proposed replacement which includes hedging could also restrict visibility; will the new stone wall not create the same visibility restrictions as the existing wall?; the removal of the wall adversely affects the character of the area; vegetation may impinge on the new visibility splays; the footway on Dollar Road should be a minimum width of 2.0m; the works would result in the removal of street lighting; Comment – *Roads have advised that the existing wall has to be removed to achieve a suitable standard of visibility at the site junction. This would be achieved by the proposed design specified on the drawings. The proposed*

*design would improve visibility and a hedgerow is not proposed. The replacement wall would also be finished in natural stone to match the existing wall and the applicant intends to use as much duntakings from the existing wall. The Service has requested that a replacement stone wall be provided in the interests of the character of the site and this section of Dollar Road and the applicant has agreed. Roads have not advised that the footway requires to be widened to 2.0m to accommodate the proposed development but the erection of the replacement wall could result in a modest increase of up to approximately 0.8m in its width.*

5. Adverse impact on woodland and protected trees – the proposed removal of trees protected by a Tree Preservation Order (TPO) makes a mockery of this designation; the site is allocated as “Safeguarded Open Space” in the Local Development Plan (LDP); the loss of part of the woodland would diminish the recreational or amenity value of the woodland; this woodland provides a safe green space for local people; construction work is likely to damage the root system of trees intended to be retained and this has not been adequately addressed; any proposed planting will take years to become established and create an effective screen; Supplementary Guidance highlights the need for more woodland areas to increase coverage; it runs counter to one of the priorities in the Community Action Plan 2017 to protect green spaces; Comment – the LDP planning policy implications are discussed in Section 8 a) (i) below in relation to the issues of protected trees and the allocation as Safeguarded Open Space.

*The existence of the TPO does not preclude the removal of trees, but only where these are considered acceptable by the planning authority. The area of woodland covered by the TPO reflects their contribution to the amenity of the area next to Dollar Road. Our assessment has taken account of the likely impact of the proposed removal of the protected trees on the amenity of the area, the integrity and value of the woodland as a whole as well as the proposed mitigation in the form of replacement tree planting and management of the woodland controlled by the applicant. The applicant has submitted initial and updated Tree Survey and Tree Constraints Plan and a Woodland Management Plan, which are considered to be sufficient to satisfactorily assess the potential impact of the development on the existing trees and woodland. Some other key points are highlighted below;*

- i) The tree survey identifies approximately 35 trees within the site and our records indicate 6 would be within the TPO area.*
- ii) An amended Site Layout Plan was submitted in addition to the updated Tree Survey which shows the loss of 19 trees within the site including 4 within the TPO area. The original Site Layout Plan showed 9 trees would be removed including the 4 within the TPO area. The additional trees annotated on the Plan are within the north eastern part of the site and in poor condition. 6 are recommended for felling in the Tree Survey on health and safety grounds. 3 of the other trees would in fact be within the extent of the proposed road but were not previously annotated. Their loss could be mitigated by replacement planting and it is considered that the additional trees proposed for removal on the amended Site Layout Plan would not result in any*

significant change to the potential impacts associated with original Layout Plan and that no further publicity or consultation would be required as a result of this change. Pruning is also recommended for several of the protected trees in the interests of good arboricultural management.

- iii) The remaining area of woodland owned by the applicant outwith the site contains approximately 54 trees and 48 of these are protected by the TPO. 4 would be felled for health and safety reasons.
  - iv) Approximately 25% of the TPO area is within the application site boundary. Approximately 10% of the site area is covered by the TPO.
  - v) The site generally lies below the level of the woodland area immediately to the west by approximately 6.0m and there is a relatively short steep incline along the western boundary. There is a post and wire fence running along the top of the incline which encloses the western boundary of the site.
  - vi) Unlike the woodland area to the west and north west, there are no footpaths or obvious desire lines within the site and it is not easily accessible due to the fence and steep incline on its western boundary. During the site visit, significant parts of the site were covered by thickets and ground cover making access and circulation difficult. There are no obvious paths or routes from the site onto neighbouring land. The area within the site is not considered to be as safe and welcoming as the area of woodland outwith the site to the west in terms of its recreational value.
  - vii) The trees within the site are not as densely grouped and there is a clearing at the eastern end beyond which there is a group of trees, all of which are recommended for removal in the Tree Survey for health and safety reasons.
  - viii) It is considered that effective tree protection measures to safeguard trees to be retained could be secured using a planning condition.
  - ix) Replacement planting is shown on the Proposed Site Layout Plan and more trees could be planted than would be removed. The implementation of an agreed Woodland Management Plan would ensure that the integrity, biodiversity and sustainability of the woodland owned by the applicant could be secured which otherwise may not be achieved. The loss of several individual trees to accommodate the development and their impact on amenity needs to be balanced with the positive impact of replacement planting and positive management of the larger woodland area as a whole. The latter would help offset the adverse impact from removal of existing trees.
  - x) While planting would take some time to become established to create screening, this would not take long and would make a positive contribution to the woodland.
6. Loss of public access over the site which is used for recreational use by local people and the allocation as Safeguarded Open Space should allow public use and access. Comment – as discussed in the point above, there was little evidence during the visits to the site that the site is being used regularly for

*recreational access by the public. It is separated by a fence from the rest of the woodland and lies below a steep incline. As discussed in point 5 above, there are no obvious evidence of footpaths or desire lines within the site or into the site and it is not readily accessible due to the fence and steep incline on its western boundary. The existing vegetation over significant parts of the site makes access and circulation difficult. The applicant has stated that it is intended to install a footpath link from the site into the woodland to the west and there are no proposals to further restrict access. It is therefore possible that the public could access the site, but it is recognised that should the 2 care units be erected, the environment of this area would become more private and this may deter access notwithstanding the comments from the applicant. Allocation as Safeguarded Open Space in the LDP does not in itself confer public access rights over the land but the public would be able to exercise access rights that exist under the Land Reform (Scotland) Act.*

7. **Adverse impact on residential amenity** – this is a quiet residential area and the development could generate noise between 8pm and 8am for example from deliveries or staff shift changes or staff visits given no staff sleeping accommodation would be provided; service vehicles may cause noise nuisance and turn in close proximity to the neighbouring garden areas; loss of privacy and adverse visual impact on neighbouring properties due to removal of trees and possible overlooking from window openings; can more mature planting be provided on the north boundary?; who would maintain the narrow strip of land between no 35 and 37 Sandy Knowe and the development; **Comment** – *we are satisfied that the proposed development would not result in an unacceptable impact on the standard of residential amenity and privacy enjoyed by neighbouring residents. The nature and character of the proposed use is not considered to result in significant adverse impacts on neighbours from noise, odour, activity or disturbance. The proposed floor plans show overnight accommodation would be provided for a member of staff. Having regard to the degree of separation between the proposed buildings and neighbouring houses, their juxtaposition and orientation of window openings, it is considered that the development would not result in an unacceptable standard of privacy or amenity enjoyed by neighbouring houses. A Landscaping Plan would have to be submitted for approval and this would include details of tree and shrub planting along the north boundary of the site to help create a buffer between the properties. A section of the access road would be located close to the north boundary which would leave less space for screen planting. However, it is not considered that this would result in any unacceptable impact on the amenity of the occupants of those properties. The narrow strip of land referred to is neither within the site nor under the control of the applicant and its future use would not be material to the determination of the application.*
8. **Archaeological interests** – the Druids stone should be preserved which is the last remaining part of a stone circle; an investigation would be needed if the site was cleared and this would be contrary to Policy EA20 of the LDP; previous advice from the Regional Archaeologist in 2003 indicated that there may still be potential for remains to be discovered on what was part of the proposed site; **Comment** – *the Regional Archaeologist has advised that there*

would not be grounds to withhold permission on the basis of the potential archaeological value of the site and does not object. Rather, any potential heritage interests could be suitably addressed through the approval of a Programme of Archaeological Works including a scheme of investigation. This would enable any archaeological features of interest which were identified to be recorded and recovered.

9. Adverse impact on wildlife interest – consideration should be given to the impact on fauna including bats which have protected status; no habitat survey has been submitted; the development would result in the removal of much habitat and no consideration has been given to this loss; the development would adversely affect the value of the site as part of a green network; Comment – following the submission of a “Protected Species Site Appraisal” and “Preliminary Roost Assessment for Bats”, we are satisfied that the potential impact on protected species has been adequately investigated and the evidence would not preclude development taking place. The construction would result in the loss of several existing trees and vegetation, but this loss would be offset by the proposed replacement tree planting, positive management of the woodland and measures to control invasive species within the site. On balance, the net impact of the development on biodiversity, habitat and the contribution of the site to the green network is not considered to be sufficiently adverse to justify withholding permission. Conditions would be attached to regulate the implementation of the mitigation measures.
10. No environmental impact assessment has been carried out. Comment – a formal Environmental Impact Assessment (EIA) under the Town and Country Planning (EIA) (Scotland) Regulations 2017 is not required. The applicant has submitted environmental information comprising a Tree Survey, the reports mentioned in 9 above and a Woodland Management Plan which are considered to enable the potential environmental impacts to be assessed.
11. No information has been provided about who would reside in the buildings. Would it be vulnerable elderly or residents who could pose a risk to local residents? Comment – the applicant has advised that the development would provide supported living for care facilities for adults with learning disabilities. It is considered that the proposed accommodation would be suitable for this type of accommodation.
12. No clear landscaping details have been provided or treatment to boundaries; Comment – conditions would be attached requiring a detailed landscaping plan and details of boundary enclosures to be submitted for approval.
13. Impact due to flood risk and drainage – no drainage impact assessment has been submitted; the removal of trees will reduce absorption of water in already damp gardens; Comment – the site is not within land identified as being at medium to higher risk of flooding on SEPA’s Flood Map and the Council’s Flooding Officer has advised that there is no recorded history of flood risk in the site or surrounding area. The Flooding Officer has advised that details should be provided that the development would not result in increased risk of flooding to neighbouring houses. While a flood risk assessment is not considered necessary, the applicant has confirmed that it would submit a Flooding and Drainage Statement to demonstrate how the

- development would be implemented without resulting in an increase in risk to adjoining houses. This could be regulated using a planning condition.*
14. **Lack of demand for the facility** – a care home has recently closed in Dollar which indicates there is not under provision in the area; **Comment** – *the Clackmannanshire and Stirling Health and Social Care Partnership has advised that there is a need for such facilities in the local area and they would complement the model of care being implemented by the Partnership.*
  15. Given housing development on the site has been refused in the past, is this proposal a test to see if the principle of development can be approved before reapplying for development for a dwellinghouse(s). **Comment** – *the application must be determined on its individual merits and it would not be reasonable to withhold permission on the grounds that the applicant may have an ulterior motive. Permission is being sought for Class 8 use and a further planning permission would be required to use the site for residential use (Class 9). The applicant has also discussed the proposal with representatives from the Social Care Partnership in relation to the operational requirements and local need that exists.*
  16. The principle of providing a facility of this nature locally is acceptable but this site is not suitable or safe; the site is too isolated; **Comment** – *we are satisfied from the information available that the site and location would be safe and suitable for the proposed development.*
  17. According to the planning website, this is the 3<sup>rd</sup> application for the facility but the documents for the first one has been removed **Comment** – *the applicant has submitted one previous application which was subsequently withdrawn.*
  18. Notification of neighbours only extended to immediate neighbours but other residents in this area may have comments. **Comment** – *neighbour notification is regulated by statutory powers and notification has been sent to those parties who hold a notifiable interest in accordance with the Order.*
  19. Poor quality of design and layout; **Comment** – *the proposed building design, materials, landscaping and boundary treatment is not considered to adversely affect the visual amenity and would respect the character of the surrounding area. There is a mix of mainly modern house types along Dollar Road.*
  20. There is insufficient detail of how potential impacts could be mitigated and provide local benefit. **Comment** – *we are satisfied that sufficient information has now been submitted to reach a recommendation on the development. Further information would be required but this could be effectively regulated using planning conditions. The proposed replacement planting and Woodland Management Plan would have a positive impact.*

## 5. **Summary of Supplementary Statements**

- Design Statement – this sets out the design process undertaken including site appraisal, urban design analysis, design rational and sustainability.
- Transportation Statement – this examines the technical standards and suitability of the proposed junction design onto Dollar Road.
- Extended Tree Survey Report (Amended) – this extends to all the land owned by the applicant. It includes a tree survey, recommendations for tree surgery, tree protection and future tree management. The Report was updated to

include all of the trees at the north eastern end of the site. This includes proposed felling and pruning works to trees in the interests of health and safety.

- Woodland Management Plan and Tree Proposals (Amended) – the document sets out a proposed management plan for the woodland owned by the applicant to improve its overall quality, longevity and biodiversity value. It also sets out the justification for works to fell or prune trees within the site and on adjoining land which would be required to safely accommodate the development or due to the existing poor condition of the trees.
- Protected Species Site Appraisal and a Preliminary Roost Assessment for Bats – these assessments have indicated that development could proceed subject to suitable mitigation measures.

#### **6. Summary of Section 75 Planning Obligations.**

- N/A

#### **7. Site History/Background**

- 18/00253/FULL - Erection Of Residential Care Home Facility (Class 8) Comprising Two 5 Bedroom Units With Associated Formation of Access and Parking, Landscaping And The Removal of Protected Trees – *the application was withdrawn following the decision by the applicant to amend the proposed layout in response to advice from the Service during the assessment period.*
- C/91/177 – Outline Application for 1 Dwellinghouse on a 0.067Ha area of land comprising the north eastern end of the current site was refused permission and a subsequent appeal to Scottish Ministers was dismissed. The reasons for refusal related to inadequate visibility associated with the access to the proposed site which would not be in the interests of road safety and the site was not allocated for residential development in the draft Local Plan at that time and it was not required to accommodate the predicted demand for housing in the area.
- Part of the site is covered by a Tree Preservation Order (TPO). The Order covers a group of mature trees within a larger wooded area located next to Dollar Road to the east of 44 Dollar Road. The majority of the TPO covers the land which is elevated above the road. The land covered by the TPO extends to approximately 3220 m<sup>2</sup> and approximately 790 m<sup>2</sup> of it lies within the application site. The TPO and Survey information indicates that there are 6 trees within the site which are protected by the TPO.

#### **8. Planning Assessment**

##### **(a) Development Plan Position**

The site is located within the settlement boundary of Tillicoultry as defined in the adopted Clackmannanshire LDP. Except for the north eastern tip of the site which contains a group of trees, the site also falls within part of an area allocated as Safeguarded Open Space on the Proposals Map in the LDP. The allocation covers all the woodland area and linear area of open space which extends to the north to the rear garden areas of the houses at Tullich Terrace.



**(i) Policies**

- SC4 (Residential Care Facilities)
- SC5 (Layout and Design Principles)
- SC6 (Additional Design Information)
- SC7 (Energy Efficiency and Low Carbon Development)
- SC9 (Developer Contributions)
- SC10 (Education, Community Facilities and Open Spaces)
- SC12 (Access and Transport Requirements)
- EA1 (Clackmannanshire Green Network)
- EA2 (Habitat Networks and Biodiversity)
- EA3 (Protection of Designated Sites and Protected Species)
- EA7 (Hedgerows, Trees and Tree Preservation Orders)
- EA9 (Managing Flood Risk)
- EA11 (Environmental Quality)
- EA20 (Other Archaeological Resources)

Our assessment of the relevant policy guidance in the LDP can be summarised as follows;

1. Policies SC4, SC5 set out the siting and design requirements associated with a proposal for a residential care facility. The development is considered to satisfy the locational tests set out in SC4 in terms of; creating a good residential environment; being accessible to facilities and transport links that would meet the needs of the proposed occupiers; and the provision of sufficient amenity space for residents. We are also satisfied that, subject to the proposed conditions, the proposed layout and design standards, replacement planting, woodland management plan and flooding information, would satisfy the requirements of SC5 and the development would make a positive contribution to the area, notwithstanding the concerns raised by objectors. A Design Statement was also submitted by the applicant given the relative sensitivity of the site in accordance with the provisions of Policy SC6. The Statement has helped to demonstrate how the development could be successfully integrated within the site.
2. The Design Statement contains information on how the development would be sited, designed and constructed to minimise the energy demand and incorporate low carbon generating technologies. The level of energy efficiency will be equivalent to the former Code for Sustainable Homes Level 4. We are satisfied that the development would not be contrary to Policy SC7.
3. Although the site is within the settlement boundary as defined by the LDP, the site is not allocated for development. The site is part of a larger area allocated as Safeguarded Open Space. Policy SC10 provides support for development which would provide new community facilities but states that there will be a presumption against development that would result in the loss or change of use of land and open spaces which are currently used for education or community

purposes, unless it can meet the criteria set out in the Policy. The proposed accommodation would help meet a need and be consistent with the model of care for supporting adults with learning disabilities as identified by the Clackmannanshire and Stirling Health and Social Care Partnership. This contribution is considered to provide a benefit to the wider community. As described in Section 4 (point 5 v) above, although the site is part of an area allocated as Safeguarded Open Space, it is not readily accessible in terms of public access and it would not contribute to the function and value of the other land covered by the allocation but outwith the site boundary in terms of recreational access. It is separated topographically by a steep incline and physically by a fence. There was no clear evidence of footpaths or desire lines and the vegetation made it difficult to move around. While the development would encroach onto the open space area, if judged against the whole of the allocated area, the development is not considered to result in a significant adverse impact on the recreational function of the area as a whole. In addition, in mitigation, the applicant has stated that they would retain and enhance the existing footpaths within the woodland area within their ownership and would implement replacement planting and management of the woodland area within their control, including the removal of trees which are unsafe and enhancing its biodiversity value. It is acknowledged that the development would result in the loss of existing trees and introduce built development which would affect the visual amenity of the site but this impact would be mitigated by replacement tree planting and the implementation of the woodland management plan. As highlighted in Section 4 (5) above, and given the measures that are proposed to enhance access to and on the area of open space outwith the site owned by the applicant, it is considered that the development would not significantly detract from the value and function of the area allocated as Safeguarded Open Space in terms of its value for public access and would result in enhancement of the area outwith the site owned by the applicant. It is therefore concluded that the application is not contrary to the terms of Policy SC10.

4. As discussed in Sections 2 and 4 above, it is concluded that the development could be safely and conveniently accessed, and by a choice of transport modes. Roads are satisfied that the applicant has demonstrated that the site could be safely accessed. There are footpath links and bus stops close to the site. The parking provision would satisfy the relevant parking standards that Roads would apply. The development would not adversely affect the Core Path which is on adjoining land and a link from the site would be provided which would enable easier access for residents. Having regard to all of these factors, it is concluded the development would not be contrary to Policy SC12.
5. The site is also defined as part of the Green Network in the LDP. This allocation extends onto land beyond the site and largely covers the same land allocated as Safeguarded Open Space. The Network is

intended to comprise an interconnected network which would provide a range of environmental, social and economic benefits. As discussed in Section 4 above, subject to the proposed mitigation measures, it is considered that the development would have no worse than a neutral effect on the value of the site having regard to the key objectives of this Policy in relation to; improving access to greenspace, promoting biodiversity, avoiding habitat fragmentation and incorporating sustainable forms of construction and drainage. As it would not result in a reduction in the connectivity, quality or extent of the Network, the application is not considered to be contrary to this Policy.

6. The development would require the felling of trees and removal of some areas of vegetation within the site as described in Section 4 (5) above. However, having regard to the proposed number and species of replacement trees, the ability to retain the integrity of the woodland habitat, and the positive effects of the implementation of the woodland management plan over the area of woodland in the ownership of the applicant (0.07 Ha), it is considered that the development would satisfy the criteria set out in Policy EA2. The proposal would; maximise the potential contribution to biodiversity; protect and enhance habitat networks adjacent to the site; and provide mitigation for any negative impacts arising from the development. The applicant has also provided sufficient information to demonstrate that the development would not have any unacceptable impact on protected species. The site is not subject to any designation in relation to biodiversity. The application is not considered to be contrary to Policy EA3.
7. Part of the site is covered by a TPO and 4 protected trees would have to be felled and 1 pruned to accommodate the proposed development. Policy EA7 states that development will not be supported within TPO areas unless the applicant can demonstrate that the proposal will not adversely affect the longevity, stability or appearance of trees. Where approval is given, replacement planting and a management plan would be required. Clearly, the proposed removal of protected trees, as well as other trees within the site but outwith the TPO area, would have an adverse impact on the amenity of the area. The introduction of development would also impact on the character and integrity of this part of the woodland area. However, as discussed in Section 4 (5) above, and having regard to the relevant information submitted by the applicant, it is considered that the replacement planting and woodland management plan would acceptably mitigate the adverse impacts associated with the removal of trees. The Policy does not preclude development taking place. Replacement planting and a management plan are proposed. These factors would help safeguard the longevity, stability and appearance of the woodland area. On balance, it is considered that there would be tensions between the development and Policy EA7 but not to an extent which would justify withholding permission.
8. The Council's Flooding Officer has not objected to the development and as concluded in Section 4 (13) above, the requirements of Policy

EA9 could be met subject to the proposed condition. Environmental Health has not objected and as concluded in Section 4 (7) above, the development is considered to be compatible with adjoining uses. A planning condition would be attached to satisfactorily address the advice from the Regional Archaeologist. It is concluded that the application is not contrary to Policies EA9 and EA20.

Having regard to the conclusions reached in the above points and the issues examined in Sections 2 and 4 of the Report, on balance, it is concluded that the proposed development would not be contrary to the provisions of the LDP.

**(ii) Proposals**

- N/A

**(iii) Supplementary Guidance**

- SG3 – Placemaking – the applicant’s approach, including the submission of a Design Statement, is considered to accord with the guidance in SG3 and demonstrate how the development would contribute to placemaking.
- SG6 – Green Infrastructure – as discussed above, it is concluded that the impact on green infrastructure would not be sufficiently adverse to justify withholding permission.
- SG8 – Woodlands and Forestry – subject to the proposed conditions, the development is considered to accord with the objectives of the SG.

**(b) Other Material Considerations**

- With the exception of the Community Council, there are no objections from consultees or their advice could be met subject to the proposed conditions.
- There have been a number of objections to the application, including from neighbouring residents and the Community Council. The issues raised have been summarised and discussed in Sections 2 and 4 above. It is concluded that subject to the proposed conditions, the concerns would not individually or collectively justify withholding planning permission
- The proposed felling and pruning of trees to accommodate the development, including those within the site protected by a TPO, has been carefully considered. It is concluded that, subject to the proposed conditions requiring mitigation, the impact of the works on the amenity and biodiversity of the area and integrity of the woodland and objectives for the Order, would not be sufficiently adverse to justify withholding permission. We are satisfied that our assessment satisfies the statutory obligation on the planning authority to ensure adequate provision is made for the preservation or planting of trees.
- The proposed felling and pruning of protected trees on land outwith the site but also within the control of the applicant is considered to be

acceptable and in the interests of safety and the sustainability of the TPO. These works are also approved subject to the standard conditions.

- The proposed accommodation would help meet a need and be consistent with the model of care for supporting adults with learning disabilities as identified by the Clackmannanshire and Stirling Health and Social Care Partnership. This contribution and the community benefit it would create are considered to be material considerations and attract positive weight.
- We are satisfied that the other material considerations would not provide grounds to justify withholding permission and that, on balance, they would weigh in favour of the development.

## 9. Recommendation

Approve	<input type="checkbox"/>	Approve with Conditions (see below)	<input checked="" type="checkbox"/>
Refusal (see below)	<input type="checkbox"/>	Referral to Historic Scotland	<input type="checkbox"/>

### Conditions

1. No works shall take place within the development site until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted in advance by the applicant, agreed by and approved by the planning authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority. Such a programme of works could include some or all of the following historical research, survey, recording, excavation, post-excavation assessment and analysis, publication in an appropriate academic journal and archiving.
2. (a) No development shall take place on site until a Preliminary Risk Assessment (Phase 1 Desk study report) has been submitted to and approved in writing by the local planning authority.  
  
(b) Where further intrusive investigation is recommended in the Preliminary Risk Assessment as approved, development shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the planning authority.  
  
(c) Where site remediation is recommended in the Phase II Intrusive Site Investigation Report development shall not commence until a Remediation Statement has been submitted to and approved in writing by the planning

authority. The Remediation Statement shall include a timetable for the implementation and completion of the approved remediation measures. Remediation of the site shall be carried out and completed in accordance with the approved Remediation Statement.

(d) In the event that remediation is unable to proceed in accordance with the approved Remediation Statement or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the planning authority, works shall not recommence until proposed revisions to the Remediation Statement have been submitted to and approved in writing by the local planning authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Statement.

(e) Following completion of any measures identified in the approved Remediation Statement or any approved revised Remediation Statement, a Verification Report shall be submitted to the planning authority. Unless otherwise agreed in writing with the planning authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Statement and a Verification Report in respect of those remediation measures has been approved in writing by the planning authority.

(f) In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the planning authority, works on site shall not recommence until either (a) a Remediation Statement has been submitted to and approved in writing by the planning authority or (b) the local planning authority has confirmed in writing that remediation measures are not required. The Remediation Statement shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Statement.

Following completion of any measures identified in the approved Remediation Statement a Verification Report shall be submitted to the planning authority. Unless otherwise agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the whole site has been remediated in accordance with the approved Remediation Statement and a Verification Report in respect of those works has been approved in writing by the planning authority.

3. Before any works commence on site, the following details shall have been submitted and approved in writing by the planning authority;
- i) Samples of the materials to be used on the external walls and roofs of the buildings and hard surfaced areas within the site.
  - ii) Details of the location, specification and materials of any means of enclosure within the site. This shall include details of the proposed means of enclosure along the north boundary of the site in addition to the details annotated on the approved Proposed Site Layout Plan (Dwg No PL-01 Rev E) and including, but not restricted to, the section between the access road and rear boundaries of adjoining houses.
  - iii) The design and specification for low and zero carbon generating technologies within or on the buildings
  - iv) A revised Site Layout Plan which includes a 6.0m radius on the west kerb radius at the bellmouth access.
  - v) The siting and design of the waste storage arrangements within the site.
  - vi) The location, design and specification of any external lighting to be installed within the site. The lighting shall be designed to accord with the advice in "Artificial Lighting and Wildlife – Recommendations to Help Minimise the Effect of Artificial Lighting, Bat Conservation Trust, 2014.
  - vii) A Flood Risk and Drainage Impact Assessment for the development, prepared by a suitably qualified person. This shall demonstrate that there would be no increase in flood risk to neighbouring houses as a result of the development and surface water would be managed in accordance with the requirements of the SUDS Manual (Ciria C753).
  - viii) A Construction Management Plan. This shall include details of the proposed arrangements to safely manage vehicle movements travelling to and from the site and minimise and monitor the risk of environmental impacts during the construction phase.
  - ix) A Travel Plan Statement to include details of the proposed measures to encourage and monitor sustainable travel to and from the development.

Thereafter, the development shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the planning authority.

4. Before any construction works commence within the site, the vehicular access shall have been formed and the developer shall have demonstrated to the satisfaction of the Council that the visibility splays at the access achieve a minimum of 2.4 metres by 70 metres in both directions as annotated on drawing no K105-SK-01 titled Access Junction Detail by Andrew Carrie Traffic and Transportation. No construction work shall commence until the Council has confirmed in writing that it is satisfied that the above visibility splays have been achieved.

There shall be no obstruction to visibility above footway level within the above splays. Unless otherwise agreed by the Council, the land between the outside edge of the replacement wall and the heel of the existing footway on Dollar Road shall be hard surfaced to a standard adoptable by the Council as Roads Authority and offered for adoption prior to the first occupation of either of the buildings hereby approved.

5. Further to Condition No 4 above, the replacement section of wall on the Dollar Road frontage as annotated on the approved Site Layout Plan shall be constructed to match the existing stone wall which will be removed. This shall comprise a natural stone wall and copings and the stone shall be sized and laid to match the appearance of the existing wall. Before the commencement of construction of the external faces of the wall, the developer shall have constructed a sample section of the wall and invited a representative of the Council to inspect and approve the sample section of wall. The wall shall be constructed in accordance with the approved sample and shall be completed by the date of first occupation of either of the 2 buildings hereby approved.
6. Before any construction works commence on site, and further to the details set out in the Expanded Tree Survey Report by Brindley Associates and the Woodland Management Plan and Tree Proposals document by Yeoman McAllister Architects, both dated September 2019, the following details shall have been submitted to and agreed in writing by the planning authority;
  - i) A Landscaping Plan prepared by a suitably qualified person which shall include details of the number, species, sizes and location of native trees to be planted within the site or adjacent land to replace those trees that require to be felled to accommodate the development or for health and safety reasons.
  - ii) The location, specification and means of establishment of native tree and shrub planting to create screen planting between the approved buildings and road and the north boundary of the site.
  - iii) An appraisal by a suitably qualified person of the potential impact of trees within and adjacent to the site from the works to site and install services and drainage associated with the development.
  - iv) A written programme of the proposed works to secure the recommended actions in Table 1 Appendix A of the Brindley Report and the short term and long term management objectives described in the approved Woodland Management Plan by Yeoman McAllister and dated September 2019 and the measures to monitor the implementation and effectiveness of the programme, the safety of the woodland and the delivery of any actions to remedy any failings.

Thereafter, the development shall be implemented in accordance with the approved details. This permission authorises the tree works recommended in the Expanded Tree Survey Report and Woodland Management Plan only. All tree works shall be carried out by a suitably experienced and qualified Arborist in accordance with the standards defined in BS 3998 "Recommendations for Tree Work", 2010, or as amended.



7. (a) The construction phase of the development shall be implemented in accordance with the recommendations relating to tree protection contained in paragraphs 1.3.3.1 to 1.3.3.6 of the Expanded Tree Survey Report by Brindley Associates, September 2019  
  
(b) Further to 7(a) above, before development commences on site, details of the arrangements for the monitoring of the construction and landscaping phases of the development by a suitably qualified Arborist appointed by the applicant, shall have been submitted to and agreed in writing by the planning authority. The development shall be implemented in accordance with the approved details.  
  
(c) Between March and August in any calendar year, no works shall take place to fell or prune trees within the site unless a nesting bird check has been undertaken by a suitably qualified ecologist immediately prior to the works commencing. Where a check is required, the development shall be implemented in accordance with the recommendation of the ecologist, unless otherwise agreed in writing by the Council.  
  
(d) The development shall be implemented in accordance with the guidelines defined in BS5837: Trees in Relation to Construction- Recommendations – 2012, or as amended.
8. a) The access road, turning area, parking spaces and pedestrian link onto the footway on Dollar Road as annotated on the approved Site Layout Plan shall have been completed prior to the first occupation of either of the buildings hereby approved, unless otherwise agreed in writing by the planning authority.  
  
b) The section of road within the site to the rear of the bellmouth area of the access onto Dollar Road shall be designed to ensure that no surface water or loose material is discharged onto the public road.
9. The proposed ground, finished floor and roof levels shall accord with the details annotated on the approved drawings, including Drawing No PL-04 Rev C – Proposed Site Sections, unless otherwise agreed in writing by the Council, as planning authority. Before any works commence on site, details of the arrangements for the setting out of the development and monitoring of changes to site levels shall have been submitted to and agreed in writing by the planning authority. Thereafter, the development shall be implemented in accordance with the approved details.

#### **Reasons for Conditions**

1. To safeguard and record the archaeological potential of the area.
2. To ensure potential risk arising from previous site uses has been adequately assessed, evaluated and suitable remediation is provided where necessary.

3. To consider these details yet to be submitted and in the interests of visual and residential amenity, environmental quality, road safety, sustainability and to manage the risk from flooding.
4. To safeguard road safety.
5. In the interests of visual amenity and to safeguard the established character of the area.
6. To consider these details yet to be submitted, in order to mitigate the impact of the development on the visual amenity and the biodiversity value of the site and its environs and the amenity value of the woodland, part of which is protected by a Tree Preservation Order.
7. In the interests of visual amenity and the amenity value of the woodland, part of which is protected by a Tree Preservation Order and minimise the impact on fauna.
8. In the interests of road safety.
9. For the avoidance of doubt and in the interests of visual and residential amenity.

**Note to Applicant**

For the avoidance of doubt this Decision Notice also authorises the undernoted works to trees protected by Tree Preservation Order No 8 (Dollar Road, Tillicoultry);

- i) the felling of the trees numbered 823, 828, 844, 846 and 863 to 866 inclusive, and
- ii) the pruning of the trees numbered 808, 814, 842, 849, 852, 854, 867, 869 and 875,

as defined by, and in accordance with, the Expanded Tree Survey Report prepared by Brindley Associates, dated September 2019.

**Reasons for Decision**

1. Subject to the proposed conditions and mitigation measures, on balance it is concluded that the development would not be contrary to the provisions of the adopted Clackmannanshire LDP.
2. The concerns and issues raised in the representations from neighbours and other third parties would not outweigh the development plan position and justify withholding permission, having regard to the information submitted by the applicant in support of the application, the proposed measures to mitigate impacts, the advice received from consultees, the assessment undertaken by the Service and the terms of the proposed conditions.

3. There have been no objections received from consultees and the amended details and proposed conditions can satisfactorily address the comments made.
4. The development would provide a facility which would meet a need in the Clackmannanshire area for the support of adults with learning disabilities involving a model of care supported by the Clackmannanshire and Stirling Health and Social Care Partnership. This contribution and the community benefit it would provide would attract positive weight.
5. There are no other material considerations which would outweigh the level of LDP support for the development and justify withholding permission.

#### Plan Numbers Relating to the Decision


<u>Plan No</u>	<u>Title</u>
Loc-01	Location Plan
PL-01 RevE	Proposed Site Layout Plan
PL-02 RevB	Proposed Floor and Roof Plans
PL-03	Proposed Elevations
PL-04 RevC	Proposed Site Sections
PL-05	Proposed Bedroom Layout
16-04-12	Site Survey
K105-SK-01	Proposed Access Junction


- Extended Tree Survey Report, Brindley Associates, September 2019
- Woodland Management Plan and Tree Proposals, Yeoman McAllister Associates, September 2019


#### 10. Checklist

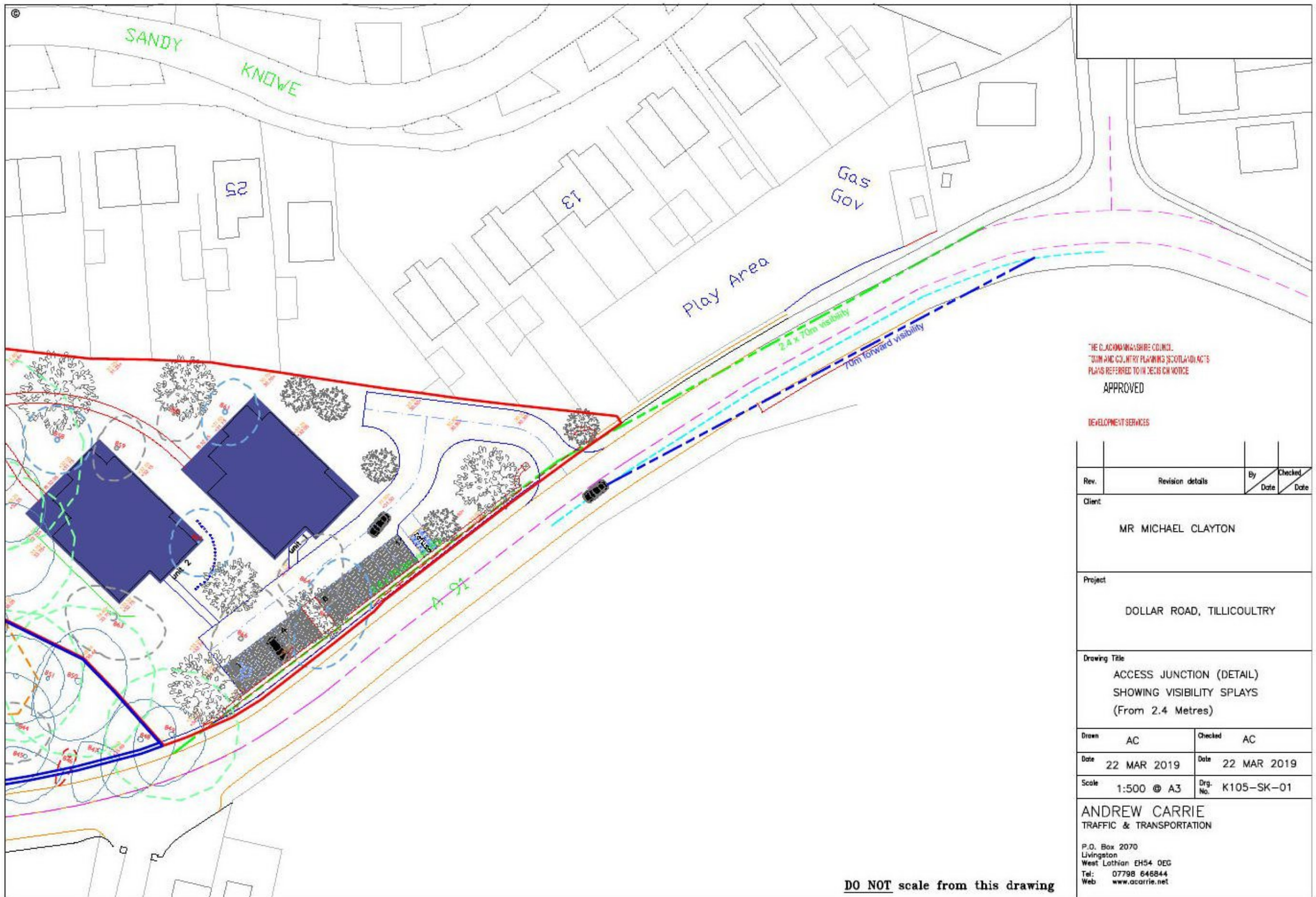
The application involves development of land in which the Council has an interest	<input type="checkbox"/>
The list of owners/occupiers of neighbouring land has been verified during the site visit and appears to be correct	<input checked="" type="checkbox"/>
The charge for advertising this application has been paid or is not required	<input checked="" type="checkbox"/>
Any publicity period has expired	<input checked="" type="checkbox"/>
The recommendation requires authorisation by the following Appointed Officers:	
Development Quality Team Leader	<input checked="" type="checkbox"/>
Development Services Manager	<input checked="" type="checkbox"/>
The recommendation/decision has secured added value which is	<input checked="" type="checkbox"/>

- recorded in Uniform
- Two complete sets of plans to be approved are attached, or identified from the electronic file
- The electronic file requires annotated plans which are attached
- There are instructions to Business Support attached to this report/file
- Site Notice - Note to Applicant required for National, Major or Bad Neighbour development
- Coal Authority Householder Referral Area Note to go with Decision
- Coal Authority Standing Advice Note to go out with Decision

Signed  \_\_\_\_\_ (Case Officer) Date 11/10/19

Signed  \_\_\_\_\_ (Team Leader) Date 11/10/19

Signed  \_\_\_\_\_ (Service Manager) Date 11/10/19



THE CLACKMANNANSHIRE COUNCIL  
 TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS  
 PLANS REFERRED TO IN DECISION NOTICE  
**APPROVED**

DEVELOPMENT SERVICES

Rev.	Revision details	By	Checked
		Date	Date
Client			
MR MICHAEL CLAYTON			
Project			
DOLLAR ROAD, TILlicOLTRY			
Drawing Title			
ACCESS JUNCTION (DETAIL) SHOWING VISIBILITY SPLAYS (From 2.4 Metres)			
Drawn	AC	Checked	AC
Date	22 MAR 2019	Date	22 MAR 2019
Scale	1:500 @ A3	Dwg. No.	K105-SK-01

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**DO NOT scale from this drawing**