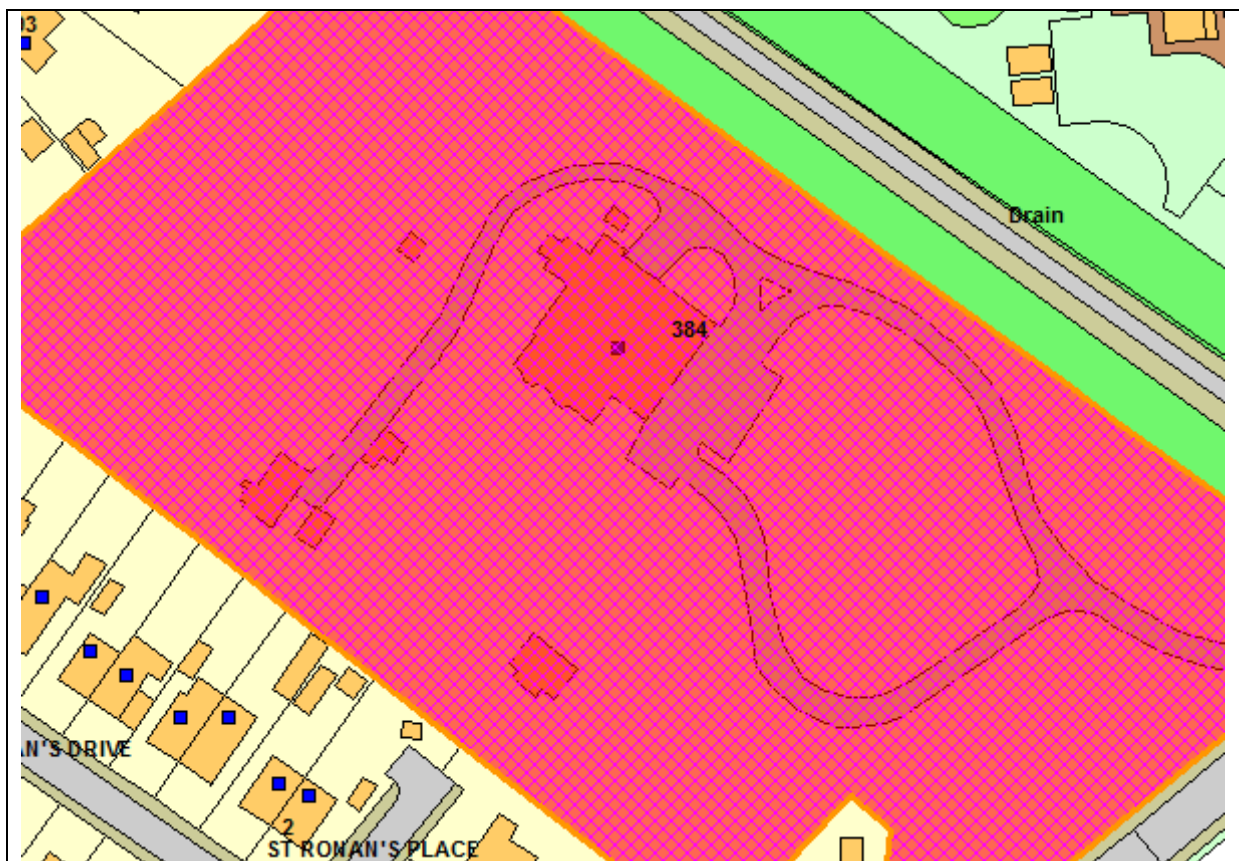


Planning Development Management Committee Detailed Planning Permission

161769/DPP: Erection of indoor tennis court at Ardbeck House, 384
North Deeside Road, Milltimber, Aberdeen
AB13 0AJ

For: Mr James Milne

Application Date:	19 December 2016
Officer:	Roy Brown
Ward:	Lower Deeside
Community Council:	Culter
Advertisement:	N/A
Advertised Date:	N/A
Committee Date:	20 th April 2017



Location Plan

RECOMMENDATION: Approve Conditionally

SITE DESCRIPTION

The application site relates to a traditional pink granite, detached, two-storey dwelling within a large 19,850sqm residential site on the eastern edge of Peterculter. The dwelling is located centrally on the site, has a southeast facing principal elevation, and is set approximately 110m back from North Deeside Road to the southeast. The site slopes from the northwest to the southeast and is bounded by a 2m high perimeter wall. The curtilage contains a number of ancillary outbuildings, two outdoor tennis courts, and an existing swimming pool structure.

There are in excess of a hundred trees on the site, many of which are located at the boundaries, are highly visible from the surrounding residential area to north, west and south of the site, and form an established tree line as back drop to the suburban residential area. The trees within the site are protected by a Tree Preservation Order (TPO), which was served in 1962. There is a history of bat sightings on the site and in the surrounding area.

The overall site is bounded by North Deeside Road to the southeast; 386 North Deeside Road to the south; 2 North Deeside Road, 12 St Ronan's Place, and the even numbered 1½ storey semi-detached residential properties from 2-24 St Ronan's Drive to the southwest; the odd numbered detached residential properties of 91-99 St Ronan's Drive to the northwest; and the Culter House Road to River Dee Core Path to the northeast.

RELEVANT HISTORY

Application Number	Proposal	Decision Date
161554/TPO	Works to protected trees as per submitted tree survey. Many of the trees on the site are	Pending Decision
P150482	A substantial extension to the west of Ardbeck House, which includes a swimming pool and raised deck. It has not yet been constructed.	2 nd July 2015 (Approve Conditionally)

DESCRIPTION OF PROPOSAL

Detailed planning permission is sought for the erection of an indoor tennis court with ancillary rooms in the rear curtilage, to the northwest of the house. It would be located 12.6m from the southwest boundary, and 14.2m from the northwest boundary.

The development would have a total built footprint of 1,120sqm: 700sqm of the main structure of the dwelling to accommodate the tennis court would have a barrel roof with a maximum height of 8.9m and eaves height of 7.2m; and 410sqm of ancillary room space, which would have a flat roof and be single storey with a height of 3.3m.

SUPPORTING DOCUMENTS

All drawings and supporting documents listed below can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OIA1CLBZI4C00>

CONSULTATIONS

Consultee	Date of Comments	Comments Made
ACC - Flooding And Coastal Protection	23 rd December 2016	No objection – Recommend that rain water attenuation storage (i.e. water butts) and permeable block paving are incorporated into the design. However, these should not be conditions to any approval.
ACC – Roads Development Management	24 th February 2017	No observations.
Community Council	31 st January 2017	<p>Objection – Members of the community have uniformly objected to the proposal based on its size, style, and location which would impact trees and screening.</p> <p>It would not maintain the identity, ambience, and sense of place of this part of Culter, in accordance with Scottish Government's policy statement: 'Creating Places'. Its style, poor quality design, siting, scale would be out of keeping in a residential area, and contrary to Policy H1 and D1. Its siting would adversely affect the amenity of residents and the public on St Ronan's Drive, which would be contrary to Policy H1. The roofline would dominate the original form and appearance of the dwelling. It would not comply with the relevant guidelines relating to outbuildings.</p> <p>Its location would preclude the retention of the mature trees along the western boundary and provide minimal space for new planting, conflicting with policy NE5. Replacement planting would take an unacceptable amount of time to adequately screen the development, conflicting with Policy D1.</p> <p>The layout includes areas suitable for catering and entertainment. Should this be its future purpose it would need to be demonstrated that it would not cause nuisance to neighbours to comply with Policy H1.</p>

REPRESENTATIONS

Thirteen letters of representation (12 letters of objection and one neutral letter) have been raised with regards to this application. The matters raised in the objection letters relate to:

- Its size and scale being significant, similar to a town sports centre, and would adversely affect amenity by being visually overbearing and out-of-scale with the surrounding properties.

- Its industrial style being inappropriate in the context of the original building, the site, the surrounding residential area and the previous structure which existed in the northwest of the site.
- Overshadowing concerns.
- The loss and damage to mature trees, particularly those on the boundaries, and the resultant adverse impact on amenity, loss of green surroundings, outlook and an increase in noise pollution. If these trees can be removed, the purpose of a TPO is questioned.
- The loss of screening.
- The replacement planting being insufficient and requiring time to grow.
- Its use potentially being for commercial purposes.
- Potential ground disturbance affecting site drainage and increasing flood risk.
- The proximity of public and private indoor facilities to this proposal.
- It would be closer to its neighbouring properties than Peterculter Sports Centre is from its neighbouring properties.
- The impact on private views.
- Matters relating to the existing boundary wall.

The matters raised in the neutral letter of representation commented that:

- The current line of trees should be maintained to sufficiently screen the neighbours from a dominant building. It questions if the building will be located far enough from the trees to not be felled or damaged later.

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee for the following two reasons:

- The application has been the subject of 12 timeous letters of representation (following notification) that express objection or concern about the proposal – representing a significant level of opposition to any local development proposal.
- The application is being recommended for approval and has been the subject of formal objection by the local Community Council within whose area the application site falls.

PLANNING POLICY

National Policy

Scottish Planning Policy (SPP)

Aberdeen Local Development Plan 2017

Policy D1 – Quality Placemaking by Design

Policy D2 - Landscape

Policy H1 – Residential Areas

Policy NE5 – Trees and Woodlands

Policy NE8 – Natural Heritage

Policy NE6 – Flooding, Drainage and Water Quality

Interim Planning Advice (IPA) - The Full Council has instructed that the Supplementary Guidance associated with the adopted Aberdeen Local Development Plan 2017 should be adopted. It is referred to as Interim Planning Advice (IPA) until it is ratified by the Scottish Government, and is adopted.

The following Interim Planning Advice is relevant in the assessment of this application:

‘The Householder Development Guide’

‘Trees and Woodlands’

‘Natural Heritage’

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where, in making any determination under the planning acts, regard is to be had to the provisions of the Development Plan and that determination shall be made in accordance with the plan, so far as material to the application unless material considerations indicate otherwise.

Principle of Development

The site is located within a residential area, under Policy H1 of the Aberdeen Local Development Plan, and relates to householder development. The proposal, while substantial in terms of size and massing would be of an acceptable scale relative to the large dwelling and site, and as a single residential use of the site. A building for the enjoyment of the existing residential use of the site would be acceptable in principle.

The main determining issues regarding the acceptability of this proposal relate to the impact on the protected trees on the site, the scale, form and design of the building and the impact on residential amenity.

Policy Assessment – Design and Scale of the Proposed Building

It is recognised that the proposed tennis court would be significant in terms of its size. It would have a substantial built footprint of approximately 1,120 sqm, which is almost double the existing 600sqm built footprint of Ardbeck House (albeit planning permission has been granted to extend the original dwelling to approximately 1,600 sqm), and of neighbouring dwellings on St Ronan’s Drive, which range from approximately 50sqm to 120sqm. The built footprint of the proposed building would be of an acceptable scale relative to the 19,850sqm area of the site, and would be an adequate distance off of the site boundaries by 12.6m on the southwest and 14.2m on the northwest for the purposes of mitigating its visual impact. In accordance with the general principles of ‘The Householder Development Guide’, the proposal would not result in more than 50% of the curtilage being covered by development. The existing site coverage is 6% (9.5% with the addition of the extension granted approval under Ref: P150482), and with the erection of the proposed building only 11% of the site would be covered by development (13% with the addition of the extension granted approval under Ref: P150482). While substantial in terms of size, its scale would not necessarily constitute over-development in the context.

In terms of the Interim Planning Advice (IPA): 'The Householder Development Guide', by definition the proposed tennis court would be an outbuilding to Ardbeck House despite its size, and is therefore assessed against the related guidelines. The related guidelines advise that outbuildings must be subordinate in scale to the dwellinghouse. In this case, the development would have a barrel roof with a maximum height of 8.9m and an eaves height of 7.2m. It is acknowledged that the architectural style and the barrel roof form of the proposed development would contrast with the residential styles of both the traditional original dwelling and the surrounding modern semi-detached and detached properties in the area, and thus it would not reinforce the established pattern development or reflect local style and form. However, the proposed tennis court would not be visually intrusive on the streetscape as it would be located in the rear curtilage, behind neighbouring dwellings and set back from the boundaries. From North Deeside Road, the principal elevation of the main dwelling would remain the most dominant feature on the site, and the tennis court would not be readily publically visible. In terms of height, a large proportion of the building would have a single storey flat roofed design and despite being located higher on the slope than the original building, the proposed tennis court would have a lesser maximum height than the maximum and ridge height of the original dwelling. The variety of finishing materials would assist in breaking the down the massing of the elevations, particularly on the single storey elevations, which would incorporate granite to relate to, and thus complement, the original building. Although substantial in terms of size, the proposed tennis court would be architecturally acceptable design and scale in its particular context, and therefore its design and scale would be acceptable.

Using the 25 degree rule in 'The Householder Development Guide', given the slope of the site and the distance from the boundary, the amended proposal would not adversely affect the availability of daylight to the habitable rooms of any neighbouring property. Sunlight calculations using the 45 degree rule show that the proposal would not adversely impact the availability of sunlight to any neighbouring privacy. Submitted overshadowing diagrams demonstrate that the proposal would affect the availability of sunlight to the rear curtilage number 93 and 95 St Ronan's Drive for a small amount of time in the autumnal months. Given the minor area of the curtilage affected, and the minor amount of time of the year in which these areas would be affected, there would be negligible resultant impact on amenity. As there is no glazing proposed on the northwest and southwest elevations, and its layout would mean its entrance would be on the east elevation, the proposal would not adversely affect the availability of privacy to any neighbouring property. As the proposed tennis court would be sufficiently distanced from the boundaries, the proposal is not considered to be significantly overbearing to the neighbouring properties. The proposed development would therefore not result in a situation where the amenity of any neighbouring property would be adversely affected.

Although substantial in terms of size, the proposed tennis court would be architecturally acceptable design and scale in the context of the original building, the site and the surrounding area so as to not adversely affect the character and amenity of the residential area. The proposed tennis court would therefore generally comply with the 'The Householder Development Guide' IPA, Policy H1 and Policy D1 of the ALDP.

Policy Assessment - The Impact on the Trees of the TPO (Area)

Policy NE5 of the ALDP and the 'Trees and Woodlands' Interim Planning Advice echoes the British Standard (BS5837:2012) where it advises that permanent buildings should be sited so as to minimise adverse impacts on existing and future trees, and allow adequate space for the natural development of trees and at the same time reduce future pressure for removal of trees. The proposal requires the removal of 76 trees (8 are identified as Class B; 48 are identified as Class C; and 20 are identified as Class U). The proposal would be constructed on the root protection area (RPA) of 4 other trees. The 'Trees and Woodlands' IPA advises that buildings should not be located in the zone of influence of trees and in this case, the proposed development would be located within the zone of influence of all 13 of the mature trees proposed to be retained between the development and the boundaries. The proposal has not necessarily been sited to minimise the adverse impact on existing and future trees as there is available space on site which would have less potential to impact the trees, both in terms the number of trees being removed and in terms of siting and the potential for damage to trees which are to be retained.

Scottish Planning Policy advises that the planning system should protect and enhance individual trees with high nature conservation and landscape value; Policy D2 states that development should conserve, enhance or restore existing landscape features; and Policy NE5 states that there is a presumption against all activities and development that will result in the loss of, or damage to, trees and woodlands that contribute to nature conservation, landscape character, local amenity or climate change adaptation and mitigation. The trees, particularly those on the boundaries, are up to 22m in height, and form an established treeline as a backdrop to the surrounding suburban residential area. They are visually very prominent from the perspective of the public roads to the north, south and west of the site and thus contribute significantly to local landscape character and local amenity. Their contribution to local landscape character and amenity is reflected in the TPO order, which was served in 1962 around the same time the neighbouring properties at St Ronan's Drive were constructed, and on historic maps which identify that there was a landscaped edge around the site prior to the construction of the dwelling and most of Peterculter, at the turn of the 20th Century. The bat roost survey findings show that the trees to be removed do not have bat roosts, and are thus highly unlikely to contribute to nature conservation as a habitat for bats. In this case, the planning authority seeks the retention of the trees, particularly those on the boundary, as they contribute significantly to local landscape character. While 76 may appear to be a very large number of trees to be removed in a TPO area, the majority of the trees to be removed are of ill health, and do not contribute significantly to local landscape character compared to the mature trees to be retained between the development and the northwest and southwest boundaries, which form the established tree line and are proposed to be retained.

The 'Trees and Woodlands' Interim Planning Advice advises that an incursion into root protection areas will only be considered where there is acceptable overriding justification where the proposal is considered to deliver social, economic or environment benefits to the wider community. As this proposal is for the existing private residential use for the dwelling, there is no justification in terms of benefits to the wider community or the public. Nevertheless, the affected tree would already be affected by the extension granted approval and foundations that limit excavation are

proposed in the affected RPA. It would thus be unlikely to significantly damage the tree and would be acceptable in this particular case.

Policy NE5 states that appropriate measures should be taken for the protection and long term management of existing trees and new planting both during and after construction. Considering the proximity of the structures, the extent of the canopies and the height of the proposed building, even if ground protection is successfully used during the construction, there is potential that the tree canopies would be impacted and would require significant management in the short and long term to keep them away from the building. Likewise, due to the proposed layout, whereby root protection fencing would abut the building, there would be negligible access around the building to facilitate the construction of the development outside of the root protection area, and thus there is potential that if these measures are not implemented and abided by rigorously, the trees along the boundary which contribute to local landscape character and the planning authority seek to retain could be damaged, given the proximity of the building and its location in their zones of influence. The submitted tree protection and management plan has noted that replacement planting via the planting of a minimum of 34 trees will be undertaken following the removal of the trees. Given the narrow strip between the southwest boundary wall and the development and the strip between the northwest boundary wall of the site and the development, 34 trees would not be possible. Meaningful replanting of trees at half size or larger and sufficient space for their growth, which will provide the same level of amenity and contribution to landscape character would be challenging, although possible. These issues, while challenging, can be solved via appropriate conditions.

Scottish Planning Policy states that planning permission should be refused where the nature or scale of proposed development would have an unacceptable impact on the natural environment. The proposal would result in the removal of a large amount of mature trees. Section 159 of the Town and Country Planning (Scotland) Act 1997 states that it shall be the duty of the planning authority to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees. In this case, the proposal would not conflict with the objectives of Policy D1 as it would retain natural assets as features of the site and would retain the trees of the highest landscape character. The development would be closer to the mature trees of most value than what is required in the British Standard (which would suggest the building should be located a further 5 metres from the trees along the boundaries) and advised in Policy NE5 of the ALDP, and the 'Trees and Woodlands' IPA. There is thus potential for damage to these trees. Nevertheless, these trees are proposed to be retained and replacement planting is proposed. Subject to appropriate conditions relating to tree protection and replanting measures, the proposal would not adversely affect landscape character and the amenity of the area, and would thus accord with Scottish Planning Policy, and Policy H1 and D1 of the ALDP, and partially comply with Policy NE5 and D2 of the ALDP, and the 'Trees and Woodlands' IPA,

Policy Assessment - The Impact on Bats

Bats are protected as a European Protected Species under the Habitats Directive (Council directive 92/43/EEC of May 1992 on the conservation of natural habitats

and of wild fauna and flora), which is translated into Scots law via the Conservation (Natural Habitats, &c) Regulations 1994 (as amended in Scotland). The application would result in the removal of trees and there is a record of bat sightings on the site and in the wider area. The preliminary bat roost potential survey identified that the 5 of the trees to be felled have bat roost potential, although it was not conclusive. Further bat roost potential survey work by way of two submissions was subsequently undertaken and submitted. A bat activity survey was not undertaken because the active bat season is between mid-May and mid-August. Although there are some deficiencies in the bat survey work compared to what is advised in the 'Natural Heritage' IPA, and they were not carried out by a licensed bat worker, they nevertheless conclude that the affected trees have no bat roost potential. From the survey work provided, it is highly unlikely that the proposal would adversely impact bats or bat habitats.

As there have been bat sightings in the area, and Policy NE8 advises that where feasible, measures will be taken, in proportion to the opportunities available, to enhance biodiversity through the creation and restoration of habitats, approval will be subject to a condition requiring 5 bat boxes to be installed on site, as per the bat roost potential survey dated 31st March 2017 (ABH-1703-BST), to provide additional roosting areas for bats and increase biodiversity potential on the site.

Subject to an appropriate condition, the proposal would comply with Policy NE8 of the ALDP, and the aims of the Interim Planning Advice: 'Natural Heritage'.

Policy Assessment - Flooding and Drainage

There is no identified flood risk on or near the site and the majority of the ground around the building would be porous, it is considered that the proposed development would not have any significant impact on the ability of the site to drain, or result in the flooding of any neighbouring property. A drainage impact assessment was thus not sought by the planning authority. The proposal would not significantly increase the risk of flooding or be at risk itself from flooding, in compliance with Policy NE6 of the ALDP.

Matters Raised in the Letters of Representation

The matters raised in the letters of representation relating to size, scale, height, design, distance from the boundary, the impact on the trees, flooding, replacement planting, overshadowing and loss of screening have been sufficiently addressed in the above evaluation, via the revised proposal, and via appropriate conditions.

As this proposal is for domestic use and would function as an indoor tennis court, there would be no significant exposure to noise as a result of this development, and thus a Noise Impact Assessment was not considered necessary. The development would nevertheless be subject to statutory noise control measures controlled by the Council's Environmental Health team.

As this application has not applied for a change of use, planning permission would be granted for its use as a domestic development associated with Ardbeck House. Any future or other intended use for commercial purposes would require a separate application for Detailed Planning Permission. Neighbours would be notified and given the opportunity to comment on such a proposal in the event that such an

application is submitted. Nevertheless, to ensure it would be used for domestic purposes only, the proposed development is subject to an appropriate condition.

The necessity of the proposal and the impact on private views are not material planning considerations for which the planning authority has no powers of intervention. They are therefore not included in this assessment. The existing boundary wall is not included in this application, and is therefore not included in this assessment.

Matters Raised by Culter Community Council

The matters raised by the Community Council have been sufficiently addressed in the above evaluation. It is recognised that the proposal is of a contrasting design to the original building. Its siting in a very large site, not in a prominent publically visible location, distance from the boundary, and adequate mitigation measures relating to the trees would adequately ensure that it would have a neutral impact on the identity, ambience, and sense of place of this area, in accordance with Scottish Government's policy statement: 'Creating Places'.

RECOMMENDATION: Approve Conditionally

REASONS FOR RECOMMENDATION

It is recognised that the proposed tennis court would be significant in terms of size and massing; and its design would contrast with the architectural form of the original building and the surrounding modern residential properties. Nevertheless, the proposal is located in a very large site, in the rear curtilage, and would be located sufficiently away from the boundaries so as to not significantly adversely impact the character and amenity of the surrounding residential area. Although the issues will be challenging to overcome, subject to appropriate conditions relating to tree protection and replanting measures, the proposal would not adversely affect landscape character and the amenity of the area, and would thus accord with Scottish Planning Policy, Policy H1 – Residential Areas and D1 – Quality Placemaking by Design of the Aberdeen Local Development Plan. The proposal would partially comply with Policy NE5 – Trees and Woodlands and D2 – Landscape of the Aberdeen Local Development Plan, and the associated Aberdeen City Council Interim Planning Advice: 'Trees and Woodlands'. The proposal would not significantly increase the risk of flooding or be at risk itself from flooding, in compliance with Policy NE6 – Flooding, Drainage and Water Quality of the Aberdeen Local Development Plan.

CONDITIONS

1. No development shall take place unless the planning authority has approved in writing a scheme for the supervision of the arboricultural protection measures and works that have been approved by the planning authority for the construction phase of the development. Such a scheme shall include the timing and method of site supervision and record keeping. Thereafter, the arboricultural protection measures and works shall be implemented in accordance with the approved scheme. Supervision shall be carried out by a qualified arboriculturalist approved in writing by the Planning Authority but instructed by the applicant.

Reason: in order to ensure adequate protection for the trees in the Tree Protection Order (Area) during the construction of the development.

2. That no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the tree protection and management plan without the written consent of the Planning Authority and no fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks.

Reason: to ensure the adequate protection for the trees on site during the construction of the development.

3. That the applicant shall afford access at all reasonable times to any arboriculturalist nominated by the planning authority and shall allow them to observe work in progress to ensure compliance with the other conditions. No development pursuant to this planning permission shall take place unless written notification of the commencement date has been given to the case officer, Aberdeen City Council not less than 14 days before development commences

Reason: To ensure compliance with the tree protection and management plan, replacement planting scheme and protection of the trees to be retained on the site.

4. That no development shall take place unless a detailed scheme of landscaping and replanting for the site has been submitted and agreed in writing by the Planning Authority. This scheme shall include indications of all existing trees and, the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting. The trees are to be planted at half-standard size or larger. Planting shall take place in the area between the development hereby approved and the northwest and southwest boundary walls in the first planting season after completion of the development and any trees which within a period of 10 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Planning Authority gives written consent to any variation.

Reason: In order to preserve the character of the residential area and the Tree Protection Order Area (area).

5. That no development shall take place unless a scheme detailing the foundations has been submitted and approved in writing by the planning authority. Thereafter, the development shall be constructed in accordance with this scheme and remain in place permanently unless agreed in writing by the planning authority.

Reason: In order to preserve the character of the residential area and the Tree Protection Order Area (area).

6. That any tree work not identified in the tree survey, landscaping scheme and tree protection and management plan which appears to become necessary during the implementation of the development shall not be undertaken without the prior written consent of the Planning Authority; any damage caused to trees growing on the site shall be remedied in accordance with British Standard 3998: 2010 "Recommendations for Tree Work" before the building hereby approved is constructed.

Reason: in order to preserve the character and visual amenity of the area.

7. That no development shall take place unless a scheme detailing the siting, design and installation of the bat boxes identified on the bay survey has been submitted and agreed in writing by the planning authority. Thereafter, the scheme shall be implemented in full accordance with this scheme. The bat boxes shall remain in place permanently unless otherwise agreed in writing by the planning authority.

Reason: To enhance the biodiversity of the area and improve the area as a bat habitat.

8. The development hereby approved shall be used only for purposes incidental to the enjoyment of Ardbeck House as a dwellinghouse and shall be used for no other purpose without the express grant of planning permission from the planning authority.

Reason: To enable the planning authority to consider the implications of any subsequent change of use on the amenities of the area.

9. That no development shall take place unless details and samples of finishing materials have been submitted and agreed in writing by the planning authority. Thereafter, the development shall be constructed in accordance with the finishing materials agreed.

Reason: To ensure that the materials are acceptable in the context of the original building and the surrounding area.

10. that no development shall take place unless there has been submitted to and agreed in writing by the planning authority a detailed construction methodology and site management scheme for the building hereby granted planning permission. The method statement shall include details of the vehicles to be used on the site during the construction works and those used to deliver all building materials to be site, how the vehicles will access the development, details of all plant and machinery, the location of the site compound and storage areas and the tree protection measures

Reason: to ensure adequate protection is afforded to the trees on the site during construction works.

ADVISORY NOTES FOR APPLICANT

- 1) The ACC Flooding Team recommends that rain water attenuation storage (i.e. water butts) and permeable block paving is incorporated into the design, in order to not increase the surface water runoff.
- 2) Any future external alteration to the indoor tennis court would exceed the limits of Class 3A the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended, and would therefore require Detailed Planning Permission.
- 3) Bats are European Protected Species as defined in the Conservation (Natural Habitats &c.) Regulations 1994. It is illegal to:
 - deliberately kill, injure, disturb or capture/take bats; or
 - or damage or destroy the breeding sites or resting places of bats.

During construction work the applicant and/or the developer should remain vigilant for any signs of bats. Should bats or any sign of bats be discovered, all work in that area should cease immediately and Scottish Natural Heritage contacted for further advice (licensing@snh.gov.uk / 01463 725364).