AGENDA ITEM No.3

EAST RENFREWSHIRE COUNCIL

LOCAL REVIEW BODY

3 April 2024

Report by Director of Business Operations and Partnerships

REVIEW OF CASE - REVIEW/2024/01

DEMOLITION OF EXISTING DWELLINGHOUSE AND GARAGE AND ERECTION OF NEW DETACHED DWELLING

PURPOSE OF REPORT

1. The purpose of the report is to present the information currently available to allow a review of the decision taken by officers, in terms of the Scheme of Delegation made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006 in respect of the application detailed below.

DETAILS OF APPLICATION

2. Application type: Further application (Ref No:- 2023/0310/TP).

Applicant: Mr Rehan Tahir

Proposal: Demolition of existing dwellinghouse and garage and erection of new detached dwelling

Location: 30 Ayr Road, Giffnock, G46 6RY

Council Area/Ward: Giffnock and Thornliebank (Ward 3).

REASON FOR REQUESTING REVIEW

3. The applicant has requested a review on the grounds that the Council's Appointed Officer refused the application.

RECOMMENDATIONS

4. The Local Review Body is asked to:-

(a) consider whether it has sufficient information to allow it to proceed to determine the review without further procedure and, if so, that:-

(i) it proceeds to determine whether the decision taken in respect of the application under review should be upheld, reversed or varied; and

(ii) in the event that the decision is reversed or varied, the reasons and the detailed conditions to be attached to the decision letter are agreed; or

(b) that in the event that further procedure is required to allow it to determine the review, consider:-

(i) what further information is required, which parties are to be asked to provide the information and the date by which this is to be provided; and/or;

(ii) what procedure or combination of procedures are to be followed in determining the review.

BACKGROUND

5. At the meeting of the Council on 29 April 2009, consideration was given to a report by the Director of Environment seeking the adoption of a new Scheme of Delegation in terms of the new Section 43A of the Town and Country Planning (Scotland) Act 1997, subject to approval of the scheme by Scottish Ministers.

6. The report provided details of the new hierarchy of developments that took effect from 6 April 2009 explaining that the Scheme of Delegation related to those applications within the "local development" category as set out in the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009, but would in future be determined by an "appointed officer". In the Council's case this would be either the Director of Environment or the Head of Roads, Planning and Transportation Service now designated the Head of Environment (Operations).

7. The report highlighted that historically appeals against planning decisions were dealt with by Scottish Ministers. However, following the introduction of the new planning provisions with came into effect on 3 August 2009 all appeals against decisions made in respect of local developments under delegated powers would be heard by a Local Review Body. The Local Review Body would also deal with cases where the appointed officer had failed to determine an application within two months from the date it was lodged.

NOTICE OF REVIEW – STATEMENT OF REASONS FOR REQUIRING THE REVIEW

8. The applicant in submitting the review has stated the reasons for requiring the review of the determination of the application. A copy of the applicant's Notice of Review and Statement of Reasons including appeal statement is attached as Appendix 5.

9. The applicant is entitled to state a preference for the procedure (or combination of procedures) to be followed by the Local Review Body in the determination of the review and has detailed in their opinion that this review can continue to conclusion based on the assessment of the review documents only, with no further procedure.

10. The Local Review Body is not bound to accede to the applicant's request as to how it will determine the review and will itself decide what procedure will be used in this regard.

11. At the meeting of the Local Review Body on 10 August 2016, it was decided that the Local Review Body would carry out unaccompanied site inspections for every review case it received prior to the cases being given initial consideration at a meeting of the Local Review Body.

12. In accordance with the above decision, the Local Review Body will carry out an unaccompanied site inspection on Wednesday, 3 April 2024 before the meeting of the Local Review Body which begins at 2.30pm.

INFORMATION AVAILABLE TO ALLOW REVIEW OF APPLICATION

13. Section 43B of the Planning etc (Scotland) Act 2006 restricts the ability of parties to introduce new material at the review stage. The Local Review Body is advised that the focus of the review should, therefore, be on the material which was before the officer who dealt with the application under the Scheme of Delegation.

14. The information detailed below is appended to this report to assist the Local Review Body in carrying out the review of the decision taken by the Appointed Officer:-

(a) Application for planning permission – Appendix 1 (Pages);

(b) Objections and Consultation Responses – Appendix 2 (Pages);

(c) Reports of Handling by the planning officer under the Scheme of Delegation - Appendix 3 (Pages);

(d) Decision notice and reasons for refusal - Appendix 4 (Pages); and

(d) A copy of the applicant's Notice of Review and Statement of Reasons including appeal statement - Appendix 5 (Pages).

15. The applicant has also submitted the drawings listed below and these are attached as Appendix 6 (Pages).

(a) Existing Site Plan;

(b) Proposed Site Plan;

(c) Existing Floor Plans and Elevations;

(d) Proposed Floor Plans and Elevations; and

(e) Location Plan.

16. All the documents referred to in this report can be viewed online on the Council's website at www.eastrenfrewshire.gov.uk.

RECOMMENDATIONS

17. The Local Review Body is asked to:-

(a) consider whether it has sufficient information to allow it to proceed to determine the review without further procedure and, if so, that:-

(i) it proceeds to determine whether the decisions taken in respect of the application under review should be upheld, reversed or varied; and

(ii) in the event that the decision is reversed or varied, the reasons and the detailed conditions to be attached to the decision letter are agreed; or

(b) In the event that further procedure is required to allow it to determine the review, consider:-

(i) what further information is required, which parties are to be asked to provide the information and the date by which this is to be provided; and/or;

(ii) what procedure or combination of procedures are to be followed in determining the review.

Report Author: John Burke

Director – Louise Pringle, Director of Business Operations and Partnerships

John Burke, Committee Services Officer
e-mail: john.burke@eastrenfrewshire.gov.uk
Tel: 0141 577 3026

Date:- 27 March 2024

APPENDIX 1

APPLICATION FOR PLANNING PERMISSION

2 Spiersbridge Way Thornliebank G46 8NG Tel: 0141 577 3001 Email: planning@eastrenfrewshire.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 100629443-001

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)

Demolition of existing dwellinghouse and garage and erection of new detached dwelling

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:	DTA		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	DTA	Building Name:	
Last Name: *	.	Building Number:	9
Telephone Number: *	01355260909	Address 1 (Street): *	Montgomery Street
Extension Number:		Address 2:	The Village
Mobile Number:		Town/City: *	East Kilbride
Fax Number:		Country: *	Scotland
		Postcode: *	G74 4JS
Email Address: *	katie.macmillan@dta.scot		

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

☒ Individual ☐ 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: *	Rehan	Building Number:	9
Last Name: *	Tahir	Address 1 (Street): *	Montgomery Street
Company/Organisation		Address 2:	The Village
Telephone Number: *		Town/City: *	East Kilbride
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	G74 4JS
Fax Number:			
Email Address: *	katie.macmillan@dta.scot		

Site Address Details

Planning Authority: East Renfrewshire Council

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

Address 1: 30 AYR ROAD

Address 2: GIFFNOCK

Address 3:

Address 4:

Address 5:

Town/City/Settlement: GLASGOW

Post Code: G46 6RY

Please identify/describe the location of the site or sites

Northing 657802 Easting 255415

Pre-Application Discussion

Have you discussed your proposal with the planning authority? * ☐ Yes ☒ No

Site Area

Please state the site area: 1502.00

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)

Dwellinghouse, garage and garden

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? 3

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)? * 3

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?? * (e.g. SUDS arrangements) * ☒ Yes ☐ No

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)

Please see plans

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? * 1

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: DTA .

On behalf of: Mr Rehan Tahir

Date: 22/05/2023

☒ 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 principal 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:

- [x] Site Layout Plan or Block plan.
- [x] Elevations.
- [x] Floor plans.
- [ ] Cross sections.
- [ ] Roof plan.
- [ ] Master Plan/Framework Plan.
- [ ] Landscape plan.
- [x] 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. *	☐ Yes	☒ N/A
A Design Statement or Design and Access Statement. *	☒ Yes	☐ N/A
A Flood Risk Assessment. *	☐ Yes	☒ N/A
A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *	☐ Yes	☒ N/A
Drainage/SUDS layout. *	☐ Yes	☒ N/A
A Transport Assessment or Travel Plan	☐ Yes	☒ N/A
Contaminated Land Assessment. *	☐ Yes	☒ N/A
Habitat Survey. *	☐ Yes	☒ N/A
A Processing Agreement. *	☐ Yes	☒ N/A

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

Tree Survey Report and Tree Constraints Plan, Preliminary Ecological Appraisal, Structural Condition Report

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: . DTA .

Declaration Date: 22/05/2023

Payment Details

Pay Direct

Created: 22/05/2023 17:21

Introduction

This Planning Statement by DTA Architects is submitted on behalf of the applicant (Mr Tahir). It is in connection with his application for conservation area consent to demolish an existing 2 storey detached dwelling (with accommodation within the roof space) and its large outbuilding (garage), along with his application for detailed planning permission to erect a new detached 2 storey dwelling (with accommodation within the roof space) at 30 Ayr Road, Giffnock, G46 6RY.

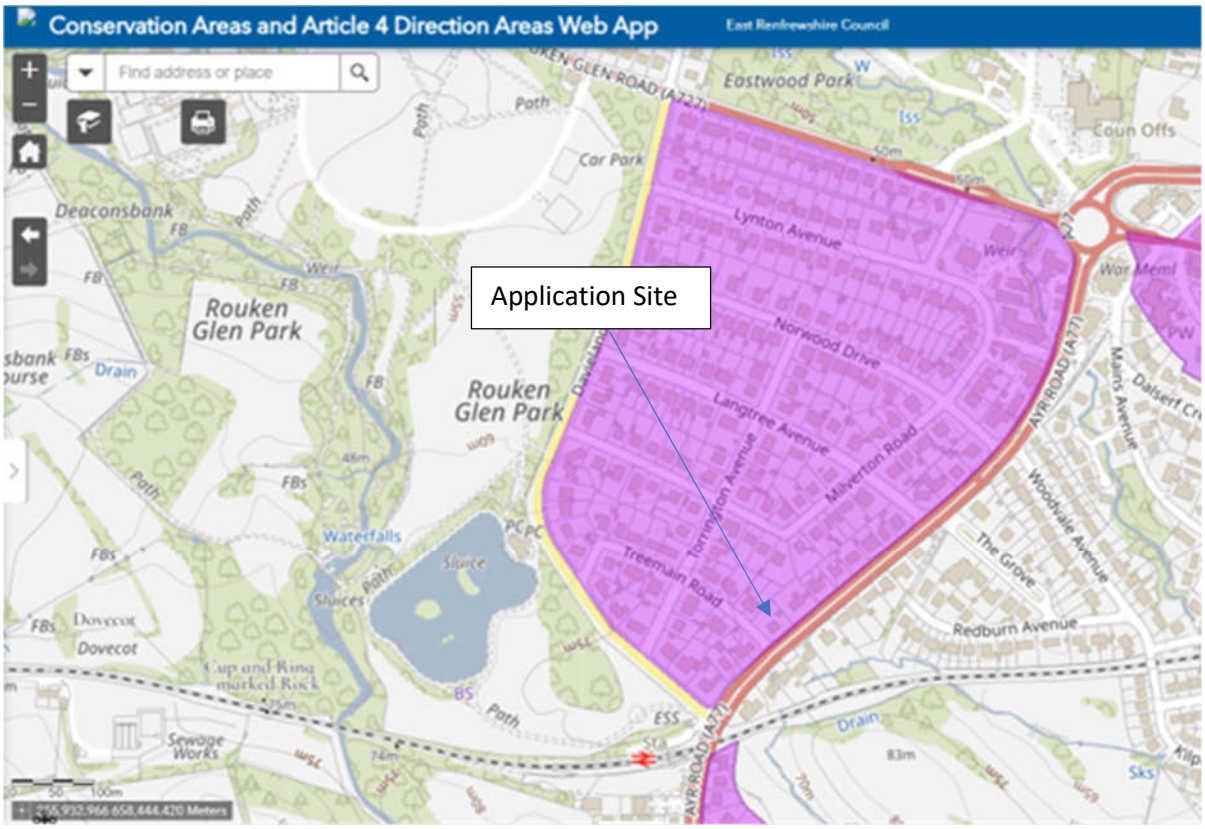
Brief Description of the Application Site and Proposal

Application Site: The application site is a largely rectangular plot of land on the corner of Ayr Road and Treemain Road in Giffnock accommodating a substantial detached dwelling with outbuilding. It can accurately be described as a large plot, measuring circa 1502 sqm in area. The dwelling fronts onto Ayr Road and takes its vehicular access from there.

On the dwelling's front elevation there are bay windows, white rendered walls and smooth blonde sandstone surrounds to openings. The rear elevation is a plainer white rendered finish, and there are two lean to rear extensions (one being a UPVC conservatory with UPVC roof). The dwelling has a pitched hipped roof covered in red rosemary roof tiles, to the rear of which there are flat roofed dormer windows. There is a large double garage within the rear/side garden.

The property takes its sole means of vehicular access from Ayr Road. There is a pedestrian side access from Treemain Road. There are a number of mature conifer (fir) trees along the eastern, southern and western boundaries which are of limited ecological value.

The site is located on the outer edge of Lower Whitecraigs Conservation Area, which was designated on 22 April 2005. The diagram below from the East Renfrewshire Local Development Plan 2 (LDP2) shows the Conservation Area tinted purple and the location of the application site within it.



Proposal: It is proposed to demolish the existing dwelling and outbuildings and to construct a 2 storey dwelling which will be accessed (both vehicular and pedestrian access) from the pre-existing access point onto Ayr Road. The dwelling will have accommodation in the roof space benefiting from velux windows. The roof will be pitched and incorporate hipped roof features.

The external finishes will include flat dark roof tiles, a stone finish to the ground floor and white render finish to the 1st floor elevations. The Applicant is willing to accept planning conditions that he must supply details of the external finishes for the Planning Authority's approval prior to development commencing.

It is possible to retain the vast majority of trees on site. The Applicant commissioned a Tree Survey Report by Julian A Morris, Professional Tree Services. A copy of the Tree Survey Report is attached in support of the proposal. The existing trees on site are mainly mature conifers (fir) trees which are nearing the end of their life cycle. All existing trees are a mixture of category B (Trees of moderate quality and value) or C (Trees of low quality and value). In this regard the Applicant would be willing to agree with the Planning Authority a scheme of planting to incorporate native deciduous species, possibly in substitution for some of the existing trees. The Applicant is willing to accept planning conditions that he must supply details of this planting scheme for the Planning Authority's approval prior to development commencing.

Note that the existing dwarf wall and hedgerow along the site boundary will be retained. The Proposed Site Layout and Proposed Elevations are shown below.

Proposed Site Layout

Proposed Elevations

Site's Planning History

Refusal in 2022: It is noted that an application for Conservation Area Consent was refused in 2022 (planning ref: 2021/0898/CAC) for the demolition of the dwellinghouse on site. That refusal was appealed, but the appeal was dismissed (appeal ref: CAC-220-2). The three reasons for dismissal of the appeal by the DPEA Reporter were:

1. the existing building makes a positive contribution towards the character and appearance of the conservation area;
2. that there has not been sufficient justification provided to prove that the retention of the property would be economically unviable; and
3. that no replacement scheme was submitted as part of the application.

The Applicant highlights that the current proposal is materially different in that the proposed replacement scheme has been provided along with a new report pertaining to the condition of the existing property.

Applicant's Consideration of the Site's Planning History, Planning Policy and Justification of the Current Proposal

The Applicant appreciates that Conservation areas "are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance". *S.61 Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.*

Policy D16 Adopted LDP – The Applicant notes within Policy D16 of East Renfrewshire's adopted Local Development Plan 2 (LDP 2) which deals with Conservation Areas, that the "design, materials, scale and siting of any development shall be appropriate to the character of the conservation area and its setting. Trees which are considered by the planning authority to contribute to character and appearance shall be retained."

Policy D16 also states, amongst other things, when "considering the demolition of any unlisted building, within a conservation area, no building should be demolished unless it can be clearly demonstrated that:

- The building is of little townscape value and does not contribute to the character of the conservation area; or
- The repair of the building is not economically viable;
  and
- The replacement scheme will preserve and enhance the special character of the conservation area."

Policy D16 advises that a "detailed planning application for the replacement scheme would require to be submitted. Demolition shall not begin until evidence is given of contracts let for an approved replacement development."

Policy D16 indicates that "development and demolition within a conservation area…or affecting its setting shall preserve or enhance its character and be consistent with any relevant conservation area appraisal or management plan that may have been prepared for the area."

Conservation Area Appraisal - When considering the design of the replacement dwelling the Applicant took cognisance of the surrounding area and the terms of the Conservation Area Appraisal, published December 2008 by the local authority. The application site is situated within Lower Whitecraigs Conservation Area which is bounded by Ayr Road to the east, Davieland Road to the south and west and Rouken Glen Road to the north. The Conservation Area Appraisal, describes the conservation area character and appearance as a planned garden suburb development.

HES Interim Guidance – The Applicant further notes within paragraph 19 of the Interim Guidance on The Designation of Conservation Areas and Conservation Area Consent (April 2019) published by Historic Environment Scotland (HES) that in "some cases, demolition may be thought appropriate, for example,….if its structural condition rules out its retention at reasonable cost. In instances where demolition is to be followed by re-development of the site, consent to demolish should in general be given only where there are acceptable proposals for the new building."

PAN 71 - The advice contained within Planning Advice Note 71 (PAN 71): Conservation area management has also been considered by the Applicant. That states that conservation area consent for demolition will not normally be granted in the absence of a detailed application, approved in parallel, for the replacement scheme. It is noted that Historic Environment Scotland also advised in relation to the previous application for conservation area consent for demolition of the existing dwellinghouse on the site (planning ref: 2021/0898/CAC), that in instances where demolition is to be followed by re-development of the site, consent to demolish should in general be given only where there are acceptable proposals for the new building.

The Applicant further notes the Council's position which is also that of the Reporter in relation to the appeal decision referred to previously within this Statement (appeal ref: CAC-220-2) that there had not been sufficient justification provided to prove that the retention of the property would be economically unviable and that there was no replacement scheme submitted as part of the application.

Taking the above into consideration the Applicant's comments below are of particular importance:

Economic Unviability to Retain Existing Property: The Applicant has commissioned a Structural Inspection Report from Balfour Engineering Consultancy, which is attached in support of the application for demolition. That highlights within section 3.0 of the report that at "first glance the property appears in an acceptable condition but based on the evidence available, there are underlying issues that will need to be considered and dealt with…The full extent of structural repairs could be extensive and ultimately, cost prohibitive."

The previous owner of the property applied for demolition 21 years ago but ended up only carrying out minor fixes. There are several trees close to the property whose roots are disrupting the ground and could pose a potential issue for the foundations of the house and the ground settled around them. The owner of the property notes that the first floor has shifted and can be felt in the master bedroom clearly, as well as noticeable cracking within the en-suite to that room. A significant amount of money was spent by the owner before they moved in but due to the advanced settling of the property it is becoming more apparent, as the structural engineer mentions above, that repairs could be extensive. The extension for the kitchen is also shifting, and the new kitchen that was put in has seen damage from movement.

Another aspect is the environmental impact of the property. Currently there are 2 boilers and a hot water cylinder in place to try and provide the amenities to the house, which try to offset the air passing through cracks in the walls and ceiling, along with the poor performance of the windows. The new proposal would allow for a much more economical and environmentally friendly strategy.

Details of Replacement Dwelling: The applicant has lodged a detailed application for a single replacement dwellinghouse with no outbuildings.

Policy D1 and D1.2 Adopted LDP: The Applicant notes that Policy D1 requires that development should not result in a significant loss of character or amenity to the surrounding area. It provides various other general development management criteria which seeks to ensure inter alia that any new dwelling is appropriate to its location.

Expanding on this, Policy D1.2 relating specifically to the erection of replacement dwellings states that proposals will be assessed against the following 6 criteria and the Applicant has remarked on each:

1. Reflect the scale and character of the surrounding residences and the established pattern of development in the area;

The proposed dwelling has a larger footprint than the existing dwelling it replaces. However, its footprint is clearly similar and indeed smaller than many other houses within the Conservation Area and broader locale. The remaining garden area and curtilage would still be large.

The proposal accords with the established pattern of development, which is predominately one of large detached and semi-detached dwellings fronting public roads, set within reasonably generous plots. However, modern flatted developments also exist.

The character of the Conservation Area is in fact very varied, with a significant variety of house types exhibited. The Applicant's proposal will be a detached dwelling of architectural merit finished to a high standard and therefore typical of the area in these respects.

The following images exhibit the huge variety of house types present in the Conservation Area itself.

2. Should be of a size and shape capable of accommodating a residential property and compatible with the locality;

The size and shape of the application site is clearly capable of accommodating a residential property and is compatible with the locality. Please refer to the Proposed Site Plan which demonstrates this.

3. There should be sufficient land to provide garden ground that is of a scale and character compatible with the locality for the proposed and donor properties;

The garden ground is of a scale and character compatible with the locality for the proposed dwelling. No land is required for a donor property as this is not a garden sub-division i.e., the existing property will be demolished.

4. Provide safe vehicular access and parking for the proposed and donor properties;

Safe vehicular access and parking for the proposed dwelling is provided which meets the standards of the Council. No access and parking is required for a donor property as this is not a garden sub-division i.e., the existing property will be demolished.

5. Not adversely impact upon the setting of the donor property;

There is no donor property as this is not a garden sub-division i.e., the existing property will be demolished.

6. Respect existing building lines.

The proposal respects the existing building lines along both Ayr Road and Treemain Road.

Policy D2 Adopted LDP: We note that Policy D2 supports development within the general urban area where it is appropriate in terms of its location and scale and will not result in a significant loss of character or amenity to the surrounding area. The proposed dwelling would in no sense be a dominant or incongruous addition to the streetscape, to the detriment of the character and amenity of the area.

Conclusion

As outlined above the proposal accords with Policies D1, D1.2, D2, and D16 of the adopted East Renfrewshire Local Development Plan 2 (LDP2). Generally speaking the proposed dwelling is of a design and scale that is suitable to the area and will not appear incongruous within the locale. The proposed dwelling will provide more than sufficient residential amenity for its occupiers and will have no adverse impact on the residential amenity of neighbours.

Not mentioned within the preceding text, Policy D6 and policy D7 are also relevant. Policy D6 provides minimum open space standards for residential development and Policy D7 states that the Council will protect the integrity of any tree preservation order. The trees on site are protected as a consequence of being located within a designated Conservation Area. The proposal clearly accords with the essence of these policies.

Gary Murray for
DTA Architects

Preliminary Ecological Appraisal

On Land at 30 Ayr Road

Lower Whitecraigs

Giffnock

Newton Mearns

East Renfrewshire

G46 7LB

November 2022

Prepared by Baker Ecology Ltd. for DTA Architects on behalf of Rehan Tahir

Executive Summary

Baker Ecology was commissioned in November 2022 to carry out a preliminary ecological appraisal for a proposed development site at 30 Ayr Road, Giffnock, Newton Mearns. The survey considered habitats and species of plant present and the potential presence of relevant European Protected Species (bats), Badgers, Water Voles, and breeding birds, with particular reference to those species with enhanced statutory protection.

Plants and Habitats

Habitats and species were common and typical of urban land with no notable species or habitats found within the survey area, however, the site does have a number of mature amenity trees around its margins as part of its soft landscaping. Protection of tree roots and branches would be a key part of retention of any tree, particularly in a conservation area as is the case here, and would require further consideration - Note that any tree retention should follow British Standards guidance in regard to tree protection measures (consult an Arboriculturalist).

Bats

No trees within the survey area had bat roost potential but the existing dwelling house and detached garage both had potential roost features present. Roosting bats may therefore be an ecological constraint at this site, and further survey work will be required between May and September in any year to confirm the presence or absence of any bat roost prior to any roof maintenance works or redevelopment of the Site.

Badger

There was no evidence of Badger resting places within the survey area, so they are not an ecological constraint at this site.

Water Vole

There was no evidence of Water Voles (aquatic or fossorial) within the survey area, so they are not an ecological constraint at this site.

Potential Breeding Birds

The survey was completed outwith the bird breeding season but based on the experience of the surveyor there was limited potential for breeding bird use of the Site (trees and buildings). Potentially, breeding birds may be a minor ecological constraint depending on the time of year that works commence. To maintain an overall high due regard for the potential for any breeding birds to be present any preparation works such as vegetation removal, soil stripping, scaffolding and roof works should be done between October and the end of February to completely avoid the bird breeding season. This must also bear in mind any constraints in regard to bats that may be subsequently discovered.

If it is not possible to complete site preparation during the recommended period any breeding bird presence that may be a constraint can be confirmed by a walkover survey by an ecologist within 48 hours prior to the start of works – they will advise if any such constraints are present and the appropriate procedures to deal with what has been found.

Contents

1. Introduction

Baker Ecology was commissioned in November 2022 to carry out a preliminary ecological appraisal (PEA) for a proposed development site at 30 Ayr Road, Giffnock, Newton Mearns. (NS 55419 57801, Figure 1.). The site includes the two buildings, amenity grass lawns, ornamental shrubbery, hard standing, and trees, and lies to the west of Ayr Road, with Treemain Road and housing to the south, and housing to the west, north, and east beyond Ayr Road.

2. Scope of Assessment and survey

The PEA consisted of an extended Phase I Habitat survey that considered not only habitats and species of plant present but also the potential presence of relevant European Protected Species (bats), Badgers, Water Voles (fossorial as no aquatic habitat), and potential breeding birds, with particular reference to those species with enhanced statutory protection. A desk study exercise was also completed to identify any protected habitat or species records.

3. Relevant Policy and Guidance

This ecological assessment has been undertaken with regard to the legislative requirements given in the following:

- The Conservation (Natural Habitats &c.) Regulations 1994 (The Habitats Regulations);
- The Conservation (Natural Habitats &c.) Amendment (Scotland) Regulations as amended (2004, 2007, 2008, 2011, and 2012);
- Nature Conservation (Scotland) Act, 2004;
- Wildlife and Countryside Act 1981 (and subsequent amendment through The Conservation (Natural Habitats &c.) Amendment (Scotland) Regulations 2007, 2009, & 2011);
- Wildlife & Natural Environment (Scotland) Act (2011);
- Protection of Badgers Act, 1992 (and subsequent amendment through The Nature Conservation (Scotland) Act 2004);
- Wild Mammals (Protection) Act, 1996;
- The Convention on the Conservation of European Wildlife and Natural Habitats (The Berne Convention), 1979;
- The Land Reform (Scotland) Act, 2003;
- Scottish Planning Policy (June 2014) replaces NPPG14 and SPP (February 2010);
- The West Lothian Local Biodiversity Action Plan (LBAP);
- The East Renfrewshire Local Biodiversity Action Plan (UK BAP); and the
- Scottish Biodiversity List 2007

3.1. Biodiversity Status

The UK Biodiversity Action Plan (BAP) is the UK Government's commitment to the Convention on Biological Diversity signed in 1992. It is comprised of two types of Action Plans developed to set priorities for nationally and locally important habitats and wildlife:

Species Action Plans

- Produced for UK BAP Priority Species: information on the threats facing 382 species and action plan targets to achieve a positive conservation status;

- Grouped Species Action Plans - common policies, actions and targets for similar species, for example for Eyebrights, or Commercial Marine Fish. There are nine grouped action plans;

- Species Statements - overview of the status of species and broad policies developed to conserve them for two groups of species.

Otters, Water Voles, and several bat species are UK BAP priority species with action plans. Soprano Pipistrelles are a UK Biodiversity Action Plan priority species but Common Pipistrelle bats have now been removed from the list (2007). Daubenton's bat is a species of UK conservation concern.

Habitat Action Plans

- Broad Habitat Statements - summary descriptions of 28 natural, semi-natural and urban habitats and the current issues affecting the habitat and broad policies to address them; and

- UK BAP Priority Habitat Action Plans - detailed descriptions for 45 habitats falling within the Broad Habitat classification and detailed actions and targets for conserving these habitats.

Local Biodiversity Action Plans
Each Local Biodiversity Action Plan (LBAP) partnership, usually but not always at the local authority level identifies and establishes actions to conserve local priorities and also link this action to the delivery of national Species and Habitat Action Plan targets wherever possible. Grouped action plans at this level include bats, and Waders, for example.

Pipistrelle bats are included in a group species action plan (SAP) for bats in the LBAP.

3.2. Notable Habitats and Plants
Notable habitats in the UK are protected by statutory designation as Special Areas of Conservation if their value is recognised internationally, Sites of Special Scientific Interest (SSSI) if have a national value, or as Local Nature Reserves (LNR) if valued within a local authority area. The Wildlife and Countryside Act 1981 transposes European legislation conferring protection on such habitats: Sections 28 to 33 of Part 2 of the Wildlife and Countryside Act detail the law regarding SSSIs. Sections 34 to 53 deal with other protected areas within Great Britain.

Several plant species are classed as European Protected Species and are listed in Annex IV of the EC Habitats Directive, and in the UK on Schedule IV of the Conservation (Natural Habitats &c.) Regulations 1994 (The Habitats Regulations). In addition, there are a number of species protected by the Wildlife & Countryside Act 1981, which makes it an offence (subject to exceptions) to pick, uproot, trade in, or possess (for the purposes of trade) any wild plant listed in Schedule 8, and prohibits the unauthorised intentional uprooting of such plants. It also contains measures for preventing the establishment of non-native species which may be detrimental to native wildlife, prohibiting the release of animals and planting of plants listed in Schedule 9. It also provides a mechanism making any of the above offences legal through the granting of licences by the appropriate authorities.

The most problematic invasive, non-native plants were listed on Schedule 9 of the Wildlife & Countryside Act 1981. Under section 14(2) of the Act it was an offence to plant or otherwise cause to grow any species of plant listed on Schedule 9. Due to identification of a whole host of additional

problematic invasive species a draft list of species for addition to the Schedule was prepared in 2007 and consulted on.

Invasive species presence across ownership boundaries raised issues with liability at many sites where any scheduled invasive plant species have knowingly been allowed to spread onto neighbouring properties as it was illegal to allow them to spread thus. The relatively recent Wildlife & Natural Environment (Scotland) Act (2011) significantly amended the Wildlife and Countryside Act in Scotland, and has removed ambiguity on liability by simplifying the issue of invasive non-native species in the wild and avoided the need for addition to a revised list by simply making it an offence to plant or cause **any** non-native plant species to grow in the wild. This change in policy has brought Scotland to the forefront of invasive species and control by demonstrating a high recognition of the issues invasive plant species are causing including high costs for control and eradication.

Some invasive species are more onerous to deal with than others, for example, Japanese Knotweed may take three or more years to eradicate, and any waste containing Japanese Knotweed is classed as controlled waste, and cannot be used for exemptions under Waste Management Licensing. For off-site disposal it must be buried in a licensed landfill site at a depth of at least 5m. Section 34 of the Environmental Protection Act 1990 places a duty of care on all waste producers to ensure that any wastes are disposed of safely and that a written description of the wastes, and any specific harmful properties, is provided to the site operator. Failure to appropriately dispose of any material containing Japanese Knotweed or several other invasive species may lead to prosecution under Sections 33 and 34 of the Environmental Protection Act 1990 and Section 14 of the WCA 1981. The Nature Conservation (Scotland) Act 2004 increased the penalties available to someone committing a Section 14 offence. Penalties on summary conviction were increased to include imprisonment for up to six months and/or a fine not exceeding £40,000. On conviction on indictment, the penalties are an unlimited fine (i.e., whatever the court feels to be commensurate with the offence) and/or a 2 year prison sentence.

3.3. European Protected Species: The Conservation (Natural Habitats &c.) Regulations 1994 (The Habitats Regulations)

Full consideration of European Protected Species (EPS) must be given as part of the planning application process, not as an issue to be dealt with at a later stage.

As stated previously, several plant species are classed as European Protected Species and are listed in Annex IV of the EC Habitats Directive, and in the UK on Schedule IV of the Conservation (Natural Habitats &c.) Regulations 1994 (The Habitats Regulations). Full consideration of European Protected Species (EPS) must be given as part of the planning application process, not as an issue to be dealt with at a later stage. The European Protected Species of potential relevance to this survey area were the following nine species of plant:

Creeping Marshwort	*Apium repens*
Early Gentian	*Gentianella anglica*
Fen Orchid	*Liparis loeselii*
Floating-leaved water Plantain	*Luronium natans*
Kilarney Fern	*Trichomanes speciosum*
Lady's Slipper	*Cypripedium calceolus*
Slender Naiad	*Najas flexilis*
Shore Dock	*Rumex rupestris*
Yellow Marsh Saxifrage	*Saxifraga hirculus*

The European Protected Species of animal of potential relevance to this survey area were bat species found in the Central Belt of Scotland.

European Protected Species are protected in Annex IVa in the EC Habitats and Species Directive, which is transposed into UK legislation by the Conservation (Natural Habitats &c.) Regulations 1994 (Schedule II of The Habitats Regulations). The full details of this legislation can be viewed at:

http://www.opsi.gov.uk/SI/si1994/Uksi_19942716_en_4.htm

This legislation was amended on the 14th February 2007 (The Conservation (Natural Habitats &c.) Amendment (Scotland) Regulations 2007.), and explanatory guidance on this was published by the Scottish Government in April 2007. The amendment removed all EPS from Schedule 5 of the Wildlife & Countryside Act 1981. There are therefore now no defences in the WCA 1981 whatsoever for any actions impacting on EPS, and protection is afforded by the following legislation only:

Under Regulation 39 of the Conservation (Natural Habitats &c.) Regulations 1994 (The Habitats Regulations) it is now a criminal offence (subject to specific exceptions) to:

(a) deliberately or recklessly to capture, injure or kill a wild animal of a European protected species; (only defences are mercy killing, capture for tending a disabled animal or circumstances where the animal is captive bred and lawfully held).

(b) deliberately or recklessly–

(i) to harass a wild animal or group of wild animals of a European protected species;

(ii) to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;

(iii) to disturb such an animal while it is rearing or otherwise caring for its young;

(iv) to obstruct access to a breeding site or resting place of such an animal, or otherwise to deny the animal use of the breeding site or resting place;

(v) to disturb such an animal in a manner that is, or in circumstances which are, likely to significantly affect the local distribution or abundance of the species to which it belongs; or

(vi) to disturb such an animal in a manner that is, or in circumstances which are, likely to impair its ability to survive, breed or reproduce, or rear or otherwise care for its young;

(c) deliberately or recklessly to take or destroy the eggs of such an animal; or

(d) to damage or destroy a breeding site or resting place of such an animal.

It should be noted that only the offence of damaging or destroying a breeding site or resting place of an EPS is a strict liability offence. The remaining offences are offences only where they are carried out "deliberately" or "recklessly".

In Scotland licenses may be granted by NatureScot to permit certain activities that would otherwise be illegal due to their potential impact on EPS or their places of shelter/breeding, whether or not they are present in these refuges. This includes for developmental work. Under Regulation 44 of The Habitats Regulations, the provisions in Regulation 39 (protection of animals) do not apply to anything done for any of the purposes defined in Regulation 44 provided that any action is carried out "under and in accordance with the terms of a licence granted by the appropriate authority".

Three tests must be satisfied before a development licence for disturbance of an EPS or damage to a site/destruction of a site used by EPS will be granted. Note: A license application will fail unless all three tests are satisfied.

- Test 1 - the licence application must demonstrably relate to one of the purposes specified in Regulation 44(2). This regulation states that licences may be granted by NatureScot where the activities to be carried out under any proposed licence are for the purpose of "preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment";
- Test 2 - Regulation 44(3)(a) states that a licence may not be granted unless NatureScot is satisfied "that there is no satisfactory alternative"; and
- Test 3 - Regulation 44(3) (b) states that a licence cannot be granted unless NatureScot is satisfied "that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range".

Note: Breach of Licensing Conditions
A new regulation 46A came into force on 15th May 2007. This now makes it an offence to breach any conditions attached to a licence. Licence conditions should therefore be adhered to at all times.

3.4. Additional Legal Protection for bats

- Additional protection is afforded through the Bern Convention (1979), enacted in Scotland through the Nature Conservation Act (Scotland) 2004;
- Appendix III, the Convention on the Conservation of Migratory Species of Wild Animals (Bonn, 1980), Appendix 2; and
- The Bonn Convention's Agreement on the Conservation of Bats in Europe (London, 1991).

It is also a legal obligation in Scotland to consult with NatureScot before you do anything that might affect bats or their roosts such as:

- Removal of hollow, old, or decaying trees;
- Blocking, filling, or installing grilles over old mines or caves; and
- Building, alteration, maintenance, or re-roofing

In all cases where bats are found to occupy trees or buildings and there is a developmental issue, NatureScot must be informed before any development takes place. A licence to permit development may then be obtained from NatureScot if appropriate.

3.5. Badger
In the UK, Badgers are protected under the Protection of Badgers Act 1992 (c.51), which repeals the previous Badgers Acts of 1973 and 1991, and certain sections of other relevant acts such as The Wildlife and Countryside Act 1981, The Environmental Protection Act 1990, The Animals (Scientific Procedures) Act 1986, The Natural Heritage (Scotland) Act 1991, and The Criminal Justice Act 1991. The Protection of Badgers Act 1992 was further amended and strengthened through the Nature Conservation Act (Scotland) 2004.

The 1992 Act makes it an offence to:

- Wilfully kill, injure, catch, or take a Badger from the wild (or attempt to);
- Cruelly ill-treat a Badger, digging for Badgers, using Badger tongs, using a firearm other than permitted (under the exceptions regarding humane dispatch of an injured animal) within the Act;
- Damage, destroy or obstruct access to any part of a Badger sett (whether occupied or unoccupied);
- Disturb a Badger while it is occupying a sett, either by intent or by negligence;
- Dig a Badger sett;
- Cause a dog to enter a Badger sett;
- Sell or offer for sale a live Badger, have possession or control of a live Badger. Be in possession of a live or dead Badger or any part of one; and
- Mark a Badger or attach any ring, tag, or other marking device to a Badger.

Note: A Badger sett is defined within the Act as "any structure or place which displays signs indicating current use by a Badger" where current use means "any sett within an occupied Badger territory regardless of when it may have last been used".

It is also a legal obligation to obtain a licence from NatureScot before you do anything that might affect Badgers or their setts, for example for:

- Development purposes [as defined under the Town & Country Planning (Scotland) Act 1997]; and
- Alteration or maintenance of existing buildings where Badgers are found.

It is also a legal obligation in Scotland to consult with NatureScot before you do anything that might impact Badger setts, whether currently occupied or not.

Despite the above legislative protection, Badgers are not a UK Biodiversity priority species for conservation and are only considered of UK conservation concern.

3.6. Water Vole

In Scotland, the Water Vole has had limited enhanced statutory protection under Schedule 5, section 9(4) of the Wildlife & Countryside Act 1981 since 1998. This section of the act protects habitat occupied by the species. Under the Nature Conservation (Scotland) Act 2004, the term "recklessly" has been added to the legislation, so now the protection makes it an offence to intentionally:

- "Recklessly" or "intentionally" damage or destroy structures or places used by Water Voles for shelter or protection; and
- Disturb Water Voles whilst they are using such a place.

In Scotland, it is not illegal under this Act to kill or injure Water Voles, take them from the wild or sell them but under animal welfare laws cruelty to Water Voles is an offence. Note: The legislation in England was amended on the 6th April 2008, and the Water Vole now has full legal protection in that country.

In Scotland there is now provision under the Wildlife & Countryside Act 1981 for licensing what would otherwise be offences for the purpose of development, maintenance, or land management. Licences for development works that would otherwise result in an offence with respect to Water Voles can only be issued if:

a. The development will give rise to significant social, economic or environmental benefit (see Protected Species Licensing: Licences for 'social, economic or environmental purposes'); and

b. There is no other satisfactory solution (see European Protected Species Licensing Test 2 –No satisfactory alternative). There is a presumption against licensing disturbance or damage / destruction of burrows while they contain dependent young. Any licensed activity in these circumstances would have to wait until the Water Voles had finished breeding.

3.7. Breeding Birds

All breeding birds have basic statutory protection under the Wildlife & Countryside Act 1981. In addition, a number of species that are rare or uncommon are afforded enhanced statutory protection during the breeding season by inclusion on Schedule One of the Wildlife & Countryside Act 1981, which protects adults in places of rest, their eggs, and young.

- All breeding birds in the UK are protected through Sections 1-8 (referring to Schedules 1 to 4) of the Wildlife & Countryside Act [WCA] (enacting the Bern Convention and the Birds Directive), and subsequent amendments through the Nature Conservation (Scotland) Act 2004. With certain exceptions, all wild birds, their eggs and dependent young are protected from intentional killing, injuring and taking; they cannot be in anyone's possession, whether live or dead, and nests (whilst being built or in use) cannot intentionally be taken, damaged or destroyed. A general licence permits control of some species with landowner consent.

- Schedule 1 of the WCA is a list of nationally rare breeding birds for which all offences carry special (higher) penalties. The legislation also makes it an additional offence to intentionally or recklessly disturb adults or the dependent young of these species, at any stage of their breeding.

- Schedule 2 is a list of traditionally hunted birds for which protection does not apply outside a "close season".

- European legislation provides additional legal protection as European Protected Species for a number of species of high conservation concern.

The first review of the Population Status of Birds in the UK was originally produced in 1996, and with revision by 2002 listed the status of 247 species of bird. At that time 40 species were "red-listed" as species of conservation concern, 121 "Amber-listed" as species of conservation concern, and 86 species as "Green-listed" as species of conservation concern This listing did not provide additional legal protection for these species but highlighted those of concern for nature conservation purposes. The lists have now been updated a fifth time (Stanbury et al. 2021), resulting in re-designation of the UK status of 245 species of bird: 70 are now "red-listed" and 103 "Amber-listed" as species of conservation concern, while only 72 species are "Green-listed".

4. Desk Study

A desk-based review of sites designated for their nature conservation interest was completed in November 2022.

4.1. Sites with Statutory Nature Conservation Designations

Records were obtained from the NatureScot Sitelink database: There were no designated sites within 1km of the survey area. This search did not include records for TPO designation.

4.2. Sites with Non-Statutory Nature Conservation Designations

Sites of Importance for Nature Conservation (SINC) or similar were searched for in the Local Development Plan. There were no designated sites identified within proximity to the survey area.

4.3. Protected Species Records

The NBN Atlas (NBN) was consulted for relevant species records from datasets posted by NatureScot/SNH/JNCC [Acorna Ecology has written permission to cite data from NatureScot/SNH data sets (Colin McLeod) and from the Mammal Society]:

The following datasets on the NBN Atlas were checked:

- JNCC collation of taxon designations" provided by Joint Nature Conservation Committee;
- SNH/NatureScot Species Repository;
- Compilation of records of 12 Article 17 terrestrial mammal species in Scotland;
- SNH Bat Casework records 1970-2007; and
- SNH/NatureScot Great Crested Newt records.

No relevant protected species records were found within the last ten years.

5. Bats in Scotland

Ten species of bat are known from Scotland. Of these, five species are relatively widespread in Central Scotland (Table 5.1):

- Common Pipistrelle Bat (*Pipistrellus pipistrellus*) 45 kHz;
- Soprano Pipistrelle Bat (*Pipistrellus pygmaeus*) 55 kHz;
- Daubenton's Bat (*Myotis daubentonii*);
- Brown Long-eared Bat (*Plecotus auritus*);
- Natterer's Bat (*Myotis nattereri*); and

Another four also occur in Central Scotland but tend to have restricted distributions, or less is known about their distribution:

- Noctule Bat (*Nyctalus noctula*) (more of a southern Scottish distribution but recorded in Ayrshire, Lanarkshire, Glasgow, Stirlingshire, West Lothian and East Dunbartonshire);

- Nathusius's Pipistrelle Bat (*Pipistrellus nathusii*) 38 kHz – (Stirlingshire, Fife, Glasgow, Perth & Kinross, Renfrewshire, Midlothian, and possible but unconfirmed in Ayrshire);

- Whiskered Bat (*Myotis mystacinus*) – within the Ayrshire, Lanarkshire, Stirlingshire, and Midlothian areas; and

- Leislers Bat (*Nyctalus leisleri*) (more of a southern Scottish distribution but known from East Renfrewshire, and North Ayrshire, and possible but unconfirmed in South Lanarkshire).

From publicly available information all nine of these species are known to occur in the East Renfrewshire area.

The 10th Scottish species Brandt's Bat (*Myotis brandtii*) is considered to be rare, with only a few records and roosts known, and its known distribution is currently limited to southern Scotland and western Perthshire.

Table 5.1. Population estimates for the 10 species of UK bats found in Scotland (from Wray et al. 2010)

Status in the UK	Scotland
Common (>100,000 bats)	Common Pipistrelle Soprano Pipistrelle
Rare (10,000 – 100,000 bats)	Natterer's Bat Brown Long-eared Bat Daubenton's Bat
Rarest (<10,000 bats)	Noctule Bat Leisler's Bat Nathusius' Pipistrelle Whiskered Bat Brandt's Bat

5.2. Bat Roost Types

Nine main types of roost have been identified (Collins 2016). These are:

- Day roosts (March – November but more-so in the summer): used for resting during the day, and may be occupied daily by solitary or small numbers of males, or may be used infrequently as part of a chain of roost sites alternated daily but are rarely occupied at night. Whole colonies of some species such the Leisler's bat will change roost during the day including taking young with them;

- Night roosts (March – November): a place where bats rest or shelter during the night but are rarely present during the day. Can be used by solitary bats or entire colonies, and are often indicated by large accumulations of insect remains and some droppings;

- Feeding roosts (May – November): a place where individual bats or small groups may rest or feed during the night between bouts of foraging, in times when weather changes, or just for a temporary rest. May be used by solitary bats to whole colonies but are rarely used during the day;

- Transitional/occasional roosts (spring or autumn generally but may be used April-October): Some roosts may be transitional, when small numbers are present for a limited period, usually during the spring and autumn.

- Swarming sites (August – November) tend to be around caves and mines and may be used for hibernation as well as being important for mating, with large numbers of male and female bats gathering from late summer to autumn.

- Mating roosts (September – October): where mating takes place from late summer and may continue through the winter;

- Maternity roosts (May - August): the most obvious roost type. These consist almost exclusively of females, most of which give birth and raise a single young but sometimes may include males in some species of bats. These colonies usually disperse by the autumn, although some species may remain in one roost all year round;

- Hibernation roosts (October – March); roost sizes may vary from individual to groups but must have a high humidity and constant cool temperature above freezing but generally less than 4°C; and

- Satellite roosts (May – August): alternative roosts near to maternity roosts used by a few breeding females or small groups of females throughout the breeding season;

Note: swarming sites (August – November) tend to be around caves and mines and may be used for hibernation as well as gathering for mating. Table 5.2. below presents the levels of importance of different roost types:

Table 5.2. Determination of level of importance of bat roost type (from Wray et al. 2010)

Geographic Frame of Reference for Roost Importance	Roost Type
Local	Feeding perches Individual bats of common species Small numbers of common species (non-maternity) Mating sites of common species
County	Feeding perches of rare/rarest species Small numbers of rare/rarest species (non-maternity) Hibernation sites for small numbers of common/rarer species Maternity sites of common species
Regional	Large swarming sites Mating sites for rarer/rarest species Maternity sites of rarer species Significant hibernation sites for rarer/rarest species or all species assemblages
National	Sites meeting SSSI guidelines Maternity sites of rarest species
International	SAC sites

In Scotland, most species of bats roost by concealing themselves in crevices and are not easy to find. The presence of droppings is a key sign to their presence but numbers of droppings vary widely and even some large roosts have little evidence of droppings to indicate their presence. Hibernating bats however leave little or no trace of their presence. Other possible signs are a characteristic odour like ammonia. In addition, a clean or polished area at a place through which light can enter may suggest an entrance/exit hole.

Roosts may occur in a wide variety of places, particularly temporary roosts during dispersal and migration but can be categorised into three main groups:

- Those in quarries, caves, mineshafts, tunnels, and bridges;
- Those in buildings; and
- Those in trees

This study focused on potential roosting in trees and buildings.

5.3. Bats and Trees: Potential Roost Features (PRF)

Trees may provide safe dry places for bats to roost, although some bats prefer to roost in buildings when suitable buildings are present. Some bats remain roost faithful for prolonged periods, while others may have several alternate roost sites, and others may range much further using roosts several kilometres apart as weather conditions, food availability, and seasons change. Potential roost sites in trees may include:

- Crevices in bark:
- Gaps under loose bark on dead branches or trunks;
- Rotted knot holes;
- Hollow trunks;
- Cracks, splits etc. in stems and branches;
- Rotted-out branches;
- Growth deformities, compression forks, cankers;
- Gaps between overlapping branches;
- Dense ivy coverage;
- Woodpecker and Squirrel holes;
- Bird nesting boxes/bat boxes already present; and
- Crow, Magpie, and Buzzard nests.

Note: The above list is not exhaustive – the surveyor should use professional judgement based on experience to decide where inspection is necessary.

5.4. Bats and Buildings: Features of Potential Value for Use by Roosting Bats

Buildings may provide safe dry places for bats to roost, although some bats prefer to roost in trees even when suitable buildings are present. Some bats remain roost faithful for prolonged periods, while others may have several alternate roost sites in a steading or housing estate, and others may range much further using roosts several kilometres apart as weather conditions, food availability, and seasons change. Outbuildings and barns are often used as night roosts and shelters. Potential roost sites may be within the following:

Walls:

- Behind cladding, external tiles or weatherboarding;
- Gaps in mortar/stonework allowing access inside the cavity wall spaces;
- At the top of solid walls;
- In window frames or windowsills;
- Behind loose render;
- Behind loose wall slates; and
- Potentially in any existing bat boxes already present on the building

Note Bat droppings may be found on the ground, garden furniture or other external objects such as bins and cars, or on windows and stuck to walls may also serve to focus attention on specific areas of a building to look for a roost.

Eaves:

- Between soffit and bargeboard; and
- Behind bargeboards or fascias

Roofs and lofts:

- Space under ridge tiles;
- Between under-felt or boards and tiles or slates;
- Inside roof space at ridge ends or roof junctions;
- Inside roof space in gaps between timber and brickwork of chimneys;
- The junction of roof timbers, especially where ridge and hip beams meet;
- The top of gable end or dividing walls;
- Lower corners of the eaves;
- Between loft insulation and ceiling; and

- Space between joist and ceiling.
- The top of chimney breasts;
- Ridge and hip beams and other roof beams;
- Mortise and tenon joints;
- All beams (free-hanging bats);
- Behind purlins; and
- Under lead/tin flashing

Within rooms in residential buildings

- The floor and surfaces of any furniture or other objects;
- Behind wooden panelling;
- In lintels above doors and windows;
- Behind window shutters and curtains;
- Behind pictures, posters, furniture, peeling paintwork,
- Peeling wallpaper, lifted plaster and boarded-up windows; and
- Inside cupboards and in chimneys accessible from fireplaces.

In agricultural buildings

- Gaps in mortar/stonework allowing access inside the rubble-filled cavity of the walls from inside the building;
- Wall top;
- Between exposed roofing tiles at the ridge where no sarking is present;
- Crevices between timbers or between timbers and walls/roof; and
- In lintels above doors and windows

Note: The above lists are not exhaustive – the surveyor should use professional judgement based on experience to decide where inspection is necessary.

6. Survey Methods

6.1. Notable Plants, Habitats & Scheduled Invasive Plants

The Phase I Habitat walkover survey was completed within the survey area following the standard methodology and definitions used to map and describe habitats as per the Joint Nature Conservancy Committee guidelines (JNCC, 2010). Key locations of botanical interest were identified and target notes recorded where appropriate.

The objectives of this Phase I survey were to:

i. Provide a baseline assessment of habitat distribution and extent within the boundaries of the area;

ii. Provide a preliminary evaluation of the ecological value of the habitats;

iii. Record any notable species; and

iv. Record any non-native plants listed on Section 14(2) of Schedule 9 of the Wildlife & Countryside Act 1981.

6.2. Bats

6.2.1. Preliminary Ground Level Assessment of Trees for Bat Roost Potential

All methodology followed Bat Conservation Trust Bat Surveys: Good Practice Guidelines (Collins 2016). Note on the Bat Survey Guidelines from Bat Conservation Trust (January 2016):

*"**Professional judgement and surveyor experience: The guidelines are not a prescription for professional bat work. They do not aim to override professional judgement and cannot be used to replace experience. Deviations from the methods described are acceptable providing the ecological rationale is clear and the ecologist is suitably qualified and experienced. In some cases, it may be necessary to support such decisions with evidence, particularly if they may lead to legal challenge."***

The aim of this survey was to determine if any trees within the proposed development site or immediate proximity had potential value for use by roosting bats or evidence of any actual bat presence by a detailed inspection of the exterior of the tree from ground level. The survey looked for features that bats could use for roosting (PRFs) and categorised the trees according to their individual potential value for use by roosting bats (Table 6.2. below). Mature trees within the site were checked for PRFs such as crevices, holes, splits, tears, and ivy that could be used by bats to enter roosting sites such as those listed above, along with field signs of bat occupancy such as urine streaking, grease marks, smooth or worn surfaces, or droppings caught on bark or on webs. Where appropriate, inspections were made using binoculars. Trees with no bat roost potential were not recorded individually.

Table 6.2. Tree/Building suitability assessed according to the Categories listed in the BCT Guidelines (Collins 2016)

Suitability	Description of Roosting Habitats
Negligible	Negligible habitat features on site likely to be used by roosting bats.
Low	A structure with one or more potential roost sites that could be used by individual bats opportunistically. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions[a] and / or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats (i.e., unlikely to be suitable for maternity or hibernation[b]). A tree of sufficient size and age to contain PRFs but with none seen from the ground or features seen with only very limited roosting potential[c]
Moderate	A structure or tree with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions[a] and surrounding habitat but unlikely to support a roost of high conservation status (with respect to roost type only – the assessments in this table are made irrespective of species conservation status, which is established after presence is confirmed).
High	A structure or tree with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions[a] and surrounding habitat.

a For example, in terms of temperature, humidity, height above ground level, light levels or levels of disturbance.

b Evidence from the Netherlands shows mass swarming events of common pipistrelle bats in the autumn followed by mass hibernation in a diverse range of building types in urban environments (Korsten et al., 2015, in Collins 2016). This phenomenon requires some research in the UK but ecologists should be aware of the potential for larger numbers of this species to be present during the autumn and winter in large buildings in highly urbanised environments.

c This system of categorisation aligns with BS 8596:2015 Surveying for bats in trees and woodland (BSI, 2015).

6.2.2. Preliminary Ground Level External Assessment of Buildings for Use by Bats

The aim of this survey was to determine if the buildings within the site had potential value for use by roosting bats or evidence of any actual bat presence by a detailed inspection of the exterior of the buildings. The survey looked for features that bats could use for roosting (PRFs) and evidence of actual field signs of bat presence and categorised the buildings according to their potential value for use by roosting bats (Table 6.2. above).

The buildings were assessed externally during daylight to look for access points that could potentially be used by bats to enter crevices and any features that bats could use for roosting (PRFs) such as under loose or missing panels or cracks and crevices, loose flashing etc. on the building. Each potential access point was examined (with binoculars if not accessible for close examination) for signs indicative of use by bats such as droppings, urine streaking, polished, or worn surfaces, or staining marks at the potential entry point. The ground along the walls was also checked for dropping accumulations, and walls and windows were also checked for the presence of occasional droppings.

6.3. Badgers

Field survey methodology followed Harris et al. (1989). Badgers leave many different signs of their occurrence, so are relatively easy to detect, these include:

- Badger setts may be large networks of connected tunnels and chambers with several entrances that are usually shaped like a flattened arch and 20-30cm high and 25-35cm across, or have a single entrance to either a small burrow or large network of tunnels. Bones in and around the entrance, usually indicate Fox activity (rank fox smell may be noticeable). Fox earths have smaller entrances, but foxes may occupy Badger setts even when Badgers are in residence;
- Scraps of fresh bedding that have been dragged in (often grassy material) may be found around the sett entrance. There may also be scraps of old bedding that has been dragged out;
- Day nests are piles of bedding above ground that are used by Badgers occasionally;
- Badgers are clean animals and create spoil heaps outside the main sett, which may contain old bedding, bits of fur, and perhaps small bones. They also use latrines, and will have one or more that are used until the hole is full, and then they start another;
- Badger droppings are very varied depending on the diet (black and slimy means a diet rich in worms, but cereal grains, seeds, and hard parts of insects may be seen). The smell and texture are very distinctive; as is the usual deposition in small oblong latrines either by the sett or at strategic locations on the territory boundary (different individuals have different home ranges within the clan territory). Occasionally droppings are not deposited in latrines but left lying on the ground;
- Clear footprints will show a prominent central pad, either four or five toes and claw marks, and may be found leading to and from the sett, as well as on Badger trails. The front foot usually has longer claws than the back foot, and the prints may overlap, with the back print partially obscuring the front;
- Badger Hairs may be found caught on fences, on brambles or other thorny plants as well as in old bedding outside setts. The guard hairs are 7.5-10cm long, distinctly wiry to the touch, and are mainly white/off-white with a distinctive black band near the white tip. Shorter belly hairs may also be found but are finer and less wiry so are harder to confirm as Badger unless guard hairs or another field sign is found;
- Scratch marks on trees and rocks, fence-posts, wooden greenhouses, barns, or even garden furniture. Scratch marks often show a series of four or five parallel deep gouges, but sometimes lighter parallel lines of scratches are left where Badger claws have clipped something they have scrambled over (such as logs obstructing a Badger trail);
- Badgers have their own traditional networks of regularly used trails both through woodland and across fields that may have been used for many years, and may be worn to a clearly visible rut in the soil, with any new plant growth flattened. Prints may be evident on these trails and where boundary features or obstacles cross the route, Badger hairs may be found caught (for example, on barbed wire, low thorny branches, wooden fences, etc. Closer to the sett, these trails may be muddy through constant use;
- Ground disturbance from foraging Badgers may include round/oval snuffle holes a few cm deep when they forage for worms (50% of lowland Badger diet (especially on lawns and golf-courses). Signs of digging for roots, bulbs such as pignut, and tubers. Beetles and grubs may also be eaten, and the remains of wasp nests torn out of the ground are a sign of Badgers in an area. Badgers usually dig down through the top to avoid getting stung. Bark ripped from rotting logs or tree trunks may also be signs of foraging and grub extraction; and
- On cold, still, winter days, steam may rise from active Badger sett entrances.

Land within the survey area was searched for evidence of Badgers during the Phase I habitat survey.

6.4. Water Voles

The main survey season for the presence of Water Voles is March–October (Strachan et al. 2011) when they are most active but field signs are easier to detect in early spring and late autumn, and the species remains active through the winter but with lower levels of activity. As this species is now known to live away from water as well signs of Water Voles were looked for in the rank grassland during the Phase I habitat survey (there being no watercourse or standing water at this site).

Typical signs looked for included:

- Runs;
- Latrines on stones or debris in the water or on muddy shorelines with droppings approximately 10mm long and 4-5mm wide and blunt ended like a "tic tac";
- Burrows with entrances approximately 80mm wide are often apparent in burn margins occupied by Water Voles, although they will construct nests in vegetation where they are found in non-linear habitat or where the water table level remains at or near the surface of the ground most of the year;
- Footprints are not completely diagnostic for this species and may be confused to a degree with those of immature rats but are a useful supporting field sign in conjunction with other signs;
- Feeding lawns are distinctive areas often around burrow entrances where the voles graze the vegetation short early in the active season before vegetation growth increases too rapidly for this to be noticeable;
- Feeding stations are areas where the voles like to eat undisturbed and may leave lengths of cut vegetation approximately 80-100mm lying; and
- Above-ground nests in marshy grassland or wetlands where a high water table would prevent burrow excavation.

6.5. Potential Breeding Birds

The walkover survey was completed outwith the breeding bird season but based on the surveyor's 45 years of experience it was possible to reach a number of conclusions on breeding bird potential as well as take notes of any species detected during the survey.

6.6. Limitations

There were no significant constraints on any of the survey work as completed: Daylight assessments for bat roost potential are not a substitute for presence/absence surveys, which they usually precede, and which have been recommended for completion in the core bat survey season at this site. There were therefore no significant constraints on the survey as completed.

Note: Access to adjacent land in other ownership adjacent to the proposed development site was not possible as access for the collection of biological data for commercial purposes cannot take place on private land without access permission.

7. Results

7.1. Notable Plants, Habitats & Scheduled Invasive Plants

7.1.1. Notable Plants

No notable plants were found within the survey area but a total of 27 species of plants were noted (Appendix 1.).

7.1.2. Habitats

The survey area had eight Phase I habitat types present: Figure 1. illustrates habitats and target note locations). No nationally or regionally notable examples of any habitat were found within the survey area (Appendix 2. Plates), and there were no significant semi-natural habitats present: habitat types found were unremarkable and common and associated entirely with urban residential development and associated soft landscaping.

A3.1 Scattered trees;

C3.1 Tall ruderals – brambles, nettles, etc. amongst amenity tree and shrub plantings, and creeping thistles and rosebay willowherb on open ground;

J1.2 Amenity grass;

J1.3 Ephemeral – weedy species colonising disturbed ground and edges of hard standing;

J1.4 Introduced shrub – amenity plantings as part of soft landscaping;

J3.6 Buildings;

J4 Bare ground; and

J5 Other habitat – hard standing, paths, and car parking areas.

7.1.3. Scheduled Invasive Plants

No scheduled invasive plants were detected during the survey.

7.2. Bats

7.2.1. Preliminary Ground Level Assessment of Trees for Bat Roost Potential

No trees within the survey area had bat roost potential present

7.2.2. Preliminary Ground Level Assessment of Buildings for Bat Roost Potential

Both the existing dwelling house and detached garage both had potential roost features present.

The residential house (Building B1) was a three-story property (top floor dormer rooms using converted loft space) with pitched red tile roofing, rendered walls, and was detached. PRF included missing tiles, gaps under tiles, gaps under tile edges at gables, and gaps behind facings. Overall roost potential was high.

The double detached garage (Building B2) was of a similar construction type to the house with pitched red tile roofing and rendered walls. PRF included missing tiles, gaps under tiles, and gaps under tile edges at gables. Overall roost potential was high.

7.3. Badgers
There was no evidence of any Badger resting places or any activity by this species within the survey area.
7.4. Water Voles
There was no evidence of any Water Vole field sign or resting place within the survey area.

7.5. Potential Breeding Birds
The only bird present in the property at the time of survey was a single Coal Tit. A Dunnock was present calling in an adjacent garden.

8. Conclusions
8.1. Plants and Habitats
Habitats and species were common and typical of urban land with no notable species or habitats found within the survey area, however, the site does have a number of mature amenity trees around its margins as part of its soft landscaping. Protection of tree roots and branches would be a key part of retention of any tree, particularly in a conservation area as is the case here, and would require further consideration - Note that any tree retention should follow British Standards guidance in regard to tree protection measures (consult an Arboriculturalist).

Note also that trees in other ownership immediately adjacent to the boundaries may also have root zones to consider, so where works will be in proximity to either any retained trees or trees in other ownership then both root protections areas and canopies must be protected adequately during site preparation and construction:

It is important to ensure that site contractors are aware of this and that they have a duty to ensure that they do not damage trees during site clearance or construction (such as branch damage, ground compaction, and root destruction etc.). Common types of damage to trees during development that are potentially relevant here are listed below:

- abrasion of bark and wounds that leave wood tissue exposed;
- severing and removal of roots by excavation;
- broken branches leaving wood tissues exposed;
- poisoning of roots from spillage or storage of fuel, oil, chemicals and any other potentially noxious materials; and
- installation of impermeable surfaces

The part of the tree most susceptible to damage is the root system because:

- roots cannot be seen and their extent is not realized; and
- of a lack of understanding of root function and their importance for the health of the tree

The effects of damage can be serious but often it takes several years for this to become evident and is not always linked back to the actual cause during development work. Often by the time the damage becomes evident the developer may no longer own the site leaving the new owner with the problem and the potential need for costly tree work.

Lack of protection can also result in damage to bark and branches that can disfigure a tree and result in disease and decay that also reduce safe life expectancy, so it is essential to consider tree canopy spread, height of branches above the ground and space required for operating plant as further constraints and to avoid unsightly damage to branches.

Best Practice Measures to Protect Trees

In addition, the following best practice is advised:

1. No storage of mounds of soil within the drip line of any tree during site preparation and excavation of foundations;
2. Ground levels shall not be uplifted above existing ground levels of retained trees within the drip line of their canopies due to impact on root systems;
3. The works area must be clearly demarcated using Heras or similar fencing to prevent machinery from inadvertently tracking within root protection areas or within drip lines of retained trees;
4. Any trees retained where branches may obscure access or works area must be appropriately trimmed by an arbor squad and not have branches broken off by machinery;
5. Tracking within the canopy dripline of any retained tree is not to be permitted; and
6. Where possible, raise tree canopies rather than remove trees.

The completed development should ensure that there is negligible impact on the current groundwater system where any retained trees are present. It is not only essential to prevent water logging that may result in tree death but also to prevent any long-term drying out of the ground that may impact tree health in the long-term due to over-efficient drainage.

Detailed information regarding appropriate tree protection is detailed within the BSI Standards Publication - BS 5837: 2012 Trees in relation to design, demolition and construction – Recommendations should be followed and reference may be made in regard to the NJUC 'Guidelines for the Planning, Installation, and Maintenance of Utility Apparatus in Proximity to Trees'.

8.2. Bats

As PRF were confirmed on both the residential house and the detached garage roosting bats may be an ecological constraint at this site, so follow-up dusk emergence surveys and a pre-dawn return to roost survey will be necessary to confirm the presence/absence of any bat roost according to the requirements within the national guidelines prior to works commencing. This must be completed between May and September according to the requirements within the national guidelines current at that time prior to works commencing to either of the buildings. This follow-up survey effort must follow the current bat survey guidelines (Collins 2016) or any subsequent updated guidelines and:

i. Consist of two dusk and one pre-dawn survey;

ii. The surveys to be completed between May and September; and

iii. Dusk surveys to be completed on dry night of 10^{o}C or more at dusk (no minimum temperature requirement for pre-dawn surveys)

8.3. Badger

There was no evidence of Badger resting places within the survey area, so they are not an ecological constraint at this site.

8.4. Water Vole
There was no evidence of Water Voles so they are not an ecological constraint at this site.

8.5. Potential Breeding Birds
The survey was completed outwith the bird breeding season but based on the experience of the surveyor there was limited potential for breeding bird use of the Site (trees and buildings). Potentially, breeding birds may be a minor ecological constraint for any works to either trees or the buildings, depending on the time of year that works commence. To maintain an overall high due regard for the potential for any breeding birds to be present any preparation works such as vegetation removal, soil stripping, scaffolding and roof works should be done between October and the end of February to completely avoid the bird breeding season. This must also bear in mind any constraints in regard to bats that may be subsequently discovered.

If it is not possible to complete site preparation during the recommended period any breeding bird presence that may be a constraint can be confirmed by a walkover survey by an ecologist within 48 hours prior to the start of works – they will advise if any such constraints are present and the appropriate procedures to deal with what has been found.

9. References/relevant reading

BSI Standards Publication. 2010. BS3998: 2010 Recommendations for Tree Work

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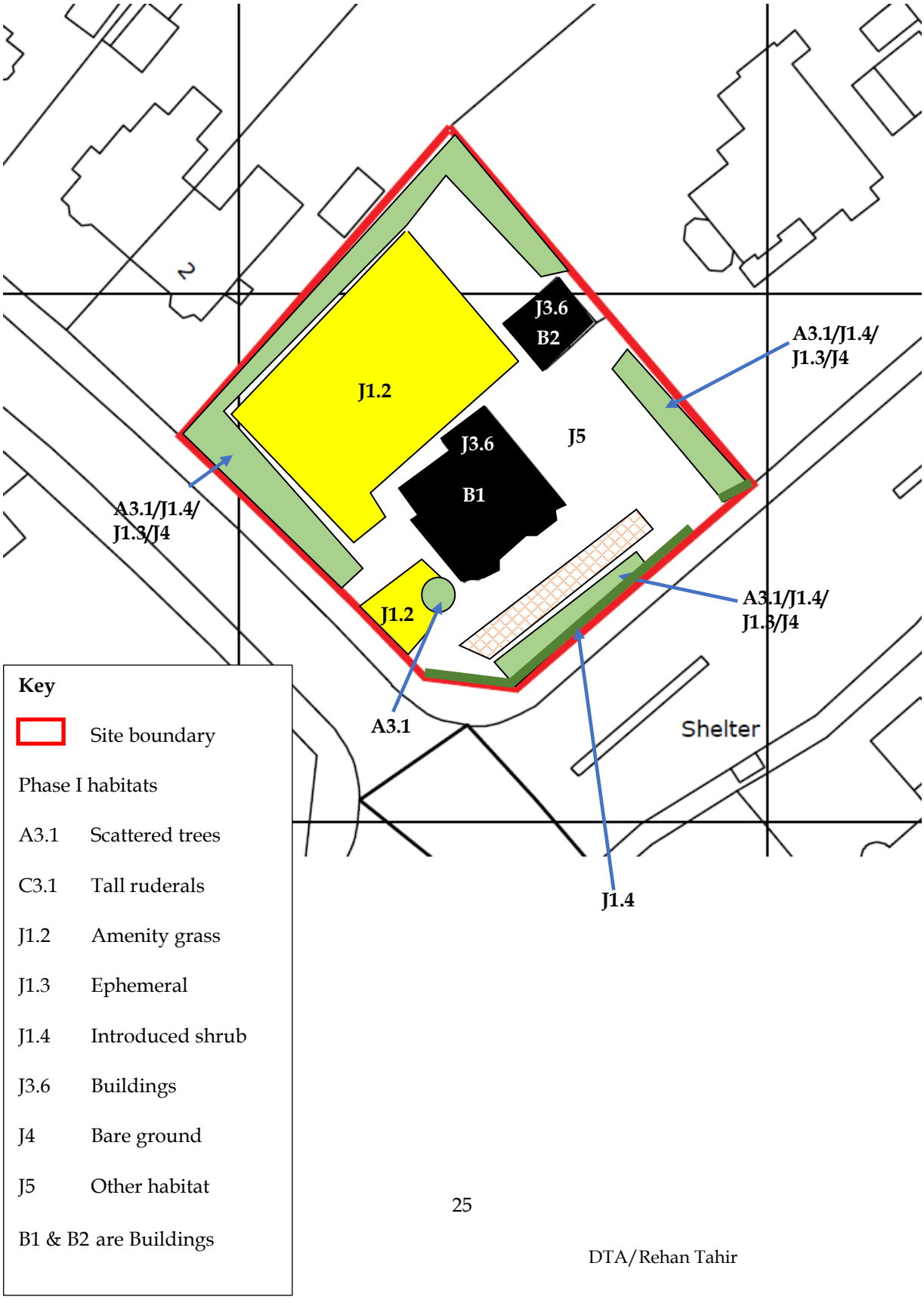
Figure 1. Survey area boundary in relation to development site



Appendix 1. Phase I habitat plant species list

Common name	**Scientific name**
Annual Meadow-grass	*Poa annua*
Beech	*Fagus sylvatica*
Bramble	*Rubus fruticosus agg.*
Broad-leaved Dock	*Rumex obtusifolius*
Broad-leaved Willowherb	*Epilobium montanum*
Cherry Laurel	*Prunus laurocerasus*
Common Bent	*Agrostis capillaris*
Common Mouse-ear	*Cerastium fontanum*
Common Ragwort	*Senecio jacobaea*
Creeping Buttercup	*Ranunculus repens*
Dandelion	*Taraxacum officinale agg.*
Groundsel	*Senescio vulgaris*
Hard Fern	*Blechnum spicant*
Herb-robert	*Geranium robertianum*
Hornbeam	*Carpinus betulus*
Hortensia sp.	*Hydrangea sp.*
Lawson's Cypress	*Chamaecyparis lawsoniana*
Rhododendron	*Rhododendron ponticum*
Ribwort Plantain	*Plantago lanceolata*
Rose sp.	*Rosa sp.*
Rosebay Willowherb	*Chamerion angustifolium*
Selfheal	*Prunella vulgaris*
Smooth Sow-thistle	*Sonchus oleraceus*
Strawberry	*Fragaria x ananassa*
White Clover	*Trifolium repens*
Wood Avens	*Geum urbanum*
Yorkshire-fog	*Holcus lanatus*

Appendix 2. Plates

Plate 1. Front and north gable of building B1

Plate 2. Rear of building B1

Plate 3. Rear of building B1 and south gable. Garages (building B2 in left rear)

Plate 4. Building B2

Plate 5. Building B2 showing gaps in roofing (right end)

Plate 6. Maintained amenity grass lawn to rear with scattered trees and ornamental shrubs

Plate 7. Maintained amenity grass lawn to rear with scattered trees and ornamental shrubs

Plate 8. Maintained amenity grass lawn to rear with scattered trees and ornamental shrubs along rear boundary of site

Plate 9. South gable from front of property. Small area of lawn and hard standing, scattered trees etc.

Plate 10. Typical PRF on roof – missing tiles/damage

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Structural Inspection Report

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Ref 13329/ICB

Contents

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Checked By:		Date:	

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1.0 Introduction

Balfour Engineering Consultancy Ltd. was instructed by DTA Architects to carry out a general structural inspection of the detached residential property at 30 Ayr Road, Giffnock.

The purpose of the Inspection was to comment and report on any significant structural defects.

A visual inspection was made on Thursday 26th January 2023 by Mr Iain Balfour of Balfour Engineering Consultancy Ltd.

Photographs within Appendix A identify the areas under consideration.

Please note that this Report will focus only on the visible defects and will not report on areas that are free from defects.

All external inspections were made from ground level. All references to 'left and right' are made while facing the front elevation entrance door.

2.0 Observations

General Observations

The property is a 2-storey detached villa, likely built during the 1920's. Within the large garden grounds, there is a detached double garage.

Construction of the property consists of cavity masonry external walls, internal suspended timber floors, internal brick partition walls and a duo-pitched, Rosemary tiled roof. The roof space has been converted into 2 bedrooms with the addition of dormer windows and a rooflight on the rear roof slope.

To the rear and both gable elevations, the wall finish is a white painted wet cast render. The front elevation is predominantly the same but with decorative stonework forming the bay windows and features surrounding the windows and door. There is also a large gabled roof over the left-hand bay window and a smaller decorative gabled roof over the right-hand 1st floor bedroom window. Both gabled roofs have decorative painted timber work.

Historically, a conservatory has been added to the rear. The current Kitchen is located within a single storey, rear projection which was likely to have originally been built as a garden store/storage room, which has since been converted into the Kitchen.

Front Elevation

The wall is plumb and in alignment, as are the bay windows.

There are defects in the stonework of the right-hand bay window, particularly, splitting of the base of the central window mullion (Photograph No.2), cracking at the bearing end of the window lintel (Photograph No.4) and cracking of the stonework under the gutter (Photograph No.5).

The decorative timber work on the left and right-hand gabled roofs is decaying.

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Rear Elevation

The roof over the Kitchen projection is sagging in several locations with loose tiles also noted. Lead flashings around the pipe penetrations and against the rear wall appear poorly finished and inadequate by modern standards.

Similar sagging was noted on the main roof slope, although the ridge line was acceptably straight and level.

The Conservatory appears to be functioning adequately, but it is certainly not in keeping with the overall style of the property.

Weathering of the timber frames around the first floor windows was noted. The window cills are very simplistic, consisting of clay tiles, and so will not be effective at stopping the ingress of water. Previous repairs appear to have taken place on the left-hand window cill.

Gable Elevations

No significant structural defects were noted on either elevation.

Internal Observations

Kitchen

Although there were no visible significant structural defects, it was evident that on the external walls, the Kitchen lacked any properly constructed walling and insulation. It appears that the original brick walls were simply lined with plasterboard. This allows dampness to seep through the wall and this was evident behind the Kitchen units.

Utility Room

A very basic space with bare brick walls, a concrete floor and a sloping, plasterboard ceiling. No significant structural defects.

Front Right-hand Lounge

Spalling of paintwork at the junction of the Hall wall and the bay window was noted (Photograph No.16). Suspected dampness

Front Left-hand Bedroom (1st Floor)

The timber floor structure exhibited a significant sag in the centre of the room. The floor was also very vibrationally sensitive.

Front Right-hand Bedroom (1st Floor)

One window pane of glass was noted as being cracked (Photograph No.17)

The timber floor was, again, noted as being very sensitive to vibration.

Rear Right-hand Bedroom (1st Floor)

Cracking in the ceiling finishes was noted, running parallel with the attic joists.

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Attic

The attic shows signs of dampness and water ingress throughout (Photos 19 & 20). It is evident that there are issues with water penetrating the roof. No intrusive investigations were carried out to confirm the presence of timber decay but it would be expected that there will be certain areas of the roof structure affected by wet or dry rot.

Garage

While the garage does not affect the property, it should be noted that the structural condition of the garage is poor and is likely to need re-building in the longer term.

3.0 Discussion and Recommendations

At first glance the property appears in an acceptable condition but based on the evidence available, there are underlying issues that will need to be considered and dealt with. The main issues that are evident are as follows.

1. Defective roofs, both at low and high level. Lack of maintenance has resulted in water ingress and long-term exposure to damp has caused movement. Minimum requirement would be to strip the roof finishes and re-new timber and flashings as required.
2. Sagging and vibrationally sensitive mid floors. The reason for the movement may again be timber decay of the joist ends. Whatever the reason, the deflection and vibration is unacceptable. Investigative work is recommended. The worst case scenario would be to replace the existing floors, which is obviously very disruptive and costly.
3. There is anecdotal evidence to suggest that vibration issues are not restricted to just the floors. Vibration caused by passing vehicles is also problematic for the property owners. This may be as a result of poor underlying ground conditions or the type of foundations. Further investigation would be recommended.
4. Structural repairs are required to the front right-hand bay window. The stone lintel and mullion need repairing/replacing. Other areas of cracked stonework should be made good.

The full extent of structural repairs could be extensive and ultimately, cost prohibitive. Fabric upgrading to the kitchen and Utility Rooms would be advisable given the poor insulation and waterproofing qualities within these 2 rooms.

It is understood that the property owner has a desire to demolish the building to enable the construction of a new, larger dwelling in the rear garden area. This option would be deemed sensible if the extent of repairs out-weigh the economic benefit. However, it is also understood that the property is in a Conservation Area and demolition is not desired by the Planning Department but given the very basic level of Architectural detailing around the building and the fact that there are very large new-build dwellings on the opposite side of Ayr Road, would demolition be warranted?

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Scope of the Visual Inspection

This report is based on a visual examination of the relevant structural elements of the property, such as internal and external walls. Certain parts of the structure are inaccessible and these are obviously outwith the scope of a purely visual examination. Attention may be drawn to non-structural elements, which could lead to deterioration of the fabric. Where an opinion is expressed regarding structural adequacy or settlement it is based on the evidence available.

In all aspects of a purely visual investigation opinion is expressed on the adequacy of the structure and unless specifically requested, no calculation is undertaken to establish the adequacy of individual structural elements. No examination of timber is made for deterioration due to woodworm, or wet or dry rot and a specialist may be required to examine this aspect of the condition of the property.

The visit to the referenced building does not constitute a design and the structural system for the building cannot be warranted. This report is limited to the observed conditions as much as site observations allow.

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balfour engineering consultancy

Appendix A
Site Photographs

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Photograph No.1 – Front right-hand, ground floor bay window

Photograph No.2 – Splitting in stone mullion

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Photograph No.3 – Front right-hand first floor window

Photograph No.4 – Cracked stone lintel

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Photograph No.5 – Cracked stone cornice

Photograph No.6 – Decaying decorative timber above window

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Photograph No.7 – Front entrance door

Photograph No.4 – Front left-hand, ground floor bay window

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Photograph No.5 – Front left-hand, first floor bay window

Photograph No.6 – Left-hand gable elevation

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Photograph No.7 – Left-hand gable elevation

Photograph No.8 – Rear/left-hand gable elevation

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Photograph No.9 – Rear elevation

Photograph No.10 – Rear extension roof

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Photograph No.11 – Rear elevation

Photograph No.12 – Rear elevation

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Photograph No.13 – Right-hand gable elevation

Photograph No.14 – Right-hand gable elevation

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Photograph No.15 – Typical window detail

Photograph No.16 – Front left-hand ground floor living room – flaking of paintwork

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Photograph No.17 – Front, first floor right-hand window – cracked glass

Photograph No.18 – View of valley gutter on front side of roof

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Photograph No.19 – Attic area – damp staining on finishes

Photograph No.20 – As Photo 19.

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Photograph No.21 – Detached garage

Photograph No.22 - Front elevation of garage

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Photograph No.23 – Rear elevation of garage

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TREE SURVEY REPORT
inc. TREE CONSTRAINTS PLANS

subjects at

30 Ayr Road, Newton Mearns

for

Rehan Tahir *per* DTA Architects

February 2023

Issue XXXXXX

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This report is very detailed, but for good reason. For readers familiar with BS5837 and trees, the detail may seem unnecessary; the experienced or knowledgeable reader may wish to start with the summary, the data and the plans, and work backwards when detail or methodology is needed or the unusual is reported. Others are advised to start at the beginning to understand what is (and isn't provided), how and why.

1. INTRODUCTION

1.1 Instruction

I have been instructed by Rehan Tahir *per* DTA Architects to conduct an arboricultural survey and to report on any trees on (and where present, around) the site of 30 Ayr Road, Newton Mearns.

This report is prepared in accordance with BS 5837:2012 *"Trees in relation to design, demolition and construction – Recommendations".* Where it deviates from the Standard it will say so and will give a reason for the deviation.

The principal purpose is to assess tree condition and relative suitability for retention in the context of development, based mainly on quality and estimated remaining amenity contribution. I am also to indicate the constraints above and below ground that trees would present (if retained) to any design and development.

This information can be used by landowners and designers to select trees for retention and/or the juxtaposition of trees and proposed development.

The survey/report does not consider the impact on trees of any specific development proposal.

1.2 Reproduction, assignation and reliance

This report has been prepared for the sole use of the client – no other party is entitled to rely or act upon it or to reproduce all or any part of it without the express prior written consent of the author. The author cannot be held liable for any third party claim arising.

Notwithstanding, this report may be made available without the author's express consent to any future owner and developer of the site and to East Renfrewshire Council and any of their statutory consultees insofar as the report may be required for Planning matters.

1.3 Surveyor and author relevant qualifications and experience

The industry standard of best practice for such situations is BS 5837:2012 *Trees in relation to design, demolition and construction – Recommendations* – and it requires tree surveys and assessments to be carried out by an Arboriculturist, defined as "a person who has, through relevant education, training and experience, gained expertise in the field of trees in relation to construction".

The tree survey work and reporting has been carried out by Julian Morris, a professionally qualified and experienced Chartered Arboriculturist holding a Bachelor of Science Degree, the Arboricultural Association Technicians Certificate, the LANTRA Professional Tree Inspectors Certificate, Certificate of Public Sector Administration and the RICS Diploma in Surveying. Being a Professional Member (MICFor) of the Institute of Chartered Foresters and a member of the Arboricultural Association he is bound by their Codes of Professional Conduct.

2. GENERALITIES (PRE-SURVEY)

In this report, terms used that have Initial Capitals are proper nouns, have a recognised formal meaning or are defined in the Glossary appended to the report.

2.1 Purpose and scope

Purpose

A report is required in accordance with BS 5837:2012 *Trees in relation to design, demolition and construction – Recommendations* – recording the results of a tree survey, providing retention desirability categorisation, above-ground height and spread and giving preliminary advice on appropriate Root Protection Areas ("RPAs") for all trees or groups of trees. It also reports on any trees that are an imminent and serious hazard to life or property.

The tree survey data, plotted on a site plan to show tree locations and constraints, may be used as a design tool to inform decisions (in terms of constraints above and below ground, quality and longevity) as to which trees are to be retained and which are to be removed, avoided or pruned to accommodate a specific form of development.

In accordance with BS5837:2012 trees have been assessed independently of any specific design layout.

I have not been instructed to produce a tree protection plan (Clause 5.5), Arboricultural Impact Assessment (Clause 5.4) or Arboricultural Method Statement (Clause 6.1).

Plans, precision and accuracy

The site is identified on the drawings provided to me, and where required these drawings are adapted by me to show only the trees and groups of trees recorded during the tree survey.

I have been provided with a topographic survey plan which showed the position of most of the trees.

Where tree positions or group extents are plotted during the tree survey, this is done using a combination of GPS positions and positions relative to physical features shown on the base map.

A degree of inaccuracy is inevitable, though rarely significant, but the position of trees may have to be plotted more accurately if they are found to be in very close proximity to proposed development. Comment on the degree of positioning accuracy discovered at the time of survey is mentioned at s.3.1 below.

Minimum sizes, grouping

To accord with BS5837, only trees with a stem diameter of 75 mm or more (or in the case of woodlands or substantial tree groups, only individual trees with stem diameters greater than 150 mm) are to be recorded, including any offsite trees that overhang the site or are located beyond the site boundaries within a distance of up to 12 times their estimated stem diameter.

Where it is deemed appropriate, individual trees within homogeneous groups are not identified; instead each group is delineated, measured and described collectively.

Levels

BS5837 suggests that in a topographic survey spot levels at the base of trees should be recorded at the base of each tree. Where this has been done the information will already be available to designers, but it cannot be captured during a tree survey. Where it is required to check for changes in soil levels around trees, it is unlikely to be useful in isolation since such changes close to the stem are better witnessed by exposure of roots or burial of root collars. It cannot adequately document levels within whole root protection areas, where even small changes may be detrimental to tree vitality.

Risk

This report is **not a tree hazard and risk assessment**, and any reporting on risk is restricted to instances (if any) where trees were observed that might present an imminent and serious hazard to life or property (where the risk is assessed as 'Unacceptable'). Where other trees present a lesser (but still less than 'Acceptable') risk to people or property for the existing permitted use of the site, this will be reflected in the categorisation of the tree after any recommended works have been carried out. A separate, systematic, risk assessment may be required during or after finalization of development design.

2.2 Generalities – limitations and statutory restrictions

The survey was carried out in accordance with the Methodology set out in the Appendix to this report. This report is based on a visual inspection from ground level only.

The trees have been assessed only on the basis of expected endemic weather patterns for the location.

No intrusive or destructive tests were carried out, the survey did not include exhaustive foliar examination (except for purposes of identifying the species) and the inspection was primarily visual and was conducted from the ground and no climbing was done.

The trees have been assessed during a single visit in a single season, in the weather conditions noted in the 'Findings' section of the report, with the limitations that this brings, such as the opportunity to assess the reaction of the tree to a variety of wind strengths and directions, the presence of seasonal fungal Fruiting Bodies, visibility of branch structures or fruit/foliage vitality.

Dense basal epicormics and/or ivy on trees, and occasionally dense undergrowth can obstruct the full inspection of trees. Only enough to reach a preliminary or final conclusion about any such affected trees will have been removed.

I have only checked with the relevant Local Authority as to the existence of Conservation Area designation or Tree Preservation Orders to the extent that I have been instructed to do so. Such designations could have the statutory effect of prohibiting certain tree works or be indicative of the Local Authority's existing view of the importance of the trees to the amenity of the area.

2.3 Generalities - Soil and other ground conditions

No sampling, examination or analysis of the soil was done. Unless otherwise stated at s.3.5 below, only general assumptions have been made in the course of the survey and reporting about likely ground conditions, related in part to observations of current tree vitality.

BS5837 suggests that a soil assessment should be undertaken by a competent person to inform any decisions relating to the root protection area (RPA), tree protection, new planting design and foundation design to take account of retained, removed and new trees. For existing trees, unless vitality is obviously being affected by ground conditions, soil testing is not always necessary. Ground conditions may be attributable to other factors, particularly hydrological ones, which may not be informed by soil tests.

Ground conditions, particularly shrinkable clays, relative to new planting design and foundation design to take account of retained, removed and new trees are beyond the scope of this report.

2.4 Generalities - Tree categorisation protocols

In assessing the merit of the trees and their retention desirability, any specific design layout must be disregarded.

The purpose of the tree categorization method, as stated in BS5837, is to identify the quality and value (in a non-fiscal sense) of the existing tree stock, allowing informed

decisions to be made concerning which trees should be removed or retained in the event of development occurring.

For a tree (or group of trees) to qualify under any given category, it should fall within the scope of that category, as defined in the British Standard. Trees are categorised (A, B, C or U) by estimated remaining amenity contribution combined with quality.

3. INVESTIGATIVE FINDINGS (DURING SURVEY)

3.1 Practicalities

The tree survey was undertaken on 10th February 2023. The conditions were cold, overcast, dry and still.

No access was taken to adjacent land.

For this survey it was found that the trees could be plotted accurately enough for detailed design work.

Every tree (over 75mm diameter) on-site recorded individually has been affixed with a uniquely numbered tag (see picture below).

Where trees were found to form cohesive arboricultural features either aerodynamically, visually or culturally (including for biodiversity), they have been recorded as Groups. Groups on-site have been identified by tagging a prominent tree within the group (tags folded at the bottom hole, see picture below).

Examples of individual (left) and group (right) tags

No older tags were found on the trees.

Trees or groups of trees on adjacent land that are close enough to the site to qualify for recording were not tagged, and these have instead been assigned an arbitrary sequential number (1, 2 3 etc.), followed by a 'os'.

3.2 Site description (general)

The site is presently the curtilege of a detached dwelling at 30 Ayr Road. It is bounded on the south west by a boundary wall and the footway of Treemain Road, on the south east by a boundary wall and the footway of Ayr Road on the north west by a boundary

wall and other residential property at Treemain Road and on the north east by other residential property at Ayr Road.

The extent of the site is shown on the plan following this report.

The site is generally level but steps down at the south east edge.

3.3 Trees and categorisations

A total of about 40 trees on and around the site were recorded, measured (or estimated where appropriate) and categorised individually.

Several more trees have been recorded in Groups, with dominant species, typical stem diameter, crown spread radius, height and clear height.

Shrub species were noted but are generally considered shrubs that do not come within the remit of the British Standard, and individuals have only been recorded if they had the stature of what one would ordinarily call a 'tree'.

The investigative findings for the survey stage (species, description, measurements, characteristics, categorisation etc.) are summarised in **the first Appendix** to this report.

The retention desirability categorisation of trees follows the guidance in BS5837. Greatest consideration could be given to retaining Category A and B trees (i.e. generally those with an estimated Remaining Contribution of 20 or more years). A fuller explanation is given in **Appendix 5** to this report.

Typically designers make the assumption that the amenity contribution of Category C trees (typically, those having and Estimated Remaining Contribution of 10 to 20 years) and Category U trees are likely to be exceeded by the design life of any proposed development, and these may be suitable for retention only in low risk or low visibility locations, as contributions to high/moderate quality tree groups or in positions where a replacement tree would be desirable in due course.

3.4 Veteran or ancient trees and ancient woodland

The survey did not identify the presence of individual veteran or ancient trees on or around the site.

No assessment of ancient woodland has been undertaken beyond the identification of individual or populations of ancient or veteran trees. The recording of significant non-tree aspects of ancient woodland habitat are beyond the scope of this report.

3.5 Soil and ground conditions and conclusions

At 2.3 above the generalities of soil and other ground conditions have been stated.

During the course of the survey, no additional relevant observations were made about these.

Specific observations on ground conditions and direct damage by trees or tree roots have been requested.

a. Principles of subsidence or heave

It is possible for tree roots and trees generally to cause indirect damage to buildings by wetting or drying shrinkable clays on which a building may be founded. The basic principles of what is a very complex subject are these -

- Soils are made up of components of rock, sand, silt and clays.
- Of these, clays are unusual in that their molecular structure allows the attachment of water to them.
- When this happens, a mass of clay can increase in volume. Likewise, when clays are dried they can lose volume.
- The presence of sand and silt particles in clay soils dilute these effects.
- Almost pure, unconsolidated, clay soils are known as shrinkable clays.
- The changes in volume can be enough to cause buildings to subside (reduction in volume) or heave (increase in volume).
- These movements can be one-off or seasonal, or both. One-off movements can take years to stabilise or can be quite rapid.
- For significant volume changes in shrinkable clays, there need to be large changes in the soil moisture content for significant periods. This is known as a persistent soil moisture deficit. Near-drought conditions have been responsible for widespread subsidence in the south east of England, where shrinkable clays are common. From there, the further north and west the greater the climatic reduction of persistent soil moisture deficits.
- Trees and other vegetation can cause subsidence by removing, when combined with persistent soil moisture deficits, enough moisture from the soil to trigger significant soil volume changes. This is usually in long periods of dry conditions when water in clays is already low and the seasonal effects are superimposed on the endemic ones.
- Similarly the removal of vegetation and its drying influence, if the vegetation was resulting in shrinkage before the land was developed, can result in the swelling

recovery of clay soils, causing expansion of clay soils ('heave') and building damage.

The soil moisture effects of trees is well known but can be unpredictable from site to site and tree to tree. For areas where shrinkable clays and persistent soil moisture deficits are common, the National House Builders' Council has issued technical guidelines on suggested safe distances from vegetation and for foundation depths on shrinkable clays close to vegetation, to avoid the subsidence effects on housing. It also gives guidance on avoiding heave on building sites recently cleared of vegetation.

Trees are classified according to the relative water demand of common tree species at their mature height. So for example, Spruce is classified as having 'Moderate Water Demand' and having a zone of influence (at maturity) of 13.5 metres.

Clay soils are classified by their clay content and the degree of expected movement (Low, Medium or High) when dried. Allowances are made for climate.

b. Assessment of risk of subsidence or heave

The assessment of risk of heave or subsidence therefore comprises the following stages –

1. The conditions in which it could occur, with regard to likelihood of climate-induced persistent soil moisture deficits
2. The conditions in which it could occur, with regard to the presence or absence of shrinkable clays
2. The proximity and species of trees and their water demand and
3. The adequacy of foundation depth with regard to these features and published technical criteria.

There are many unknowns, and without expensive intrusive investigations on privately owned land, these unknowns make the problem one of informed speculation, and I am adopting a probability-based approach to arrive at conclusions and recommendations.

c. Desk study findings – geology and soils

The solid (bedrock) geology of the area, according the to the British Geological Society's public records, is Upper Limestone Formation - Sedimentary rock cycles, clackmannan group type. Sedimentary bedrock formed between 329 and 324 million years ago during the Carboniferous period.

I have no reasons to think that these would be susceptible to subsidence/heave for low-rise buildings.

The superficial deposits are Till, Devensian - Diamicton. Sedimentary superficial deposit formed between 116 and 11.8 thousand years ago during the Quaternary period. In very pure clay form these can be susceptible to dry shrinkage in situations of persistent soil moisture deficit. Such pure forms are extremely rare.

Either through the absence of superficial deposits in the foundation zone of the building, the existence of made ground or by any superficial deposits there being predominantly argillaceous or clastic (sand or larger particles) the risk of clay shrinkage is minimal and the risk of clay expansion related heave or subsidence is negligible. The climatic conditions are not present to result in persistent soil moisture deficits.

d. Site investigations

No shallow excavation and probing has been done.

e. Climate

Relative to areas where clay shrinkage damage is common, according to published Met Office data the site has a relatively cool and wet climate. The condition of persistent soil moisture deficit is therefore unlikely to arise.

f. Soils - conclusions

Taking a probability-based approach it is possible to conclude that the reasonably foreseeable risk of **heave** following removal of trees is negligible.

The key factors are an absence of known shrinkable clays and climate data that precludes persistent soil moisture deficits.

Tree replated subsidence can therefore also be ruled out unless the existing building foundations are already inherently inadequate and shallow.

It is not necessary then to consider the influence of trees or the adequacy of normal foundations to prevent **subsidence**.

4. TREE CONSTRAINTS (POST-SURVEY)

The tree constraints plan(s) referred to in the following sections are available in CAD format for use in detailed design. CAD plans will allow the constraints from each tree to be seen more clearly and for one or more trees (for example, all Category U trees) to be 'switched off' to clarify what the remaining constraints are.

4.1 Above ground constraints

The spread of the crowns of the recorded trees have generally been estimated at 4 cardinal points. Only the average spread has been given where crowns were found to be approximately circular in horizontal extent.

BS5837 also recognises that "it is not always practical or necessary to record branch spread for every tree in a group", and following this rationale, only the collective canopy spread has been given for trees recorded within groups. Trees on the edge of groups frequently have asymmetric spreads.

The extent of the crowns is plotted on the Tree Constraints Plan appended to this report, colour-coded to give an immediate overview of their relative retention desirability.

For groups, the extent of the Group including the crown spreads of edge trees, is shown on the Plan.

Within groups the spread of individual trees may overlap, such that the removal of individual trees from the group, may not allow construction in the volume that had been occupied by those trees. Importantly, removal of trees from Groups will result in loss to the remaining trees of companion shelter and may reduce the wind-firmness of remaining trees within the Group or the whole Group and/or may result in storm breakages of limbs or forks.

Using the plan as a guide, it may be appropriate to define areas within which development may be constrained by the presence of tree crowns or canopy.

To aid with this I have provided an average or representative crown or canopy height. For offsite or boundary trees this is the representative height of the on-site part of the crown.

Development below this height may be possible, or crown lifting and/or selective branch removal may be possible whilst retaining the rest of the tree in a viable conditiion.

4.2 Below ground constraints (present)

The root protection area ("RPA") indicates the minimum area around a tree deemed to contain sufficient roots and rooting volume to maintain the tree's viability, and where the protection of the roots and soil structure is treated as a priority.

The extents of idealised root protection areas for each tree are plotted on the Tree Constraints Plan appended to this report.

N.B. 'Root Protection Area' is a concept defined in BS5837 for optimal 2 dimensional representation of suitable and sufficient rooting volume; dependent on factors such as tree species, life-stage and condition there may be alternative 2 dimensional shapes and/or areas that would contain suitable and sufficient rooting volume that would maintain the tree's viability.

For groups, unless otherwise indicated for most practical purposes the extent of the below-ground constraints of a Group is approximately the same as the canopy spread of the Group, shown on the Plan as a collective Root Protection Area.

Within dense groups the Root Protection Areas of individual trees may overlap, such that the removal of individual trees from the group, may not allow construction in the space created without further precautions to assess and protect root and rooting volumes of remaining trees.

Where there was no need to modify the Root Protection Areas of individual trees, the default circular RPAs suggested by BS5837 have been plotted.

If and where pre-existing site conditions or other factors indicate that a normal depth of rooting exists but is distributed asymmetrically influenced by past or existing site conditions (e.g. the presence of impermeable surfaces, underground vertical structures, permanent waterlogging or known underground apparatus), a polygon of equivalent area has been produced, based on an arboricultural assessment of likely root distribution.

It was particularly noted and assumed that the buildings,boundary walls and adjacent footways have generally truncated or been a constraint to radial rooting.

The plotted Root Protection Area is occasionally less than that stipulated in BS5837, and this has been used where the tree's ('measured') stem diameter is not representative of the tree's physiological requirements due to significant and permanent loss of part of the crown; where the effect of the loss on the remaining physiological and vascular requirement could be recorded on-site, the 'effective diameter' (see data) has been used to calculate the RPA.

In due course the shape and extent of RPAs may need to be modified due to -

a) unseen underground apparatus, structures etc.;

b) topography and drainage;

c) the soil type and structure;

d) the likely tolerance of the tree to root disturbance or damage, based on factors such as species, age, condition and past management

4.3 Below ground (future - advisory)

The following are some other aspects that are beyond the reporting requirements of BS5837 at this stage but may be relevant design constraints.

a. BS5837 offers advice about the minimum distance that should be left between trees and various structures, services and surfaces to avoid future direct damage to those. This would require, among other things, an estimate of eventual stem diameter at maturity. As a precaution, it is recommended that no buildings, services or hard surfaces are proposed within 3 metres radius of the centre of any existing tree to be retained or proposed tree without further arboricultural advice as to growth potential, longevity and mitigation design measures that could be put in place to avoid or reduce such damage potential.

Minimum distance between young trees or new planting and structure to avoid direct damage to a structure from future tree growth

Type of structure	Minimum distance between young trees or new planting and structure, in metres (m)		
	Mature stem dia.		
	<300 mm [A]	300 mm to 600 mm [A]	>600 mm [A]
Buildings and heavily loaded structures	—	0.5	1.2
Lightly loaded structures such as garages, porches etc.	—	0.7	1.5
Services			
<1 m deep	0.5	1.5	3.0
>1 m deep	—	1.0	2.0
Masonry boundary walls	—	1.0	2.0
In-situ concrete paths and drives	0.5	1.0	2.5
Paths and drives with flexible surfaces or paving slabs	0.7	1.5	3.0

[A] Diameter of stem at 1.5 m above ground level at maturity

Notwithstanding, where existing underground structures have effectively prevented the radial spread of existing roots, proposed underground structures in the same or similar but no closer) position are likely to be acceptable if they are of equivalent effectiveness in preventing root development at all soil depths.

b. BS 8002:2015 *Code of Practice for Earth Retaining Structures* makes recommendations about the proximity of trees to retaining structures relative to species and mature height of trees.

c. The NHBC has published guidance (Chapter 4.2) on meeting the technical requirements when building near trees, shrubs and hedgerows, particularly on shrinkable soils. This guidance may be relevant even if a development will not involve the NHBC or housing.

4.4 Tree shade and shadow

BS5837 provides an optional method of trying to portray the effect of tree shade and shadow on development sites. Trees close to development can reduce the amount of sunlight and skylight to gardens, open spaces and windows, in some cases causing light levels to fall below the recommended levels. However, the recommendations in BS5837 for portraying the shade from individual trees is not a reliable or useful design tool. Therefore this aspect of the constraints that trees would present to development design is not being reported.

Trees are seasonal in effect and species can be a significant factor. It can be said generally, though, that (i) shading is worst on the north side of trees and/or where many crowns coalesce to form a dense barrier to light (ii) shadows are least desirable where gardens are to be situated to the south and west of trees.

For residential development in particular, daylighting assessments of individual retained trees or groups of trees can be carried out on request, using the detailed methods published by the Building Research Establishment and the standards in BS EN 13037. This may require further survey effort, since the shading and shadowing zone of influence of trees can be much greater than the distances covered by assessments of physical constraints (4.1 and 4.2 above).

4.5 Statutory constraints

I have checked with the relevant Local Authority as to the existence of Tree Preservation Orders affecting the site, and have found that none exist.

I have checked with the relevant Local Authority as to the existence of a Conservation Area designation affecting any part of the site, and have found that all of the site lies within the Lower Whitecraigs Conservation Area.

This has, or could have, the statutory effect of limiting or prohibiting certain tree works or tree damage, or be indicative of the Local Authority's existing view of the importance of the trees to the amenity of the area.

Separate consent or notification would normally be required for tree works or wilful tree damage in a Tree Preservation Order or Conservation Area. It should be noted, though, that the cutting down, topping, lopping or uprooting of a tree when (and only to the extent that) that work is immediately required for the purposes of carrying out development authorised by detailed planning permission does not require separate consent. It is therefore advisable that all tree works that are proposed for the development (and any proposed replanting, whether compensatory or not) of a site are explicitly stated in any application.

In such situations, it is usually not necessary to make a separate application for consent to remove or alter a tree, and the planning authority can decide the tree issue within the other planning issues.

If the applicant considers it appropriate for whatever reason, a separate notification can be given to the Council of the intention to carry out the tree works. A planning authority's only means of preventing the works would be to make a Tree Preservation Order.

The consideration in such situations should be whether the tree should be preserved in the interests of amenity or because trees, groups of trees or woodlands are of cultural or historical significance. CA In conservation areas, the context is of areas of special architectural or historic interest the character or appearance of which it has been decided it is desirable to preserve or enhance. Trees may contribute to this or detract from it. Case law and government guidance has shown that the trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, although, exceptionally, the inclusion of other trees may be justified.

A 'felling permission' is usually required from Scottish Forestry for larger volumes of timber. A number of exemptions exist, including for trees with a diameter not exceeding 10 centimetres, trees in orchards, gardens, churchyards or public open spaces, felling where the aggregate cubic contents 5 m^3 in any quarter (except in small native woodlands of Caledonian Pinewoods), the prevention of immediate danger to persons or to property, trees badly affected by Dutch Elm Disease and dead trees.

There is also an exemption for the felling of a tree where immediately required for the purposes of carrying out development authorised by planning permission granted or deemed to be granted under the Town and Country Planning (Scotland) Act 1997. Particular care is usually needed in the use of this last exemption. I have not specifically

checked whether an exemption applies or would (on granting of planning permission) apply here.

4.6 Woodland removal constraints

Woodland removal can trigger Government policies protecting against the loss of woodlands generally. Protection can be more stringent where remnants of ancient woodland character are present. There is no legal definition of 'woodland'. Areas over 0.1 Hectare with 20% or more canopy cover could in certain circumstances be deemed as woodland.

There are no areas comprising woodland on the site.

5. RISK RECOMMENDATIONS

5.1 Risk generalities

As required by BS5837, this report must address only imminent serious risk.

The risk associated with trees can be expressed in accordance with general advice from the Health & Safety Executive (2001).

In short, the magnitude of risk is a combination of *Probability of failure x Severity of harm or damage x Likelihood of someone or something being present.*

The risk is quantified and recorded for each component part within broad categories that combine to give, within an order of magnitude, overall risk categories.

Negligible → Acceptable → Tolerable (medium) → Tolerable (high) → Unacceptable

This report only concerns itself with risk in the last (or occasionally second-last) category.

5.2 Assessed risks (current usage)

No trees were found that presented an imminent and serious hazard to life or property.

5.3 Potential risks (proposed usage)

The following risk assessments do not form part of the British Standard but are provided to help explain how less imminent and less serious risks can be considered by designers.

Several trees were noted as having obvious defects that could create a level of risk that could make them unsuitable for retention (without some form of tree work intervention) beneath or in close proximity to buildings and human occupation in the context of the proposed development and use of the site. This is indicated in the Risk column of the **first Appendix** as 'Potential'.

The level of risk depends on proximity to 'targets' (buildings, structures, roads, footpaths etc.). It is recommended that a more thorough assessment of the tree risk is done relative to specific design proposals before any final decision is made about the retention or removal of trees of 'potential' risk in the context of development.

6. SUMMARY OF SURVEY FINDINGS AND CONSTRAINTS (With report section numbers in brackets)

As an aid to project design and selection of trees for retention and protection, all the trees and groups of trees on the site have been identified, measured and recorded and then categorised for relative retention desirability, all in accordance with BS5837 (1.1). As the Standard requires this to be done by an 'Arboriculturist', the qualifications and experience of the surveyor are stated (1.3).

BS 5837 requires trees (including groups of trees) on land adjacent to the site, (whether in the same ownership or otherwise) to be recorded if they present constraints that might be relevant to any proposals. These have been included where appropriate.

Where tree positions have been plotted during the tree survey, this has been done using a combination of any available topographic survey information, GPS positions and positions relative to physical features shown on the base map (2.1).

For this tree survey, the plotting of trees could be achieved at sufficient accuracy for detailed design work. Where trees are being considered for retention, positioning accuracy could be improved by supplementary topographic survey.

The position of the trees and groups of trees, and the extents of their crowns and combined canopies (colour coded for relative retention desirability (2.4)) are represented on the Tree Constraints Plan (4.1 and below).

The trees and groups of trees have had their Root Protection Areas calculated with reference to species, growing environment and other factors and a representative proportion of these have been plotted, modified from simple circles where known or expected ground conditions require it. These are represented on the Tree Constraints Plan (4.2 and below).

The printed plan may not be convenient or adequate on its own for detailed design choices. A CAD version of the plan is being made available for viewing in greater detail and for use by designers if required. This allows each category of tree to be selected and/or the constraints of individual trees to be viewed.

The survey did not note the presence of any ancient or veteran trees on or around the site (3.4).

No parts of the site are delineated on Scottish Natural Heritage's 'Ancient Woodland Inventory' (4.6). The Assessment of non-tree aspects of ancient woodland habitat are beyond the scope of this report.

No parts of the site comprise woodland of sufficient size and density to be relevant to Government policies on woodland removal if removal were proposed (4.6).

Based on desk study and site investigations, taking a probability-based approach it is possible to conclude that the reasonably foreseeable risk of **heave** following removal of trees is negligible (3.5).

An absence of known shrinkable clays, and climate data that precludes persistent soil moisture deficits also allow the conclusion to be reached that the influence of trees on the adequacy of normal foundations to prevent **subsidence** is negligible**.**

The advisory method in the British Standard for indicating the shading from the trees has been omitted, as it does not provide a useable quantification of daylighting. Supplementary advice is available on request (4.4).

The report also refers to other technical Standards and advisory factors by which trees might present constraints to development, particularly as trees increase in size over time (4.3).

Checks on the Council's online records show that all of the site is known to be within a Conservation Area.

Separate consent would normally be required for tree works in a Tree Preservation Order area or Conservation Area or the felling of larger volumes of timber, unless exempted, and in particular by the grant of detailed planning permission (4.5).

No trees were found that might present an imminent and serious hazard to life or property (5.1).

One or more trees were noted as having obvious defects that could make them a less than 'Acceptable' risk in the context of the proposed development and use of the site. If these are not to be removed, they should be risk-assessed against any specific design layout before selecting them for retention (5.3).

The tree survey has been done independently of any development proposal (2.1).

BS 5837 recommends that ***"The constraints imposed by trees, both above and below ground (see Note to 5.2.1) should inform the site layout design, although it is recognized that the competing needs of development mean that trees are only one factor requiring consideration."*** *The tree data can be used to inform site layout,*

including during construction. Having regard to the Estimated remaining Contribution and quality of each tree or group (represented by the retention desirability category) and the design life of the development proposal, factors such as shading of buildings and open spaces, privacy and screening, amenity value of trees, future pressure for removal, seasonal nuisance, servitudes and wayleaves and statutory undertaker powers and requirements, regulatory protection, soil shrinkability (subsidence or heave), known or potential tree risk and conservation benefits need to be weighed up alongside other design considerations to achieve a satisfactory juxtaposition of trees and site usage.

This report provides only a baseline for detailed design or tree retention proposals, for which further advice on selection for retention and arboricultural impact assessment and/or arboricultural method statements may be recommended as development proposals evolve.

Julian A. Morris

Signed 

Dated February 2023

Julian A Morris Professional Tree Services
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PROJECT: 30 Ayr Road, Newton Mearns

DRAWING: Tree constraints plan

SCALE : 1 : 250 @ A3 | DATE : 01/03/2023

The original of this drawing was produced in colour
- a monochronme copy should not be relied upon

Crown Spread | Root Protection Area

Category 'A' | Category 'B' | Category 'C' | Category 'U'

0 20m

Category B group spread

APPENDIX 1 - TREE DATA

LOCATION: 30 Ayr Road, Newton Mearns **SURVEY DATE:** February 2023

Tag or ID	off site?	Species	*Binomial*	Stems (if >1)	Effect-ive DBH (mm)	Meas-ured DBH (mm)	Ht. (m)	Spread (m)				Crown ht.(m)	Observations	Cond-ition	Life-stage	ERC (yrs)	Grading	risk	action
								N or ave.	E	S	W								
240		Western Red Cedar	*Thuja plicata*	4	700		14	4	3.5	3.5	3.5	4 to 5.5	Multistemmed from base. Small new growth on lower stems. Large stub at 2.5m no decay	Fair	Early-mature	20 to 40	B		
241		Western Red Cedar	*Thuja plicata*	3	360		8	2	3	3	4	2.5 to 3.5	Multistemmed from base and spreading. Several old substem stubs.	Poor to Fair	Semi-mature	10 to 20	C	Potential	
242		Lawsons Cypress	*Chamaecyparis lawsoniana*		290		10	3				4 to 5.5	Upright balanced. Topped at 9m	Fair to Good	Semi-mature	20 to 40	B		
243		Lawsons Cypress	*Chamaecyparis lawsoniana*		340		13	3.5				4 to 5.5	Upright balanced. Thinning crown. Many crown lifting stubs	Poor to Fair	Semi-mature	10 to 20	C		
244		Lawsons Cypress	*Chamaecyparis lawsoniana*		320		11	3				4 to 5.5	Girdling roots. Upright balanced excurrent. Topped at 10m. Thinning crown	Fair	Semi-mature	10 to 20	C		
245		Lawsons Cypress	*Chamaecyparis lawsoniana*		350		10	3				4 to 5.5	Well buttressed upright balanced excurrent. Topped	Fair to Good	Semi-mature	20 to 40	B		
246		Western Red Cedar	*Thuja plicata*		410		14	3				5.5 to 10	Twin stemmed from fair inclusion fork at 5m. Many crown lifting stubs. Causing much damage to surfaces.	Fair	Semi-mature	20 to 40	C		Remove
247		Lawsons Cypress	*Chamaecyparis lawsoniana*		290		11	3	3	2	3	2.5 to 3.5	Well buttressed upright balanced excurrent. Topped	Fair to Good	Semi-mature	20 to 40	B		
248		Lawsons Cypress	*Chamaecyparis lawsoniana*	2	280		13	2				4 to 5.5	Twin stemmed from inclusion fork at base with fair adaptive growth	Fair	Semi-mature	10 to 20	C		
249		Lawsons Cypress	*Chamaecyparis lawsoniana*		260		13	2.5				2.5 to 3.5	Well buttressed upright balanced excurrent	Fair to Good	Semi-mature	20 to 40	B		
250		Beech	*Fagus sylvatica*		200		8.5	2.5				1.5 to 2.5	Heavily pruned	Fair	Semi-mature	> 40	C		
1	os.	Group - mixed species broadleaf		4	350		10	0				2.5 to 3.5	Repollarded limes and sycamores.	Fair	Semi-mature	20 to 40	B		
2	os.	Lime	*Tilia sp.*	2	420		9	3.5				2.5 to 3.5	Repollarded	Fair	Early-mature	20 to 40	B		
251		Group - Single species broadleaf		11<20	300		14	0				1.5 to 2.5	Dense line NE of 14 trees at 1m spacings. Reduced or lifted to 7m	Fair to Good	Semi-mature	20 to 40	B		
252.2		Yew	*Taxus baccata*	2	140		7	0.5				1.5 to 2.5	Twin stemmed. Suppressed and meagre	Fair	Young	20 to 40	C		

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For abbreviations see Glossary

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Tag or ID	off site?	Species	*Binomial*	Stems (if >1)	Effect-ive DBH (mm)	Meas-ured DBH (mm)	Ht. (m)	Spread (m)				Crown ht.(m)	Observations	Cond-ition	Life-stage	ERC (yrs)	Grading	risk	action
								N or ave.	E	S	W								
252.1		Western Red Cedar	*Thuja plicata*		450		13.5	2	3	3	2	2.5 to 3.5	Well buttressed upright balanced excurrent. Topped	Fair to Good	Early-mature	20 to 40	B		
253		Western Red Cedar	*Thuja plicata*		450		14	3	2	3	2	2.5 to 3.5	Well buttressed upright balanced excurrent. Topped	Fair to Good	Early-mature	20 to 40	B		
254		Lawsons Cypress	*Chamaecyparis lawsoniana*		380		11	2	4	2	2	2.5 to 3.5	Large basal cavity. Slight initial lean N self corrected. Twin stemmed from fair inclusion fork at 5m	Poor to Fair	Early-mature	10 to 20	C	Potential	
255		Western Red Cedar	*Thuja plicata*		500		10	4	2	3	3	2.5 to 3.5	Well buttressed upright. Heavily topped. Base touching wall nw. Damage SE.	Fair	Early-mature	20 to 40	B		
256		Lawsons Cypress	*Chamaecyparis lawsoniana*		300		14	2				2.5 to 3.5	Swollen butt. Multistemmed by 8m	Fair to Good	Semi-mature	20 to 40	B		
257		Lawsons Cypress	*Chamaecyparis lawsoniana*		380		15	3	3	3	2	1.5 to 2.5	Well buttressed upright balanced. Topped. Damage by roots NW	Fair to Good	Early-mature	20 to 40	B		
258		Hornbeam	*Carpinus betulus*		310		6	2				1.5 to 2.5	Very heavily reduced	Poor to Fair	Semi-mature	10 to 20	C		
269		Lawsons Cypress	*Chamaecyparis lawsoniana*		330		13	2				1.5 to 2.5	Upright balanced	Fair	Semi-mature	20 to 40	B		
259		Lawsons Cypress	*Chamaecyparis lawsoniana*		300		14	2.5	2.5	1.5	2	1.5 to 2.5	Well buttressed. Damage from roots N.	Fair to Good	Semi-mature	20 to 40	B		
261		Lawsons Cypress	*Chamaecyparis lawsoniana*		330		14	1	2.5	2.5	1.5	1.5 to 2.5		Fair to Good	Semi-mature	20 to 40	B		
260		Monterey Cypress	*Cupressus macrocarpa*		300		14	2	1.5	2.5	2	1.5 to 2.5	Well buttressed upright balanced. Topped	Fair	Semi-mature	> 40	B		
262		Western Red Cedar	*Thuja plicata*		340		15	3.5	3	3	3	2.5 to 3.5	Well buttressed upright balanced excurrent. Thinnish crown. Close to wall but no obvious damage	Fair to Good	Semi-mature	20 to 40	B		
263		Lawsons Cypress	*Chamaecyparis lawsoniana*	2	280		13	2	2	2	2.5	2.5 to 3.5	Twin stemmed from base.	Fair to Good	Semi-mature	20 to 40	B		
264		Lawsons Cypress	*Chamaecyparis lawsoniana*		210		6.5	2				1.5 to 2.5	Topped	Fair	Semi-mature	10 to 20	C		
265		Lawsons Cypress	*Chamaecyparis lawsoniana*		210		11	1.5				2.5 to 3.5		Fair	Semi-mature	20 to 40	C		

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Tag or ID	off site?	Species	*Binomial*	Stems (if >1)	Effect-ive DBH (mm)	Meas-ured DBH (mm)	Ht. (m)	Spread (m)				Crown ht.(m)	Observations	Cond-ition	Life-stage	ERC (yrs)	Grading	risk	action
								N or ave.	E	S	W								
266		Lawsons Cypress	*Chamaecyparis lawsoniana*		140		12	1.5				1.5 to 2.5	Upright balanced excurrent	Fair to Good	Young	20 to 40	C		
267		Lawsons Cypress (Ellwoodii)	*Chamaecyparis lawsoniana 'Ellwoodii'*	4	390		11	2.5				1.5 to 2.5	Multistemmed. Dense	Fair to Good	Early-mature	> 40	B		
268		Lawsons Cypress	*Chamaecyparis lawsoniana*		200		12	1				1.5 to 2.5	Thin crown due to past competition	Fair	Semi-mature	> 40	B		
270		Hornbeam	*Carpinus betulus*		310		6.5	2				1.5 to 2.5	Very heavily reduced	Fair	Early-mature	10 to 20	C		
271		Monterey Cypress	*Cupressus macrocarpa*		270		13	1	2	2	2	1.5 to 2.5		Fair	Semi-mature	20 to 40	B		
272		Lawsons Cypress	*Chamaecyparis lawsoniana*		200		12	1	1	2	1	1.5 to 2.5		Fair to Good	Semi-mature	20 to 40	B		
273		Myrobalan Plum	*Prunus cerasifera*		120	210	5	2	2	0	1	1.5 to 2.5	Heavily reduced. Phellinus on stem	Poor	Early-mature	< 10	U		
274		Lawsons Cypress	*Chamaecyparis lawsoniana*		180		13	1				2.5 to 3.5	Thin crown	Fair	Young	10 to 20	C		
275		Lawsons Cypress	*Chamaecyparis lawsoniana*	3	350		13	2.5				1.5 to 2.5	Multistemmed from base	Fair to Good	Semi-mature	20 to 40	B		
277		Lawsons Cypress	*Chamaecyparis lawsoniana*		240		12	1.5				1.5 to 2.5	Upright balanced excurrent	Fair to Good	Semi-mature	> 40	B		
278		Lawsons Cypress	*Chamaecyparis lawsoniana*		140		10	1				1.5 to 2.5	Upright balanced excurrent	Fair to Good	Young	20 to 40	C		

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For abbreviations see Glossary

APPENDIX 2 - GLOSSARY OF TERMS

Adaptive growth: An increase in wood production in localised areas in response to a decrease in wood strength or external loading to maintain an even distribution of forces across the structure.
Adventitious/epicormic growth: New growth arising from dormant or adventitious buds directly from main branches/stems or trunks.
Binomial: Unless otherwise stated the Linnaean binomial name of the species is stated for the avoidance of any ambiguity arising from varying usage of common names.
Bracing: The installation of cables, ropes, rods and/or belts to reduce the probability of failure of parts of the tree structure due to weakened elements under excessive movement.
Callus: Undifferentiated tissue initiated as a result of wounding and which become specialised tissues ('Woundwood') of the repair over time.
Cavity: A void within the solid structure of the tree, normally associated with decay or deterioration of the woody tissues.
Co-dominant stems: Two or more, generally upright, stems of roughly equal size and vigour competing with each other for dominance.
Compression fork: an inherently weak fork in which continued radial growth of two competing substems results in pressure which tends to push the fork apart.
Conservation Area: A designation made under the Planning Acts in the interest of preserving or enhancing the special architectural or historic character or appearance of an area.
Crown: The foliage bearing section of the tree formed by its branches and not including any clear stem/trunk.
Crown Lifting: The removal of the lowest branches and/or preparing of lower branches for future removal.
Crown Reduction: The reduction in height and/or spread of the crown of a tree.
Crown Spreads: The extent of the live crown, measured from the centre of the base of the canopy, in each of the four cardinal points (in the order north, east, south, west)
Crown Thinning: The removal of a portion of smaller/tertiary branches, usually at the outer crown, to produce a uniform density of foliage around an evenly spaced branch structure.
Condition:

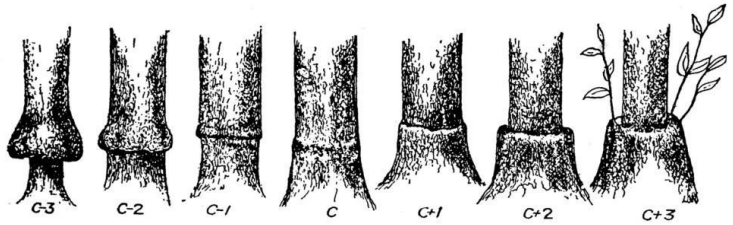
Good	Generally free from defects and in good health
Fair	Reasonably healthy but defects are present that may adversely affect Estimated Remaining Contribution but that may be addressed in the short term by minor intervention
Poor	In decline and/or defective requiring major intervention
Dead	No signs of life or so little that death is inevitable

Construction Exclusion Zone (CEZ): area based on the Root Protection Area (and low crowns) from which access is prohibited for the duration of a project
Decurrent: Widely spreading on several limbs
DBH/Diameter: Stem diameter, more fully known as Diameter at Breast Height (1.5m).
Dieback: No signs of life on branch tips due to age or external influences.
Epicormic Growth: See Adventitious Growth
Excurrent: Having a main stem and radiating limbs of limited length
Estimated Remaining Contribution: The number of years that the tree in substantially its current form (or better) is expected to continue to make an arboricultural or landscape contribution.

40+ years	corresponding with BS 5837 40+ years
20 to 40 years	corresponding with BS 5837 20+ years
10 to 20 years	corresponding with BS 5837 10+ years
0 to 10 years	corresponding with BS 5837 less than 10 years

Fruiting bodies: The fruiting body is the spore bearing, reproductive structure of that fungus.
Graft: The growing together, naturally or deliberately, of two plant parts (including from different

species or varieties) with joined vascular cambia. Varying degrees of compatibility (see below)



Hazard beam: Upwardly curving part of a tree prone to longitudinal splitting
Inclusion fork: A compression fork further weakened by the inclusion of bark from both competing substems at their interface.
Life Stage:

Newly planted	Not fully established and capable of being transplanted or easily replaced
Young	Establishing, usually with good vigour
Early mature	Established, usually vigorous and increasing in height
Mature	Fully established around half their species' life expectancy, generally good vigour and achieving full height potential but crown still spreading
Late mature	Moderate vigour, no additional height expected and growth rate slowing
Over-mature	Fully mature, in last quarter of life expectancy, vigour decreasing
Veteran	See Veteran definition
Ancient	Beyond maturity, old in comparison with other trees of the same species; showing Veteran (see below) values and characteristics because of age rather than past events

Occlusion: growth of callus and wound wood, sealing wounds.
Planning Acts: Primary Planning legislation in Scotland relevant to trees and their protection, principally the Town & Country Planning (Scotland) Act 1997, the Planning etc. (Scotland) Act 2006 and The Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas) (Scotland) Regulations 2010.
Pollard: The removal of the top of a young tree at a prescribed height to encourage multi-stem branching from that point, repeated on a cyclical basis always retaining the initial pollard point.
Quality/Value Category: As defined and used by BS5837 -

A	Trees of high quality and value
B	Trees of moderate quality and value
C	Trees of low quality and value

Subcategories of these record the main value of the tree

1	Mainly Arboricultural values
2	Mainly landscape values
3	Mainly cultural values, including conservation

Retrenchment pruning: A form of reduction intended to encourage development of lower shoots and emulate the natural process of tree aging.
Risk Category: In accordance with the Health & Safety Executive's general parameters.
Lower than 1:1,000,000 'Acceptable' Between 1:1,000,000 and 1:1,000 'Tolerable'
Higher than 1:1,000 'Unacceptable' So low that it cannot be quantified, 'Negligible'.
Root Protection Area (RPA) layout design tool indicating the minimum area around a tree deemed to contain sufficient roots and rooting volume to maintain the tree's viability, and where the protection of the roots and soil structure is treated as a priority.
Tree Preservation Order: An Order made under the Planning Acts in the interests of the amenity of an area.
Veteran: A survivor that has developed some of the habitat features such as wounds or decay found on an ancient tree, not necessarily as a consequence of time, but of past events or its environment. It may look old relative to other trees of the same species.
Vigour: The health and resilience of a tree reflected in shoot extension, leaf size and density.
Woundwood: lignified and differentiated tissue produced as a response to wounding.

APPENDIX 3 - SURVEY METHODOLOGY & LIMITATIONS

This methodology complements the methodology requirements of BS5837, which are not restated here.

Each tree is inspected initially from a distance to ensure closer inspection is safe.

The position of trees or the outline of groups is captured on site using a Geographic Information System ('GPS') and the trees' attributes are recorded as a map layer. These are brought into the report as an Excel spreadsheet for processing and use. The data includes a 16 digit Ordnance Survey grid reference, which may be used to plot trees or group polylines on a georeferenced plan. The strength and position of satellite signals used by GPS is variable in quantity, strength and quality, and reflections from buildings, fences or vehicles can result in aberrations. Generally 1.5 metre GPS accuracy is achieved, suitable only for indicative relative position of trees. If these are within 12 x their stem diameter of any linear features, their distance and orientation relative to those features is measured and recorded.

The height is estimated by the use of a clinometer and trigonometry. Distances are measured using calibrated paces or a laser measuring device, adjusted where necessary for the terrain.

Diameters of stem are measured using a diameter tape which measures circumference ('girth') and gives the equivalent average diameter. Where trees are multistemmed from below 1.5m, either the diameter at a lower representative point, or the equivalent stem diameter of the combined cross sectional area of all the stems is given. For offsite trees, stem diameters are estimated using a laser measurement device and tacheometry; distances are estimated.

The tree species is identified from knowledge supported by Johnson and Moore (see Fuller Citation at Appendix 4) using bark, buds, twigs, fruit, flowers, form and habit.

Binoculars are used where appropriate to examine visible features and structures above a few metres in height. A hand lens is used to examine small features and to help narrow down the list of possible species of any pathogen growths on the tree.

Whilst it is not possible without laboratory examination and testing to confirm definitive identifications of pests, diseases and fungal infections, all reasonable attempts are made to eliminate possibilities and in most cases a species or genus or a common name can be state with a reasonable degree of confidence that the implications arising from the identification will be appropriate to the other outcomes of the report such as risk assessment, recommendations and Estimated Remaining Contribution.

Soundings will be taken either with a rubber mallet or a nylon-tipped hammer to try and ascertain the existence and likely extent of cavities or other invisible decay. Cavities will be inspected visually with a torch only insofar as this is reasonably possible from the ground, removing only enough of loose material as is necessary to reach conclusions about the extent and nature of decay or defects.

Except to the extent stated in the report, the assessment is based on a visual inspection from ground level only, from publicly accessible and privately available vantage points.

Soil present around the base of trees is not removed and root collars are not examined except where, and to the extent, they are already exposed. No sampling, examination or analysis of the soil was done. No intrusive or destructive tests is carried out. The survey does not include exhaustive foliar examination (except for purposes of identifying the species).

Trees are generally assessed during a single visit, with the limitations that this brings, such as the opportunity to assess (i) the reaction of trees to a variety of wind strengths and directions, (ii) the presence of seasonal fungal Fruiting Bodies, (iii) foliage density (iv) structural elements concealed by foliage. Only a broad indication of the intensity of usage of the site and the immediately surrounding land and pedestrian/vehicle routes is gained from a single visit.

Obstacles liked dense basal epicormics and/or ivy on trees, and occasionally dense undergrowth can obstruct the full inspection of trees, including their rooting area. Only enough to reach a preliminary or final conclusion about any such affected trees will be removed.

APPENDIX 4 - Fuller citation of texts, if referred to

Strouts and Winter (1994) *Diagnosis of ill-health in trees*

Mattheck and Breloer (1994) – *The body language of trees*

Roberts, Jackson and Smith (2006) – *Tree Roots in the Built Environment*

British Standards Institute (2011) – *BS3998: Recommendations for tree work*

British Standards Institute (2012) – *BS5837: Trees in relation to design, demolition and construction - Recommendations.*

Johnson and Moore (2004) – *Collins Tree Guide*

White, John and Forestry Commission (1998) - *Estimating the Age of Large and Veteran Trees in Britain' - Forestry Commission Information Note*

Schwartze, Engels and Mattheck (2000) - *Fungal Strategies of Wood Decay in Trees*

Mynors (2022) – *The Law of Trees, Forests and Hedgerows (3rd edition)*

Health & Safety Executive (2001) - *Reducing Risk, Protecting People*

British Standards Institute (2008) – *BS8206-2: Lighting for buildings. Code of practice for daylighting*

BS EN 17037:2018 "*Daylight in buildings*"

Littlefair, Paul, BRE (2011) – *Site Layout Planning for Daylight and Sunlight*

British Standards Institute (2015) BS8596 *Surveying for bats in trees and woodland – guide*

British Standards Institute (2015) *Microguide to surveying for bats in trees and woodland*

Statutory Nature Conservation Organisations/ Bat Conservation Trust (2015) – *Method Statement for the Appropriate Use of Endoscopes by Arborists*

Arboricultural Association (2017) Guidance Note 11 *Aerial Inspections: A guide to good practice*

Arboricultural Association (2020) Guidance Note 12 *The use of cellular confinement systems near trees: A guide to good practice*

Council of Tree & Landscape Appraisers (2019) *Guide for Plant Appraisal 10th Edition*

Table 1 **Cascade chart for tree quality assessment**

Category and definition	Criteria (including subcategories where appropriate)			Identification on plan
Trees unsuitable for retention (see Note)				
Category U 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	• 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 category U trees (e.g. where, for whatever reason, the loss of companion shelter cannot be mitigated by pruning) • Trees that are dead or are showing signs of significant, immediate, and irreversible overall decline • 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 *NOTE Category U trees can have existing or potential conservation value which it might be desirable to preserve; see **4.5.7**.*			See Table 2
	1 Mainly arboricultural qualities	**2 Mainly landscape qualities**	**3 Mainly cultural values, including conservation**	
Trees to be considered for retention				
Category A **Trees of high quality** with an estimated remaining life expectancy of at least 40 years	Trees that are particularly good examples of their species, especially if rare or unusual; or those that are essential components of groups or 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 and/or landscape features	Trees, groups or woodlands of significant conservation, historical, commemorative or other value (e.g. veteran trees or wood-pasture)	See Table 2
Category B **Trees of moderate quality** with an estimated remaining life expectancy of at least 20 years	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 for beyond 40 years; or trees lacking the special quality necessary to merit the category A designation	Trees present in numbers, usually growing 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	Trees with material conservation or other cultural value	See Table 2
Category C **Trees of low quality** with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150 mm	Unremarkable trees of very limited merit or such impaired condition that they do not qualify in higher categories	Trees present in groups or woodlands, but without this conferring on them significantly greater collective landscape value; and/or trees offering low or only temporary/transient landscape benefits	Trees with no material conservation or other cultural value	See Table 2

Bat Roosting Potential Survey

30 Ayr Road

Lower Whitecraigs

Giffnock

Newton Mearns

East Renfrewshire

G46 7LB

November 2023

Prepared by Baker Ecology for DTA Architects on behalf of Rehan Tahir

Executive Summary

Baker Ecology was commissioned in November 2023 to complete a daylight bat roost potential inspection of a dwellinghouse at 30 Ayr Road, Giffnock, Newton Mearns prior to demolition of the building.

The inspection on 30th November 2023 found that potential roost features (PRF) were limited to roof structures on the dwellinghouse and detached garage, which would suggest that overall roost potential was high, although there was no direct evidence of any past or present use by roosting bats and bats may never have used the site for roosting at all. Following a high due regard for the possibility that bats could potentially roost we recommend that a series of bat presence/absence surveys should be completed anytime between May and August 2024 to confirm whether any roosting bats are in fact present. These surveys should follow the new bat survey guidelines published in September 2023 (Collins 2023).

Note that although roost potential was present at roof level, there was no bat roost potential at ground floor level: although the buildings had PRF present that could give access for roosting bats there was no evidence of actual use by bats anywhere on either building. Additionally, this property stands in a wider neighbourhood full of houses with traditional slate roofs, many of which have PRF present. This means that the potential for any bat to be present in the study house is decreased by the abundance of potential roosting habitats around it. It is therefore suggested that enabling works may commence at ground and first floor level internally immediately on receipt of a demolition warrant between December 2023 and the end of March 2024. During this period any bats that may use the property would be elsewhere hibernating in a site where temperatures would be stable and cool between zero and four degrees Celsius, as the property is generally considered unsuitable for hibernation being occupied lit in the loft entirely heated, so warm or hot conditions will be prevalent. This means that any internal works to the building other than to the actual roof structure would be acceptable between December and March prior to the completion of any bat presence / absence surveys that would follow between May and August (as no bats will be present and such works would not cause any potential disturbance to summer roosting bats that could only use external roof structures. Only once those surveys were completed could roof and soffit stripping commence and demolition be completed. This course of action is not only appropriate but is being used at a number of other sites to avoid stalling the planning process for no valid reason.

Contents

1. Introduction

Baker Ecology was commissioned in November 2023 to complete a daylight bat roost potential inspection of a dwellinghouse at 30 Ayr Road, Giffnock, Newton Mearns (NS 55418 57799), prior to demolition of the building. The dwellinghouse was detached, 2.5 story, and rendered with a tile roof, as was the garage, which was single story but double with two peaked ridges.

This report details the findings of the Bat roost potential survey completed on the 30th November 2023.

2. Relevant Policy and Guidance

This ecological assessment has been undertaken with regard to the legislative requirements given in the following:

- The Conservation (Natural Habitats &c.) Regulations 1994 (The Habitats Regulations);
- The Conservation (Natural Habitats &c.) Amendment (Scotland) Regulations as amended (2004, 2007, 2008, 2011, and 2012);
- Nature Conservation (Scotland) Act, 2004;
- Wildlife and Countryside Act 1981 (and subsequent amendment through The Conservation (Natural Habitats &c.) Amendment (Scotland) Regulations 2007, 2009, & 2011);
- Wildlife & Natural Environment (Scotland) Act (2011);
- Wild Mammals (Protection) Act, 1996;
- The Convention on the Conservation of European Wildlife and Natural Habitats (The Berne Convention), 1979;
- The Land Reform (Scotland) Act, 2003;
- National Planning Framework 4 (NPF4) February 2023;
- The UK Biodiversity Action Plan (BAP), revised priority list 2007;
- The East Renfrewshire Local Biodiversity Action Plan (LBAP);
- The UK Post-2010 Biodiversity Framework; and the
- Scottish Biodiversity List 2007

2.1. Biodiversity Status

The UK Biodiversity Action Plan (BAP) was the UK Government's commitment to the Convention on Biological Diversity signed in 1992. It was superseded by the UK Post-2010 Biodiversity Framework in 2012. The development of the *Framework* reflects a revised direction for nature conservation, towards an approach which aims to consider the management of the environment as a whole, and to acknowledge and take into account the value of nature in decision-making. The *Framework* sets out the common purpose and shared priorities of the UK and the four countries, and, as such, is a hugely important document, which is to be owned, governed, and implemented by the four countries.

Local Biodiversity Action Plans

LBAPs now adopt an ecosystem approach but still includes some targeted species conservation work for some species: Pipistrelle bats were a former key species in the LBAP.

2.2. European Protected Species: The Conservation (Natural Habitats &c.) Regulations 1994 (The Habitats Regulations)

Full consideration of European Protected Species (EPS) must be given as part of the planning application process, not as an issue to be dealt with at a later stage. The European Protected Species of potential relevance to this assessment were bats.

European Protected Species are protected in Annex IVa in the EC Habitats and Species Directive, which is transposed into UK legislation by the Conservation (Natural Habitats &c.) Regulations 1994 (Schedule II of The Habitats Regulations). The full details of this legislation can be viewed at:

http://www.opsi.gov.uk/SI/si1994/Uksi_19942716_en_4.htm

This legislation was amended on the 14th February 2007 (The Conservation (Natural Habitats &c.) Amendment (Scotland) Regulations 2007.), and explanatory guidance on this was published by the Scottish Government in April 2007. The amendment removed all EPS from Schedule 5 of the Wildlife & Countryside Act 1981. There are therefore now no defences in the WCA 1981 whatsoever for any actions impacting on EPS, and protection is afforded by the following legislation only:

Under Regulation 39 of the Conservation (Natural Habitats &c.) Regulations 1994 (The Habitats Regulations) it is now a criminal offence (subject to specific exceptions) to:

(a) deliberately or recklessly to capture, injure or kill a wild animal of a European protected species; (only defences are mercy killing, capture for tending a disabled animal or circumstances where the animal is captive bred and lawfully held);

(b) deliberately or recklessly–

(i) to harass a wild animal or group of wild animals of a European protected species;

(ii) to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;

(iii) to disturb such an animal while it is rearing or otherwise caring for its young;

(iv) to obstruct access to a breeding site or resting place of such an animal, or otherwise to deny the animal use of the breeding site or resting place;

(v) to disturb such an animal in a manner that is, or in circumstances which are, likely to significantly affect the local distribution or abundance of the species to which it belongs; or

(vi) to disturb such an animal in a manner that is, or in circumstances which are, likely to impair its ability to survive, breed or reproduce, or rear or otherwise care for its young;

(c) deliberately or recklessly to take or destroy the eggs of such an animal; or

(d) to damage or destroy a breeding site or resting place of such an animal.

It should be noted that only the offence of damaging or destroying a breeding site or resting place of an EPS is a strict liability offence. The remaining offences are offences only where they are carried out "deliberately" or "recklessly".

In Scotland licenses may be granted by NatureScot to permit certain activities that would otherwise be illegal due to their potential impact on EPS or their places of shelter/breeding, whether or not they are present in these refuges. This includes for developmental work. Under Regulation 44 of The Habitats Regulations, the provisions in Regulation 39 (protection of animals) do not apply to anything done for

any of the purposes defined in Regulation 44 provided that any action is carried out "under and in accordance with the terms of a licence granted by the appropriate authority".

Three tests must be satisfied before a development licence for disturbance of an EPS or damage to a site/destruction of a site used by EPS will be granted. Note: A license application will fail unless all three tests are satisfied.

- Test 1 - the licence application must demonstrably relate to one of the purposes specified in Regulation 44(2). This regulation states that licences may be granted by NatureScot where the activities to be carried out under any proposed licence are for the purpose of "preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment";
- Test 2 - Regulation 44(3)(a) states that a licence may not be granted unless NatureScot is satisfied "that there is no satisfactory alternative"; and
- Test 3 - Regulation 44(3) (b) states that a licence cannot be granted unless NatureScot is satisfied "that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range".

Note: Breach of Licensing Conditions
A new regulation 46A came into force on 15th May 2007. This now makes it an offence to breach any conditions attached to a licence. Licence conditions should therefore be adhered to at all times.

2.3. Additional Legal Protection

- Additional protection is afforded through the Bern Convention (1979), enacted in Scotland through the Nature Conservation Act (Scotland) 2004;
- Appendix III, the Convention on the Conservation of Migratory Species of Wild Animals (Bonn, 1980), Appendix 2; and
- The Bonn Convention's Agreement on the Conservation of Bats in Europe (London, 1991).

It is also a legal obligation in Scotland to consult with NatureScot before you do anything that might affect bats or their roosts such as:

- Removal of hollow, old, or decaying trees;
- Blocking, filling, or installing grilles over old mines or caves; and
- Building, alteration, maintenance, or re-roofing.

In all cases where bats are found to occupy trees or buildings and there is a developmental issue, NatureScot must be informed before any development takes place. A licence to permit development may then be obtained from NatureScot if appropriate.

3. Bats in Scotland

3.1. UK Bat Populations and Roost Significance

Ten species of bat are known from Scotland (Table 3.1).

Table 3.1. Population estimates for the 10 species of UK bats found in Scotland (from Wray et al. 2010)

Status in the UK	Scotland
Common (>100,000 bats)	Common Pipistrelle Soprano Pipistrelle
Rare (10,000 – 100,000 bats)	Natterer's Bat Brown Long-eared Bat Daubenton's Bat
Rarest (<10,000 bats)	Noctule Bat Leisler's Bat Nathusius' Pipistrelle Whiskered Bat Brandt's Bat

Of these, five species are relatively widespread in Central Scotland:

- Common Pipistrelle Bat (*Pipistrellus pipistrellus*) 45 kHz;
- Soprano Pipistrelle Bat (*Pipistrellus pygmaeus*) 55 kHz;
- Daubenton's Bat (*Myotis daubentonii*);
- Brown Long-eared Bat (*Plecotus auritus*); and
- Natterer's Bat (*Myotis nattereri*)

Another four also occur in Central Scotland but tend to have restricted distributions, or less is known about their distribution:

- Nathusius's Pipistrelle Bat (*Pipistrellus nathusii*) 38 kHz – (Edinburgh, Stirlingshire, Fife, Perth & Kinross, Renfrewshire, Midlothian, and possible but unconfirmed in Ayrshire);
- Noctule Bat (*Nyctalus noctula*) (more of a southern Scottish distribution but recorded in Ayrshire, Lanarkshire, Glasgow, Stirlingshire, West Lothian and East Dunbartonshire);
- Whiskered Bat (*Myotis mystacinus*) – within the Ayrshire, Lanarkshire, Stirlingshire, and Midlothian areas; and
- Leislers Bat (*Nyctalus leisleri*) (more of a southern Scottish distribution but known from East Renfrewshire, and North Ayrshire, and possible but unconfirmed in South Lanarkshire).

From publicly available information all nine of these species are known to occur in East Renfrewshire.

The 10th Scottish species Brandt's Bat (*Myotis brandtii*) is considered to be rare, with only a few records and roosts known, and its known distribution is currently limited to southern Scotland and western Perthshire.

3.2. Bat Roost Types

Nine main types of roost have been identified (Collins 2023). These are:

- Day roosts (March – November but more-so in the summer): used for resting during the day, and may be occupied daily by solitary or small numbers of males, or may be used infrequently as part of a chain of roost sites alternated daily but are rarely occupied at night. Whole colonies of some species such the Leisler's bat will change roost during the day including taking young with them;

- Night roosts (March – November): a place where bats rest or shelter during the night but are rarely present during the day. Can be used by solitary bats or entire colonies, and are often indicated by large accumulations of insect remains and some droppings;

- Feeding roosts (May – November): a place where individual bats or small groups may rest or feed during the night between bouts of foraging, in times when weather changes, or just for a temporary rest. May be used by solitary bats to whole colonies but are rarely used during the day;

- Transitional/occasional roosts (spring or autumn generally but may be used April-October): Some roosts may be transitional, when small numbers are present for a limited period, usually during the spring and autumn.

- Swarming sites (August – November) tend to be around caves and mines and may be used for hibernation as well as being important for mating, with large numbers of male and female bats gathering from late summer to autumn.

- Mating roosts (September – October): where mating takes place from late summer and may continue through the winter;

- Maternity roosts (May - August): the most obvious roost type. These consist almost exclusively of females, most of which give birth and raise a single young but sometimes may include males in some species of bats. These colonies usually disperse by the autumn, although some species may remain in one roost all year round;

- Hibernation roosts (October – March); roost sizes may vary from individual to groups but must have a high humidity and constant cool temperature above freezing but generally less than 4°C; and

- Satellite roosts (May – August): alternative roosts near to maternity roosts used by a few breeding females or small groups of females throughout the breeding season;

Note: swarming sites (August – November) tend to be around caves and mines and may be used for hibernation as well as gathering for mating.

In Scotland, most species of bats roost by concealing themselves in crevices and are not easy to find. The presence of droppings is a key sign to their presence but numbers of droppings vary widely and even some large roosts have little evidence of droppings to indicate their presence. Hibernating bats however leave little or no trace of their presence. Other possible signs are a characteristic odour like ammonia. In addition, a clean or polished area at a place through which light can enter may suggest an entrance/exit hole.

The importance of each roost type was categorised by Wray (2010):

Table 3.2. Determination of level of importance of bat roost type (from Wray et al. 2010)

Geographic Frame of Reference for Roost Importance	Roost Type
Local	Feeding perches Individual bats of common species Small numbers of common species (non-maternity) Mating sites of common species
County	Feeding perches of rare/rarest species Small numbers of rare/rarest species (non-maternity) Hibernation sites for small numbers of common/rarer species Maternity sites of common species
Regional	Large swarming sites Mating sites for rarer/rarest species Maternity sites of rarer species Significant hibernation sites for rarer/rarest species or all species assemblages
National	Sites meeting SSSI guidelines Maternity sites of rarest species
International	SAC sites

Roosts may occur in a wide variety of places, particularly temporary roosts during dispersal and migration but can be categorised into three main groups:

- Those in quarries, caves, mineshafts, tunnels, and bridges;
- Those in buildings; and
- Those in trees

This study focused on potential roosting in buildings and trees

3.3. Bats and Trees: Potential Roost Features (PRF)

Trees may provide safe dry places for bats to roost, although some bats prefer to roost in buildings when suitable buildings are present. Some bats remain roost faithful for prolonged periods, while others may have several alternate roost sites, and others may range much further using roosts several kilometres apart as weather conditions, food availability, and seasons change. Potential roost sites in trees may include:

- Crevices in bark:
- Gaps under loose bark on dead branches or trunks;
- Rotted knot holes;
- Hollow trunks;
- Cracks, splits etc. in stems and branches;
- Rotted-out branches;
- Growth deformities, compression forks, cankers;

- Gaps between overlapping branches;
- Dense ivy coverage;
- Woodpecker and Squirrel holes;
- Bird nesting boxes/bat boxes already present; and
- Crow, Magpie, and Buzzard nests.

Note: The above list is not exhaustive – the surveyor should use professional judgement based on experience to decide where inspection is necessary.

3.4. Bats and Buildings: Potential Roost Features (PRF)

Buildings may provide safe dry places for bats to roost, although some bats prefer to roost in trees even when suitable buildings are present. Some bats remain roost faithful for prolonged periods, while others may have several alternate roost sites in a steading or housing estate, and others may range much further using roosts several kilometres apart as weather conditions, food availability, and seasons change. Outbuildings and barns are often used as night roosts and shelters.

Potential locations for either access for roosting or for actual roosts in houses and outbuildings include:

Walls:

- Behind cladding, external tiles or weatherboarding;
- Gaps in mortar/stonework allowing access inside the cavity wall spaces;
- At the top of solid walls;
- In window frames or windowsills;
- Behind loose render;
- Behind loose wall slates; and
- Potentially in any existing bat boxes already present on the building

Note Bat droppings may be found on the ground, garden furniture or other external objects such as bins and cars, or on windows and stuck to walls may also serve to focus attention on specific areas of a building to look for a roost.

Eaves:

- Between soffit and bargeboard; and
- Behind bargeboards or fascias

Roofs and lofts:

- Space under ridge tiles;
- Between under-felt or boards and tiles or slates;
- Inside roof space at ridge ends or roof junctions;

- Inside roof space in gaps between timber and brickwork of chimneys;
- The junction of roof timbers, especially where ridge and hip beams meet;
- The top of gable end or dividing walls;
- Lower corners of the eaves;
- Between loft insulation and ceiling; and
- Space between joist and ceiling.
- The top of chimney breasts;
- Ridge and hip beams and other roof beams;
- Mortise and tenon joints;
- All beams (free-hanging bats);
- Behind purlins; and
- Under lead/tin flashing

Within rooms in residential buildings

- The floor and surfaces of any furniture or other objects;
- Behind wooden panelling;
- In lintels above doors and windows;
- Behind window shutters and curtains;
- Behind pictures, posters, furniture, peeling paintwork,
- Peeling wallpaper, lifted plaster and boarded-up windows; and
- Inside cupboards and in chimneys accessible from fireplaces.

In agricultural buildings

- Gaps in mortar/stonework allowing access inside the rubble-filled cavity of the walls from inside the building;
- Wall top;
- Between exposed roofing tiles at the ridge where no sarking is present;
- Crevices between timbers or between timbers and walls/roof; and
- In lintels above doors and windows

Note: The above lists are not exhaustive – the surveyor should use professional judgement based on experience to decide where inspection is necessary.

4. Survey Methods

All methodology followed Bat Conservation Trust Bat Surveys: Good Practice Guidelines (Collins 2023). Note on the Bat Survey Guidelines from Bat Conservation Trust (January 2016):

*"**Professional judgement and surveyor experience: The guidelines are not a prescription for professional bat work. They do not aim to override professional judgement and cannot be used to replace experience. Deviations from the methods described are acceptable providing the ecological rationale is clear and the ecologist is suitably qualified and experienced. In some cases it may be necessary to support such decisions with evidence, particularly if they may lead to legal challenge."***

The survey and report were completed by bat worker Dr Paul Baker (MCIEEM) of Acorna Ecology, a licensed bat surveyor with more than 19 years' experience.

4.1. Preliminary Ground Level Assessment of Trees for Bat Roost Potential
The aim of this survey was to determine if any trees within the proposed development site or immediate proximity had potential value for use by roosting bats or evidence of any actual bat presence by a detailed inspection of the exterior of the tree from ground level. The survey looked for features that bats could use for roosting (PRFs) and categorised the trees according to their individual potential value for use by roosting bats (Table 4.1. below). Mature trees within the site were checked for PRFs such as crevices, holes, splits, tears, and ivy that could be used by bats to enter roosting sites such as those listed above, along with field signs of bat occupancy such as urine streaking, grease marks, smooth or worn surfaces, or droppings caught on bark or on webs. Where appropriate, inspections were made using binoculars. Trees with no bat roost potential were not recorded individually.

4.2. Preliminary Ground Level External Assessment of Buildings for Use by Bats
The buildings were assessed externally during daylight to look for PRF such as access points that could potentially be used by bats to enter crevices that could be used as roosting sites such as under loose or missing panels or cracks and crevices, loose flashing etc. Each potential access point was examined with binoculars for signs indicative of use by bats such as droppings, urine streaking, polished, or worn surfaces, or staining marks at the potential entry point. The ground along the walls was also checked for dropping accumulations, and brickwork and windows were also checked for the presence of occasional droppings. The buildings were scored according to Table 4.1. below to grade by suitability for use by roosting bats.

Table 4.1. Tree/Building suitability assessed according to the Categories listed in the BCT Guidelines (Collins 2023)

Potential suitability	Roosting Habitats in Structures	Potential flight-paths and foraging habitats
None	No habitat features on site likely to be used by any roosting bats at any time of year (i.e., a complete absence of crevices / suitable shelter at all ground / underground levels).	No habitat features on site likely to be used by any commuting or foraging bats at any time of year (i.e., no habitats that provide continuous lines of shade / protection for flight-lines or generate / shelter insect populations available to foraging bats).
Negligible[a]	No obvious habitat features on site likely to be used by roosting bats; however, a small element of uncertainty remains as bats can use small and apparently unsuitable features on occasion.	No obvious habitat features on site likely to be used as flight-paths or by foraging bats; however, a small element of uncertainty remains in order to account for non-standard bat behaviour.

Potential suitability	Roosting Habitats in Structures	Potential flight-paths and foraging habitats
Low	A structure with one or more potential roost sites that could be used by individual bats opportunistically at any time of year. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions[b] and / or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats (i.e., unlikely to be suitable for maternity and not a classic cool / stable hibernation site, but could be used by individual hibernating bats[c]).	Habitat that could be used by small numbers of bats as flight-paths such as a gappy hedgerow or unvegetated stream, but isolated, i.e., not very well connected to the surrounding landscape by other habitat. Suitable, but isolated habitat that could be used by small numbers of foraging bats such as a lone tree (not in a parkland situation) or a patch of scrub.
Moderate	A structure or tree with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions[b] and surrounding habitat but unlikely to support a roost of high conservation status (with respect to roost type only, such as maternity and hibernation – the categorisation described in this table is made irrespective of species conservation status, which is established after presence is confirmed).	Continuous habitat connected to the wider landscape that could be used by bats for flight-paths such as lines of trees and scrub or linked back gardens. Habitat that is connected to the wider landscape that could be used by bats for foraging such as trees, scrub, grassland or water.
High	A structure with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions[b] and surrounding habitat. These structures have the potential to support high conservation status roosts, e.g. maternity or classic cool / stable hibernation site.	Continuous, high-quality habitat that is well-connected to the wider landscape that is likely to be used regularly by bats for flight-paths such as river valleys, streams, hedgerows, lines of trees and woodland edge. High-quality habitat that is well connected to the wider landscape that is likely to be used regularly by foraging bats such as broadleaved woodland, tree-lined watercourses and grazed parkland. Site is close to and connected to known roosts.

a Negligible is defined as "so small or unimportant as to be not worth considering, insignificant". This category may be used where there are places that a bat could roost or forage (due to one attribute) but it is unlikely that they actually would (due to another attribute).

b For example, in terms of temperature, humidity, height above ground level, light levels or levels of disturbance.

c Evidence from the Netherlands shows mass swarming events of common pipistrelle bats in the autumn followed by mass hibernation in a diverse range of building types in urban environments (Korsten et al., 2016, and Jansen et al., 2022). Common Pipistrelle swarming has been observed in the UK (Bell, 2022 and Tomlinson, 2020), and winter hibernation of numbers of this species has been detected at Seaton Delaval Hall in Northumberland (National Trust 2018). This phenomenon requires some research in the UK but ecologists should be aware of the potential for larger numbers of this species to be present during the autumn and winter in prominent buildings in the landscape, urban or otherwise.

4.2. Preliminary Ground Level Internal Assessment of Buildings for Use by Bats

The internal survey for bat signs included inspections in the dwellinghouse only for evidence of bats having been present such as single droppings, accumulations of droppings, smell of ammonia from damp droppings, moth wings and other prey remains, or dead bats, as are occasionally found in roosts.

4.3. Limitations of Survey
The daylight roost potential survey provided an indication of whether or not the property had potential for use by bats and is not meant to be a substitute for presence/absence surveys, which this type of survey usually precedes. There were therefore no significant constraints on the survey as completed.

5. Results
The survey was completed on 30th November 2023.
5.1. Preliminary Ground Level Assessment of Trees for Bat Roost Potential
No trees within the survey area had bat roost potential present.

5.2. Preliminary Ground Level External Assessment of Buildings for Use by Bats
Buildings B1 (Dwellinghouse): A 2.5 story detached building, with rendered walls and tile roof with tile ridges, and wooden barge boards. Hip ridges and main roof ridge were also tile. Bat roost potential was limited to gaps under tiles, gaps under ridges, gaps under lead flashing, and gaps under tile edges. Roost potential was considered High.

Building B2: Garage: A single story detached building, with rendered walls and double pitched tile roof with tile ridges, Bat roost potential was limited to gaps under a few tiles, and gaps under tile edges. Roost potential was considered High.

It should be clear that although the buildings had PRF present that could give access for roosting bats there was no evidence of actual use by bats anywhere on either building.

5.2. Preliminary Ground Level Internal Assessment of Buildings for Use by Bats
The internal inspection found no evidence of any use by roosting bats in the dwellinghouse, however access in the loft was limited due to the conversion to rooms with dormers at that level.

The loft had tight wooden sarking underlying roofing membrane and roof tiles. The loft area and rest of house interlay did not contain any evidence of use by roosting bats or even non-roosting bat use.

6. Conclusions
6.1. Assessment Findings
The inspection on 30th November 2023 found that potential roost features (PRF) were limited to roof structures, which would suggest that overall roost potential was high, although there was no direct evidence of any past or present use by roosting bats and bats may never have used the site for roosting at all. On this basis and unsuitability of the buildings for hibernation due to thermal instability, we would comment that although roost potential was present at roof level, there was no bat roost potential at ground floor (or first floor) level externally or internally. Based on 19 years of bat survey experience, it is suggested that enabling works may commence at ground and first floor level internally between December 2023 and the end of March 2024 if done with due care and attention as dismantling rather than demolition work. During this period any bats that might use the property in spring / summer would be elsewhere hibernating in a site where temperatures would be stable but cool between zero and four degrees Celsius. This means that any internal works to the building other than to the actual roof structure would be acceptable between December and March prior to the completion of any bat presence / absence surveys that would follow between May and August (as no bats will be present and such works would not cause any potential disturbance to summer roosting bats that could only use external roof structures). Only once those bat surveys were completed could roof and soffit stripping commence. This course of action is not only appropriate but is being used at a number of other sites to avoid stalling the planning process for no valid reason.

However, to follow a high due regard for the possibility that bats could potentially roost we recommend that a series of bat presence/absence surveys should be completed anytime between May

and August 2024 (within a few weeks of the demolition) to confirm whether any roosting bats are in fact present. These surveys should follow the updated bat survey guidelines (Collins 2023) or any subsequent updated guidelines but if any deviations are considered appropriate by the senior bat worker, then an appropriate justification must be given for the deviation (such as in 6.2. below):

i. Core survey effort should consist of three dusk surveys (or two dusk and one pre-dawn survey) spread at least three weeks between surveys – the aim is to maximise the possibility of detecting maternity roosts (during May – June), not just any roost type;

ii. Core survey effort should ensure at least one of the surveys is completed between May and August (bearing in mind some maternity roosts will have dispersed before September so be missed, while others may remain occupied by good numbers into late October); and

iii. Core dusk survey effort should be completed on dry nights with predicted temperatures at sunset as close to the optimal minimum 10ºC specified for England (or higher at dusk), preferably in dry conditions and without strong wind. This updated guidance now allows for some variation rather than being inflexible so the senior bat worker can determine if surveys may commence with dusk temperatures slightly lower than 10ºC i.e., 8 ºC or 9 ºC as was perfectly acceptable prior to 2016. Note that this must take into account the species being surveyed for as Natterer's bats for example, may not be active at 9ºC (from English data), so probably 7 - 8 ºC in Scotland.

6.2. Justifiable deviations for presence / absence surveys from Collins 2023 in Scotland

The guidelines generally have recognised that bats don't read them and so have provided a degree of flexibility that the previous editions did not contain. However, they have largely been developed based on experience and species present in England. Bat behaviour differs slightly in Scotland to suit the climate and greater variation in daylength / length of night. With that in mind we propose a few justifiable deviations in Central Scotland for presence /absence surveys from the updated guidelines in Collins (2023).

It is imperative to note that the guidelines do not reflect the situation in the lowland Central Scotland area where most surveys for developmental purposes will be focusing on sites with pipistrelles and no other species or perhaps an occasional other species, typically Brown Long-eared Bat. Survey effort must therefore be designed to fit the site and species present. If other species are detected during a first survey, then the survey methodology or timings may then need further adjustment.

6.2.1. Dusk presence / absence survey minimum temperature at sunset

Personal experience in Central Scotland during 19 years of bat survey work has shown that a proven valued deviation in Scotland is to commence surveys on evenings where temperatures are a minimum of 8 ºC at dusk where the target species are expected to be pipistrelles in particular, as bat activity may still be very evident especially during the spring and late autumn, and that the 2023 guidance states that trapping surveys can commence at 8 ºC (i.e., this infers that bats must be active and on the move at 8 ºC, otherwise there would be no point in carrying out any trapping exercise! Until the bat survey guidelines were updated in Collins (2016) the bat survey guidelines presented in Hundt (2012) specified 8 ºC as the minimum temperature for presence / absence surveys, and this worked well in Central Scotland largely for pipistrelles, Daubenton's Bats, and Brown Long-eared Bats for four years until guidelines were updated. To any layperson, it would be clear that the guidelines changed but the bats didn't change what they had been doing for many years (and which was perfectly acceptable prior to 2016). For other species, it will be necessary to base a decision to survey on the target species and location (i.e., if sheltered location or no wind there may be more activity than if exposed and with wind chill). Of course, this has to be used with a modicum of common sense so if its 8 ºC at sunset but there's a stiff wind and / or heavy rain then the chill factor may make the actual local temperature lower and so less suitable or not suitable at all for bat activity, so the senior bat worker will need to assess these other combined factors before opting to commence any survey at 8 ºC. Common sense would dictate that the senior bat worker would suspend bat surveys if findings were not as expected.

6.2.2. Dusk presence / absence survey start times

2012 Guidelines had a 30-minutes prior to sunset start, 2016 guidelines 15 minutes prior to sunset start, and 2023 also 15 minutes. We have good evidence that 15 minutes is not early enough as we have had bats emerge as much as 28 minutes prior to sunset on a number of occasions (all pipistrelles). We therefore will adhere to commencing surveys at 30 minutes prior to sunset to avoid missing bats and placing the client at legal risk. In England there are many more species at many sites and start times recommended may be fine in those geographical areas.

6.2.3. Dusk transect start times

The new guidelines in 2023 state that transects should not commence until 30 minutes after sunset based on mean times of emergence of various species. This fails to take emergence times in Scotland into account. For most Central Scotland sites its generally pipistrelles, and we are finding emergence is generally finished by around 20 – 25 minutes after sunset, often commencing either a few minutes before or after actual sunset. If there are only a few bats as is the case with most roosts and the bats are commuting off-site to feed then the bats are long gone by 20 minutes after sunset. Mean emergence times quoted in the new guidelines is probably calculated from English data. We would advocate transects starting within 0 – 15 minutes of sunset depending on site and location if pipistrelle, Noctule, Leislers Bat, or Brown Long-eared Bat are likely, as we have experience of all of these emerging either prior to or soon after sunset.

6.2.4. Pre-dawn presence / absence return to roost surveys

Collins (2023) also states that pre-dawn surveys are no longer a pre-requisite as part of the core surveys. While evidence exists showing that more than 30% of bats may return to roost during the night and so not be detected during -pre-dawn surveys again this will depend on location and species, and does ignore the fact that that still leaves more than 60% potentially returning during pre-dawn surveys, which is far more significant than 30%+ going back to roost during the night. Pre-dawn survey work for bat roost presence / absence survey has been a highly valued part of our survey suites for 19 years, and where pipistrelles are concerned has a high degree of success in pinning down roosts that may be hard to find at dusk due to low numbers of bats using them and rapid emergence – even with remote cameras it can be taxing to review and confirm an emergence point. I know of many sites where single pipistrelles were hard to locate emergence points for at dusk but at dawn their pre-roosting behaviour and the general lightening conditions pre-and post-sunrise can make roosts much easier to find, and for many sites their return during pre-dawn surveys has been pretty reliable. Again, much is based on findings in England but it doesn't fully take into account time of year. In most cases we work on we can be confident of pipistrelles returning to roost during the pre-dawn surveys but this will depend on time of year and is less reliable from mid-September onwards in the Central Belt of Scotland, particularly Edinburgh eastwards. This really applies most reliably to pipistrelles, which are the key species usually found associated with development sites, and the guidelines do not reflect the situation in the lowland Central Scotland area where most surveys for developmental purposes will be focusing on sites with pipistrelles.

Note: Where pre-dawn surveys are imperative for data gathering due to the locale or bat behaviour there is no minimum temperature specified, however, personal experience suggests that while bat activity in Scotland decreases it doesn't necessarily cease below 8 ^{o}C, and maybe be still valuable to 7^{o}C. There are cases where a few bats have been active to temperatures as low as 4 ^{o}C or even to 0 ^{o}C as I have witnessed. This does not mean key surveys should always be completed below 8^{o}C but rather that if additional data is required it may be considered as valuable to survey to provide such supporting information.

6.2.5. Surveys outwith May – September

Collins (2023) recognises that bats are active for much of the year and that surveys in April and October also serve their purpose: Spring surveys in April are less likely to detect maternity roosts but more likely to detect transient roosts or simply non-breeding roosts, whilst surveys in October may still detect maternity roosts with decent numbers of bats still present as well as transient roosts but autumn ones may also provide added value by identifying swarming / mating sites that would be

missed by survey suites completed only during summer. The national guidelines (2023) also state that surveys in April and October are acceptable but however, state that no emergence surveys should be done in October in Scotland. This is a highly debatable point and really does depend on geographic location, roost types, and bat usage of any site – October surveys in parts of eastern Scotland may be a waste of time but we have plenty of evidence of bat presence in known summer roosts still in October (observed during licenced demolition works) or still using the same buildings as for summer roosts but simply having switched roost location by October. We have some sites where roosts are abundant and surveys in October have provided essential information showing that roosts are mobile and variable, and that where swarming is not observed then these sites may be occupied by bats that will remain overwinter and so hibernation roosts may be indicated as likely by such later surveys – especially where structures are not safe to access or are inaccessible for actual hibernation survey and monitoring. Similarly, there have been very warm autumn periods in November in several recent years and bat activity has been relatively high during these warmer spells – again it is better to survey and have some proof of roost presence during October and even into November that can be used as supporting information to plan the developmental process and also plan further bat survey work programmes for the following year. Note: this accepts that at such times of year a nil roost find does not necessarily mean roosting bats are never present – so in summary a positive find in October/November is as valid as a positive find in April. The advantage this late work creates is the knowledge that a bat licence and roost compensation will be required and can therefore be planned for with some roost compensation put in place in advance to allow bats more time to find it, understanding that additional compensation may be required depending of the findings of other presence / absence survey work during the core bat survey season May - September in the next calendar year.

A negative presence / absence survey result in April or October - November must also be followed up by other survey work during the core bat survey season May – September but obviously could still result in no roosts found even at that time.

We would recommend and will use as a justification for October emergence survey work that while October emergence surveys may not be productive in certain areas in the east of the country including Mid- and East Lothian, where bat presence certainly during 2020 – 2022 noticeably decreased by the 20th September that based on our findings in West Lothian and western Central Scotland over a number of years is that are that many roosts are still occupied during October including some maternity roosts (while others are vacated late July or by mid-August) – again this being site and location dependent. This makes justification for the judgement of the individual senior bat worker to overrule the guidelines where it's proven that bat presence continues – i.e., it should be treated a guidance and not a hard and fast rule. This may assist in the finding of hibernation roosts on sites where bats may simply remain resident all year round in numbers, and would otherwise be missed.

Of paramount importance is the fact that the level of presence / absence survey effort recommended by Collins (2023) is no greater than that recommended in previous editions of the guidelines. One to three presence/absence surveys is still borderline for adequacy in decision making in developmental projects. An example is a well-respected senior bat researcher in England has stated that to adequately survey any tree for roosting bats in a woodland in Central England you would need a minimum of 60 surveys in any one month. In Scotland, NatureScot bat experts consider even five surveys of trees inadequate but accepted that a more intensive programme of survey just would not be completed by many developers due to cost and time implications where planning could be stalled for seven months or more awaiting completion of bat surveys.

As with previous editions of the guidelines these are not perfect but as stated are only guidelines and are subject to both interpretation and modification by experienced bat workers in order to obtain the best fit for any individual site and species involved. Particularly for development sites, the key aim is to prove presence or absence of ANY bat roost to avoid committing an offence by unknowingly destroying a bat roost, and is not just to look for key maternity roosts. The law include an offence of negligence and we have a duty to help clients ensure that they cannot be accused of this because of a

set of guidelines that are recited verbatim by office staff through the planning process. Faunal wildlife by its very nature is fluid not static, and so too should our approach be to assessment of it.

7. References/relevant reading

Collins, J. (ed.) 2016. Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn.) The Bat Conservation Trust, London. ISBN-13: 978-1-8727459-96-1

Collins, J. (ed.) 2023. Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th edn.) The Bat Conservation Trust, London. ISBN-13: 978-1-8727459-96-1

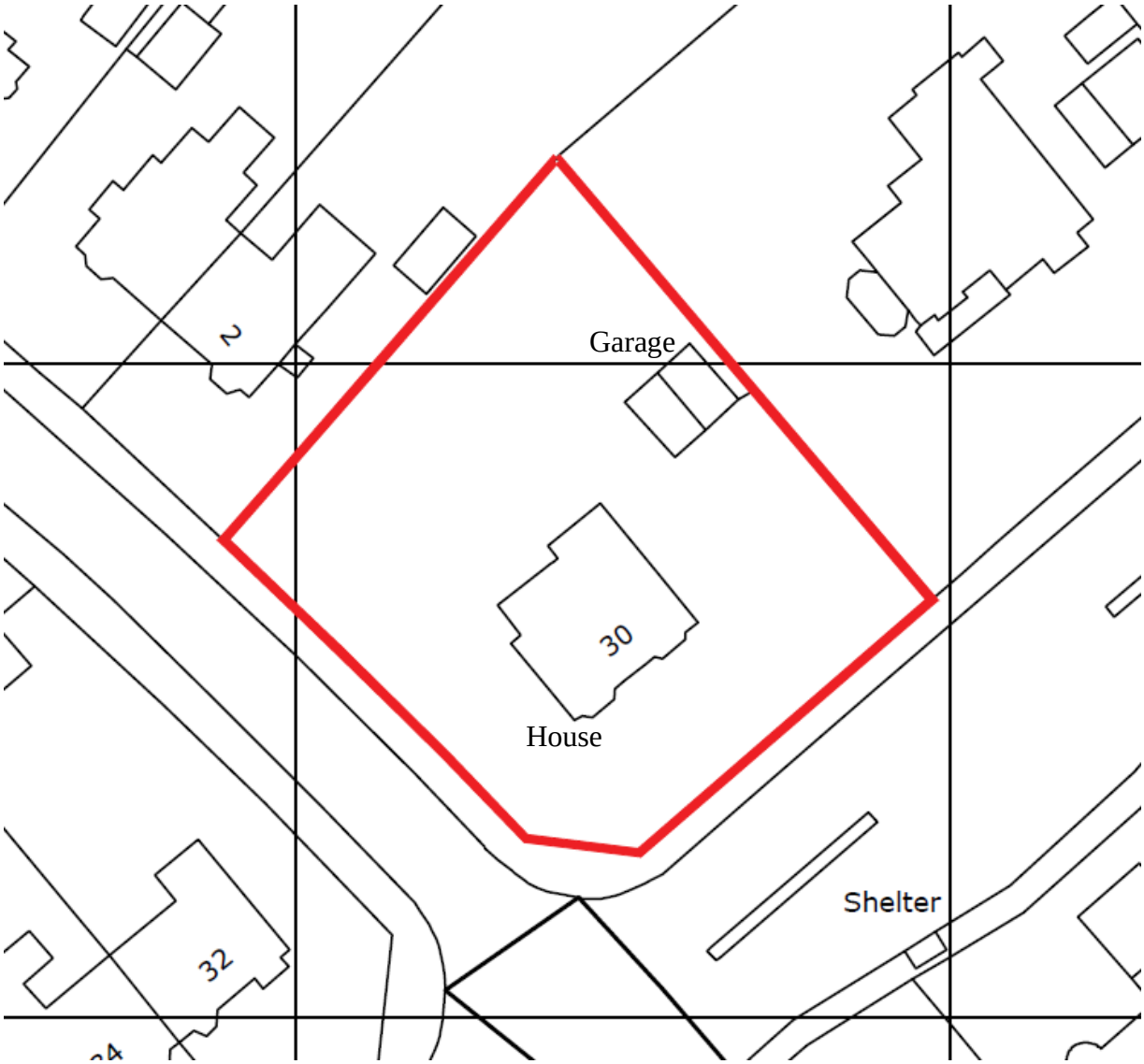
Mitchell-Jones, A.J., and A.P. McLeish. (Eds.) 2004. Bat Workers Manual 3rd Ed. JNCC

Stone, E.L. 2013. Bats and Lighting: Overview of current evidence and mitigation. Univ. Bristol 2014. *www.bats.org.uk/publications_download.php/.../Bats_and_Lighting_EStone_2014.pdf*

Wray, S., Wells, D., Long, E. and Mitchell-Jones, T. 2007. EcIA: Specific issues associated with bats with bats. Presentation at the Mammal Society/Zoological Society of London/IEEM Symposium on Advances in EcIA for Mammals.

Wray, S., Wells, D., Long, E. & Mitchell-Jones, T., 2010. Valuing Bats in Ecological Impact Assessment. In Practice, pp. 23-25.

Figure 1. Application Site location



Appendix 1. Plates

Plate 1. Frontage of dwellinghouse from east

Plate Rear of dwellinghouse from northwest

Plate 3. PRF – gaps where slates lost and under ridges on southwest gable

Plate 4. Dwellinghouse loft internals

Plate 5. Garage externals from southeast (frontage)

Plate 6. Garage from northwest (rear)

APPENDIX 2

OBJECTIONS/REPRESENTATIONS

Internal Memo

Our Ref: RM/BS
Your Ref: 2023/0310/TP
Date: 26/06/2023
From: Richard Mowat, Environmental Health
To: Development Management

PROPOSAL: Demolition of existing dwellinghouse and garage and erection of new detached dwelling.

LOCATION: 30 Ayr Road, Gifnock, East Renfrewshire G46 6RY

I have reviewed the plans for the above development and would comment as follows:

1. There shall be no construction or demolition work or offloading of delivered materials at the development site outwith the hours of 0800 to 1900 Monday to Friday and 0800 to 1300 on Saturday with no working on Sunday or local or national public holidays unless minor and temporary amendments have been otherwise agreed in advance in writing by the planning authority.

2. Any previously unsuspected contamination which becomes evident during the development of the site shall be brought to the attention of the Council as Planning Authority within one week or earlier of it being identified. A more detailed site investigation to determine the extent and nature of the contaminant(s) and a site-specific risk assessment of any associated pollutant linkages, shall then require to be submitted to and approved in writing by the Council as Planning Authority

3. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards

4. All waste arising from construction or demolition activities must be removed by a licensed waste carrier. There must be no burning on site, other than that permitted by Scottish Environmental Protection Agency by prior agreement; any such burning must not cause nuisance. Adequate precautions must be taken to prevent nuisance from dust from the demolition or construction activities.

I trust that this information is of use. If you wish to discuss any of the matters raised in this memo, please do not hesitate to contact me.

SENIOR ENVIRONMENTAL HEALTH OFFICER

Roads Service
OBSERVATIONS ON PLANNING APPLICATION

Our Ref: 2023/0310/TP
D.C Ref: Byron Sharp
Contact: Alan Telfer

Planning Application No: 2023/0310/TP **Dated:** 08/06/23 **Received:** 19/06/23
Applicant: Mr Rehan Tahir
Proposed Development: Demolition of existing dwellinghouse and garage and erection of new detached dwelling.
Location: 30 Ayr Road, Newton Mearns
Type of Consent: Full Planning Permission

RECOMMENDATION: No Objections

Proposals Acceptable Y/N or N/A

1. General

(a) General principle of development	**Y**
(b) Safety Audit Required	**N**
(c) Traffic Impact Analysis Required	**N**

2. Existing Roads

(a) Type of Connection (junction / footway crossing)	**N/A**
(b) Location(s) of Connection(s)	**Y**
(c) Pedestrian Provision	**N/A**
(d) Sightlines	**Y**

Proposals Acceptable Y/N or N/A

3. New Roads

(a) Widths	**N/A**
(b) Pedestrian Provision	**N/A**
(c) Layout (horizontal/vertical alignment)	**N/A**
(d) Turning Facilities (Circles / hammerhead)	**N/A**
(e) Junction Details (locations / radii / sightlines)	**N/A**
(f) Provision for P.U. services	**N/A**

Proposals Acceptable Y/N or N/A

4. Servicing & Car Parking

(a) Drainage	**N/A**
(b) Car Parking Provision	**Y**
(c) Layout of parking bays	**Y**
(d) Servicing Arrangements	**Y**

5. Signing

(a) Location	**N/A**
(b) Illumination	**N/A**

	COMMENTS
2(a)	It is noted that the existing vehicular access from Ayr Road is to be retained which is acceptable.
4(b & c)	The proposed dwellinghouse is to have 6 No. bedrooms therefore the parking requirement is 3 No. spaces. From drawing L(0-) 02, it can be seen that 3 No. parking spaces are to be provided and there is space to allow vehicles to turn and exit in a forward gear which is acceptable. Given the above, ERC Roads has no objections to offer. <u>Miscellaneous</u> Before construction takes place, the Applicants' contractor will be required to contact the Roads Service to discuss among other things, how disruption to public roads can be minimised, what temporary traffic management will be required and what remedial measures may be required on public roads adjacent to the application site. A Section 58 Road Occupation Permit will be required in order to deposit building materials on a road. A skip shall not be deposited on a road without the written permission of this Service. The adjacent public road must be kept clean at all times during construction as per section 95 of the

	Roads (Scotland) Act 1984.	134

Notes for Intimation to Applicant:

(i) Construction Consent (S21)*	Not Required
(ii) Road Bond (S17)*	Not Required
(iii) Road Opening Permit (S56)*	Not Required

* Relevant Section of the Roads (Scotland) Act 1984

Comments Authorised By: John Marley Date: 27/06/2023
Principle Traffic Officer

DELIVERED BY HAND 26/6/23

32 Ayr Road
Whitecraigs
Glasgow G46 6RZ

21 June 2023

Mr Byron Sharp
Planning Department
East Renfrewshire Council
2 Spiersbridge Way
Spiersbridge Business Park
Thornliebank
East Renfrewshire G46 8NG

Dear Sir

PLANNING APPLICATION NUMBER 2023/0310/TP - 30 AYR ROAD. G46 6RY

We wish to register our opposition to the above planning application "to demolish in a Conservation Area" , to which we strongly object.

The applicant's previous submission in 2022 "to demolish in a Conservation Area" was overwhelmingly rejected by the Council, and thereafter dismissed and refused on appeal by the Scottish Government Reporter Ailie Callan in her Appeal Decision Notice dated 4 July 2022. It was stated that "The Reporter's decision is final."

We ask that her submission and all of its contents be upheld to deny this latest application for demolition of 30 Ayr Road. Her decision on behalf of the Scottish Government was definitive. and should have precluded any further attempt at demolition approval.

Frankly, the whole issue is very tiresome - how many more applications can be made to demolish no. 30 Ayr Road,, with the threat hanging over immediate residents?

If the house has been neglected or allowed to deteriorate. that is another matter.

Going further back historically, a previous application in 2001 to demolish 30 Ayr Road and redevelop the site was eventually dismissed and planning permission denied. Consequently, the East Renfrewshire Local Plan adopted on 19 November 2003 included this part of Lower Whitecraigs in the Conservation Area, partly to stop property developers from demolishing perfectly good characterful houses.

Please ensure we are included in any further neighbour notifications about 30 Ayr Road, and please acknowledge this letter. Thank you.

Yours faithfully

Allan & Anne Clark

(We have tried unsuccessfully to post these comments online in the appropriate website which rejects my e-mail address. which has not changed).

Comments for Planning Application 2023/0310/TP

Application Summary

Application Number: 2023/0310/TP
Address: 30 Ayr Road Giffnock East Renfrewshire G46 6RY
Proposal: Demolition of existing dwellinghouse and garage and erection of new detached dwelling.
Case Officer: Mr Byron Sharp

Customer Details

Name: C Watt
Address: 1 Treemain Road, Giffnock, East Renfrewshire G46 7LE

Comment Details

Commenter Type: Rec'd NeighbourNotification from Council
Stance: Customer objects to the Planning Application
Comment Reasons:
Comment:I strongly object to this planning application as it is neither necessary nor desirable nor does it reflect the character and appearance of the surrounding conservation area. The existing property and garden, with a variety of mature trees, is an outstanding attribute to the area.

The previous application in 2022, by the same applicant, to the same end - demolition of the existing dwelling house and garage and erection of a new dwelling - was refused and the refusal was upheld at appeal. Unless the rules and regulations around Conservation Areas have changed I believe the appeal process response drew a very clear line under this and any future proposed development on this site.

In addition the emphasis that it is economically unviable to retain the existing property is difficult to comprehend. This issues listed must have been clearly evident on surveying the property and therefore any purchasers responsibility to satisfy themselves prior to any offer to purchase. Nonetheless, the property was inhabited by the previous family for many years and is currently inhabited by the new owner and his family and so I assume the building is perfectly safe.

It is stated that the proposed new residence, which is significantly larger than the existing dwelling, is in keeping with the scale of surrounding residences in the conservation area. The point is that the existing large residences are original builds to the best of my knowledge (with the exception of the the flats in the area) and not a new build atypical of homes of the period. Part of the charm and richness of said conservation area is partly due to the variety of original properties available.

In summary, I object to this application and believe the demolition of the existing property is not necessary nor desirable and the proposed replacement would significantly detracted from the character of the area.

From: EN Planning <Planning@eastrenfrewshire.gov.uk>
Sent: 28 Jun 2023 09:52:08
To: planningdms@eastrenfrewshire.gov.uk
Cc:
Subject: Fw: Planning Application 2023/0310/TP
Attachments:

From: david Kirkwood <david_j_kirkwood@hotmail.com>
Sent: 27 June 2023 17:13
To: EN Planning <Planning@eastrenfrewshire.gov.uk>
Subject: Planning Application 2023/0310/TP

Hi

I am sending this email because I have been unable to register.

We would wish to object to the planning application at 30 Ayr Road and hopefully this email is in time for raising such concerns.

1. The house is situated in a conservation area which was formed to protect houses from demolition

2. Approval of the plans will undoubtedly lead to other properties being demolished

3. The footprint of the plan is too large for the site

4. Disturbance to the neighbourhood and potential damage to the environment and existing roads

5. Treemain Road is a narrow road and there would be health and safety issues with access for lorries etc

Cheers
David

Sent from my iPhone

From: EN Planning <Planning@eastrenfrewshire.gov.uk>
Sent: 28 Jun 2023 10:06:58
To: planningdms@eastrenfrewshire.gov.uk
Cc:
Subject: Fw: Planning Application 2023/0310 / TP
Attachments:

From: Nicola Cranney <nicolacranney@gmail.com>
Sent: 27 June 2023 21:14
To: EN Planning <Planning@eastrenfrewshire.gov.uk>
Subject: Planning Application 2023/0310 / TP

To whom this may concern,

We have received notice of a planning application which has been submitted to ERC. Reference 2023/0310/TP.

I would like to highlight our concerns regarding this application,

The new house is too close to the mutual boundary in comparison to the existing house which is approximately 10m away. At the moment there is a single storey garage between the two houses which acts as a buffer which means we are not overlooked however we are concerned this will be an issue with the proposed house resulting in a loss of privacy. Our other concern is that given the height of the proposed house our extension, side garden and rear patio area will be overshadowed.

The proposed house is significantly disproportionate in size to the adjacent properties and not in keeping with the Arts & Crafts/period properties in the Conservation Area.

Kind Regards,
Nicola Cranney
28 Ayr Rd,
G46 6RY

2023/0310/TP

30 Ayr Road

Demolition of existing dwellinghouse and garage and erection of new detached dwelling.

OBJECTION COMMENT

Why was the house bought, if it was unsafe?

How many families are going to live in the house, under one council tax band?

Would a structural engineer not have picked the faults up on the property before sale? OR was it a cash deal?

The house as it stands, fits in with the character of the street, not the proposed replacement.

Yvonne McCallister (MRS)
36 Ayr Road,
Glasgow, G46 6RZ.

0141 620 1624.

APPENDIX 3

REPORT OF HANDLING

REPORT OF HANDLING

Reference: 2023/0310/TP | Date Registered: 6th June 2023

Application Type: Full Planning Permission | This application is a Local Development

Ward: 3 -Giffnock And Thornliebank

Co-ordinates: 255415/:657802

Applicant/Agent:	Applicant:	Agent:
	Mr Rehan Tahir 9 Montgomery Street The Village East Kilbride Scotland G74 4JS	DTA . 9 Montgomery Street The Village East Kilbride Scotland G74 4JS

Proposal: Demolition of existing dwellinghouse and garage and erection of new detached dwelling.

Location: 30 Ayr Road
Giffnock
East Renfrewshire
G46 6RY

CONSULTATIONS/COMMENTS:

East Renfrewshire Council Roads Service:	No objections.
East Renfrewshire Council Environmental Health Service:	No objections.

PUBLICITY:

16.06.2023	Evening Times	Expiry date 07.07.2023

SITE NOTICES:

Development within a Conservation Area	Date posted 16.06.2023	Expiry date 07.07.2023

SITE HISTORY:

2023/0309/CAC	Demolition of house and detached garages.	PCO	
2023/0245/TPO	Removal of conifer trees and smaller trees and silver birch tree lopped by 25%.	Granted	08.08.2023

2021/0898/CAC	Demolition of dwellinghouse in conservation area.	Refused	30.03.2022.
2001/0526/TP	Demolition of existing house and ancillary garden buildings and erection of a two storey block of flats (5 no) with associated parking and access	Refused	18.9.2001

REPRESENTATIONS: Six objections have been received and can be summarised as follows:

- Demolition not required/precedent.
- Character and appearance of the conservation area.
- Size, scale and layout.
- Proximity to boundary, overshadowing and loss of privacy.
- Disturbance from works.
- Health and Safety/site traffic.
- Site history.
- Council tax.
- Reason for purchase/property transaction.
- Number of applications.

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

SUPPORTING REPORTS:

- Planning Support Statement/Design and Access Statement: Provides a site brief, proposal description, site history, justification for the proposal and concludes that the proposal is in accordance with the Development Plan.
- Cost Analysis: Provides a cost estimate of demolition and reconstruction costs.
- Structural Inspection Report: Comments and reports on structural defects. Identifies issues with the roofs, floors, front right-hand bay window and stonework. Additional investigation required regarding vibration sensitivity.
- Preliminary Ecological Appraisal: The ecological appraisal provides an assessment of the ecology of the site (habitats, flora and protected species). Overall bat roosting potential is high for the existing dwelling and garage. Bat survey is required. Notes the presence of mature amenity trees and details tree protection measures. Notes that survey of breeding birds was undertaken outwith breeding season, birds may be a minor ecological constraint and recommends works be undertaken between October and February to avoid breeding season.
- Tree Survey: Surveys the condition of trees on-site.

ASSESSMENT:

The application site contains a two storey, three-bay inter war villa with white render and stone surrounds to openings. The roof is of a pitched design and finished with rosemary red roof tiles. The site is located in a prominent position on the corner of Ayr Road and Treemain Road, within the Lower Whitecraigs Conservation Area. Ayr Road is a main thoroughfare through the area.

Given its location on the corner of Ayr Road and Treemain Road, the site is considered to be in a prominent position within the conservation area. Furthermore, given its position, character and prominence, the building is considered to make a positive contribution to the character and appearance of the conservation area.

A previous application for Conservation Area Consent (2021/0898/CAC) was refused at the address on 30th March 2022. That application sought permission to demolish the unlisted building. The reasons for refusal were that it had not been demonstrated that retaining the building was economically unviable. Furthermore, a replacement scheme was not submitted with the application for Conservation Area Consent. As a result, it was not possible determine if the replacement scheme would have preserved and enhanced the special character of the conservation area. An appeal was subsequently submitted to the Scottish Government's Planning and Environmental Appeals Division (CAC-220-2). That appeal was dismissed by a Reporter on the 4th July 2022.

An application for Conservation Area Consent (2023/0309/CAC) has also been submitted in conjunction with this planning application. The application for Conservation Area Consent is associated with the proposed demolition of the unlisted building. That application has been refused as the proposal is contrary to the Development Plan.

The proposal is required to be assessed against the Development Plan which consists of the National Planning Framework (NPF4) and Local Development Plan (LDP2). Due to the scale and nature of the proposal, Policies 4, 6, 7 and 16 of the NPF4, and Policies D1, D1.2, D2, D6, D7 and D16 of the LDP2 are the most relevant.

National Planning Framework 4:

Policy 4 (Natural Places) generally requires that if there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. Development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests.

Policy 6 (Forestry, Woodland and Trees) states that development proposals that enhance, expand and improve woodland and tree cover will be supported.

Policy 7 (Historic Assets and Places) states that development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Furthermore, development proposals in conservation areas will ensure that existing natural and built features which contribute to the character of the conservation area and its setting are retained.

Policy 16 (Quality Homes) requires that householder proposals do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.

Local Development Plan 2:

Policies D1 (Placemaking and Design), D1.2 (Residential Sub-division and Replacement) and D2 (General Urban Areas) generally require that development should not result in a significant loss of character or amenity to the surrounding area. Policy D1 requires that the proposal should be appropriate to its location, be high quality and of a size, scale, height, massing, density and layout that is in keeping with the buildings in the locality or appropriate to the existing building and should respect local architecture, building form and design. Policy D1.2 requires that proposals reflect the scale, character and the established pattern of development in the area, be of a size and shape capable of accommodating a residential property and compatible with the locality, have sufficient land to provide garden ground that is of a scale and character compatible with the locality and respect existing building lines.

Policy D6 (Open Space Requirements in New Development) provides the minimum open space standards for new dwellings. The Supplementary Planning Guidance for this policy (Green Network Supplementary Planning Guidance) requires that detached properties must have gardens in proportion to their size. Private gardens will be expected to be 1½ times the ground floor area of the house or 100m^2, whichever is greater.

Policy D7 (Natural Environment Features) generally states that there will be a strong presumption against development on or adjacent to Natural Features where it would compromise their overall integrity, including Tree Preservation Orders sites. Furthermore, development affecting trees will only be permitted where any tree that makes a significant positive contribution to the setting, amenity and character of the area has been incorporated into the development.

Policy D16 (Conservation Areas) Development and demolition within a conservation area shall preserve or enhance its character and be consistent with any relevant conservation area appraisal prepared for the area. The design, materials, scale and siting of any development shall be appropriate to the character of the conservation area and its setting. Trees which are considered by the planning authority to contribute to character and appearance shall be retained.

Assessment of Proposal:

In terms of the existing building on site, the principal elevation measures 12m in width. The side walls of the original building measure 8m in width with a historic rear extension projecting an additional 2.8m from the original rear elevation. The footprint of the existing building is approximately 133m^2. One of the issues raised in application 2021/0898/CAC was that the ceiling in the attic of the existing building is lower than 2m above floor level.

The proposed principal elevation measures 23.7m wide. The side walls measure 17.2m in length. The proposal would have a footprint of 408m^2. Measurements of the proposed elevations show the apex of the roof to be 2.9m above floor level in the attic space at the rear of the building, rising to 3.8m above floor level at the front. The building is of a modern design and appearance. No bay windows would be included in the replacement scheme.

Assessment of the proposal confirms that it would be taller and significantly larger in width and length compared to the original building, measuring approximately three times the footprint of the existing building. The proposal would be significantly larger in size, scale and massing than the existing building and as a result would take up a significantly larger area of the site. It is noted that the footprint of the building would not exceed 50% of the rear curtilage however, it is considered that the bulk and massing of the development would constitute overdevelopment.

It is noted that the proposed two storey building is at the edge of the conservation area. Assessment has confirmed that the proposed two storey building would be larger than two storey dwellings on the opposite side of Ayr Road, where the two storey elements of dwellings outside the conservation area generally range from 15m to 17.5m in width. It is noted that some buildings have single storey extensions however, the two storey elements are of reduced width and length compared to the proposed dwelling. The proposal is therefore of a size, scale and massing that is not in keeping with the buildings in the locality. The proposal does not reflect the size, scale and character of the surrounding residences to the detriment of the character of the surrounding area.

The proposal is sited in a prominent position on a corner plot adjacent to Ayr Road. The proposal is of a size, scale and massing that is not in keeping with the character of the conservation area. The building is large and bulky with an unusual roof profile and incorporates some modern materials and finishes. Furthermore, the building lacks defining features more typically associated with traditional buildings or contemporary design. It is considered that the design, materials and scale of the proposal is not appropriate to the character of the conservation area and its setting. Furthermore, this application is submitted in conjunction with an application for demolition of the existing dwelling.

The replacement dwelling would not be of acceptable design, layout and materials within the conservation area and would not preserve or enhance the character of the conservation area.

The proposed north elevation of the proposal would measure 6.8m in height (to bottom of roof slope) and 17.2m in width, and would be positioned 3m from the side boundary. The proposal would result in a large two storey wall within close proximity to the side boundary. Given the height and massing near the boundary with 28 Ayr Road, it is considered that the proposal would result in a significant detrimental physical impact upon neighbouring property. It is therefore considered that the proposal would result in a significant detrimental impact upon amenity.

The ecological survey identified a number of potential roost features (PRFs) on the existing dwelling and garage, and concludes that the overall roost potential for bats on-site is high. Reasonable evidence has been presented to suggest that that protected species (bats) may be present/roosting on the site. Furthermore, it is considered that due to the PRFs being located on the buildings intended for demolition, the proposed development would affect protected species if present. In these circumstances, Policy 4 of the NPF4 requires that steps must be taken to establish the presence of protected species. A bat survey is therefore required but given the conflict with policy set out above, it has not been requested on this occasion.

A number of trees would be felled on-site resulting in a loss of tree cover. The proposed site plan shows nine trees to be felled near the frontage onto Ayr Road. Of the nine trees to be felled, four are category “B” and five are category “C”. It is considered that by virtue of their prominence and contribution to local character, the affected mature trees on-site collectively make a significant positive contribution to the character and amenity of the surrounding area.

While it is noted that there may be some overshadowing, the proposal would not result in a significant detrimental level of overshadowing neighbouring property. The proposal raises no concerns regarding loss of daylight and overlooking could be controlled through an appropriate planning condition however, these matters do not outweigh the detrimental impacts upon amenity set out above. The proposal would meet the open space requirements for new dwellings. It is also noted that a driveway is proposed however, no information was provided regarding the materials for the proposed driveway nor were site levels provided however, given the above assessment, that information was not requested on this occasion.

East Renfrewshire Council’s Roads Service was consulted on this application and raised no objections but did provide advice regarding procedural matters that affect the public road network. East Renfrewshire Council’s Environmental Health Service was consulted and raised no objections but advised the construction, demolition and delivery hours be restricted and identified the site as being within a coal mining area. Advice was also provided on procedural matters relating to land contamination and waste.

The design and access statement submitted with this report makes a justification for the proposal and concludes that the proposal is in accordance with the Development Plan. Given the assessment above, it is considered that the proposal is contrary to the Development Plan.

Six objections were received for this application. The matters not already assessed are now considered. There are no restrictions on the number of planning applications that can be submitted to the Planning Service. The site history was raised. Each application is assessed on a site by site basis and with consideration to planning policies and the relevant material considerations at the time of submission. Matters relating to the purchase of the property and taxation are not material planning considerations. Matters relating to the traffic and the public road network and road safety are considered by the Roads Service. Disturbance from works could be controlled through an appropriate planning condition.

In conclusion, the proposal is contrary to Policies 4, 6, 7 and 16 of the NPF4 and Policies D1, D1.2, D2, D7 and D16 of the adopted East Renfrewshire Local Development Plan 2. There are no material considerations that indicate the application should not be refused.

RECOMMENDATION: Refuse

REASONS FOR REFUSAL:

1. The development is not of a size, scale and character that is in keeping with surrounding residences and would be detrimental to the character and amenity of the surrounding area. Furthermore, the proposal is not appropriate to the character of the conservation area and its setting and would not preserve or enhance the character of the conservation area. The proposal is therefore contrary to Policies 7 and 16 of the NPF4 and Policies D1, D1.2, D2 and D16 of the LDP2.
2. The proposal would result in the loss of trees/tree cover that makes a significant positive contribution to the character and amenity of the surrounding area. The proposal is therefore contrary to Policy 6 of the NPF4 and Policy 7 of the LDP2.
3. Steps have not been taken to establish the presence of bats on-site and it has not been demonstrated that protected species would not be adversely affected by the proposal. The proposal is therefore contrary to Policy 4 of the NPF4.

ADDED VALUE: None.

BACKGROUND PAPERS:

Further information on background papers can be obtained from Mr Byron Sharp at byron.sharp@eastrenfrewshire.gov.uk.

Ref. No.: 2023/0310/TP
(BYSH)

DATE: 20th October 2023

DIRECTOR OF ENVIRONMENT

Reference: 2023/0310/TP - Appendix 1

DEVELOPMENT PLAN:

National Planning Framework 4

Policy 4: Natural Places

a) Development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported.

b) Development proposals that are likely to have a significant effect on an existing or proposed European site (Special Area of Conservation or Special Protection Areas) and are not directly connected with or necessary to their conservation management are required to be subject to an “appropriate assessment” of the implications for the conservation objectives.

c) Development proposals that will affect a National Park, National Scenic Area, Site of Special Scientific Interest or a National Nature Reserve will only be supported where:

   i. The objectives of designation and the overall integrity of the areas will not be compromised; or
   ii. Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

   All Ramsar sites are also European sites and/ or Sites of Special Scientific Interest and are extended protection under the relevant statutory regimes.

d) Development proposals that affect a site designated as a local nature conservation site or landscape area in the LDP will only be supported where:

   i. Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or
   ii. Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.

e) The precautionary principle will be applied in accordance with relevant legislation and Scottish Government guidance.

f) Development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application.

g) Development proposals in areas identified as wild land in the Nature Scot Wild Land Areas map will only be supported where the proposal:

   i. will support meeting renewable energy targets; or,
   ii. is for small scale development directly linked to a rural business or croft, or is required to support a fragile community in a rural area.

   All such proposals must be accompanied by a wild land impact assessment which sets out how design, siting, or other mitigation measures have been and will be used to minimise significant impacts on the qualities of the wild land, as well as any management and monitoring arrangements where appropriate. Buffer zones around wild land will not be applied, and effects of development outwith wild land areas will not be a significant consideration.

Policy 6: Forestry, Woodland and Trees

a) Development proposals that enhance, expand and improve woodland and tree cover will be supported.

b) Development proposals will not be supported where they will result in:

i. Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition;
ii. Adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy;
iii. Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy;
iv. Conflict with Restocking Direction, Remedial Notice or Registered Notice to Comply issued by Scottish Forestry.

c) Development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal. Where woodland is removed, compensatory planting will most likely be expected to be delivered.

d) Development proposals on sites which include an area of existing woodland or land identified in the Forestry and Woodland Strategy as being suitable for woodland creation will only be supported where the enhancement and improvement of woodlands and the planting of new trees on the site (in accordance with the Forestry and Woodland Strategy) are integrated into the design.

Policy 7: Historic Assets and Places

a) Development proposals with a potentially significant impact on historic assets or places will be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. The assessment should identify the likely visual or physical impact of any proposals for change, including cumulative effects and provide a sound basis for managing the impacts of change. Proposals should also be informed by national policy and guidance on managing change in the historic environment, and information held within Historic Environment Records.

b) Development proposals for the demolition of listed buildings will not be supported unless it has been demonstrated that there are exceptional circumstances and that all reasonable efforts have been made to retain, reuse and/or adapt the listed building. Considerations include whether the:

i. building is no longer of special interest;
ii. building is incapable of physical repair and re-use as verified through a detailed structural condition survey report;
iii. repair of the building is not economically viable and there has been adequate marketing for existing and/or new uses at a price reflecting its location and condition for a reasonable period to attract interest from potential restoring purchasers; or
iv. demolition of the building is essential to delivering significant benefits to economic growth or the wider community.

c) Development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting. Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest.

d) Development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Relevant considerations include the:

    i. architectural and historic character of the area;
    ii. existing density, built form and layout; and iii. context and siting, quality of design and suitable materials.

e) Development proposals in conservation areas will ensure that existing natural and built features which contribute to the character of the conservation area and its setting, including structures, boundary walls, railings, trees and hedges, are retained.

f) Demolition of buildings in a conservation area which make a positive contribution to its character will only be supported where it has been demonstrated that:

    i. reasonable efforts have been made to retain, repair and reuse the building;
    ii. the building is of little townscape value;
    iii. the structural condition of the building prevents its retention at a reasonable cost; or
    iv. the form or location of the building makes its reuse extremely difficult.

g) Where demolition within a conservation area is to be followed by redevelopment, consent to demolish will only be supported when an acceptable design, layout and materials are being used for the replacement development.

h) Development proposals affecting scheduled monuments will only be supported where:

    i. direct impacts on the scheduled monument are avoided;
    ii. significant adverse impacts on the integrity of the setting of a scheduled monument are avoided; or
    iii. exceptional circumstances have been demonstrated to justify the impact on a scheduled monument and its setting and impacts on the monument or its setting have been minimised.

i) Development proposals affecting nationally important Gardens and Designed Landscapes will be supported where they protect, preserve or enhance their cultural significance, character and integrity and where proposals will not significantly impact on important views to, from and within the site, or its setting.

j) Development proposals affecting nationally important Historic Battlefields will only be supported where they protect and, where appropriate, enhance their cultural significance, key landscape characteristics, physical remains and special qualities.

k) Development proposals at the coast edge or that extend offshore will only be supported where proposals do not significantly hinder the preservation objectives of Historic Marine Protected Areas.

l) Development proposals affecting a World Heritage Site or its setting will only be supported where their Outstanding Universal Value is protected and preserved.

m) Development proposals which sensitively repair, enhance and bring historic buildings, as identified as being at risk locally or on the national Buildings at Risk Register, back into beneficial use will be supported.

n) Enabling development for historic environment assets or places that would otherwise be unacceptable in planning terms, will only be supported when it has been demonstrated that the enabling development proposed is:

    i. essential to secure the future of an historic environment asset or place which is at risk of serious deterioration or loss; and
    ii. the minimum necessary to secure the restoration, adaptation and long-term future of the historic environment asset or place. The beneficial outcomes for the historic environment asset or place should be secured early in the phasing of the development, and will be ensured through the use of conditions and/or legal agreements.

o) Non-designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible. Where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impacts. Historic buildings may also have archaeological significance which is not understood and may require assessment.

    Where impacts cannot be avoided they should be minimised. Where it has been demonstrated that avoidance or retention is not possible, excavation, recording, analysis, archiving, publication and activities to provide public benefit may be required through the use of conditions or legal/planning obligations.

    When new archaeological discoveries are made during the course of development works, they must be reported to the planning authority to enable agreement on appropriate inspection, recording and mitigation measures.

Policy 16: Quality Homes

a) Development proposals for new homes on land allocated for housing in LDPs will be supported.

b) Development proposals that include 50 or more homes, and smaller developments if required by local policy or guidance, should be accompanied by a Statement of Community Benefit. The statement will explain the contribution of the proposed development to:

i. meeting local housing requirements, including affordable homes;
ii. providing or enhancing local infrastructure, facilities and services; and
iii. improving the residential amenity of the surrounding area.

c) Development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported. This could include:

i. self-provided homes;
ii. accessible, adaptable and wheelchair accessible homes;
iii. build to rent;
iv. affordable homes;
v. a range of size of homes such as those for larger families;
vi. homes for older people, including supported accommodation, care homes and sheltered housing;
vii. homes for people undertaking further and higher education; and
viii. homes for other specialist groups such as service personnel.

d) Development proposals for public or private, permanent or temporary, Gypsy/Travellers sites and family yards and Travelling Showpeople yards, including on land not specifically allocated for this use in the LDP, should be supported where a need is identified and the proposal is otherwise consistent with the plan spatial strategy and other relevant policies, including human rights and equality.

e) Development proposals for new homes will be supported where they make provision for affordable homes to meet an identified need. Proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes, unless the LDP sets out locations or circumstances where:

i. a higher contribution is justified by evidence of need, or
ii. a lower contribution is justified, for example, by evidence of impact on viability, where proposals are small in scale, or to incentivise particular types of homes that are needed to diversify the supply, such as self-build or wheelchair accessible homes. The contribution is to be provided in accordance with local policy or guidance.

f) Development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where:

i. the proposal is supported by an agreed timescale for build-out; and
ii. the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods;
iii. and either:
    - delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained; or

- the proposal is consistent with policy on rural homes; or
- the proposal is for smaller scale opportunities within an existing settlement boundary; or
- the proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan.

g) Householder development proposals will be supported where they:

i. do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and
ii. do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.

h) Householder development proposals that provide adaptations in response to risks from a changing climate, or relating to people with health conditions that lead to particular accommodation needs will be supported.

East Renfrewshire Local Development Plan 2

Policy D1: Placemaking and Design

Proposals for development within the urban and rural areas should be well designed, sympathetic to the local area and demonstrate that the following criteria have been considered, and, where appropriate, met. Proposals will be assessed against the 6 qualities of a successful place as outlined in SPP, Designing Streets and the Placemaking and Design Supplementary Guidance.

1. The development should not result in a significant loss of character or amenity to the surrounding area;

2. The proposal should be appropriate to its location, be high quality and of a size, scale, height, massing and density that is in keeping with the buildings in the locality or appropriate to the existing building and should respect local architecture, building form and design;

3. Respect existing building lines and heights of the locality;

4. Create a well-defined structure of streets, public spaces and buildings;

5. Ensure the use of high quality sustainable and durable materials, colours and finishes that complement existing development and buildings in the locality;

6. Respond to and complement site topography and not impact adversely upon the green belt and landscape character, green networks, features of historic interest, landmarks, vistas,skylines and key gateways. Existing buildings and natural features of suitable quality, should be retained and sensitively integrated into proposals including greenspace, trees and hedgerows;

7. Boundary treatment and landscaping should create a distinctive edge and gateway to the development and reflect local character;

8. Promote permeable and legible places through a clear sustainable movement hierarchy favouring walking, then cycling, public transport, then the private car as forms of movement;

9. Demonstrate connectivity through the site and to surrounding spaces via a network of safe, direct, attractive and coherent walking and cycling routes. These must be suitable for all age groups, and levels of agility and mobility to allow for ease of movement from place to place;

10. Demonstrate that safe and functional pedestrian, cycle and vehicular access, and parking facilities and infrastructure, including for disabled and visitor parking, is provided in accordance with the Council's Roads Development Guide. Where appropriate, proposals will be required to provide secure and accessible shelters, lockers, showers and seating and be designed to meet the needs of all users. Cycle parking and facilities should be located in close proximity to the entrances of all buildings to provide convenience and choice for users;

11. Incorporate integrated and enhance existing green infrastructure assets, such as landscaping,trees and greenspace, water management and SUDs including access and prioritise links to the wider green network as an integral part of the design process from the outset, in accordance with Policies D4 - D6. New green infrastructure must be designed to protect and enhance the habitat and biodiversity of the area and demonstrate a net gain;

12. There will be a general presumption against all proposals that involve landraising. Where there is a justifiable reason for landraising, proposals must have regard to the scale and visual impact of the resultant changes to the local landscape and amenity. Proposals that adversely impact upon the visual and physical connections through the site and to the surrounding areas will be resisted;

13. Backland development should be avoided;

14. Provide safe, secure and welcoming places with buildings and spaces, including open spaces, play areas and landscaping, designed and positioned to reduce the scope for anti-social behaviour and fear of crime, improve natural surveillance, passive overlooking, security and street activity;

15. The amenity of residents, occupants and users of neighbouring existing and new buildings and spaces should not be adversely affected by unreasonably restricting their sunlight or privacy. Additional guidance on this issue is available in the Daylight and Sunlight Design Guide Supplementary Guidance;

16. Development should minimise the extent of light pollution caused by street and communal lighting and any floodlighting associated with the proposal;

17. The amenity of residents, occupants and users of neighbouring existing and new buildings and spaces should not be adversely affected by noise, dust, pollution and smell or poor air quality;
18. Ensure buildings and spaces are future proof designed to be easily adaptable and flexible to respond to changing social, environmental, technological, digital and economic conditions;

19. Incorporate provision for the recycling, storage, collection and composting of waste materials; and

20. Incorporate the use of sustainable design and construction methods and materials in the layout and design to support a low carbon economy.

Proposals must meet the requirements of any development brief prepared by the Council for an allocated site.

Further detailed guidance and information will be set out in the Placemaking and Design Supplementary Guidance, Householder Design Supplementary Guidance and the Daylight and Sunlight Design Supplementary Guidance.

Policy D1.2: Residential Sub-division and Replacement

Proposals will be assessed against the following criteria:

1. Reflect the scale and character of the surrounding residences and the established pattern of development in the area;

2. Should be of a size and shape capable of accommodating a residential property and compatible with the locality;

3. There should be sufficient land to provide garden ground that is of a scale and character compatible with the locality for the proposed and donor properties;

4. Provide safe vehicular access and parking for the proposed and donor properties;

5. Not adversely impact upon the setting of the donor property; and

6. Respect existing building lines.

Policy D2: General Urban Areas

Development will be supported within the general urban areas, shown on the Proposals Map. Proposals will be required to demonstrate that the proposed development is appropriate in terms of its location and scale and will not result in a significant loss of character or amenity to the surrounding area. Proposals must also comply with appropriate policies of the Proposed Plan.

Policy D6: Open Space Requirements in New Development

Proposals will be required to incorporate multi-functional, integrated and accessible on-site green networks and green infrastructure, including open space provision, wildlife habitats and landscaping.

Proposals will be required to meet the following criteria:

1. Demonstrate that the provision and distribution of open space and green infrastructure has been integrated into the design approach from the outset and has been informed by the context and characteristics of the site using key natural and physical features. Proposals should be designed to accommodate users of all age groups, and levels of agility and mobility;

2. Provide a network and hierarchy of open space to create a structured and legible framework for development, which clearly distinguishes public space, semi-public space and private space using appropriate boundary treatments. Design and layout of proposals should encourage species dispersal through improving connectivity and the availability of habitats. New planting must promote and enhance the biodiversity of the area;

3. Complement, extend and connect existing open spaces and provide links to the wider green network;

4. Make provision for the long-term management and maintenance of open space. Details of maintenance requirements and arrangements must be set out, including who is responsible for these requirements;

5. Integrate Sustainable Urban Drainage Systems (SUDs) features with open space and active travel networks as part of a multifunctional approach to landscape design. SUDs may form part of open spaces subject to their design, provided they are accessible and contribute to the amenity value of the wider open space; and

6. Meet the minimum open space requirements set out in Schedule 4.

Policy D7: Natural Environment Features

The Council will protect and enhance the natural environment features set out in Schedule 5, and shown on the Proposals Map, and seek to increase the quantity and quality of the areas biodiversity.

1. There will be a strong presumption against development on or adjacent to Natural Features where it would compromise their overall integrity, including Local Biodiversity Sites, Local Nature Reserves, Tree Preservation Orders and ancient and long established woodland sites. Adverse effects on species and habitats should be avoided with mitigation measures provided.

2. Development that affects a Site of Special Scientific Interest (SSSIs) will only be permitted where:

    a. The objectives of designation and the overall integrity of the area will not be compromised; and
    b. Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental, community or economic benefits of national importance to the satisfaction of Scottish Ministers and measures are provided to mitigate harmful impacts.

3. Development affecting trees, groups of trees or areas of woodland will only be permitted where:

a. Any tree, group of trees or woodland that makes a significant positive contribution to the setting, amenity and character of the area has been incorporated into the development through design and layout; or
b. In the case of woodland:
    i. its loss is essential to facilitate development that would achieve significant and clearly defined additional public benefits, in line with the Scottish Government's Policy on Control of Woodland Removal; or
    ii. in the case of individual trees or groups of trees, their loss is essential to facilitate development and is clearly outweighed by social, environmental, community or economic benefits.

Where woodland is removed in association with development, developers will be required to provide compensatory planting which enhances the biodiversity of the area and demonstrates a net gain. The loss of Ancient Woodland will not be supported.

4. Where there is likely to be an adverse impact on natural features or biodiversity an ecological appraisal will be required.

Further detailed guidance and information is set out in the Green Network Supplementary Guidance.

Policy D16: Conservation Areas

Development and demolition within a conservation area as listed in Schedule 10 or affecting its setting shall preserve or enhance its character and be consistent with any relevant conservation area appraisal or management plan that may have been prepared for the area.

The design, materials, scale and siting of any development shall be appropriate to the character of the conservation area and its setting. Trees which are considered by the planning authority to contribute to character and appearance shall be retained.

When considering the demolition of any unlisted building, within a conservation area, no building should be demolished unless it can be clearly demonstrated that:

- The building is of little townscape value and does not contribute to the character of the conservation area; or
- The repair of the building is not economically viable; or
- The form or location of the building makes its re-use extremely difficult; and
- The replacement scheme will preserve and enhance the special character of the conservation area.

A detailed planning application for the replacement scheme would require to be submitted. Demolition shall not begin until evidence is given of contracts let for an approved replacement development.

APPENDIX 4

DECISION NOTICE

EAST RENFREWSHIRE COUNCIL

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
(AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(SCOTLAND) REGULATIONS 2013

REFUSAL OF PLANNING PERMISSION

Ref. No. **2023/0310/TP**

Applicant:
Mr Rehan Tahir
9 Montgomery Street
The Village
East Kilbride
Scotland
G74 4JS

Agent:
DTA .
9 Montgomery Street
The Village
East Kilbride
Scotland
G74 4JS

With reference to your application which was registered on 6th June 2023 for planning permission under the abovementioned Act and Regulations for the following development, viz:-

Demolition of existing dwellinghouse and garage and erection of new detached dwelling.

at: 30 Ayr Road Giffnock East Renfrewshire G46 6RY

the Council in exercise of their powers under the abovementioned Act and Regulations hereby refuse planning permission for the said development.

The reason(s) for the Council's decision are:-

1. The development is not of a size, scale and character that is in keeping with surrounding residences and would be detrimental to the character and amenity of the surrounding area. The proposal is not appropriate to the character of the conservation area and its setting and would not preserve or enhance the character of the conservation area. The proposal is therefore contrary to Policies 7 and 16 of the NPF4 and Policies D1, D1.2, D2 and D16 of the LDP2.

2. The proposal would result in the loss of trees/tree cover that makes a significant positive contribution to the character and amenity of the surrounding area. The proposal is therefore contrary to Policy 6 of the NPF4 and Policy 7 of the LDP2.

3. Steps have not been taken to establish the presence of bats on-site and it has not been demonstrated that protected species would not be adversely affected by the proposal. The proposal is therefore contrary to Policy 4 of the NPF4.

Dated 27th October 2023

Gillian McCarney

Head of Environment
(Chief Planner)
East Renfrewshire Council
2 Spiersbridge Way,
Spiersbridge Business Park,
Thornliebank,
G46 8NG
Tel. No. 0141 577 3001

The following drawings/plans have been refused

Plan Description	Drawing Number	Drawing Version	Date on Plan
Block Plan Proposed	L(0-) 02	Rev:G	
Location Plan	L(0-) 00	Rev:A	
Proposed floor plans	L(2-) 01	Rev:G	

GUIDANCE NOTE FOR REFUSAL OF LOCAL DEVELOPMENTS DETERMINED UNDER DELEGATED POWERS

REVIEW BY EAST RENFREWSHIRE COUNCIL'S LOCAL REVIEW BODY

1. If the applicant is aggrieved by a decision to refuse permission (or by an approval subject to conditions), 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. A Notice of Review can be submitted online at www.eplanning.scotland.gov.uk. Please note that beyond the content of the appeal or review forms, **you cannot normally raise new matters** in support of an appeal or review, unless you can demonstrate that the matter could not have been raised before, or that its not being raised before is a consequence of exceptional circumstances. Following submission of the notice, you will receive an acknowledgement letter informing you of the date of the Local Review Body meeting or whether further information is required.

2. 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.

CONTACT DETAILS

East Renfrewshire Council
Development Management Service
2 Spiersbridge Way,
Spiersbridge Business Park,
Thornliebank,
G46 8NG

General Inquiry lines 0141 577 3001
Email planning@eastrenfrewshire.gov.uk

APPENDIX 5

NOTICE OF REVIEW

2 Spiersbridge Way Thornliebank G46 8NG Tel: 0141 577 3001 Email: planning@eastrenfrewshire.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 100629443-005

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:	DTA		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	DTA	Building Name:	
Last Name: *	.	Building Number:	9
Telephone Number: *	01355260909	Address 1 (Street): *	Montgomery Street
Extension Number:		Address 2:	The Village
Mobile Number:		Town/City: *	East Kilbride
Fax Number:		Country: *	Scotland
		Postcode: *	G74 4JS
Email Address: *	katie.macmillan@dta.scot		

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

☒ Individual ☐ 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: *	Rehan	Building Number:	9
Last Name: *	Tahir	Address 1 (Street): *	Montgomery Street
Company/Organisation		Address 2:	The Village
Telephone Number: *		Town/City: *	East Kilbride
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	G74 4JS
Fax Number:			
Email Address: *	katie.macmillan@dta.scot		

Site Address Details

Planning Authority:	East Renfrewshire Council

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

Address 1:	30 AYR ROAD
Address 2:	GIFFNOCK
Address 3:	
Address 4:	
Address 5:	
Town/City/Settlement:	GLASGOW
Post Code:	G46 6RY

Please identify/describe the location of the site or sites

Northing	657802	Easting	255415

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)

Demolition of existing dwellinghouse and garage and erection of new detached dwelling

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 a 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 attached supporting 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)

We attach a Bat Roosting Potential Survey which wasn't requested during the application process but was noted as a reason for refusal in the decision notice. We would note that no bats were found to be present by the ecologist Dr Paul Baker of Baker Ecology.

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)

1. Supporting Statement 2. Bat Roosting Potential Survey

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application. 2023/0310/TP

What date was the application submitted to the planning authority? * 22/05/2023

What date was the decision issued by the planning authority? * 30/10/2023

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

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

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: . DTA .

Declaration Date: 13/12/2023

30 Ayr Rd. Planning Appeal

The beneath is the nub of the proposal for why the house and garage should be demolished and replaced with a single new house. Two pictures showing the front and rear of the house are beneath.

The tree in the foreground in the upper left picture has collapsed the nearby garden wall, caused an upswelling in the path, damaged the steps and damaged the foundations of the house on the front and right walls. A similar large tree can be seen on the far side of the same picture that is much closer to the house, which has damaged the other side wall.

They have caused an undermining of both external walls on the sides of the house. The first request to demolish the house was 21 years ago. These two trees had been left in situ since and the damage they have wrought has continued to exacerbate the issues that fuelled the request for the house to be pulled down all these years ago.

The damage to the fabric of the building has been considerable. The front of the house is testament to that damage. Even a relatively quick glance will evidence that. The window lintels on both lower front bay windows are cracked through. Both front bay windows have thick solid stone surrounds, which is a design feature associated with the property and why the façade was requested to be retained by the Planning Department. They lintels are thick and solid. They are also cracked. The most obvious and concerning cracks are in the bottom lintels on the windows on both sides. They are cracked in the middle all the way through and that crack proceeds up the vertical middle lintel / stone on both sides of the house. The cracks go all the way from the base of the window down through the wall all the way to the foundations and have been covered up with replacement render and paint prior to the houses purchase by the present owner. Pictures of the bay windows are overleaf to demonstrate an obviously visible manifestation of the extent of the structural damage.

The stresses required to fracture both stone bottom window lintels, the walls beneath those lintels and the vertical stone pillars from their bases upwards have clearly been very considerable. The lintels are solid stone and 15cm / 6 inches thick. It is hoped that the Councillors on the Local Review Body will inspect both front lower bay windows and visually assess the damage for themselves. Those lintels are not the only damaged ones.

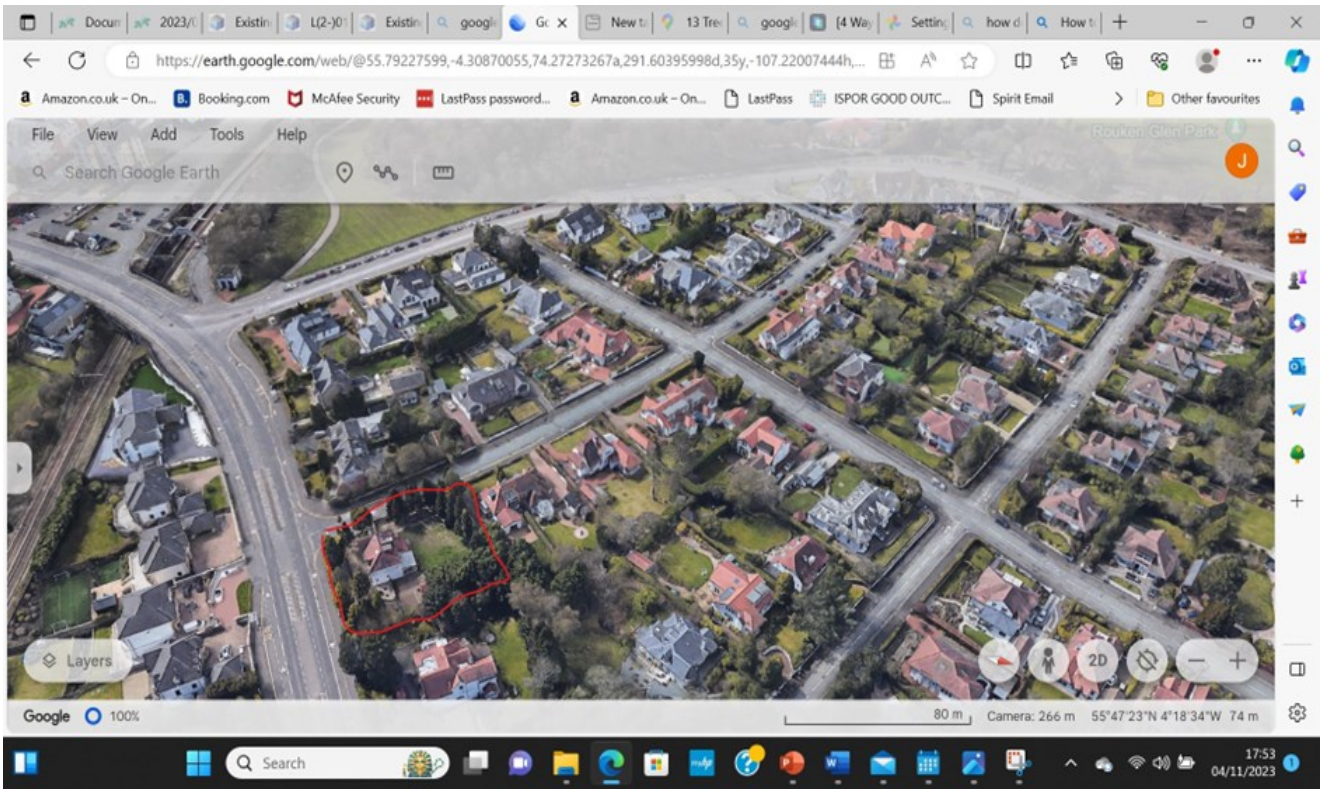
The house could not have realised a mortgage and was sold at a reduced price because of this. However, Mr Tahir (the owner) had not anticipated that the house was as bad as it is. He recarpeted the house and put in two new bathrooms and a new kitchen with a view to living there until he could achieve his goal of a replacement house. However, he has had to move out, and pull out the new kitchen because the house is unsafe to live in. Subsidence at the rear of the house caused kitchen pipes to break and it flooded. There were concerns raised over the wiring, as some of the connections had moved as the kitchen floor sunk and kitchen units and electrical fittings with it. This movement meant there was a danger to life for householders. Mr Tahir had the power and water supply cut to the kitchen and his new kitchen removed. It should also be noted that the main foul water sewer pipes have also fractured because of the subsidence.

Beneath are pictures of the two bay windows with the bottom lintels cracked in the middle and with the upright pillars between the two panes cracked through the base. While standing at the front of the house it is also worth the Councillors looking up to see the cracked window panes upstairs. These windows had been replaced, but cracked again. The subsidence has some obvious visual manifestations.

The damage was not confined to the front of the house. As described the sinking kitchen is at the back of the house. The rear door, situated on the Treemain side of the house, when closed shakes the whole house and it could be understood should the Councillors not wish to go upstairs to further inspect the house. Upstairs the bedroom drawers slide out of their own accord, windowpanes have cracked under the pressure of the subsidence related to the damaged foundations and it is apparent to anyone who enters the upstairs bedrooms that the floors are not horizontal. Councillors on the Local Review Body on their site visit will be able to confirm these observations. The house also shakes when any large vehicle passes by on the Ayr Rd.

The Site / House / design environment

Almost every building (two buildings are semi-detached dwelling houses) on Treemain has a larger footprint than the current house and proposed replacement, mostly through extensions in the conservation area that mass almost as much as the original houses. Many extensions in this conservation area are not sympathetic to the original buildings. The image beneath shows the footprint of the buildings in the neighbourhood of the 30 Ayr Rd plot (highlighted in red).



Economic case

In summary Mr Tahir paid £700,000 for the house and plot. To retain the façade and rebuild the rest of the house, as requested by the Planning Department, would cost a further £874,000 plus VAT at 20%. VAT is not payable on a new house. These estimates are taken from the work conducted by Balfour and BCC, both reputable firms and experts in their fields. The cost of the rebuild would be £1.048Million and cost of the whole project would be approximately £1.75 million. The higher bids received by the vendor and subsequently discarded because they required loans on a house that was unfit for a mortgage were reputed to be around £850,000. The approximate market value of the house (in mortgageable condition) and plot is likely around £850,000. Mr Tahir would have to take a loss of around £700,000. This is not a financially viable loss and the house would remain empty and unlived in. This cannot be in anyone's best interests. Mr Tahir recognises that he will still not make money on this project, but he wants to live in the house with his family not sell it; i.e. he will pay more for the proposed new house and plot than it is worth, but he would get a house that was fit for his purposes and designed to his preferences while also being consistent with the design themes of the conservation area.

Design themes in the Conservation area

It can be seen in the DTA statement that there are various types of properties within the conservation area. There are scores of flatted properties in three distinct developments. The newest development of flats in the conservation area is constructed of brick, steel and glass, pictured beneath. There are Cape Dutch and Marbella style villas, as well as bungalows, large villas, semi-detached and detached houses built from stone, stone and render, stone and timber, brick and render, brick and timber, brick and stucco and brick.

Left is the newest approved development in the conservation area. Above a stucco villa and Cape Dutch house that are opposite each other on the corner of Treemain / Davieland Road. Beneath a rear extension on a bungalow on Ayr Road that masses almost as much as the rest of the house.

A clear design theme as proposed that is consistent with and sympathetic to the existing house would be preferable to a house with an extension like the one to the right and the extensions and dormers on the existing house.

If there are any predominant design features associated with the conservation area, it may be brick and render or stone and render. The current proposed replacement takes into account the design heritage of the house proposed for demolition and the broader diverse feel of the houses in the conservation area while bringing the house up to modern standards of living and contemporary requirements and replaces a house no longer safe for human habitation.

Mr Tahir proposes that the Treemain Road side of the new building will be at the same distance from the boundary as is current. The front will be drawn further back from the Ayr Rd and the right hand side will be 3 meters from the boundary with 28 Ayr Rd and less close than the large double-garage which is also proposed for demolition. The height of the building is proposed to be one meter higher than the current house.

Mr Tahir will screen the house from his two immediate neighbours in 28 Ayr Rd and 2 Treemain Road. Both of his immediate neighbours are happy with his plans for the new dwelling house after discussions with them and welcome the screening too. The entire plot will be screened and the house will be hidden from view with only a view from the Ayr Rd of the roof. The only windows facing 28 Ayr Rd are proposed to be from two bathroom windows with frosted glass. There will be no overlooking 28 Ayr Road. The thicket of very high trees currently in situ on the boundary with 28 Ayr Rd are currently higher than the proposed house would be and any potential for overshadowing would be reduced versus the status quo. Those trees would be replaced with deciduous screening to be agreed with the Council and 28 Ayr Rd.

Both trees that have caused the problem with the foundations will be removed and permission has already been granted for that. The only other trees to be removed would be the trees that are at the end of their natural lifespan and they would be replaced with deciduous trees as per the environmental report and agreement with the Council.

Objections

The issues raised in objections were as follows:-

The character and appearance of the proposed property being inconsistent with existing properties,
the requirement for trees to be removed to enable the proposed development,
the economic viability of any potential restoration,
the large footprint,
the narrowness of Treemain Road,
disturbance to neighbours,
the demolition would enable further demolitions,
the building would be too close to the boundary to 28 Ayr Rd, overshadowing of 28 Ayr Rd, and overlooking of 28 Ayr Rd,
the demolition had been previously rejected by a Scottish Government Reporter
and the house was in good condition

Commentary on objections in order

It is considered that the proposed dwelling house's design is congruent with existing and approved designs and materials used in the conservation area and the design and materials pay tribute to the house proposed for demolition.

Permission has been given to remove the two trees that caused the structural problems in the first place. Mr Tahir proposes to remove the trees that were considered by the Council as being close to the end of their natural lives and replaced with deciduous trees and that plan would be agreed with the Council.

Independent reports have been shared with the Council outlining the costs of re-instatement being economically unviable.

A quick scan of Google Earth revealed that only one building on Treemain Rd has a smaller footprint than the current and proposed houses.

The Council's Roads Service has not suggested that there is a likely issue with the narrowness of Treemain Rd.

The environment department has stipulated hours of working ensuring that neighbours would not be unduly disturbed.

The conditions that require to be met are strict for demolition in a conservation area and would not be altered by this application being approved because approval would not change these conditions.

The house would be closer to the boundary with 28 Ayr Rd., but would still be 3 meters from it, which is considerably greater than the criteria set by East Renfrewshire Council. The trees in place are higher than the house would be and the neighbours at 28 Ayr Rd. are satisfied with Mr Tahir's replacement proposals for the trees. The two windows that would overlook 28 Ayr Rd would be behind screening and would be of frosted glass.

The previous rejection was without a replacement plan and did not meet a Planning Department key requirement.

The house's condition is as reported in the costing document and in photographs.

Councillor Summary

The proposed development meets the criteria of being unable to be economically reinstated, the proposed dwelling house is sympathetic to the conservation area and will help preserve and enhance the character of the conservation area.

The original dwelling house while attractive from the front offers no aesthetic value from the rear and a new dwelling house will offer clear attractive lines from every angle; albeit they won't be visible to anyone except the Tahir family.

In short, the decision is whether to support the creation of an attractive and unobtrusive home for a family to live in or enable a derelict house with all that entails in nobody's best interests.

APPENDIX 6

PLANS/DRAWINGS

The purpose of this drawing is solely for the purposes of obtaining building warrant approval. The drawing may be suitable for construction purpose's but it may be necessary to augment/and or amend this information for this purpose.
No liability will be accepted for any omission on this drawing should the drawing be used for construction purposes.

This is a true copy of the Building Warrant / Planning Application

Dated
.....
Signed
.....
DTA

NOTES

1. Do NOT scale from this drawing.
2. All dimensions to be confirmed by the Contractor by site measure prior to work commencing, or fabrication or ordering of any components.
3. In the case of any discrepancy, always refer to the Architect.

A	16.01.23	GR
Added Topo		

Client
Mr Tahir

Project
Proposed Dwelling
30 Ayr Road
Newton Mearns

Title
Existing Site Plan

Job No	Size
T56.01	A3
Drawing No	**Rev**
L(0-) 01	A
Date / **By**	**Scale**
Nov '22 / GR	1:500

Autocad Reference

D T A
DESIGN TECHNICAL ARCHITECTURE
9 MONTGOMERY STREET
THE VILLAGE
EAST KILBRIDE
GLASGOW
G74 4JS
TEL : 01355 260909
HELLO@DTA.SCOT

The purpose of this drawing is solely for the purposes of obtaining building warrant approval. The drawing may be suitable for construction purpose's but it may be necessary to augment/and or amend this information for this purpose.
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Dated
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Signed
.....
DTA

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C	29.03.23	GR
Revised floor plan		
B	17.02.23	GR
Updated driveway		
A	16.01.23	GR
Revised to reflect client comments		

Client
Mr Tahir

Project
Proposed Dwelling
30 Ayr Road
Newton Mearns

Title
Proposed Site Plan

Job No	Size
T56.01	A3
Drawing No	Rev
L(0-) 02	G
Date / By	Scale
Nov '22 / GR	1:500

Autocad Reference

DTA
DESIGN TECHNICAL ARCHITECTURE
9 MONTGOMERY STREET
THE VILLAGE
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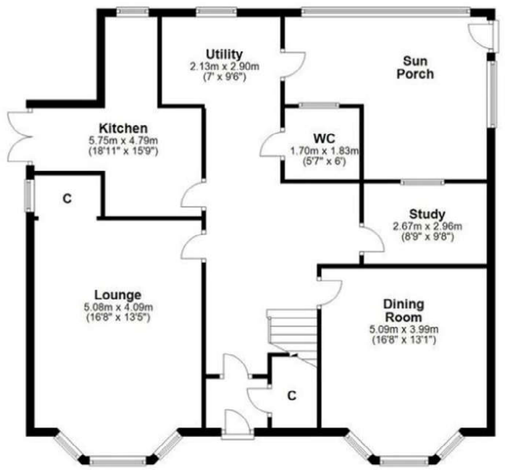
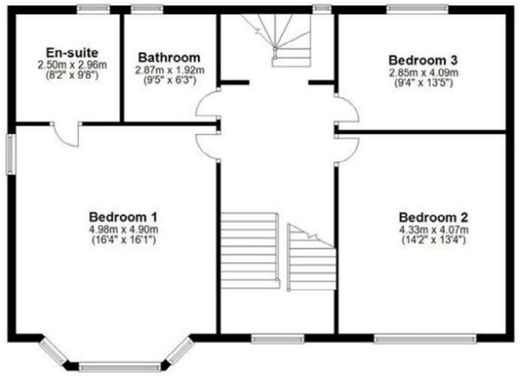
GLASGOW
G74 4JS
TEL : 01355 260909
HELLO@DTA.SCOT

Ground Floor



First Floor



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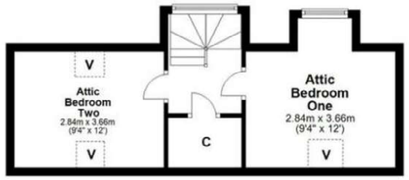
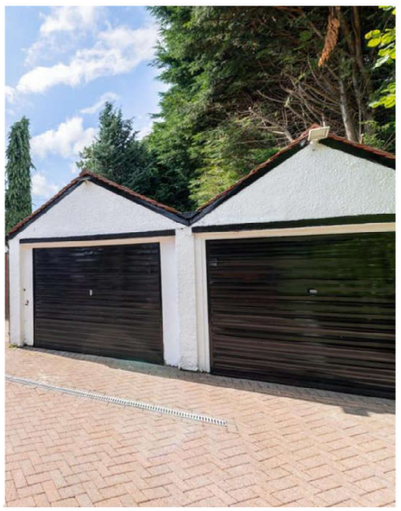


30 Ayr Road
Newton Mearns



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This is a true copy of the Building Warrant / Planning Application

Dated
.....
Signed
.....
DTA

Client
Rehan Tahir

Project
Proposed Dwelling
30 Ayr Road
Newton Mearns

Title
Existing Floor Plans & Elevations

Job No	Size
T56.01	A2

Drawing No	Rev
L(0-) 03	

Date	By	Scale
May 23	KM	NTS

Autocad Reference

DTA
DESIGN TECHNICAL ARCHITECTURE
9 MONTGOMERY STREET
THE VILLAGE
EAST KILBRIDE
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G74 4JS
TEL : 01355 260909
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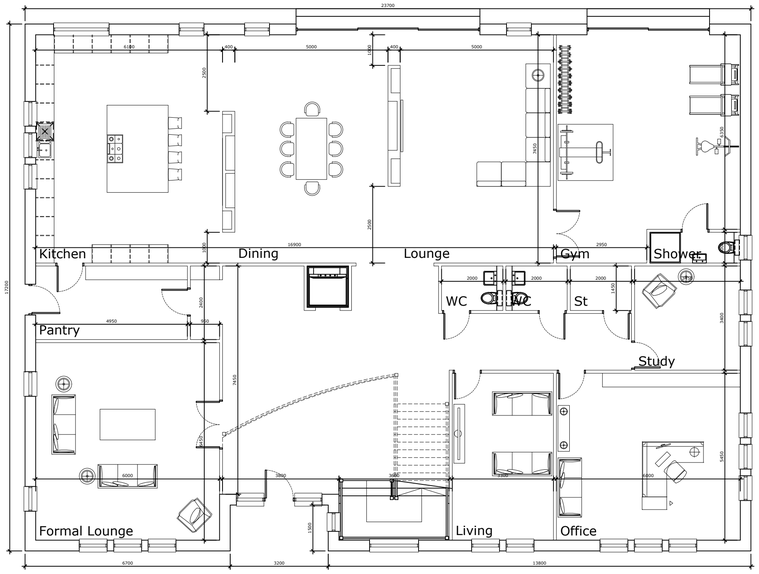
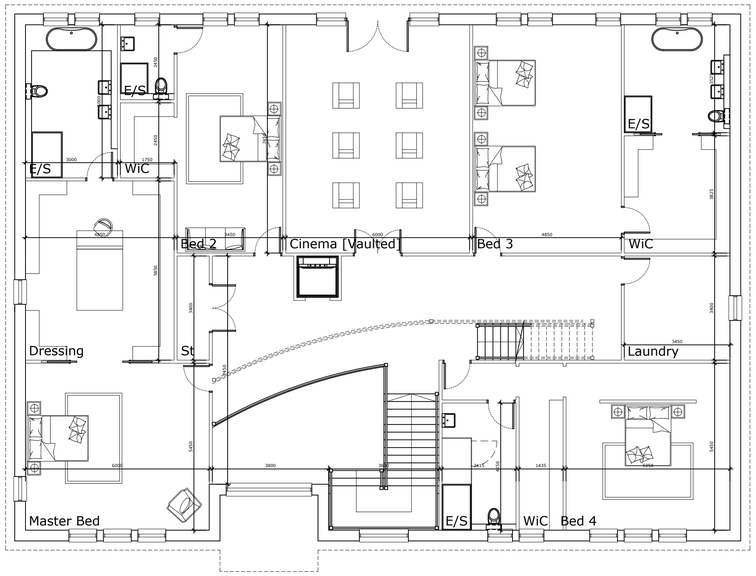
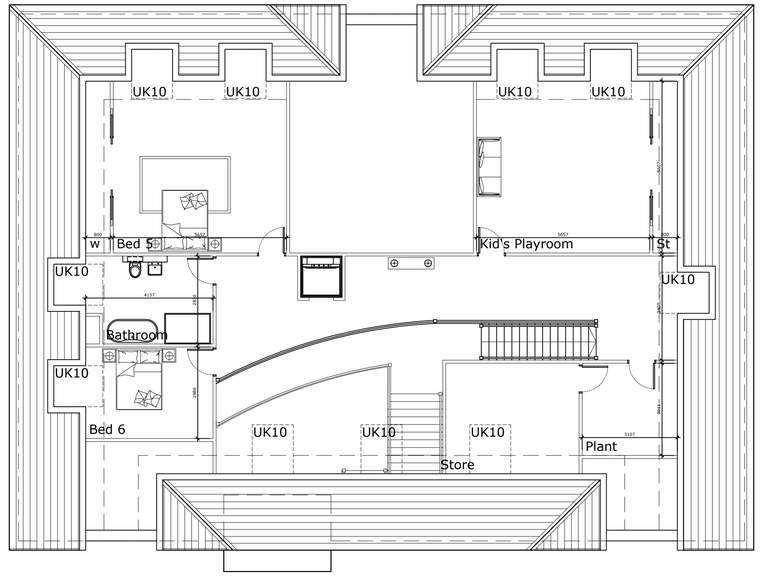


GROUND FLOOR PLAN
AREA: 374sqm // 4025sqft
TOTAL AREA: 955sqm // 10280sqft



FIRST FLOOR PLAN
AREA: 374sqm // 4025sqft



ATTIC FLOOR PLAN
AREA: 207sqm // 2228sqft

FRONT ELEVATION

SIDE ELEVATION

REAR ELEVATION

SIDE ELEVATION

ELEMENT	MATERIAL	COLOUR
Roof	: Slate	Smooth Grey
External walls	: Wet Dash Render	White
	: Guillotine Stone Cladding (Denfind Stone)	
Windows / Doors	: Polyester powder coated composite windows	Black
Gutters & RWP	: uPVC	Black
Facias & Soffits	: uPVC	Black

NOTE: ALL MATERIAL SPECIFICATION TO BE APPROVED BY PLANNING

1:100
2m 0 2m 4m 6m 8m 10m

NOTES

1. Do NOT scale from this drawing.
2. All dimensions to be confirmed by the Contractor by site measure prior to work commencing, or fabrication or ordering of any components.
3. In the case of any discrepancy, always refer to the Architect.

The purpose of this drawing is solely for the purposes of obtaining building warrant approval. The drawing may be suitable for construction purpose's but it may be necessary to augment / and or amend this information for this purpose.
No liability will be accepted for any omission on this drawing should the drawing be used for construction purposes.

This is a true copy of the Building Warrant / Planning Application

Dated
.....
Signed
.....
DTA

D	29.03.23	GR
Revised to reflect client comments		
C	17.02.23	GR
Added material specification		
B	24.01.23	GR
Revised to reflect client comment		
A	16.01.23	GR
Revised to reflect client comment		

Client
Rehan Tahir

Project
Proposed Dwelling
30 Ayr Road
Newton Mearns

Title
Proposed Floor Plans & Elevations

Job No	Size
T56.01	A1
Drawing No	Rev
L(2-) 01	G
Date / By	Scale
Nov '22 / GR	1:100

Autocad Reference

DTA
DESIGN TECHNICAL ARCHITECTURE
9 MONTGOMERY STREET
THE VILLAGE
EAST KILBRIDE
GLASGOW
G74 4JS
TEL : 01355 260909
HELLO@DTA.SCOT

1:1250

25m 0 25m 50m 75m 100m 125m

Site Location Plan
Scale 1:1250

N

DTA
DESIGN TECHNICAL ARCHITECTURE

9 MONTGOMERY STREET
THE VILLAGE
EAST KILBRIDE
GLASGOW
G74 4JS

TEL : 01355 260909
HELLO@DTA.SCOT

Client	Mr Tahir		
Project	30 Ayr Road, Newton Mearns		
Title	Site Location Plan		
Job No	Drawing No		Rev
T56.01	L(0-) 00		A
Date	By	Scale	Size
Oct 22	KM	1:1250	A4

A	16.01.23	GR
Added Topo		