

REPORT TO: Planning Committee

MEETING DATE: Wednesday 18 December 2019

BY: Depute Chief Executive (Partnerships and Community Services)

SUBJECT: Application for Planning Permission for Consideration

Application No. **16/00970/PM**

Proposal: Erection of 76 houses, 4 flats and associated works

Location: **Land To The North Of Castlehill
Main Street
Elphinstone
East Lothian**

Applicant: Highland Residential Developments Ltd

Per: EMA Architecture and Design

RECOMMENDATION Consent Granted

REPORT OF HANDLING

PROPOSAL

As the area of the application site is greater than 2 hectares and also the proposal is for more than 49 residential units, the development proposed in this application is, under the provisions of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, defined as a major development and thus it cannot be decided through the Council's Scheme of Delegation. The application is therefore brought before the Planning Committee for a decision.

As a statutory requirement for major development proposals this development proposal was the subject of a Proposal of Application Notice (Ref: 16/00016/PAN) and thus of community consultation prior to this application for planning permission being made to the Council.

As an outcome of that and as a statutory requirement for dealing with major development type applications a pre-application consultation report is submitted with this application. The report informs that it is estimated that some 100 members of the community attended

the pre-application consultation event which was held for one day at the Elphinstone Community Centre on the 28th September 2016 and that those attendees made a number of queries and suggestions regarding the proposals. The development for which planning permission is now sought is of the same character as that which was the subject of the community engagement undertaken through the statutory pre-application consultation on the proposals.

The application relates to some 4.5 hectares of farmland which forms the southern part of a large (10 hectare) field, located immediately to the west of the village of Elphinstone. It is bounded to the north by the remainder of the large field of which it forms part; to the east by a woodland strip which forms the western edge of the village of Elphinstone and beyond that by the residential properties along the western side of Elphinstone; to the south partly by a small public park and by the residential properties of Lynhaven and Marchwood Court and partly by the B6414 classified public road of Main Street beyond which lies Elphinstone Primary School and Community Centre, residential properties and an equestrian paddock and to the west by a track which is designated a core path (route no. 458) and as a Right of Way (Elphinstone west end to Fa'side) and beyond that by the Elphinstone Football Ground, the residential property of Towerhill and further farmland.

The topography of the site is gently undulating and generally slopes uphill from the southeast to the north and northwest. The land continues to rise uphill to the north of the site. The site is most visible in the main approaches to Elphinstone from the west and the north and from the North Elphinstone to Fa'side Right of Way (Core Path 163) to the north of the site.

The western part of the site is within an area identified by The Coal Authority as being a Coal Mining Development High Risk Area. The eastern part of the site is within an area identified by The Coal Authority as being a Coal Mining Development Low Risk Area.

The land of the application site along with the remainder of the large field of which it forms part is allocated for housing development by Proposal TT11 (Elphinstone West) of the adopted East Lothian Local Development Plan 2018 (ELLDP).

Planning permission is sought through this application for the erection on the application site of 76 houses, 4 flats and associated works. The associated works include the provision within the site of 15 car parking spaces to serve the Elphinstone Football Ground, the planting of woodland strips, the provision of SUDS and the provision of open space within the site. Since the registration of the application, a number of non-material amendments have been made to the proposals resulting in the submission of revised site layout and landscaping plans, road and footpath layouts, SUDS details and amendments to house design and housing numbers. The revisions include a reduction in the total number of residential units proposed from 90 to 80 (consisting of 76 houses and 4 flats).

The development site layout plan shows how the proposed 76 houses and 4 flats would be accommodated on the site along with associated access roads, parking areas, landscaping, open space, paths and a shallow SUDS basin. The houses would comprise of a mix of 23 detached, 18 semi-detached and 35 terraced houses. The houses would all be two-storey. The 4 flats would be contained within 1, two-storey flatted building.

In terms of size, of the proposed 76 houses 23 would contain 4 bedrooms, 27 would contain 3 bedrooms and 26 would contain 2 bedrooms. All of the 4 flats would contain 2 bedrooms.

8 of the terraced houses, 8 of the semi-detached houses and the 4 flats would be affordable housing units. The remaining 60 houses would be private houses for sale. The

private houses would comprise of 8 different house types.

Vehicular, pedestrian and cycle access to the site would be taken by way of a new access into the site from the B6414 Main Street to the south of the site. The proposed access would continue northwards to the northern boundary of the site with residential properties being formed on either side of it to create the main residential street with a series of smaller streets being formed on either side of it. Development would be concentrated in the centre and along the northern and southern boundaries of the site with the easternmost and westernmost sides of the site being laid out as open space which would include a shallow sided SUDS detention basin being formed in the eastern part of the site and woodland strips being planted along the majority of the eastern and western boundaries of the site. A total of 15 car parking spaces to provide parking provision for the adjacent football ground would be formed along with an electric vehicle charging point in the southwest corner of the application site. Footpaths would be formed throughout the site and these would connect to the core path at the western boundary of the site and to the existing woodland strip to the east of the site as well as on to Main Street. It is also proposed that a shared use footpath would be formed along the north side of the public road of Main Street between it and the site of the proposed residential development and that a footpath would be formed along the east side of the small park adjoining the southern boundary of the site connecting the site to this park and to Main Street beyond.

The application is also supported by a number of detailed drawings and reports including a Masterplan layout which includes the northern part of the field, a Design Statement, a Drainage and SUDS Strategy Report, a Landscape Appraisal, Design Statement and Visual Impact Assessment, a Site Investigation Report, a Noise Assessment, a Transport Assessment, an Archaeology Report and a Tree Survey Report, some of which have been revised since registration of the application.

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 the proposed development falls within the category of a Schedule 2 Development, being one that may require the submission of an Environmental Impact Assessment (EIA). Schedule 3 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 sets out the selection criteria for screening whether a Schedule 2 development requires an EIA. On the 6th October 2016 the Council issued a formal screening opinion to the applicant's agent. The screening opinion concludes that it is East Lothian Council's view that the proposed development is not likely to have a significant effect on the environment such that consideration of environmental information is required before any grant of planning permission. It is therefore the opinion of East Lothian Council as Planning Authority that there is no requirement for the proposed residential development to be the subject of an EIA.

DEVELOPMENT PLAN

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan, unless material considerations indicate otherwise.

The development plan is the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Development Plan (ELLDP) 2018 together with its adopted supplementary guidance.

The purpose of the approved South East Scotland Strategic Development Plan (SESplan) is to set out the strategic planning framework to assist preparation of local development

plans. Its policies are generally not relevant for assessing individual planning applications.

Relevant ELLDP Policies are DP1: Landscape Character, DP2: Design, DP3: Housing Density, DP4: Major Development Sites, DP8: Design Standards for New Housing Areas, DP9: Development Briefs, HOU3: Affordable Housing Quota, HOU4: Affordable Housing Tenure Mix, OS3: Minimum Open Space Standard for New General Needs Housing Development, OS4: Play Space Provision in New General Needs Housing Development, CH4: Scheduled Monuments and Archaeological Sites, W3: Waste Separation and Collection, NH5: Biodiversity and Geodiversity Interests, including Nationally Protected Species, NH8: Trees and Development, NH10: Sustainable Drainage Systems, NH11: Flood Risk, NH12: Air Quality, NH13: Noise, T1: Development Location and Accessibility, T2: General Traffic Impacts, T4: Active Travel Routes and Core Paths as part of the Green Network Strategy, T31: Electric Car & Bus Charging Points, T32: Transport Infrastructure Delivery Fund and DEL1: Infrastructure and Facilities Provision.

Relevant ELLDP Proposals are PROP TT11: Elphinstone West, PROP CF1: Provision of New Sports Pitches and Changing Accommodation and PROP ED4: Tranent Cluster Education Proposals,

Also material to the determination of the application is Scottish Planning Policy: June 2014. One of the main 'Outcomes' of Scottish Planning Policy (SPP) is to create successful, sustainable places by supporting sustainable economic growth and regeneration, and the creation of well-designed, sustainable places.

Scottish Planning Policy highlights that new housing developments should be integrated with public and active travel networks, such as footpaths and cycle routes, rather than encouraging dependence on the car. There should be connectivity between new and existing streets with walking and cycling networks, and allow for links into future areas of development.

A further material consideration is Scottish Government Advice given in Planning Advice Note 67: Housing Quality. Planning Advice Note 67 explains how Designing Places should be applied to new housing. In PAN 67 it is stated that the planning process has an essential role to play in ensuring that: (i) the design of new housing reflects a full understanding of its context - in terms of both its physical location and market conditions, (ii) the design of new housing reinforces local and Scottish identity, and (iii) new housing is integrated into the movement and settlement patterns of the wider area. The creation of good places requires careful attention to detailed aspects of layout and movement. Developers should think about the qualities and the characteristics of places and not consider sites in isolation. New housing should take account of the wider context and be integrated into its wider neighbourhood. The quality of development can be spoilt by poor attention to detail. The development of a quality place requires careful consideration, not only to setting and layout and its setting, but also to detailed design, including finishes and materials. The development should reflect its setting, reflecting local forms of building and materials. The aim should be to have houses looking different without detracting from any sense of unity and coherence for the development or the wider neighbourhood.

Also material to the determination of the application is the non-statutory Development Brief (TT11 Elphinstone West, Tranent) which was adopted by the Council on 30 October 2018.

REPRESENTATIONS

Material to the determination of the application are the written representations received to it. A total of 12 written representations have been received, all of which raise objections to

the proposals. Copies of the written representations are contained in a shared electronic folder to which all Members of the Committee have access.

The main grounds of objection in respect of the proposed development are summarised below:

- * The housing numbers proposed are completely out of character with the village setting and would significantly affect those already living in this traditional community;
- * This development on a hill overlooking much of the existing village will be detrimental to the visual appearance and the setting of the village;
- * Concerns that the expansion of Tranent and Elphinstone is destroying the character of these settlements and could lead to a reduction in countryside between these two settlements;
- * The proposed housing is not low rise housing in keeping with the majority of homes in Elphinstone and the finishing of the houses would not be in keeping with the finishes of the village;
- * The street plan bears no relation to the current layout of the village, it is impractical and poorly thought out on a number of levels;
- * The proposed development will put further strain on utilities, including school and GP services and broadband provision;
- * No new amenities are proposed to be provided for the village;
- * No housebuilding should be allowed to take place unless and until amenities such as a shop are in place in the village and the bus service has improved;
- * The proposed development of the field could lead to further drainage and flooding problems to neighbouring residential properties;
- * Impacts of construction traffic through the village over a long period of time;
- * Impacts of traffic volumes, speeds, related air pollution and a further decrease in road/pedestrian safety in Elphinstone;
- * Impacts on road safety near to the primary school;
- * Concerns relating to the siting of the proposed vehicular access into the proposed development being close to the entrance to the village where traffic speeds are high and close to a blind bend;
- * Concerns that the house types proposed will not provide affordable family housing for the village;
- * Concerns that there is no provision for 1 bedroom units which would allow ageing members of the community and young members of the community to stay in the village and free up affordable family homes within the village;
- * Not enough usable open space or play provision proposed;
- * Based on comments made at the community event this is only the phase 1 application and if permission is granted the phase 2 application will be quick to follow;
- * The developers should be asked to decrease the carbon footprint of the site itself by incorporating renewable technologies in the houses, increased planting onsite, a district heating system or allotments;
- * Inaccuracies in application drawings as they show a proposed path going through private land between 2 & 3 Waterloo Place which is land owned by the residents of Waterloo Place who have not given permission for it to be a public right of way;
- * Assurances are sought that no trees will be removed or a footpath constructed that would lead into the area occupied by the 12 homes in Waterloo Place;
- * Development of the land to the north of the application site (the remainder of the allocated site) may result in a loss of privacy to residents of Waterloo Place;
- * Development of the site would impact on the wildlife which currently use the site for feeding and nesting and the developer should conduct a full assessment/survey that covers the short, medium and long term impact of a large scale development on all these species;
- * Impacts on the privacy and amenity of neighbouring residential properties due to

overlooking from the proposed residential development and loss of light;

* There is no mention of the refurbishment of the changing facility at the football pitch in the design statement, this should be a requirement;

* The developers should be required to take on a number of staff/apprentices from the village to give back to the community to benefit current residents and their families;

* Previous mining issues will have to be addressed;

* There should be more than one access into the development for emergency purposes.

COMMUNITY COUNCIL COMMENTS

Tranent and Elphinstone Community Council have been consulted on the application but have not provided any comments on it.

PLANNING ASSESSMENT

The primary material consideration in the determination of this application is whether or not the principle and the detail of the proposed development accords with development plan policy and other supplementary planning guidance and if not, whether there are material considerations that outweigh any conflict with the development plan and other supplementary planning guidance.

The land of the application site forms approximately half of an allocated housing site (TT11 Elphinstone West) in the ELLDP. Proposal TT11 of the ELLDP allocates the whole of the allocated site for a residential development of circa 80 homes and thus the Council recognises its potential for residential development for circa 80 homes. However, what is proposed in this current application is a total of 80 homes on only part of the overall allocated site. The applicant has submitted an indicative masterplan for the overall allocated site that demonstrates that, even with significant landscaping along the northern boundary of the overall allocated site in accordance with the Development Brief for the site, further residential development could be accommodated on the northern part of the allocated site subject to a future planning application which could therefore take the total amount of residential development across the overall site significantly above the circa 80 homes allocation. Therefore, the current application must not only be considered in isolation but in relation to the potential implication it would have in combination with future development proposals in the remainder of the allocated site to the north. It is also relevant to note that some other allocated sites of the ELLDP have seen planning permissions granted for a higher number of housing units than their site allocation and some have seen planning permissions granted for a smaller number of housing units than their site allocation.

The Council's Policy and Projects Manager has been consulted on the application and advises that the allocation of site TT11 for 80 units was based at that time on potential constraints identified early on in the local development plan preparation process including school capacities, coal mining development high risk area and the layout and massing of the existing village. However, he advises that should the delivery of 80 units across only the southern part of the allocation fit with the existing village in terms of massing and design, there should be no policy impediment to granting consent. Indeed, he advises, a higher density goes part way to fulfilling the requirement for higher densities under Policy DP3 of the ELLDP. However he cautions that a full assessment would need to be undertaken on housing numbers and the ability of the village to support further housing should a subsequent planning application be submitted on the northern part of the site at some later date. He advises that the northern part of the allocation will be reviewed through the next LDP, should the site remain undeveloped. The Policy and Projects

Manager advises that earlier masterplanning carried out when the proposal was for 90 units needs to be carried out with the revised proposal of 80 units. The indicative masterplanning of the overall site has since been revised by the applicant and this demonstrates how the proposed development could at some future date be integrated into the wider allocated site.

It is now necessary to consider the design and layout of the proposal against Council policies and other material consideration to ascertain whether the site can accommodate the proposed number of units. The impact of the proposal on infrastructure and facilities will then be considered.

The adopted Development Brief for the site sets out guiding principles, and indicative design, to be followed, where possible. These include (i) taking site access from the B6414 and providing a shared use path between the B6414 and the application site; (ii) provision of a formal landscaped edge and gateway at the southwest corner of the site which will become the new edge to the built settlement; (iii) providing a well designed and well landscaped SUDS to create an appropriate landscape edge ; (iv) providing new landscaped edges along the east and west boundaries of the site and (v) connecting the development site to the existing core paths and other path networks in the vicinity of the site.

The proposed development of the application site would, with its permeable street pattern, links to the core path, road and pedestrian/cycle accesses and open spaces, be a distinctive yet attractive urban expansion of Elphinstone. The layout has taken due regard to the existing built form of the settlement and neighbouring residential development. The proposed housing development is shown as being laid out with side driveways and rear parking courtyards to emphasis pedestrian/cycle use and reduce the dominance of vehicle parking.

Policy DP3 of the ELLDP states that new housing sites will be expected to achieve a minimum average density of 30 dwellings per hectare (net) using a full range of housing types and sizes. This is to ensure efficient use of land and other resources and create mixed communities with a full range and choice of house types and sizes. The net density of the development proposed through this application is, at approximately 26 units per hectare, of a slightly lower density than set out in Policy DP3. However, the preamble to Policy DP3 acknowledges that on certain site there may not be opportunities to absorb the required density of development in a form that complements the townscape and landscape setting of an area. Although of a slightly lower density, the range of house types and sizes proposed would give a variation of architectural form to the development, which coupled with the orientation and layout of the buildings and the variation in roof materials, would give a degree of variety of appearance to the development. The proposed development would be of a pattern and density not out of keeping with patterns and densities of housing and other development in Elphinstone. It is also of relevance that to achieve a higher density would result in greater housing numbers which would be further at odds with the site's allocation.

The architecture of the proposed houses and flats is of a traditional pitched roof form and a relatively traditional design overall and the materials proposed are generally traditional in appearance including two different roofing colours and two different render colours. A condition can be imposed on the grant of planning permission for the proposed development to ensure that the finishing colours and mix of colours to be used respect the character and appearance of the village.

In all of this the proposal would be an appropriate residential development of the site and whilst it would bring change to the western edge of Elphinstone it would be well designed

and integrated into its landscape and settlement setting.

The proposed housing development would provide an attractive residential environment. The houses and flats are shown to be laid out in such a way that adheres to the normally accepted privacy and amenity criteria on overlooking and overshadowing, whilst affording the future occupants of the houses and flats an appropriate level of privacy and residential amenity.

The proposed new houses and flats would be so sited, oriented and screened such as not to harm the privacy and amenity of existing neighbouring or nearby residential properties through overlooking or overshadowing.

The areas of open space shown to be provided would provide sufficient, usable areas of open space for informal recreation for the proposed development, consistent with Policy OS3 of the adopted East Lothian Local Development Plan 2018.

The site is capable of accommodating all of the proposed development including vehicular and pedestrian access and amenity space without being an overdevelopment of it. The pattern and density of the proposed development would not be at odds with the existing patterns and densities of housing and other development within the village of Elphinstone.

The Council's Access Officer has been consulted on the revised details of the application and advises that he is content with the public access provision proposed. Footpath links to the east and west of the site as well as alongside the main access to the site are proposed and these will allow for pedestrian and cycle access to the wider area including the core path to the west of the site and the playing fields beyond it and to allow access into the woodland strip to the east of the site. The applicant is not proposing to carry out any new footpath works within the existing woodland strip and nor are any requested to be provided through consultation on this planning application. The application does however include a proposal to provide a hard surfaced footpath linking the southeastern end of the site through the small public park to the south of it and on to the existing footpath to the south of the park. A condition can be attached requiring details of this and other footpaths to be submitted, agreed and implemented. Subject to this control, in respect of active travel routes and core paths the proposal does not conflict with Policy T4 of the ELLDP.

In respect of landscape matters the existing mature tree cover which bounds much of the eastern boundary of the site would, in part, soften and serve to integrate the proposed development into its landscape setting, breaking up the massing of the proposed development whilst gently introducing an additional extent of urban development on to this western edge of Elphinstone. The setting of the proposed development would be further enhanced by the applicant's proposals to plant a 20 metres wide woodland strip along most of the western boundary of the site, a 10 metres wide woodland strip along the eastern boundary of the application site which would tie into the existing woodland strip along this edge and other areas of landscaping throughout the site including along the roadside frontage of the site (southern boundary) and throughout the development.

The applicant has taken into consideration a number of comments of the Landscape Projects Officer in the submission of revised drawings to incorporate enhanced landscape planting within the site and in redesigning the proposed SUDS basin to move it outwith the tree protection area of the adjacent existing woodland strip to the east and to create a much shallower design more sympathetic to its surroundings. The Landscape Projects Officer does not object to the proposed development and makes a number of recommendations for conditions to be imposed relating to matters such as the protection of existing trees during the course of development, arboricultural monitoring, the submission of planting plans, communal landscape plans, tree management measures,

revised boundary treatments and for the submission for approval of a long term woodland management plan for the proposed woodland strips. Where relevant, these matters can be made conditions of a grant of planning permission. On this consideration the proposed development is consistent with Policies DP1 and NH8 of the ELLDP.

The Council's Environmental Health Service Manager raises no objection to the proposed development, satisfied that it would not result in harm to the amenity of any neighbouring land use. He doesn't raise any concerns in relation to noise or air quality matters. The proposals therefore comply with Policies NH12 and NH13 of the ELLDP.

In relation to considerations of contaminated land issues, the Council's Environmental Health Service Manager advises that he has considered the Site Investigation Report submitted by the applicant and is satisfied that the investigation and assessments carried out have identified no risk from contamination on the site to either human health (future site users) or the water environment and as such he confirms that no remedial measures are required in this regard. He advises that the gas monitoring and subsequent risk assessment carried out by the applicants consultants has shown that gas protection measures will be required for a small area on the western boundary of the site. Similarly Stage 1 Radon protection measures will be required for any housing development erected in the northwestern part of the site. To this end he advises that a Remedial Strategy detailing the exact gas prevention measures (gas & radon) to be carried out on the site as well as the form of the verification reporting to be undertaken be submitted to and approved by the Planning Authority. This requirement can be secured through a condition attached to a grant of planning permission for the proposed development. The Council's Environmental Health Service Manager has no further comments on the proposed development.

The Council's Road Services have considered the details of the application and raise no objection to the proposed development, being satisfied that it could be accessed safely and would not lead to a road or pedestrian safety hazard. They raise no objection to the principles of layout of the proposed development, of the site access from the B6414 classified public road of Main Street, of parking provision or of the likely impacts of additional traffic generation on the existing road network. The details of layout of the proposed development, of the site access from the B6414 classified public road of Main Street and of parking provision are all consistent with the adopted Development Brief.

Road Services recommend that the following requirements be met through a conditional grant of planning permission for proposed development:

- * Prior to occupation of the first house, a 'gateway' feature designed to slow traffic on the B6414 at the southwestern site boundary and incorporating a raised table at the site entrance is required. A shared use path (3m wide) is required on the north side of the B6414 as per the Design Brief, and a further crossing point of the B6414 should be installed in the vicinity of the school. A Road Safety Audit of the proposals is required, prior to approval by the Roads Authority.

- * All roads and paths shall conform to ELC Standards for Development Roads (as an advisory note Road Services note that the applicant should aim for all paths and footways in particular to also conform to Roads for All standards – Transport Scotland's good practice guide for inclusive design in particular in relation to the maximum longitudinal gradients of them).

- * Driveways shall have minimum dimensions of 6 metres by 3 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 m length. Pedestrian ramps to houses may encroach by up to 300mm on the width (but

not the length) provided they are no greater than 150mm in height above the adjacent driveway surface.

* Vehicle accesses to private parking areas (i.e. other than driveways) shall be via a reinforced footway crossing. Within private parking areas, the minimum dimensions of a single parking space shall be 2.5 metres by 5 metres.

* All prospectively adoptable parking bays (i.e. that will form part of the public road) shall have minimum dimensions of 2.5 metres by 6 metres.

* Cycle parking for dwellings without private back garden with a gate (e.g. flats/mid-terraces), shall be included at a rate of 1 space per dwelling. This shall be in the form of a lockable room or shed.

* All path and footway connections from a zone under construction to the existing settlement shall be constructed to an adoptable standard before the occupation of any units in that particular zone. Sympathetic and appropriate links to external path network are required i.e. the woodland path to the east and the core path to the west. The path to the southwest which links through the existing park to Main Street should be at least 2m-wide, hard-surfaced and lit.

* Notwithstanding that detailed on the site plan at least one electric vehicle charging point shall be provided in proximity to the path to the football ground. Two associated parking spaces may be required. Prior to the commencement of development details of the electric vehicle charging point shall be discussed with and approved in writing by the Planning Authority, and may be considered for adoption. The details to be submitted shall include a timetable for provision, and a proposal for future maintenance. Development shall thereafter be carried out in accordance with the details so approved and shall be retained unless otherwise approved in writing by the Planning Authority.

* Prior to commencement of development, a Factoring Plan should be submitted clearly indicating the different responsibilities for long term maintenance including: private and shared private areas, factored areas, and prospectively adoptable roads.

* Prior to first occupation, a Travel Information Pack with information for residents to encourage use of sustainable modes of transport such as trains, buses, cycling and walking shall be submitted to and approved by the Planning Authority. The Travel Information Pack will include local bus and train timetables, local cycling and walking maps, information on bike hire / car sharing, and shall include details of how it will be distributed to residents.

* A Construction Method Statement to minimise the impact of construction activity on the safety and amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic (including parking, routes to/from site and delivery times) and shall include hours of construction work.

* Wheel washing facilities must be provided and maintained in working order during the period of operation of the site. All vehicles must use the wheel washing facilities to prevent deleterious materials being carried onto the public road on vehicle tyres.

As an advisory note Road Services state that all works within or affecting the public road including works on the footway or verge must be authorised in advance by this Council as Roads Authority. This advisory note has been forwarded to the applicant's agent.

With the imposition of conditions to cover these recommendations of Roads Services, the proposed development does not conflict with Policies T1, T2 or T31 of the ELLDP.

The Council's Waste Services raise no objections to the proposed development. They comment that residents will be responsible for presenting containers at the kerbsides of the main roads throughout the development as Waste Services will not collect these from off street parking areas. The applicant has provided swept path analysis drawings which demonstrate to the satisfaction of the Council's Road Services that large vehicles including waste service vehicles could satisfactorily negotiate the proposed development. The proposal complies with Policy W3 of the ELLDP.

Details of the SUDS and other drainage details have been submitted with this application. These details have been revised during the course of the application following consultation with the Scottish Environmental Protection Agency (SEPA), the Council's Team Manager for Structures, Flooding & Street Lighting and the Council's Landscape Projects Officer. The SUDS basin now proposed is of a shallower design covering a larger area than originally proposed. Drainage provision has been amended and a revised Drainage Strategy Report has been submitted.

SEPA raise no objections to the proposed development and nor do they request any conditions be imposed in the event that planning permission is granted. They recommend that the applicants drainage plans be docketed if planning permission is to be granted. They otherwise advise that SEPA does not provide advice on the water quantity aspect of SUDS or surface water drainage and that comments from Scottish Water, where appropriate, the Local Authority Roads Department and the Local Authority Flood Prevention Unit should be sought in terms of water quantity/flooding and adoption issues.

The Council's Team Manager for Structures, Flooding & Street Lighting also confirms that he is now satisfied with the revised proposals and clarifications on drainage matters provided in revised details submitted. He therefore raises no objections on flood risk grounds. The Council's Team Manager for Structures, Flooding & Street Lighting raises no objections to the siting and design of the SUDS basin. He advises that it would be prudent for a condition to be imposed stating that no construction works can begin prior to the Council receiving Scottish Water's Technical Approval of the design of the SUDS basin. This matter can be secured through a condition on a grant of planning permission. The proposals are therefore consistent with Policies NH10 and NH11 of ELLDP.

On all of these foregoing findings on matters of housing numbers, density, design, layout, road, pedestrian, cyclist and other transportation design considerations, open space, landscaping and amenity, and subject to the imposition of conditions, the proposed development is not inconsistent with Proposal TT11 or Policies DP1, DP2, DP3, DP4, DP8, DP9, OS3, OS4, NH8, NH10, NH11, NH12, W3, T1, T2, T4 or T31 of the ELLDP, the Council's adopted development brief for the site or the Scottish Government Policy Statement entitled "Designing Streets".

Policy NH5 of the adopted East Lothian Local Plan 2008 generally presumes against new development that would have an unacceptable impact on the biodiversity of an area. The Council's Biodiversity Officer raises no objection to this application, satisfied the proposal would not have a harmful impact on existing wildlife or on the biodiversity of the area.

The Council's Heritage Officer advises that although there are no known buried archaeological remains located within the application site, there are a number of known remains, including Scheduled Monuments, in the immediate vicinity. He advises that the area of the application site does not appear to have been subject to any development

previously which suggests that any remains present may survive and be impacted upon by the proposed development. Because of this the Heritage Officer recommends that if planning permission is to be granted for this proposal, a programme of archaeological works (Evaluation by trial trenching) should be carried out prior to the commencement of development. This requirement can be secured through a condition attached to a grant of planning permission in for the proposed development. This approach is consistent with Scottish Planning Policy: June 2014, Planning Advice Note 2/2011: Planning and Archaeology and with Policy CH4 of the ELLDP.

As part of the site is within a Coal Mining Development High Risk Area The Coal Authority has been consulted on the application. The Coal Authority initially objected to the application on the grounds of lack of information relating to potential coal mining features and hazards. In response to that objection the applicant submitted a Site Investigation Report in support of the application which details investigatory works carried out at the application site and an additional parcel of land to the north. The report indicates that there are shallow coal mine workings beneath the western portion of the site. It concludes that in parts of the site these workings pose a risk to surface stability and require remediation by means of drilling and grouting prior to the commencement of development. The Coal Authority advise that they concur with the recommendations of the Site Investigation Report, that coal mining legacy poses a risk to the proposed development and that remedial measures are necessary to ensure the safety and stability of the proposed development. The Coal Authority confirm that they therefore withdraw their objection to the proposed development subject to a condition being imposed on a grant of planning permission to ensure a scheme of proposed remedial works for past shallow coal workings be submitted to and approved in writing by the Planning Authority and thereafter implemented prior to the commencement of development. This can be required by a condition of a grant of planning permission.

At its meeting on Tuesday 27th August 2019 the Council approved a motion declaring a Climate Emergency. Thereafter, at its meeting on Tuesday 3rd September 2019 the Council's Planning Committee decided that a condition requiring a developer to submit for the approval of the Planning Authority a report on the actions to be taken to reduce the carbon emissions from the building and from the completed development should be imposed on relevant applications for planning permission. Such a condition should be imposed on a grant of planning permission for this proposed development.

Consideration must then be given to the potential impact of the proposed development on the infrastructure of the area. Policy DEL1 of the ELLDP stipulates that new housing will only be permitted where appropriate provision for infrastructure, required as a consequence of the development, is made. Proposal TT11 of the ELLDP stipulates that any development on the site is subject to the mitigation of any development related impacts, including on a proportionate basis for any cumulative impacts with other proposals including on the transport network, on education and community facilities, and on air quality as appropriate.

The East Lothian Council Health and Social Care Partnership have been consulted on the application but have not provided any comments on it nor have they provided any requirement for capital contributions for infrastructure as a result of the proposals. Although they have not commented directly on this application, the East Lothian Council Health and Social Care Partnership will have taken the allocation of this site for circa 80 residential units into account in planning for health care at the time of its allocation in the ELLDP.

Scottish Water have been consulted on the proposals. They raise no objection and have provided comments relevant to servicing the proposed development which have been

forwarded to the applicants for their information. It is the responsibility of the developer to make separate application to Scottish Water for permission to connect to the public waste water and water networks.

PROP CF1: Provision of New Sports Pitches and Changing Accommodation of the ELLDP requires development proposals for 5 or more homes to make provision for the delivery of new sports pitches and changing accommodation in the relevant contribution zone as set out in Appendix 1 of the Plan and in the Supplementary Guidance: Developer Contributions Framework. The new facilities to be provided, and the sites within which they are to be delivered are identified in Part A of PROP CF1 and include at the site of PROP TT11 provision for turning and parking areas for the existing playing field and contribution towards refurbishment of the existing changing pavilion located at the playing field.

Provision for turning and parking areas to serve the existing playing field, along with a proposed electric vehicle charging point, are proposed to be provided within the application site, close to the southwest corner of the application site along with footpath provision to the adjacent playing fields all to allow convenient access to the playing fields. A timetable for the provision of this parking and turning facility can be secured by way of a condition on a grant of planning permission. The Council's Team Manager – Active Business Unit raises no objections to this proposed provision and in relation to developers contributions required towards refurbishment of the existing changing pavilion at the playing field, advises that a contribution of £306.85 per dwelling (a total of £24,548.00 for 80 residential units) is required for this proposal. The required payment of a financial contribution of a total of £24,548.00 towards the refurbishment of the existing changing pavilion at the Elphinstone playing field can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. The applicants confirm in writing that they are willing to enter into such an agreement.

Regarding formal play provision, the Council's Principal Amenity Officer advises that it would be more beneficial to enhance the existing community facility at the playing fields adjacent to the application site with equipped play facilities rather than provide a new facility within the application site. He advises that a contribution of £549 per residential unit, which would equate to a total contribution of £43,920 at current rates, should be secured from the applicant for the provision of equipped play facilities on the existing playing field site to the west of the application site. The Council's Principal Amenity Officer is satisfied that adequate space would be available for this without prejudicing the enhancement of the existing pavilion or the ongoing use of the sports pitch. The required contribution can be secured by a legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other legal Agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the Council securing this appropriate developer contribution the proposal is consistent with Policy OS4 of the ELLDP. The applicants have confirmed in writing that they are willing to enter into such an agreement.

Policy T32 of the ELLDP specifically relates to the package of transportation interventions to mitigate the cumulative impact of development on the transport network which have been identified by the Council in consultation with Transport Scotland. In line with Policy DEL1, relevant developments are required to contribute to the delivery of these transportation interventions, on a proportionate, cumulative pro-rata basis, as set out in Developer Contributions Framework (DCF) Supplementary Guidance.

The Council's Planning Obligations Officer advises that for planning applications submitted before 29 May 2018 (such as this application) transportation developer contributions will be based on the lower of the 2016 or 2018 DCF levels of contribution for each transport proposals. He advises that the 2016 draft DCF sought no transportation contributions from the Elphinstone zone and therefore no transportation contributions towards the 7 transport interventions are required to be sought from this proposal.

The Council's Deputy Chief Executive, Resources and People Services informs that the application site is located within the school catchment areas of Elphinstone Primary School and Ross High School, Tranent.

He advises that Elphinstone Primary School and Ross High School, Tranent do not have sufficient capacity to accommodate children that could arise from the proposed development. Thus he would object to the application on the grounds of lack of permanent capacity at those schools unless the applicant makes a financial contribution to the Council of £5,875 per housing unit towards the provision of additional school accommodation at Elphinstone Primary School and a contribution of £4,728 per housing unit towards the provision of additional school accommodation at Ross High School.

The required payment of a financial contribution of a total of £848,240 towards the provision of additional accommodation at Elphinstone Primary School and Ross High School, Tranent can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the payment of the required contribution towards educational accommodation the proposal is consistent with Policy ED1 of the ELLDP, which stipulates that new housing will only be permitted where appropriate provision for infrastructure required as a consequence of the development is made. This will include funding necessary school capacity. The applicants confirm in writing that they are willing to enter into such an agreement.

The Council's Deputy Chief Executive, Resources and People Services additionally requires that the 80 housing units be phased over a period of at least three years. This is to ensure sufficient education capacity can be provided for the pupil product of the development. This is a matter which can be controlled by way of a condition on a grant of planning permission.

The Council's Economic Development & Strategic Investment Manager advises that in accordance with the Council's Affordable Housing Policy, 25% of the proposed 80 residential units require to be affordable housing units. The affordable housing component of the proposed housing development is 20 units. The Economic Development & Strategic Investment Manager advises that the mix, size and location of the 20 affordable units to be provided on the site is acceptable. The affordable housing is sufficiently integrated into the overall development. The terms for the provision of this affordable housing requirement can be the subject of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the Council securing the affordable housing requirement, which the applicant is willing to do, the proposal would be consistent with Policies HOU3 and HOU4 of the ELLDP.

In summary, although the number of units proposed is significantly higher than the pro rata number that would be expected on this part of the site, the site is capable of accommodating the proposed development including vehicular and pedestrian access and

amenity space. A grant of planning permission for the proposed development in the context of the site being part of housing allocation PROP TT11 of the East Lothian Local Development Plan, and in that its impacts in respect of amenity and technical considerations are acceptable in themselves, or can be mitigated through the appropriate use of planning conditions and necessary developer contributions, would not be inconsistent with Scottish Planning Policy: June 2014, with the relevant policies of the East Lothian Local Development Plan 2018 or with its adopted supplementary guidance.

RECOMMENDATION

It is recommended that planning permission be granted subject to:

1. The undernoted conditions.

2. The satisfactory conclusion of an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997, or some other legal agreement designed to secure from the applicant:

(i) a financial contribution to the Council of £848,240 towards the provision of additional accommodation at Elphinstone Primary School and Ross High School, Tranent;

(ii) the provision of 20 affordable housing units within the application site;

(iii) a financial contribution to the Council of £24,548 towards the refurbishment of the existing changing pavilion at the Elphinstone Playing Field;

(iv) a financial contribution to the Council of £43,920 towards the provision of equipped play provision and/or some other enhancement of the Elphinstone Playing Field.

3. That in accordance with the Council's policy on time limits for completion of planning agreements it is recommended that the decision should also be that in the event of the Section 75 Agreement not having been executed by the applicant, the landowner and any other relevant party within six months of the decision taken on this application, the application shall then be refused for the reason that without the developer contributions to be secured by the Agreement the proposed development is unacceptable due to a lack of sufficient school capacity at Elphinstone Primary School and at Ross High School, Tranent, a lack of provision of affordable housing, a lack of formal play provision and a lack of sports infrastructure improvements contrary to, as applicable, Policies DEL1, OS4, HOU3, HOU4 and Proposals ED4 and CF1 of the adopted East Lothian Local Development Plan.

1 No development shall take place on site unless and until final site setting out details have been submitted to and approved by the Planning Authority.

The above mentioned details shall include a final site setting-out drawing to a scale of not less than 1:200, giving:

- a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings;
- b. finished ground and floor levels of the development relative to existing ground levels of the site and of adjoining land and building(s). The levels shall be shown in relation to an Ordnance Bench Mark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing; and
- c. the ridge height of the proposed buildings shown in relation to the finished ground and floor levels on the site.

Reason:

To enable the Planning Authority to control the development of the site in the interests of the amenity of the area.

- 2 No development shall take place on the proposed site until the applicant has, through the employ of an archaeologist or archaeological organisation, undertaken and reported upon a programme of archaeological work (Evaluation by trial trenching) in accordance with a written scheme of investigation which the application will submit to and have approved in advance by the Planning Authority.

Reason:

To facilitate an acceptable archaeological investigation of the site.

- 3 Prior to the commencement of development a delivery schedule and phasing plans that establishes the phasing and timing programme for the proposed development shall be submitted to and approved in advance by the Planning Authority. It shall include the phasing and timing for the provision of footpaths/cycleways and external works such as offsite path links. These path links shall include:

(i) Three path connections from the west boundary of the site to connect to the core path to the west of the site;

(ii) Two path connections from the east boundary of the site to connect to the woodland strip to the east of the site;

(iii) A 2 metres wide, hard-surfaced, lit (street lighting) footpath suitable for walking and cycling to be formed from the southeast corner of the application site through the existing park to the south of it and connecting on to Main Street;

It must also include for public road links, including paths, to local services, schools and the public road network. It shall further include the provision of the 15 car parking spaces and associated electric vehicle charging point to serve the playing field, drainage infrastructure, landscaping and open space. The details to be submitted shall also include construction phasing plans.

The phasing of the development of the site shall be carried out in strict accordance with the phasing plan so approved, unless otherwise approved in writing in advance by the Planning Authority.

Reason:

To enable the Planning Authority to control the development of the site in the interests of the good planning of the site.

- 4 Prior to the commencement of development a Remediation Strategy detailing the exact gas prevention measures (gas & radon) and detailing and quantifying any works to be undertaken in order to reduce the risks to acceptable levels shall be submitted to and approved by the Planning Authority.. Any identified remediation measures shall thereafter be carried out.

Should remedial works be required then, prior to any residential units being occupied, a Validation Report shall be submitted to and be approved by the Planning Authority confirming that the works have been carried out in accordance with the Remediation Strategy.

The presence of any previously unsuspected or unforeseen contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority. At this stage, further investigations may have to be carried out to determine if any additional remedial measures are required.

Reason:

To ensure that the site is clear of contamination and that remediation works are acceptable prior to the occupation of any of the residential units.

- 5 Unless otherwise approved in writing by the Planning Authority:

(a) Housing completions in any one year (with a year being defined as being from 1st April to 31st March the following year) shall not exceed the following completion rates:

Year 2020/21 - 20 residential units

Year 2021/22 - 30 residential units

Year 2022/23 - 30 residential units

(b) If fewer than the specified number of residential units is completed in any one year then those shall be completed instead at Year 2023/24 or beyond and not added to the subsequent year.

Reason:

To ensure that the completion rate of residential development within the application site accords with the provision of education capacity.

- 6 Prior to the commencement of development, a scheme of remedial works to treat past shallow coal mine workings shall be submitted to and approved in writing by the Planning Authority and thereafter shall be fully implemented as so approved.

Reason:

To ensure that the site is clear of coal mining features and hazards prior to the occupation of any of the buildings.

- 7 Prior to commencement of development on site, full details of the proposed Sustainable Drainage System (SuDS) shall be submitted to and approved in writing by the Planning Authority.

The details shall include confirmation of Scottish Water's technical approval of the SuDS proposals.

Thereafter, the approved details shall be implemented as approved.

Reason:

To ensure that the final SuDS design complies with 'Sewers for Scotland 4' and can be vested by Scottish Water in the interest of flood prevention, environmental protection and the long term amenity of the area.

- 8 Prior to the commencement of development, a report on the actions to be taken to reduce the Carbon Emissions from the build and from the completed development shall be submitted to and approved in writing by the Planning Authority. This shall include the provision of renewable technology for all new buildings, where feasible and appropriate in design terms, and new car charging points and infrastructure for them, where feasible and appropriate in design terms. The details shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the report so approved.

Reason:

To minimise the environmental impact of the development.

- 9 Prior to their erection, details, including their size, form, position, appearance and colour(s), of all substations and gas governors to serve the development hereby approved shall be submitted to and approved in advance in writing by the Planning Authority, and thereafter any substations and gas governors shall accord with the details so approved.

Reason:

To enable the Planning Authority to control the positioning, appearance, form, finishes and colour of the substations and gas governors to be used to achieve a development of good quality and appearance in the interest of the visual amenity of the area.

- 10 Prior to the commencement of development, details, including a timetable for their implementation, showing compliance with the following transportation requirements shall be submitted to and approved in writing in advance by the Planning Authority.

(i) No residential unit hereby approved shall be occupied unless and until (i) a gateway feature is installed at the western end of the south boundary of the site, (ii) a raised table is incorporated at the site entrance, (iii) a 3 metres wide, lit (street lighting) shared use path is provided on the north side of the B6414 along the full length of this site boundary to tie into the existing footway and (iv) a suitable crossing of the B6414 is provided in the vicinity of the primary school. Details of the proposed gateway feature, the raised table, the shared use path and the crossing shall be submitted for approval by the planning authority along with a Road Safety Audit of the proposals. These measures shall be implemented in accordance with the details as approved by the planning Authority.

(ii) Driveways shall have minimum dimensions of 6 metres by 3 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 m length. Pedestrian ramps to houses may encroach by up to 300mm on the width (but not the length) provided they are no greater than 150mm in height above the adjacent driveway surface.

(iii) Vehicle accesses to private parking areas (i.e. other than driveways) shall be via a reinforced footway crossing. Within private parking areas, the minimum dimensions of a single parking space shall be 2.5 metres by 5 metres.

(iv) all prospectively adoptable parking bays (i.e. that will form part of the public road) shall have minimum dimensions of 2.5 metres by 6 metres;

All roads and paths shall conform to the Councils Standards for Development Roads.

The residential development shall thereafter be carried out in accordance with the details so approved.

Reason:

- 11 In the interests of road and pedestrian safety.
Prior to the occupation of the last house or flat hereby approved, the proposed access roads, parking spaces, and footpaths shall have been constructed on site in accordance with the docketed drawings.

Those areas of land shall not thereafter be used for any other purpose than for accessing and for the parking of vehicles in connection with the residential use of the houses and flats and shall not be adapted or used for other purposes without the prior written approval of the Planning Authority.

Reason:

- 12 To ensure that adequate and satisfactory provision is made for access and for off-street parking in the interests of road safety.
No work shall be carried out on the site unless and until an effective vehicle wheel washing facility has been installed in accordance with details to be submitted to and approved by the Planning Authority prior to its installation. Such facility shall be retained in working order and used such that no vehicle shall leave the site carrying earth and mud in their wheels in such a quantity which causes a nuisance or hazard on the road system in the locality.

Reason:

- 13 In the interests of road safety.
Notwithstanding that detailed on the drawings docketed to this planning permission at least one electric vehicle charging point shall be provided at the parking area which is to serve the playing field adjacent to the site. Prior to the commencement of development details of the electric vehicle charging point(s) shall be submitted to and approved in writing by the Planning Authority. The details to be submitted shall include a timetable for provision. Development shall thereafter be carried out in accordance with the details to approved and shall be retained unless other approved in writing by the Planning Authority.

Reason:

- 14 In the interests of sustainability.
Prior to the occupation of any of the residential units hereby approved a Green Travel Plan shall be submitted to and approved by the Planning Authority prior to the occupation of any of the residential units hereby approved.

The Green Travel Plan shall have particular regard to provision for walking, cycling and public transport access to and within the site, and will include a timetable for its implementation, details of the measures to be provided, the system of management, monitoring, review, reporting and duration of the Plan and details of how it will be distributed to residents.

Thereafter, the Green Travel Plan shall be implemented in accordance with the details so approved.

Reason:

- 15 In the interests of ensuring sustainable travel patterns in respect of the residential development.
Prior to the commencement of development, a Construction Method Statement which sets out how the impact of construction activity on the safety and amenity of the area will be mitigated shall be submitted to and approved by the Planning Authority.

The Construction Method Statement shall include details of:

- * Mitigation measures to control noise, dust, construction traffic (including routes to/from site and delivery times).
- * Hours of construction work
- * Routes for construction traffic
- * Wheel washing facilities.

Thereafter, the Construction Method Statement shall be implemented and complied with in accordance with the approved details for the period of construction of the development hereby approved.

Reason:

- 16 To retain control of the operation of construction in the interest of environmental and residential amenity.
Prior to the occupation of any of the flats hereby approved bin storage facilities and cycle storage facilities shall have been formed and made available for use. The cycle parking shall be in the form of 1 locker per flat or communal provisions in the form of a lockable room or shed in accordance with

details to be submitted to and approved in writing by the Planning Authority. Thereafter, the storage facilities shall be retained in use as bin and cycle storage areas.

Reason:

To ensure the provision of adequate bin and cycle storage in the interest of the residential amenity of the future occupants of the flats hereby approved and the visual amenity of the locality.

- 17 Notwithstanding that which is stated on the drawings docketed to this planning permission a detailed specification and samples of all external finishes of the houses, flats, garages and boundary treatments hereby approved shall be submitted to and approved by the Planning Authority prior to the use of the finishes in the development.

Notwithstanding that which is detailed on boundary treatment drawings docketed to this planning permission the southernmost boundary treatment of the rear gardens of plots 67-80 shall be a 1.8 metres high reconstituted stone boundary wall and not a 1.8 metres high timber fence as detailed in the drawings.

The external finishes of the houses and flats shall be in accordance with a co-ordinated scheme of materials and colours that shall be submitted to and approved in advance by the Planning Authority. This co-ordinated scheme shall in detail promote render as the predominant finish to the walls of the houses and flats, with a use of more than one render colour and with a strongly contrasting difference in the colours such that they will not each be of a light colour.

All such materials used in the construction of the houses, flats, garages and boundary treatments shall conform to the details so approved.

Reason:

To ensure the development is of a satisfactory appearance in the interest of the amenity of the locality.

- 18 A timetable for the provision of the erection of the boundary enclosures for the gardens of the houses and flats hereby approved shall be submitted to and approved in advance by the Planning Authority and development shall thereafter be carried out in full accordance with the timetable so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure the satisfactory provision of the boundary enclosures in the interest of safeguarding the privacy and amenity of future residents of the development and residential properties nearby.

- 19 No development shall take place until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping. The scheme shall provide details of: the height and slopes of any mounding on or re-contouring of the site including SUDS basin/ponds details; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. Non-thorn shrub species should be located adjacent to pedestrian areas. The scheme shall include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development. Specific planting details shall include hedges to front gardens. The scheme shall include a timetable for implementation of landscaping, and this scheme shall show that the structural landscape planting (proposed woodland planting on east and west boundaries) shall be implemented within 1 year of the commencement of development and shall include a tree protection and maintenance plan to safeguard new structural tree planting during the course of development.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with the details so approved, including the timetable for implementation. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar species and final size, unless the Planning Authority gives written consent to any variation. No trees or shrubs, detailed in the approved landscaping plans to be retained on the site, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority. All existing and new planting comprised in the scheme of landscaping shall be retained and maintained unless the Planning Authority gives written consent to any variation.

The structural woodland planting to be provided along the east and west boundaries of the site shall be managed in accordance with a long term woodland management plan to be submitted to and approved by the Planning Authority prior to the commencement of development. The woodland management plan shall include both short and long term management objectives and shall include a program of thinning.

Reason:

In order to ensure the implementation of a landscaping scheme to enhance the appearance of the

- development in the interests of the amenity of the area.
- 20 Prior to the commencement of development, a communal landscape plan clearly identifying all landscape factored areas shall be submitted to and approved by the Planning Authority. The plan shall be scaled (minimum 1:250) and shall include a colour coded key clearly identifying the boundaries of house plots, all landscape features such as woodland, meadows, trees and tree tag numbers, hedges, lawns, shrubs and SUDs.

Thereafter the maintenance of all communal landscape areas, and hedges to private front gardens, shall be adopted and maintained by a Factor or a Residents Association in accordance with details to be submitted to and approved by the Planning Authority prior to the occupation of any residential units hereby approved.

Reason:

- To ensure the retention and maintenance of landscaping on the site in the interest of amenity.
- 21 No development shall take place on site until temporary protective fencing in accordance with Figure 2 of British Standard 5837_2012 "Trees in relation to design, demolition and construction" has been installed, approved and confirmed in writing by the Planning Authority. The fencing must be fixed in to the ground to withstand accidental impact from machinery, erected prior to site start and retained on site and intact through to completion of development. The position of this fencing must be as indicated on a tree protection plan to be submitted to and approved by the Planning Authority in advance of the erection of the fencing. The fencing as approved shall be positioned outwith the Root Protection Area (RPA) as defined by BS5837:2012 for all trees and approved in writing by the Planning Authority.

All weather notices shall be erected on said fencing with words such as "Construction exclusion zone - Keep out". Within the fenced off areas creating the Construction Exclusion Zones the following prohibitions must apply:-

- _ No vehicular or plant access
- _ No raising or lowering of the existing ground level
- _ No mechanical digging or scraping
- _ No storage of temporary buildings, plant, equipment, materials or soil
- _ No hand digging
- _ No lighting of fires
- _ No handling discharge or spillage of any chemical substance, including cement washings

Planning of site operations should take sufficient account of wide loads, tall loads and plant with booms, jibs and counterweights (including drilling rigs), in order that they can operate without coming into contact with retained trees.

Reason

- In order to protect retained hedgerows and trees from damage.
- 22 No development shall take place on site until a person who, through relevant education, training and experience, has gained recognised qualifications and expertise in the field of trees in relation to construction, has been employed by the developer to monitor any works in close proximity of trees on the site including the installation of the 'Terram' cellular confinement system and the installation of the tree protection fencing. All tree work should be carried out in accordance with BS3998: 1989 'Recommendations for Tree Work' and must be approved in writing by the Planning Authority before work is carried out.

Reason:

To ensure the retention and maintenance of the trees adjacent to the site which are an important landscape feature of the area.