

REPORT TO: Planning Committee
MEETING DATE: Wednesday 24 June 2020
BY: Head of Development
SUBJECT: Application for Planning Permission for Consideration

Application No. **18/01086/PM**
Proposal Erection of 122 houses, 20 flats and associated works.
Location **Main Road
Macmerry
East Lothian**
Applicant Balfour Beatty Homes

RECOMMENDATION **Consent Granted**

REPORT OF HANDLING

PROPOSAL

The application site is greater than 2 hectares and more than 49 dwellings are proposed. Therefore, 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. Consequently, the application is brought before the Planning Committee for a decision.

As is statutorily required for major development proposals, this development proposal was the subject of a Proposal of Application Notice (PAN) (Ref: 16/00014/PAN) which was submitted on 13 July 2016. The PAN description was 'residential development with related access, road, public open space, structural landscaping, sustainable drainage and ancillary works'. The PAN identified an area of land larger than the current application site, extending further to the north and east of the current application site. In addition, the current application no longer proposes a community hall which, it is understood, was part of the proposal discussed in the PAN. Although the development for which planning permission is now sought occupies only part of the site described in the PAN, it is of the same character as that which was the subject of the community engagement undertaken through the statutory pre-application consultation of the proposal and is acceptable.

As a major development, community consultation had to be advertised and carried out prior to this application for planning permission being made to the Council. As an outcome of that and as a statutory requirement for major development applications, a pre-application consultation report has been submitted with this application.

The report informs that the required pre-application public event was held in Macmerry Village Hall on the 08 August 2016 after being advertised in the East Lothian Courier on 28 July 2016 and by posters placed in locations in Macmerry. The PAN was sent out to local ward Councillors and Macmerry and Gladsmuir Community Council.

The report states that a total of 50 attendees were recorded at the event at which information was displayed and representatives of Balfour Beatty Homes were available to discuss the proposal. The applicant states that a questionnaire was made available to record comments, 25 of which were reported to be returned to the applicant.

Attendees of the pre-application public exhibition raised a number of issues regarding the proposals, which are summarised by the applicant in the Pre Application Consultation Report. The comments included a wish to see a range of housing sizes and type, desire for affordable housing, concerns over the impact on infrastructure, the scale of development, impacts on existing housing and walking routes. The Pre-application Consultation Report also summarises how the applicant claims to have responded to the consultation and public comments.

The application site is comprised of some 5.16 hectares of arable agricultural land located on the northwest side of the village of Macmerry. The site is comprised of the western part of housing site TT7 Macmerry North, as allocated by the adopted East Lothian Local Development Plan 2018(ELLDP) and additional land to the north west.

The site is bounded to the south by the gardens of residential properties on Main Road, Station Row and Old Smithy Mews. To the north and east the site adjoins agricultural land. To the east, the site is bounded by a footpath, which is part of the core path network, beyond which is the other part of the TT7 allocated site. On 5th May 2019 planning permission (ref: (18/00090/PM)) was granted for 102 residential units on the eastern part of the TT7 site. Planning permission 18/00090/PM was granted subject to 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 £465,222 towards the provision of additional accommodation at Ross High School

(ii) a financial contribution to the Council of £362,100 towards the provision of additional accommodation at Macmerry Primary School;

(ii) 26 affordable residential units within the application site

(iii) a financial contribution to the Council of £ £38,510.10 towards the off site provision of sporting provision in Macmerry

(iv) secure a financial contribution to the Council of £19,335 for transport improvements. (Comprised of £1,203 for road improvements to Old Cragihall Junction, £928 for Salters Road Interchange, £4,491 for Bankton Interchange, £1,404 for Musselburgh town centre improvements and £11,309 for Tranent Town Centre improvements).

(v) secure a financial contribution to the Council of £50,184 towards a Segregated Active Travel Corridor

Planning permission was originally sought through this application for the erection of 157 residential units, comprising 125 houses and 32 flats. Through amendments to the application planning permission is now sought through this application for the erection of

142 residential units, comprising 122 houses and 20 flats.

The development site layout plan shows how the proposed 142 units would be accommodated on the site along with associated access roads, parking areas, landscaping, open space and a sustainable drainage system (SuDS) basin.

Of the 142 units there would be a total of 106 houses for private sale and 36 units would be for the provision of affordable housing. The proposed market houses would comprise of a mix of detached, semi-detached and terraced houses. Six of the houses would be semi detached bungalows. Otherwise they would be predominantly two-storey. The proposed houses would vary in size; 14 would contain 2 bedrooms, 43 (including the 6 bungalows) would contain 3 bedrooms and 49 would contain 4 bedrooms. The 20 flats would be 'cottage flats' contained within two storey buildings. The flats would all be located in the southwest part of the site.

The 36 affordable housing units would be comprised of 12 one-bedroom cottage flats, 8 two-bedroom cottage flats and 16 terraced houses (8 with 2 bedrooms, 7 with 3 bedrooms and 1 with 4 bedroom). The affordable housing has all been grouped together in the southeast corner of the site and coloured grey on site plan 760/002 W.

Vehicular, pedestrian and cycle access to the site would be taken by way of a road from the A199. This will run through the site to link with the road to be formed into the adjacent site to the east.

Pedestrian footways are proposed alongside the roads within the site to link to the core path to the east. Additionally footpaths are proposed along the wayleave immediately to the north of the houses of Station row and also along the western and northern edges of the site, both of which would link to the core path which bounds the eastern edge of the site.

Areas of open space have been proposed throughout the site. The largest of these is a triangular area which would be overlooked by houses on three sides.

The SuDs for the site will be in the northeast corner of the site and will in part take the form of underground storage tanks with grassed open space above.

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 19 November 2018 the Council issued a formal screening opinion to the applicant. This concluded that the proposed development is unlikely to have significant effects on the environment to the extent that any expert and detailed study through EIA would be necessary to properly assess any effect. 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.

The following reports have been submitted as part of this application:

- * Pre-application Consultation Report;
- * Design and Access Statement, October 2018;
- * Ecology Report, October 2018
- * Flood Risk Assessment, October 2018

- * Ground Investigation Report, January 2018
- * Transport Statement, October 2018
- * Minerals report (this report has been corrupted and is unreadable)
- * Air Quality Impact Assessment

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 Proposals are PROP TT7: Macmerry North, PROP CF1: Provision of New Sports Pitches and Changing Accommodation and PROP ED4: Tranent Cluster Education Proposals.

Relevant ELLDP Policies are DP1: Landscape Character, DP2: Design, DP3: Housing Density, DP4: Major Development Sites, 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, W3: Waste Separation and Collection DCN2 (Provision for Broadband Connectivity in New Development) 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, T3:Segregated Active Travel Corridor, T4:Active Travel Routes and Core Paths as part of the Green Network Strategy, PROP T15:Old Craighall A1(T) Junction Improvements, PROP T17:A1(T) Interchange Improvements, PROP T21:Musselburgh Urban Traffic Control System, PROP T27:Tranent Town Centre One-Way System, PROP T28:Junction Improvements at Elphinstone Road and Edinburgh Road, T32:Transport Infrastructure Delivery Fund and Policy DEL1: Infrastructure and Facilities Provision of the East Lothian Local Plan 2018.

Also material to the determination of the application is Scottish Planning Policy: June 2014 and Scottish Government Policy Statement entitled "Designing Streets". 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 (TT7 Macmerry North,) which was adopted by the Council on 30 October 2018.

REPRESENTATIONS

A total of ten written representations have been received in respect of this application. Eight of these objected to the proposal, one raised concerns and questions and one was a letter of support.

A copy of each written representation is contained in a shared electronic folder to which all Members of the Committee have had access.

The main grounds of objection and concern are summarised as follows:

- * Residents views should be considered/ there seems to have been no consultation with residents;
- * The number of units proposed has almost doubled from previous proposal;
- * Proposal looks like a 'modern rabbit warren' and not a pleasant housing estate;
- * There will be a substantial percentage increase in the population of Macmerry from the proposed development plus that to the north of St Germain's Terrace, this will have a detrimental impact on the village of Macmerry/ Loss of Macmerry's character as a village;
- * Macmerry will soon become part of Tranent due to expansion of the village through new build;
- * Objection to building in this location when there are other sites at the other end of the village
- * Opposition to building on open agricultural land instead of brownfield land/ concern over loss of productive land;
- * Environmental impact;
- * Detrimental impact on wildlife in the area;
- * New development is swallowing up the old buildings of the village;
- * Consideration of conservation and aesthetics no longer seem to matter;
- * The proposed development will block egress from houses next to the site; currently 1 - 4 Smithy Mews, the Anvil and Glenrichmond have egress out on to the vacant field. Proper egress should be provided in case of an emergency;
- * Possible 'abuse' of private lane to rear of Station Row;
- * Loss of light to existing properties;
- * Loss privacy for existing houses;
- * Concern over Traffic impact from increase vehicles;
- * Concerns that the proposal would result in an increase in traffic onto the Main Road cycle lane, which is already a very busy road;
- * A single road access will result in congestion and potentially 157 vehicles trying to get

out onto main road in the morning;

- * Increase in traffic noise;
- * It will add to problem of speeding vehicles entering Macmerry from the west;
- * Concerns about dangers for children walking to school;
- * Concern over responsibility for the maintenance of pavements;
- * A village hall had been proposed in relation to the development but it is now not shown/ what has happened to proposed hall?
- * Impact on education, social care and health needs;
- * Concern over the impact on local shops and how future residents will get shopping;
- * Concern over the impact on flooding and surface water drainage/ there have been floods in the past and the field has provided drainage;
- * Concern over where the waste from all the additional households will go;
- * Damage to the main road from construction;
- * Light pollution, especially from parking areas;
- * Concern regarding land stability and land remediation;

The main grounds of support are summarised below:

*Support for a direct connection from the SuDS proposed to the existing burn, thereby adding to the burn water flow.

In relation to the first point, the applicant has carried out the statutory requirement for consultation for developments of this size. The other points raised by representatives are discussed below.

The current application is comprised of part of allocated housing site PROP TT7. PROP TT7 of the ELLDP states "land at Macmerry North is allocated for circa 150 homes. A design solution for the site that conforms to the Council's Development Brief will be required. Any development here 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".

COMMUNITY COUNCIL

Macmerry and Gladsmuir Community Council were consulted but have not provided any comments.

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.

There is an adopted Development Brief for site TT7. This lists six points that should be complied with in the development of the site. Policy DP9 of the ELLDP states that proposals for the development of sites that are subject to a development framework or brief that has been adopted by the Council must conform to the relevant framework or brief.

The area of the current application, 5.16 hectares, comprises approximately 58% of the whole TT7 Macmerry North allocation of some 8.95 hectares. The current application seeks permission for 142 dwelling (120 houses and 20 flats), which would be 96% of the circa 150 residential units that is referred to in Proposal TT7.

In May 2019 planning permission (18/00090/PM) was granted for 102 residential units in the eastern part of the TT7 site. This 3.75 hectares site comprises approximately 42% of the whole TT7 Macmerry North allocation of some 8.95 hectares. The 102 dwelling proposed would comprises 68% of the circa 150 residential units that is referred to in Proposal TT7.

In considering the 18/00090/PM, Balfour Beatty shared information with the Council to indicate that they hope to come forward with a development of approximately 140 units for the remainder of the allocated site to the west. This would have given an overall number of units on the TT7 site of 242 dwelling. This information was used by the Council to assess the potential overall impacts of the TT7 site. Therefore, the application was not only been considered in isolation but in relation to the potential implication it would have in combination with future development proposals in the remainder of the site to the west based on an additional 140 units. The current application proposes an additional 2 units on top of this presumed 242 units.

Therefore, the current application would result in an additional 94 units (or 63% increase) over the whole TT7 site above the circa 150 units referred to in the ELLDP 2018.

It is 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.

Policy DP4 of the ELLDP 2018 requires the submission of a masterplan for the entire allocated site and an accompanying supporting statement for major developments. The application shows the proposal in relation to already granted proposal in the eastern part of the site and how it will link and relate to this adjacent site. The proposal is therefore not contrary to Policy DP4 of the ELLDP 2018.

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 A199 and from Chesterhall Avenue with an east-west vehicular access connection across the site to Chesterhall Avenue;
- (ii) Buildings on the Southern boundary of the site should front onto the A199 road with parking provided to the rear;
- (iii) the western and northern boundary, gardens should be defined by a hedgerow with specimen tree planting;
- (iv) the existing core path route should be retained and the route enhanced through the addition of hedgerows on either side and new specimen tree planting. A minimum of two points of path access are required on to the core path from the housing areas to the east and the west,
- (v) the overall site layout should enable pedestrian and cycling connectivity through the site providing at least one direct link from the site out through MountfairGardens to the southeast and into Macmerry;
- (vi) An appropriately designed landscaped gateway should be introduced at the south west corner of the site. This should be designed to assist with the slowing of traffic on approach to the village

The proposed development has one access point from the A199 road in the south west of the site and is shown to link through to the adjacent site also part of the TT7 allocated site that already has planning approval 18/00090/PM. In accordance with the adopted Development Brief an east-west connection capable of vehicle movement is provided across the site. A connection point has been approved up to the western boundary of

planning permission 18/00090/PM on the eastern side of the core path. The current application demonstrates how the proposed road would link to this spur and has illustrated the current proposal within the context of the wider TT7 site. A crossing point over the core path will be provided to link the road and footpath to the site to the east (ref: 18/00090/PM). A footpath link from the site will run between plots 85 and 86/87 over the core path to meet with a footpath link on that adjacent site. Therefore the 2 separate developments has been designed to ensure connectivity and permeability between them.

Additionally there will be 2 further points of access from the site onto the core path that bounds the east side of the application site. To ensure permeability and access for all, including a safe route to school the section of core path from Mayfair Gardens to the proposed footpath link between plots 85 and 86/87 on the site needs to be upgraded to an adoptable standard. The provision of this upgraded section of core can reasonably be made a condition of a grant of planning permission. This will ensure that there is an accessible and direct connection from the site to Main Street and to Macmerry Primary School to the east of the Macmerry. Subject to this planning control there will be connectivity and permeability from the site to Main Street and the centre of Macmerry.

Point 2 of the Development Brief states that, 'Buildings on the Southern boundary of the site should front onto the A199 road with parking provided to the rear'. It also states that the houses here should be no higher 1.5 storeys. There are 6 semi detached houses proposed closest to the A199 that front onto that one in the south west of the site (plots 1, 2, 139, 140, 141 and 142). All 6 of these houses would be the semi detached bungalows. These 6 bungalows would be positioned near the footway with their frontages facing onto and close to the road. The parking for these bungalows would be provided in courtyards to the rear. These bungalows would relate well to the existing houses to the east which are single storey in height and positioned next to the footway. The proposed 6 semi detached bungalows would continue the strong frontage and would create a positive streetscape. This would ensure an appropriate and sympathetic entrance into Macmerry which would respect the defined building line and spatial layout of the existing houses to the east.

Parking for the site is predominantly to the side and rear of houses or within communal parking courts spread throughout the development. Many of the plots which have driveways to the side of the houses with the houses pulled forward towards the road and therefore there is not sufficient space to accommodate future hardsurfacing and frontage parking. This would ensure that in the future the dominance of car will not erode the visual amenity of the area. All of this is in accordance with the Development Brief for the site consistent with Policy DP4 and DP9 of the adopted East Lothian Local Development Plan 2018.

Policy DP3 of the ELLDP 2018 state 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 applicant has stated that the net density of the site, excluding open space, is 37 units per hectare, thus complying with this requirement of Policy DP3.

In terms of housing types and sizes, the development would comprise of a range and mix of detached, semi-detached, terraced houses and cottage flats. The range of house types and sizes proposed would help to provide a distinctive layout and streetscapes with identity and the mix of residential units includes a range of sizes and types. The layout reflects the surrounding area, which is generally characterised by a mix of detached, semi-detached and terraced houses two-stories in height.

The range of house types and flats proposed would give a variation of architectural form to the development, which coupled with the orientation and layout of the buildings, would give a degree of variety of appearance to the development. The architecture of the proposed houses is of a traditional pitched roof form. It should be ensured that the use of render is the predominant wall finish as this would respect the built form of this part of Macmerry. However, some use of a contrasting wall finish (i.e. reconstituted stone) would be acceptable providing it is limited to a distinctively complete feature of the houses and respectful of their design integrity. A condition can be imposed on a grant of approval of matters specified in conditions for the proposed development to address these matters of wall finishes.

The proposed houses and cottage flats, due to their positioning on the application site and by virtue of their height, size and scale, and architectural design would satisfactorily integrate into their surroundings and would not appear as prominent or intrusive features. This would ensure a visually attractive and cohesive development, with the proposed houses visible but not appearing incongruous or intrusive in their surroundings. The other components of the proposed development would not be harmful to the character and appearance of the area.

The proposed residential development would provide an attractive residential environment for future residents of the proposed houses and cottage flats. The houses 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.

Subject to the imposition of the aforementioned conditions the occupants of each of the new houses would be afforded an appropriate level of privacy and residential amenity. The layout of the houses would also adhere to the normally accepted standards of overshadowing.

In respect of landscape matters, **the Council's Landscape Policy Officer** has worked with the developer to ensure that the landscaping of the site will provide an attractive framework for the housing development. She raises no objection to the proposal provided a condition is attached to any grant of planning permission requiring the submission of a detailed landscape plan.

The application site is capable of accommodating all of the houses without being an overdevelopment of the site and without being incompatible with the density of existing housing development in the area.

The proposed new houses and would be so sited and oriented to provide a sufficient length of garden and distance between windows so as not to harm the privacy and amenity of neighbouring or nearby residential properties through overlooking or overshadowing.

In assessing whether or not a proposed new development would result in overlooking and loss of privacy to other residential properties it is the practice of the Council as planning authority to apply the general rule of a 9 metre separation between the windows on the proposed house and the garden boundary of neighbouring residential properties and an 18m separation between directly facing windows, if they are not adequately screened.

As there will be a linear strip of openspace running along almost the entire south boundary of the site the proposal accords with those standards of 9m to garden boundaries and 18m window to window of the existing houses that are adjacent to the

south boundary of the site. Therefore, the proposed houses and flats along the south of the site would not result in a loss of residential amenity to existing properties on the south or to any other neighbouring residential properties.

On all of these foregoing findings on matters of design, layout and amenity, and subject to the imposition of conditions, the proposed development is consistent with Proposal TT7, Policies DP1, DP2 and DP3 of the adopted East Lothian Local Development Plan 2018, and the Scottish Government Policy Statement entitled "Designing Streets".

The 36 affordable housing units would be located one area in the south east corner of the site.

The Council's Economic Development and Strategic Investment Service has advised that by being located in the south east corner of the site the group of affordable houses would be located in close proximity to 12 of the affordable units on the on the east side of the core path. The SPG on affordable housing supports up to 60 affordable units to be grouped together. Therefore as the total number of units within this group would only be 48 it is consistent with that SPG on affordable housing. Therefore and as the Council's Economic Development and Strategic Investment Service has advised that the proposed mix of affordable housing has been agreed by the Strategic Investment team the proposal is consistent with Policies HOU3 and HOU4 of the adopted ELLDP 2018.

Policy OS3 of the ELLDP requires developments of 20 or more dwelling to have 60sqm of open space per dwelling which gives a requirement for 8640 sq m of openspace. In this case the applicant stated that there would be 9480qm of open space, formal and informal thus complying with Policy OS3 of the East Lothian Local Development Plan 2018.

One of the main area of open space is a triangular area of openspace located within western part of the site, the other is the grassed area above the attenuation tanks proposed as the SuDs for the site. It is also proposed to have a footpath and openspace around the outer edge of the site allowing access from Main Street in the southwest corner to the core path in the northeast corner, with a connection from a path between plots 08 and 09 on the west boundary of the site. A long linear strip of openspace of varying widths is also proposed along the south boundary of the site.

The Council's Principal Amenity Officer raises no objection to the amount and location of the openspace. He notes that the larger triangular area to the west of plots 122 - 126 would provide a 'village green' type space which could accommodate activities and community gathering. An equipped play area has also been proposed on this area of openspace. Therefore, in respect of openspace and provided details of the play equipment that is to be provided is submitted to and approved by the Planning Authority which can reasonably be made a condition of a grant of planning permission the proposal complies with Policy OS4 of the East Lothian Local Development Plan 2018.

The proposals are for site access to be taken from the A199 and linking to the site to the east. Provided the required visibility splay of 4.5 metres by 160 metres is provided and maintained on the western side of the proposed access junction with the A199 and 4.5m by 70 metres on the eastern side then this layout is acceptable. This complies with the Development Brief for the site. However this will require a crossing point over the core path which is land outwith the application site and outwith the control of the applicant. Therefore to ensure connectivity to the adjacent site to the east it should be made a condition of a grant of planning permission that prior to the commencement of development the crossing point over the core path is installed, with the details of its

design and the manner it would integrate with the core path to be submitted and approved by the Planning Authority prior to its installation. It is also proposed to form a 4.0 metre wide shared use (cyclist and pedestrian) path or SATC on the southern boundary of the development, where it meets the adjacent A199. The details of the junction from the site onto the A199 demonstrating how it will be designed to accommodate the cycle path on Main Road, must be submitted to and approved prior to its formation. This can also be reasonably be made a condition of a grant of planning permission.

With regard cycle and pedestrian links within the site the core path runs adjacent to the east boundary of the site and provides an important feature linking Macmerry to other settlements within East Lothian. The proposal shows 5 separate links from the site onto the core path which includes one road connection over the core path and onto the adjacent site to the east. However, unless and until that adjacent site to the east is well underway houses are occupied and the roads and footways are constructed there is no access point of an adoptable standard into or out of the east side of this site. This would leave this site with only one accessible point of access and safe route to school, which would be in the southwest corner of the site. To ensure permeability and access for all, including a safe route to school there must also be an access from the east side of the site via the core path onto Main Street. Whilst it was made a condition of planning permission 18/00090/PM that the core path be upgraded, this was not to be to an adoptable standard. Therefore, it shall be made a condition of any grant of planning permission that the section of core path between the access point leading from between plots 85 and 86 south down to Mayfair gardens shall be upgraded to adoptable standard. Subject to this planning control the future occupants of the development will be have safe pedestrian and cycle links within the site and also to the wider footway network of Macmerry. Subject to the imposition of those aforementioned conditions the proposals are consistent with Policies T1, T2, T3 and T4 of the adopted East Lothian Local Development Plan 2018.

In terms of wildlife and biodiversity, **the Council's Biodiversity Officer** raises no objection to the application. It is noted that the site is dominated by arable fields with limited wildlife value and is satisfied the proposal would not have a harmful impact on existing biodiversity or species thus the proposal is consistent with Policy NH5 of the ELLDP 2018.

The Council's Waste Services raise no objection to the application. However plots 1-3, 26-46, 56&57, 62 -85, 137-142, 102-120, should present bins for collection at the kerbside and not in car parking area. Bin collection points have not been shown on the layout plan to demonstrate that sufficient space would be provided to accommodate these or enable their assessment. The location of bin collection points can be made a condition of a grant of planning permission. The proposal is therefore consistent with Policy W3 of the adopted East Lothian Local Development Plan 2018.

If granted planning permission a condition can reasonably be imposed on it to require the submission of a construction method statement detailing how developers will mitigate the impact of construction on nearby residents and the area.

The applicant has submitted a Flood Risk Assessment. This concludes that the site is not considered to be at significant risk of surface water flooding, assuming sensible mitigation measures are taken, as outlined in Sections 5.2 and 5.4. As this assumes 'suitable drainage system' and both SEPA and **The Council's Flooding and Structure Service** have asked for additional information to assess the drainage from the site it cannot be concluded that there is not a risk of flooding on the site. Therefore the proposals do not conflict with Policy NH11 of the adopted East Lothian Local

Development Plan.

SEPA do not raise an objection to the proposal. They do advise that the applicants should provide the outputs of the Simple Index Assessment Tool to demonstrate adequate levels of treatment will be provided for the site. Therefore, at this stage it has not been demonstrated that the treatment of a SuDS basin and filter trench is sufficient.

In respect of SuDS provision, this is shown within the northeast corner of the site and would take the form of underground storage tanks. The land above the storage tanks is to be grassed over and used as public open space. The Council's Flooding and Structures Service raises no objection to the application provided details are provided of the SuDS which should include evidence of technical approval by Scottish Water. Subject to the imposition of that condition the proposal is consistent with Policy NH10 of the adopted East Lothian Local Development Plan.

Scottish Water raise no objection to the proposal. They confirm that there is currently sufficient capacity in the Castle Moffat Water Treatment Works and Edinburgh Waste Water Treatment Works, although a formal application for connection to their systems will be required. They also note that there are existing sewers within the application sites.

The Council's Environmental Health Manager has advised that in pre-application consultation he raised concerns regarding impacts arising from the operational phase of the development upon the existing local air quality on Tranent High Street and requested that these be assessed. He also advised that the assessment should also consider cumulative impacts upon Air Quality in Tranent High Street associated with this development in conjunction with any other consented development within the Tranent Area and should take account of Environmental Protection UK/IAQM document "Land-use Planning & Development Control: Planning For Air Quality, May 2015" to determine significance of any impacts. An Air Quality Impact Assessment has been submitted and the Council's Environmental Health Manager advises that the proposal would not exacerbate air quality issues to an unacceptable contrary to Policy NH12 of the ELLDP.

The Council's Environmental Health Manager has advised that in this instance a noise report is not required due to the distance from the A1 and that the proposal is not contrary to Policy NH13 of the adopted East Lothian Local Development Plan.

The site is within a Coal Authority High Risk Development. A Coal mining Risk Assessment was submitted with the application and The Coal Authority was consulted on this document.

The Coal Authority advised that they concur with the recommendations of the Ground Investigation Report (RG606-52/MAK, January 2018) based on the professional opinion of Johnson Poole and Bloomer Ltd; that shallow coal mining impacts on the safety and stability of the entire development site. They raise no objection provided a condition is attached to any permission to ensure that remedial works are undertaken on site prior to commencement of development.

The Council's Contaminated Land Officer has reviewed the site investigation reports and raises no objection. He is satisfied that the investigative works and subsequent assessments have been carried out in accordance with best practice guidelines and the relevant standards. He would also concur with the findings that there is no evidence to suggest any contamination exists on the site that may impact on human health or the water environment. Certain remedial measures will be required, however, as elevated levels of carbon dioxide were found throughout the site necessitating the installation of gas prevention measures. The site will also require extensive ground stabilisation works

due to the presence of shallow mine workings, which may well impact on the existing gas regime.

Therefore, they raise no objection subject to conditions to ensure a remedial strategy for gas, a validation report and gas monitoring is secured.

Policy DCN2 requires the provision of broadband connectivity in new developments. In this instance the applicant's agent has confirmed that it is the applicant's intention to work with the available infrastructure providers. This will enable connectivity to the appropriate telecommunications networks through provision of suitable ducting. Therefore provided the infrastructure is in place it can easily be linked into this development. However, this is reliant on the telecommunications providers. Therefore the proposal does not conflict with Policy DCN2 of the adopted East Lothian Local Development Plan 2018.

The East Lothian Council Health and Social Care Partnership raises no objection the current proposal and advise that health service have the ability to service the number of housing units proposed in this application.

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 all applications for planning permission except Section 42 applications, householder applications, design changes, changes of use, non householder alterations and extensions, or where it is not considered reasonable by the Planning Officer. As this application is for new build development such a condition should be imposed on a grant of planning permission for the proposed development.

On all of these foregoing findings on matters of design, layout, open space, landscaping and amenity the proposed development complies with Policies DP1, DP2, DP3, DP9, DCN2, OS3, OS4, W3, T1, T2, T3, T4, NH5, NH10, NH11, NH12 and NH13 of the East Lothian Local Development Plan 2018 and the Scottish Government Policy Statement entitled "Designing Streets".

Consideration must then be given to the potential impact of the proposed development on the infrastructure of the area. Taking into account the approved site to the east the total number of units on the TT7 would be 242.

Policy Del1 of the ELLDP 2018 stipulate that new housing will only be permitted where appropriate provision for infrastructure, required as a consequence of the development, is made. Policy T32 of the ELLDP 2018 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 Supplementary Guidance.

The SEStran Regional Model (SRM) which informed the Transport Assessment supporting the East Lothian Local Development Plan was run using the assumption of 150 residential unit, as per the site allocation. Due to the proposed increase in units, **the Council's Road Services** required that the SRM be re-run to take account of predicted increased number of units for the TT7 site when considering planning application

18/00090/PM for the eastern part of the TT7 site. At the time this was 242 units. This was needed to assess whether the road network would be able to accommodate the increase in unit numbers. The applicant commissioned additional modelling to assess the transport impact of an additional 92 units on the TT7 site and the results were summarised in a technical note from PBA consultants. This confirmed that the incremental difference from the increased number of units would not be significant in terms of the road network. The Council's Road Service agree with the findings of the assessment that a 242 unit development of the whole TT7 site shall have a cumulative impact on the wider strategic road network which can be accommodated within the local road network in terms of road capacity. The current application would result in an additional 2 units. The Council's Roads Service have considered the differential between ELLDP 2018 site allocation and the site intensification and are satisfied no additional model runs are necessary to test the site acceptability. They consider the change to be so minor as not to make a material change to the performance of the transport network. Therefore, a further model run is not required to be carried out by the current applicant.

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 Supplementary Guidance.

For the Macmerry North TT7 site the requirement for developer contributions towards each transport intervention as identified in the Developer Contributions Framework. As the overall number of units on the site are predicted to be 242 units, the contribution for the site have been applied on a pro rata basis for the number of units proposed by this application. Although this application would take the total TT7 units to 244, this 2 unit increase from 242 is not considered significant to considered that the assessment requires to be updated The contributions required for each intervention for this application are detailed below:

- * Improvements to Old Craighall junction (PROP T15) £1,651
- * Improvements to Salters Road Interchange £1274
- * Bankton Interchange (PROP T17): £6164
- * Musselburgh Town Centre improvements (PROP T21): £1,928
- * Tranent Town Centre Improvements (PROP T27 and T28) £15,521

The total contribution required for transportation improvements resulting from cumulative impacts of the development is therefore £26,538.

This site is not within a rail contribution zone and no contributions are required for rail improvements.

The site is within the Segregated Active Travel Contribution zone and therefore a contribution, as required by Policy T3 of the ELLDP and the DCF should be secured. This contribution is based on a per dwelling rate of £492, therefore giving a total of £69,864 for this site.

The total developer contributions towards the transportation interventions of £96,402 (indexed linked) 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 Council's Depute Chief Executive (Resources and People Services) informs that the application site is located within the school catchment areas of Macmerry Primary School and Tranent High School.

He advises that Macmerry Primary School and Ross High School do not have sufficient capacity to accommodate children that could arise from the proposed development, therefore he objects to the application on the grounds of lack of permanent capacity at those schools. However, he would withdraw that objection provided the applicant makes a financial contribution to the Council of £500,266 towards the provision of additional school accommodation at Macmerry Primary School and £671,944 towards an extension at Ross High School.

The required payment of a financial contribution of a total of £1,172,120 towards the provision of additional accommodation at Macmerry Primary School and Ross High School 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 INF3 of the adopted East Lothian Local Plan 2008, and Policies ED4 and which stipulates that new housing will only be permitted where appropriate provision for infrastructure required as a consequence of the development is made.

The Council's Sports Dev & Community Recreation Manager has advised that as the number of residential units that would be built on the overall TT7 site would exceed 200 units this triggers a requirement for a small sports pitch (60 metres by 40 metres) to be provided within the site or a contribution towards sports facilities within Macmerry. There is no sports pitch proposed on this site through this application. However, the applicant has agreed in principle to a pro rata contribution to the value of a small sided grass pitch at the cost of £92,500. This amount divided by the 244 units now proposed across the whole TT7 site would result in a per dwelling payment of £379.10 per dwelling and total cost for the current proposal of £53,832. This 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 payment of the required contribution towards transport interventions, segregated active travel, sports pitch provision and education provision, which the applicants have confirmed they are willing to make, the proposal is consistent with Policies DEL1, CF1 and T32 of the ELLDP 2018.

Policy HOU3 of the ELLDP 2018 requires that developments of five or more dwellings must make provision for affordable housing at a rate of 25% of the total number of dwellings proposed for the site. **The Council's Economic Development and Strategic Investment Manager** advises that in accordance with the Council's Affordable Housing Policy, 25% of the proposed 142 residential units, or 36 units, require to be affordable housing.

The Council's Economic Development and Strategic Investment Service has advised that they are satisfied with the proposed mix of affordable housing. Overall the design and layout of the affordable housing is acceptable. Therefore, the proposal does comply with Policy HOU3 of the ELLDP.

However, if granted 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 and is shown on the drawings submitted, the proposal would be consistent with Policies HOU3 and HOU4 of ELLDP.

In summary, in the context of the site being part of housing allocation PROP TT7 of the East Lothian Local Development Plan 2018, 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, the significant material considerations of this case supports the proposed residential development of the site. 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 would be consistent with Scottish Planning Policy: June 2014, SESplan Policy 7 and relevant East Lothian Local Development Plan policies of the adopted East Lothian Local Development Plan 2018.

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 £671,944 towards the provision of additional accommodation at Ross High School
 - (ii) a financial contribution to the Council of £500,266 towards the provision of additional accommodation at Macmerry Primary School;
 - (ii) 36 affordable residential units within the application site
 - (iii) a financial contribution to the Council of £ 53,832.20 towards the off site provision of sporting provision in Macmerry
 - (iv) secure a financial contribution to the Council of £26,538 for transport improvements. (Comprised of £1,651 for road improvements to Old Cragihall Junction, £1,274 for Salters Road Interchange, £6,164 for Bankton Interchange, £1,928 for Musselburgh town centre improvements and £15,521 for Tranent Town Centre improvements).
 - (v) secure a financial contribution to the Council of £69,864 towards a Segregated Active Travel Corridor
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 Macmerry Primary and Ross High School, a lack of

provision of affordable housing, sports provision, a lack of roads and transport infrastructure improvements contrary to, as applicable, Policies INF3, H4 and C2 of the adopted East Lothian Local Plan 2008 and ED4, DEL1, HOU3, OS4, T3 and T32 of the East Lothian Local Development Plan.

- 1 No works shall commence on site unless and until a vehicular crossing is provided across the core path from the application site hereby approved to connect to the road on the adjoining site on the east side of the core path in accordance with the positioning of it shown on site layout drawing 760/002 Rev W. Details of the crossing point including how it will integrate with the core path shall be submitted to and approved by the Planning Authority prior to its installation and thereafter, unless otherwise agreed by the Planning Authority shall be installed on the core path in accordance with those approved details.

Reason;

In the interests of road safety.

- 2 Prior to the commencement of development hereby approved a continuous footpath route of adoptable standards with lighting shall be provided on the core path no. 455 adjacent to the east boundary of the site. The continuous length of footpath will run from a point adjacent to the new footpath to be formed between plots 85 and 86/87 within the site and shall run southwards into Mountfair Gardens and shall include the provision of dropped kerbs within Mountfair Gardens all in accordance with East Lothian Council's Standards for Development Roads. The details and timetable for the provision of the footpath shall be submitted to and approved by the Planning Authority prior to the commencement of development on the site to form the path.

Thereafter, the continuous footpath route shall be provided and delivered in accordance with the details so approved.

Reason:

To provide a safe pedestrian access from the east side of the site to Main Street and a safe route to Macmerry Primary school, in the interests of road safety.

- 3 Prior to the commencement of development, final site setting out details shall be submitted to and approved in writing 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 the position of adjoining roads, land and buildings;

b. finished ground levels and finished floor levels of the development relative to existing ground levels of the site and existing ground and road levels of adjoining land. 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 hereby approved, shown in relation to the finished ground and finished floor levels on the site.

Thereafter, the details shall be implemented as approved.

Reason:

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

- 4 Notwithstanding that which is stated on the drawings docketed to this planning permission, a detailed specification of all external finishes of the houses and cottage flats of the proposed development shall be submitted to and approved by the Planning Authority prior to the use of the finishes in the development. The external finishes of the houses and cottage 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, 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. However, some use of a contrasting wall finish (i.e. reconstituted stone or facing brick) would be acceptable providing it is limited to a distinctively complete feature of the houses and flats and respectful of their design integrity. All such materials used in the construction of the houses

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.

- 5 Other than in exceptional circumstances where the layout or particular building type does not permit, the residential units shall be orientated to face the street. Notwithstanding that shown on the docketed site plan where a building is located on a corner of more than one street, it shall have enhanced gable(s) to ensure it has an active elevation to each street it faces;

Reason:

In the interests of ensuring active frontages and to enhance character and appearance of the area.

- 6 Notwithstanding that shown on the drawings docketed to this approval of matters, all semi private and defensible spaces in front of or to the side of dwellings and to the side of parking courtyards shall be enclosed by walls/hedges/fences/ or railings to define areas of private space from public space.

Notwithstanding that shown on the drawings docketed to this planning permission, the boundary enclosures shown on those drawings are not hereby approved. Instead, and prior to the commencement of development, revised details of all boundary enclosures to be erected on the application site, and the timescales for their provision, shall be submitted to and approved in advance by the Planning Authority. Those details shall show 1.8 metre high solid enclosures around rear gardens of the houses hereby approved except where those boundaries are adjacent to a road or pathway where they shall be some other form of enclosure such as feature walls or hedges to heights and finishes to be approved in advance by the Planning Authority.

Details submitted shall also include the design, construction and materials of the entrance feature walls at the main accesses to the site.

Reason:

To ensure the satisfactory provision of the boundary enclosures in the interest of safeguarding the visual amenity of the area and to safeguard the privacy and amenity of residential properties nearby.

- 7 A play area with equipment suitable for children aged 5 to 12 years shall be provided on the area of open space of the application site which is to the east of plots 122 to 126 and to the west of plots 25 to 29, as shown on approved Development Layout 760/002 Rev W.

Prior to the commencement of development on site details of the play equipment and surfacing materials to be installed in the play area and a timetable for its installation shall be submitted to and approved in writing by the Planning Authority.

Thereafter, the play equipment shall be installed in accordance with the details so approved. The equipped play area shall thereafter be retained in perpetuity and kept available for use.

Reason:

To ensure that suitable play equipment is installed and thereafter retained.

- 8 Prior to any use being made of the junction onto the A199 visibility splays of 4.5 metres by 160 metres must be provided and maintained on the western side of the proposed access junction with the A199 and 4.5m by 70 metres on the eastern side of the junction with the A199 such that there shall be no obstruction to visibility above a height of 1.05 metres measured from the adjacent carriageway level within the area defined below:-

- a) A line 4.5 metres long measured along the access road from the nearside edge of the main road carriageway.
- b) A line 160m long for the west side and 70m long for the east side measured along the nearside edge of the main road carriageway from the centre of the access road in both directions.
- c) A straight line joining the termination of the above two lines.

The development shall also comply with the following transportation requirements:

- (i) All roads and paths shall conform to East Lothian Council Standards for Development Roads;

(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;

(v) 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.

Reason:

In the interests of road safety.

- 9 Prior to the commencement of development full details of the scheme of works to provide a signal controlled junction incorporating pedestrian/cycle crossing at the new junction into the site from the A199 as shown on docketed drawing 760/002 REV W shall be submitted to and approved in writing by the Planning Authority.

Thereafter, the signalised junction shall be installed and operational prior to the occupation of any dwelling on the application site.

Reason:

To ensure measures are implemented to control traffic at this junction to address the increase in anticipated vehicles movements from the proposed development in the interest of road safety.

- 10 Prior to the occupation of any dwelling hereby approved, details of a Green Travel Plan shall be submitted to and approved in writing by the Planning Authority. This should seek to encourage the minimisation of private car trips and increased use of active means of travel and the use of public transport.

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.

Thereafter, the Green Travel Plan shall be implemented as per the approved details.

Reason: To encourage sustainable and active travel in the interests of environmental and residential amenity.

- 11 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).

- * Hours of construction work

- * Temporary measures to be put in place to control surface water drainage during the construction works

- * 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:

To retain control of the operation of construction in the interest of environmental and residential amenity.

- 12 Prior to the commencement of development a timetable for the submission of a Road Safety Audit shall be submitted to and approved by the Planning Authority. Thereafter, in accordance with that agreed timetable, the Road Safety Audit will shall be submitted for the site (internal) and A199 (external) roadworks. This process must be completed through Stages 1, 2, 3 & 4 which are Preliminary Design, Completion of Detailed Design, Completion of Construction & Post Opening Monitoring using 12 months of validated post scheme opening road traffic collision data - all in accordance with GG119 Road Safety Audit Rev1. The Road Safety Audit to include; the proposed access junction to A199, junction with adjoining housing development site to east, new footways/cyclepaths, pedestrian crossings and double 'D' islands where provided

After each Stage of Road Safety Audit/Assessment, the approved measures shall be implemented as approved.

Reason:

In the interests of road safety.

- 13 A plan clearly detailing all communal areas to be maintained by a Factor or Residents Association shall be submitted to and approved by the Planning Authority prior to the occupation of any residential units hereby approved. The maintenance of all communal landscape areas and hedges to private front gardens as detailed on the approved details of landscaping shall be adopted and maintained by a Factor or a Residents Association. All communal areas detailed on this drawing shall be retained as communal open space in perpetuity.

Reasons:

To ensure the retention and maintenance of open space and landscaping on the site in the interest of amenity.

- 14 A scheme of landscaping shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development. 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.

In particular the scheme shall include:

- o A landscape feature framing the village entrance to the west of plot 2 to include large species, standard sized trees and shrub planting.
- o A mixed species hedge the complete length of the west/north/northwest boundary.
- o Regular small groups of small and medium sized species standard trees to the open space adjacent to the west/north/northwest boundary such as birch, whitebeam, field maple and cherry.
- o Medium sized standard trees between plots 8 and 9.
- o A large species standard tree in the open space west of plot 128.
- o A feature group of medium sized species standard trees such as birch in the open space west of plots 123/124.
- o Central open space to be designed with groups of large species standard trees, such as horse chestnut, sweet chestnut, oak and lime; multi stem birch trees; mounds; seating; and formal and natural play.
- o Medium sized species standard trees such as whitebeam, birch and field maple to the open space to the southern boundary outwith the sewer wayleave.
- o Medium sized standard trees to the parking courts south of plot 57 and at plots 58, 63, 68, 71, 87 and 101, and 101 and 102.
- o Groups of standard trees and shrub planting around the SUDS basins in the northeast corner.
- o Hedges to front gardens of plots 17-21, 29, 30, 50, 51, 52, 62-67, 81-92, 111-115, 120, 121.
- o Hedges to south and east of parking court east of plot 54.
- o Hedges to open space side of drives to plots 122-125 and 27-28.

Thereafter, and unless otherwise agreed by the Planning Authority the landscape scheme shall be carried out in accordance with the details so approved.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of the development or occupation of any house hereby approved, whichever is the sooner. 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, hedges or shrubs, detailed in the approved landscaping plans shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority.

Reason:

In the interests of achieving an attractive development.

- 15 Prior to the commencement of development on site full details of the proposed bin presentation areas within the application site shall be submitted to and approved in writing by the Planning Authority. These details shall include ground finishes, boundary treatments and the design and position of signage to identify which dwellings are to use each area. Thereafter, the details shall be implemented as approved.

Reason:

To allow the consideration of details yet to be submitted and in the interests of residential amenity.

- 16 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 1 - 15 dwellings completed

*Year 2 - 25 dwellings completed

*Year 3 - 25 dwellings completed

*Year 4 - 25 dwellings completed

*Year 5 - 25 dwellings completed

*Year 6 - 27 dwellings completed

(b) If fewer than the specified number of residential units is completed in any one year then those shall be completed instead at Year 6 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.

- 17 Prior to the commencement of development on site the implementation of stabilisation works as identified within the Ground Investigation Report prepared by Johnson Poole and Bloomer Ltd (ref: RG606-52/MAK January 2018) shall be undertaken and confirmation of the completion of these works submitted to and approved in writing by the planning authority in consultation with The Coal Authority.

Reason:

To ensure that the stabilisation works proposed are carried out in the interest of health and safety and environmental protection.

- 18 Prior to the commencement of development a Remedial Strategy detailing gas prevention measures to be installed and procedures to verify these measures shall be submitted to and approved in writing by the Planning Authority. Thereafter, the gas prevention measures and verification procedures shall be implemented as approved.

Prior to the occupation of any dwelling hereby approved, a Validation Report, detailing the satisfactory completion of the remedial works, shall be submitted to and approved in writing by the Planning Authority.

Gas monitoring wells should be established at the boundaries of the site during the ground stabilisation works, with a suitable period of monitoring being carried out. Upon completion of the monitoring, a Gas Risk Assessment should be submitted to the Planning Authority detailing the potential for off-site gas migration.

Reason:

To allow the consideration of details to be submitted and ensuring that the installations are fit for purpose in the interests of environmental protection.

- 19 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 3 and can be vested by Scottish Water in the interest of flood prevention, environmental protection and the long term amenity of the area.

- 20 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.