

REPORT TO: Planning Committee
MEETING DATE: Tuesday 3 November 2020
BY: Head of Development
SUBJECT: Application for Planning Permission for Consideration

Note - this application was called off the Scheme of Delegation List by Councillor Akhtar (1) and Councillor Hoy (2) for the following reasons:

(1) Due to the large number of local objections and community concerns relating to this planning application I believe that it should be given full consideration at the next Planning Committee.

(2) There are a significant number of local objections (circa 20) and it is important, therefore, that a full meeting of the East Lothian Planning Committee has the opportunity to hear and explore the concerns of neighbours and Gifford residents. Several of these objections relate specifically to over-development of what is a relatively small plot in a historic village, where such development should be sensitive to the local community to ensure sustainable development.

Application No. **20/00629/P**
Proposal **Erection of 1 house and associated works**
Location **Garden Ground Of Garden Cottage
Edinburgh Road
Gifford
East Lothian**
Applicant **Mr Al Gilmour**
Per **Ogilvy Chalmers**

RECOMMENDATION Consent Granted

REPORT OF HANDLING

PROPOSAL

This application relates to an area of garden ground which currently forms part of the garden of Garden Cottage, Gifford. The site is located to the north west of the junction of Tweeddale Avenue with Edinburgh Road within a predominantly residential area as defined by Policy RCA1 of the adopted East Lothian Local Development Plan 2018. The site is also within the Forbes Lodge Local Garden and Designed Landscape and within Gifford Conservation Area.

The application site is bounded to the north west by the access road to Garden Cottage with a neighbouring residential property beyond, to the north by the house and what will remain as the garden of Garden Cottage, to the north east by the substantial property of Forbes Lodge and its garden ground which is listed as being of special architectural or historic interest (Category B) as are the boundary walls of that listed building. It is bounded to the

southeast by a modern infill house (Orchard House) built within part of the garden of what had been part of the garden ground of Forbes Lodge and which was granted planning permission 13/00611/P in May 2014.

The site is accessed from Tweedale Avenue to the south western corner of the site where a driveway runs adjacent to the north western stone wall of the walled garden.

The site is covered by a number of trees but are not subject to a Tree Preservation Order.

It is proposed to erect a detached house that would be positioned almost centrally on the plot and which would extend across almost the full width of the plot. It would be adjacent to and would be aligned with the modern house of Orchard Cottage granted planning permission 13/00611/P in May 2014 to the southeast of the site. The proposed house would be orientated to face southwards and would be predominantly one and a half storeys in height with additional single storey and two storey components. It would be some 8.1 metres in height to the top of the ridge of its roof, with a pitched roof clad with natural slate. The external finishes of the proposed house would otherwise be lime render walls with sandstone window and door surrounds, parapet coping stones and chimney stacks. Its doors and the frames of its windows would be timber, the windows which would have a white painted frames and astragals and the doors would be painted brown.

The existing garden walls, which are listed as being of special architectural or historic interest (category B) would be retained and would form the north western, south western and south eastern boundaries of the site. The north eastern boundary would be enclosed by a new hedge.

A new 5.8m wide vehicular access would be formed through the part of the existing wall to the southwest of the proposed house which would allow access from Tweedale Avenue to the proposed new house via a new driveway. This driveway would lead to a parking and turning area to be formed to the south of the proposed house.

As that wall is listed in association with Forbes Lodge, listed building consent is sought through separate application 20/00901/LBC for the alterations to the wall to form the new access. That application stands to be determined on its merits.

To the south of the proposed driveway, parking and turning area would be an area of garden that has a number of trees on it. Two additional new trees would be planted on this front garden area. A larger area of garden ground some 18m in length and some 20m in width would be provided to the north side of the proposed house. Four new trees would be planted in the proposed rear garden.

The application is supported by a Design and Access Statement and by an Arboricultural Assessment.

The Design Statement informs that the proposed house would be a three bedroomed house designed to take the character of a traditional two storey double fronted village house to reflect the other two storey double fronted houses in Gifford. The design takes into account the fact that the site is in the Gifford Conservation Area and relates to the architectural group setting of the immediately adjacent area. In certain details the proposed house references Garden Cottage as one of the historic buildings associated with Forbes Lodge. The proposed house is one and a half storeys in height with a slate roof and with cat slide dormers. The height of the proposed cat slide dormers has been restricted to ensure the scale appears subordinate to Orchard House on the adjacent plot and these cat slide dormers relates directly to the cat slide dormers on Garden Cottage.

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 South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Development Plan 2018.

There are no relevant Policies contained within the approved South East Scotland Strategic Development Plan (SESplan). Policies DP2 (Design), DP7 (Infill, Backland and Garden Ground Development), RCA1 (Residential Character and Amenity), CH1 (Listed Buildings), CH2 (Development within Conservation Areas), CH6 (Gardens and Designed Landscapes), NH8 (Trees and Development), T1 (Development Location and Accessibility) and T2 (General Transport Impact) of the adopted East Lothian Local Development Plan 2018.

Material to the determination of the application are Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and Scottish Planning Policy: February 2010 on development affecting a listed building or its setting and development within a conservation area. Also material is Scottish Planning Policy on housing development and Scottish Government advice given in Planning Advice Note 67: Housing Quality and Scottish Planning Policy on development affecting archaeological sites.

Scottish Planning Policy echoes the statutory requirements of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that in considering whether to grant planning permission for development which affects a listed building or its setting a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Scottish Planning Policy also echoes the statutory requirements of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that a planning authority must have regard to the desirability of preserving or enhancing the character or appearance of a conservation area in exercising its responsibilities in the determination of any application for planning permission for development affecting a conservation area. It is stated in Scottish Planning Policy that proposed development that would have a neutral affect upon the character or appearance of a conservation area (i.e. does no harm) should be treated as one which preserves that character or appearance. The design, materials, scale and siting of new development within a conservation area should be appropriate to the character of the conservation area.

Scottish Planning Policy states that infill sites can often make a useful contribution to the supply of housing land. Proposals for infill sites should respect the scale, form and density of the surroundings and enhance the character and amenity of the community. The individual and cumulative effects of infill development should be sustainable in relation to social, economic, transport and other relevant physical infrastructure and should not lead to over development.

Also material to the determination of the application is the Scottish Government's guidance on housing design and quality given in Planning Advice Note 67: Housing Quality.

Planning Advice Note 67: Housing Quality 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 this application is the “Cultural Heritage and the Built Environment” Supplementary Planning Guidance (SPG) of the adopted East Lothian Local Development Plan 2018, which was adopted by the Council in October 2018.

REPRESENTATIONS

There are nineteen letters of objection to this proposal. The main grounds of objection include:

- o The proposed dwelling being too large and constitutes overdevelopment of the site;
- o The property should be a bungalow;
- o Loss of trees on the site;
- o Detracting from the character of Garden Cottage and the Gifford Conservation Area;
- o Loss of privacy and overlooking of adjacent properties;
- o Loss of section of the wall of the walled garden;
- o Site access being dangerous;
- o Use of Tweeddale Avenue for construction vehicles which cannot access the site;
- o Applicant from a Highland town and they do not intend to live in the new dwelling;
- o The alteration to the wall to accommodate the new access would be detrimental to the character of the conservation area.
- o The site address is inaccurate as it is off Tweeddale Avenue and not Edinburgh Road;
- o The entire driveway of the property not being within the red line plan as part is only identified as right of way; and
- o Issues relating to public notification and advertisement of this application.

In this regard, the site address is not inaccurate as the address relates to the garden ground of an existing property, Garden Cottage which has an address stated as Edinburgh Road and not Tweeddale Avenue. Furthermore the application drawings clearly show on the location of the site, all neighbouring residential properties within 20m of the application site were notified as neighbours and the application was advertised in the local press on 10/07/2020. This has satisfactorily satisfied the statutory requirements in the notification and publication of a planning application.

With regards to access, the plans show sufficient access arrangements within the site and the area in question forms an existing access outwith the site boundary comprising the crossing of the road verge which the applicant states they have a right of way over. Accordingly, sufficient details have been provided to show access to the site.

The matter of where the applicant currently resides and whether they intend to live in the proposed dwelling is not a material planning consideration relevant to the determination of this planning application.

One letter of support has also been received. This acknowledges that the design statement submitted with the application illustrates a building that will be sympathetic for its location within a garden site sensitively partitioned from Garden Cottage. They also state that the proposal will complement the adjoining property of Orchard House and positively contribute to the frontage of Tweeddale Avenue leading from the Edinburgh Road.

COMMUNITY COUNCIL

No comments.

PLANNING ASSESSMENT

The application site is within a predominantly residential area as defined by Policy RCA1 of the adopted East Lothian Local Development Plan 2018. Policy RCA1 does not actively promote the development of land for new build residential development. The principal purpose of Policy RCA1 is to ensure that the predominantly residential character and amenity of its area of coverage is safeguarded against the impacts of land uses other than housing. However, Policy RCA1 does state that infill, backland and garden ground development will be assessed against Policy DP7 of the adopted East Lothian Local Development Plan 2018.

The proposed new house plot is within a predominantly residential area with residential properties to the surrounding it in all directions. The building of a house on the site would amount to urban infill housing development, the principle of which is supported by Policy DP7 of the adopted East Lothian Local Development Plan 2018.

With respect to infill, backland and garden ground development Policy DP7 of the adopted East Lothian Local Development Plan 2018 states that, amongst other principles of development, it must, by its scale, design and density be sympathetic to its surroundings and not an overdevelopment of the site. In that respect the must be able to accommodate the entire development, including access, parking and turning space as well as an appropriate sized amenity area.

Policy DP2 of the adopted East Lothian Local Development Plan 2018, amongst other things, requires that all new development must be well designed and integrated into its surroundings.

Whilst it is not essential to replicate existing building styles to build successfully in a conservation area and indeed in other locations, both national planning and development plan policy nevertheless state that in designing proposed new buildings developers should think about the qualities and the characteristics of places. The development should reflect its setting and local forms of building and materials. The aim should be to have buildings looking different without detracting from any sense of unity and coherence for the development or the wider neighbourhood.

In this case regard must also be paid to the desirability of preserving or enhancing the character or appearance of the Gifford Conservation Area as required by Scottish Planning Policy: June 2014 and Policy CH2 of the adopted East Lothian Local Development Plan 2018.

The Character Statement for Gifford Conservation Area contained in the "Cultural Heritage and the Built Environment" SPG of the ELLDP 2018 adopted by the Council in October 2018, explains that Gifford was planned as a replacement village in the early 18th century to complement Yester House begun in 1699. Most of the 18th century buildings in Gifford are listed for their consistent architectural form including consistency of construction that reflects the nature of a planned village. Many buildings are built of rubble and often harled and whitewashed, particularly in Main Street. Roof coverings are predominantly natural slate or pantile and the houses have timber sash and case windows. The architectural integrity of the village has been extremely well maintained and it is important that future development does not harm this character and where possible re-introduces original design details. Several later housing developments in the village have their own architectural character but fit well into the pattern of generally low density buildings, particularly those close to the centre.

The part of Gifford Conservation Area in which the application site lies has in it the two large, detached, stone built, neo-classical mansions of Forbes Lodge and Gifford Bank, both of which are Category B listed, as well as the stone built Garden Cottage, which is not listed, and also the much more modern development of Tweeddale Avenue and Tweeddale Crescent which consist of detached single storey and one and a half storey rendered houses. There are many large mature trees that contribute positively to the overall character of the area, all of which are protected by being in the Conservation Area and some of which are further protected by Tree Preservation Orders.

The land comprising the application site forms part of the private garden of Garden Cottage.

The proposed house would be positioned with its principal front elevation facing southwards towards Tweeddale Avenue. It would be oriented within the site in a similar manner to the adjacent house of Orchard House and therefore would be positioned within the site in a manner sympathetic to its surroundings. Although almost filling the width of the plot, due to its set back positioning from Tweeddale Avenue and of its position in relation to the adjacent house of Orchard House this will not be readily discernible in public views. Therefore and as the plot can easily accommodate the proposed house, with ample amenity space and parking and turning it would not appear as a cramped form of development or as an overdevelopment of its plot.

The proposed house would be predominantly one and half storeys in height with single storey and two storey components. It would in the most part reflect traditional architectural elements found on neighbouring buildings. In its proposed use of pitched roofs clad with slate, render finished walls, natural stone detailing and astragalled sash and case window frames of timber construction would respect the materials of the traditional houses of the area.

Whilst the proposed house would be well contained within its enclosed site within the former walled garden area it would be visible from Tweeddale Avenue. However in those views the proposed house, by virtue of its size, scale, proportions, architectural form and materials would not be an intrusive, incongruous or exposed. It would display design qualities in keeping with characteristic local forms of buildings and materials and would harmoniously integrate into its setting without being at odds with or detracting from the mixed architecture, layout and density of the built form of this part of the Conservation Area. Conditions can be imposed on a grant of planning permission to control the external finishes of the proposed house including the type and colour of render to be applied to the walls of the house.

The proposed house would not significantly alter the pattern and density of the established layout of the houses and other buildings within Tweeddale Avenue where plot sizes vary. It would have a similar plot density to other houses immediately adjoining the site. In its positional circumstance and by virtue of its size, scale, height, positioning, form, design, external materials and enclosed nature behind a high level stone wall and trees, the proposed house would appear appropriate to its location and would not be harmful to the character and appearance of the Gifford Conservation Area.

The existing house of Garden Cottage would be left with sufficient garden and parking space of its own to ensure the amenity of that house is safeguarded.

The proposed house, by virtue of its positioning and height would not be harmful to any significant views of Forbes Lodge. It would not harmfully draw attention away from Forbes Lodge. Rather, the listed building of Forbes Lodge would remain the focus of its setting. Neither would the proposed house harm the Forbes Lodge Local Gardens and Designed Landscape.

The proposed house would be appropriately and acceptably designed for its place consistent with Policies RCA1, CH1, CH2, CH6, DP2 and DP7 of the adopted East Lothian Local Development Plan 2018, Cultural Heritage and the Built Environment SPG adopted by the Council in October 2018, Scottish Planning Policy: June 2014 and Planning Advice Note 67: Housing Quality.

It is proposed to punch a 5.8m wide access through the existing wall to form the new vehicular access. Stone piers would be formed on either side of the new access. Those stone gate piers would be similar gateways of adjacent property of Garden Cottage. The wall, which is listed in association with Forbes Lodge, would otherwise remain unaltered. By virtue of its proportions and positioning the proposed formation of the new access and associated gate piers would not be harmful to the special architectural or historic interest of the listed wall or to the character and appearance of the conservation area consistent with Policy CH1, CH2 and DP2 of the adopted East Lothian Local Development Plan 2018 and Scottish Planning Policy: June 2014.

Policy DP7 of the adopted East Lothian Local Development Plan 2018 requires, amongst other things, that in the case of infill, backland and garden ground development the occupants of existing neighbouring development experience no significant loss of privacy and amenity. Policy DP2 requires, amongst other things, that new development should not result in any significant loss of daylight, sunlight or privacy to adjoining properties because of overshadowing or overlooking. In assessing whether or not a proposed new development would result in harmful overlooking and therefore loss of privacy to existing neighbouring residential properties it is the practice of the Council, as Planning Authority to apply the general rule of a 9 metres separation distance between the windows of a proposed new building and the garden boundaries of neighbouring residential properties and an 18 metres separation distance between directly facing windows of the proposed new building and the windows of existing neighbouring residential properties.

There would be two windows formed within the ground floor of the south east elevation of the proposed house and one window within its first floor that would be within 9m metres of the south east boundary of the site. The stone wall enclosing the southeast boundary of the site would not be of sufficient height to prevent overlooking from those windows onto the garden of Orchard Cottages. However as the two ground floor windows would serve a W/C and utility room and as the first floor bedroom would serve a bedroom that is also lit by a rear facing window those windows could be obscurely glazed. Subject to such obscure glazing which can be controlled by way of a condition of any grant of planning permission those windows of the proposed house would not lead to a harmful loss of privacy to the adjacent property at Orchard Cottage.

There would be one first floor window formed within the north west elevation of the proposed house. It would face onto the driveway of Garden Cottage and onto the garden of Holybank to the north west beyond. This window would be within 9m of the garden of that neighbouring house but again would light a room that would also be served by another rear facing window. Therefore, provided this window is obscurely glazed which can be made a condition of a grant of planning permission that window would not allow for harmful overlooking of the neighbouring residential property of Holybank.

Ground floor windows to be formed at ground floor and first floor of the northwest elevation of the two storey rear component of the proposed house that would be more than 9m from the boundary with the neighbouring house of Holybank. As such, in accordance with Council standards those windows would not lead to a harmful loss of privacy to Garden Cottage or Holybank to the north west.

No other windows or glazed openings would be within 9 metres of any other boundary of the site or within 18 metres of directly facing windows of neighbouring residential properties. As such, the proposed house would not lead to a loss of privacy to any neighbouring residential properties.

The occupiers of the proposed house would also have sufficient privacy and residential amenity.

By virtue of its size, height, positioning and orientation the proposed house would not give rise to a harmful loss of daylight or sunlight to the neighbouring properties, and therefore would not have a harmful effect on the residential amenity of those neighbouring properties.

On those matters of residential amenity, the proposed development accords with Policies DP2 and DP7 of the adopted East Lothian Local Plan Development 2018.

The Council's Environmental Health Manager raises no objection to the proposals, being satisfied that it would not have a harmful impact on the privacy or amenity of any neighbouring property.

The Council's Contaminated Land Officer has stated that the likelihood of any historic pollutant linkages impacting on the development proposals seems to be low given that there is no direct evidence to suggest the site has had any previous, contaminative use. However, there is the potential for made ground to exist on the site which may have resulted in localised areas of contamination. Given the development proposals (residential) further information will be required to determine the ground conditions and potential contamination issues impacting on the site with the minimum of a Phase I Geo-environmental Assessment (Desk Study) being carried out. As such, they have recommended a condition be added to any consent to address this issue should planning permission be approved. Pending compliance with such a condition, the proposed development would be acceptable.

The Council's Road Services raise no objection to the proposal, stating that as the proposal would take access via the existing access for Gardener's Cottage and sufficient space is provided on the driveways of both the existing and proposed property for 2 vehicles to be parked, they have no objection to the proposal. As such, on the matter of access and parking provision the proposed development is consistent with Policies T1 and T2 of the adopted East Lothian Local Development Plan 2018.

Scottish Water have commented to state that they do not object to the proposal. They also confirm that there is sufficient capacity at Hopes Water Treatment Works to supply water to the site and at Gifford Waste Water Treatment Works to accommodate foul water.

There are a number of trees on the application site. Many of these trees are visible from outwith the site, have an amenity value and have the statutory protection as the site is within a conservation area. The trees are however not protected by a Tree Preservation Order.

Policy NH8 of the East Lothian Local Development Plan 2018 states that development affecting trees, groups of trees or areas of woodland will only be permitted where any tree, group of trees or woodland that makes a significant positive contribution to the setting, amenity of the area has been incorporated into the development through design and layout. Development (including extensions to buildings) must also conform to British Standard 5837:2012 Guide for Trees in Relation to Design, Demolition and Construction, or any subsequent revisions.

The proposed development would result in the removal of five trees on site. The Arboricultural Report informs that the trees to be removed are either in a poor condition and

unsuitable for retention, poor specimens of little retention value or too small and not visible from outwith the site.

The Council's Landscape Policy Officer has been consulted on the application. They are pleased to see that the access is shown to be taken off the access driveway to Garden Cottage as this saves the large significant trees within the roadside verge along Tweeddale Avenue from being damaged/removed, and maintains the integrity of the application site's west boundary wall and the public footway.

They have also confirmed that they are satisfied with the findings of the 'Tree Survey and Arboricultural Implication Assessment' of May 2020 by Donald Rodger Associates Ltd., in respect of the tree removals and positioning and number of replacement tree planting as well as the temporary tree protection measures detailed therein.

They have however stated that they require the details of the replacement tree planting species for approval, and recommend that these be standard trees 2.5m to 3.0m in height and 8cm to 10cm in girth when planted and maintained wind firm and weed free until established. They also state that these replacement trees must be planted within the planting season (October through to March) following the completion of the house or its habitation, whichever is earliest.

They have also recommend that an arboriculturist is engaged to position and supervise the tree protection measures throughout the development works in accordance with the 'Tree Survey and Arboricultural Implication Assessment' of May 2020 by Donald Rodger Associates Ltd., and that all tree protection measures are maintained in good order and kept in position through to the completion of all site operations.

These matters can be controlled by way of conditions attached to planning permission should it be approved. Accordingly, pending compliance with these conditions, the proposal does not conflict with Policy NH8 of the adopted East Lothian Local Development Plan 2018.

RECOMMENDATION

That planning permission be granted subject to the undernoted conditions:

- 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 house; 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 Samples of the materials to be used as external finishes of the house and for the areas of hardstanding all hereby approved shall be submitted to and approved by the Planning Authority prior to their use in the development. Only those materials approved by the Planning Authority shall be used as the external finishes of the house and for the areas of hardstanding.

Reason:

To secure a standard of development that is appropriate to its location and in keeping with its surroundings in the interests of safeguarding the character and appearance of the Gifford Conservation Area.

- 3 Prior to the house hereby approved being brought into use the access, parking and turning arrangements for it shall all be laid out as shown in the drawings docketed to this planning permission and thereafter the access, parking and turning areas shall be retained for such use.

Reason:

To ensure that sufficient off-street parking is available to serve the development and in the interests of road safety.

- 4 Prior to works commencing on site, full details of the replacement tree planting species shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented on site. These trees shall be standard trees 2.5m to 3.0m in height and 8cm to 10cm in girth when planted and maintained wind firm and weed free until established. The trees must be planted within the planting season (October through to March) following the completion of the house or its habitation, whichever is earliest.

Reason:

In the interest of preserving the amenity of the site and teh surrounding Gifford Conservation Area.

- 5 An arboriculturist shall be engaged to position and supervise the tree protection measures throughout the development works in accordance with the 'Tree Survey and Arboricultural Implication Assessment' of May 2020 by Donald Rodger Associates Ltd., and that all tree protection measures are maintained in good order and kept in position through to the completion of all site operations.

Reason:

In the interest of preserving the amenity of the site and teh surrounding Gifford Conservation Area.

- 6 Part 1

Prior to any site development works a suitable Geo-Environmental Assessment must be carried out, with the Report(s) being made available to the Planning Authority for approval. It shall include details of the following:

- o A Preliminary Investigation incorporating a Phase I Desk Study (including site reconnaissance, development of a conceptual model and an initial risk assessment);
 - o A Phase II Ground Investigation (if the Desk Study has determined that further assessment is required), comprising the following:
 - o A survey of the extent, scale and nature of contamination, and reporting on the appropriate risk assessment(s) carried out with regards to Human Health, the Water Environment and Gas Characteristic Situation as well as an updated conceptual model of the site;
 - o An appraisal of the remediation methods available and proposal of the preferred option(s).
- The Desk Study and Ground Investigation must be undertaken by suitably qualified, experienced and competent persons and must be conducted in accordance with the Environment Agency's Contaminated Land Report 11, Model Procedures for the Management of Land Contamination, CLR11.

If it is concluded by the Reporting that remediation of the site is not required, then Parts 2 and 3 of this Condition can be disregarded.

Part 2

Prior to any works beginning on site (and where risks have been identified), a detailed Remediation Statement shall be produced that shows the site is to be brought to a condition suitable for the intended use by the removal of unacceptable risks to all relevant and statutory receptors. The Statement shall detail all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. It shall also ensure that the site will not qualify as contaminated land under Part2A of the Environmental Protection Act 1990 in relation to the intended use of the land following development. The Statement must be submitted to the Planning Authority for approval.

Part 3

Following completion of the measures identified in the approved Remediation Statement, a Validation Report shall be submitted that demonstrates the effectiveness of the remediation carried out. It must be

approved by the Planning Authority prior to commencement of the new use of the land.

Reason:

In the interests of the safety of future occupants on the site.

- 7 Prior to the occupation of the dwelling hereby approved the ground floor and first floor windows to be installed in its southeast elevation which face onto Orchard Cottage and the first floor window of its northwest elevation which would face onto Holybank shall be obscurely glazed in accordance with a sample of the obscure glazing to be submitted to and approved by the Planning Authority in advance of its use on the dwelling. The obscure glazing of the windows shall accord with the sample so approved and thereafter those window shall remain obscurely glazed unless otherwise approved by the Planning Authority.

Reason:

To safeguard the privacy and amenity of the occupants of Orchard Cottage and Holybank .