

REPORT TO: Planning Committee
MEETING DATE: 6 December 2022
BY: Executive Director for Place
SUBJECT: Application for Planning Permission for Consideration

5

Application No. **21/01608/PM**
Proposal Erection of 86 houses, 4 flats and associated works
Location **Land To The North Of Castlehill
Main Street
Elphinstone
East Lothian**
Applicant Bellway Homes Ltd (Scotland East)

RECOMMENDATION Consent Granted

REPORT OF HANDLING

APPLICATION SITE

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

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

As an outcome of that and as a statutory requirement for dealing with major development type applications a pre-application consultation report is submitted with this application. The report informs that it is estimated that some 100 members of the community attended the pre-application consultation event which was held for one day at the Elphinstone Community Centre on the 28th September 2016 and that those attendees made a number of queries and suggestions regarding the residential development of the site. The development for which planning permission is now sought is of the same

character as that which was the subject of the community engagement undertaken through the statutory pre-application consultation.

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

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

The western part of the site is within an area identified by The Coal Authority as being a Coal Mining Development High Risk Area. The eastern part of the site is within an area identified by The Coal Authority as being a Coal Mining Development Low Risk Area. The land of the application site is also within a wider area defined by the Macaulay Capability for Agriculture (LCA) classification system as being prime agricultural land.

The application site is allocated for housing development by Proposal TT11 (Elphinstone West) of the adopted East Lothian Local Development Plan 2018 (ELLDP).

RELEVANT PLANNING HISTORY

On the 15th April 2021, following the conclusion of a Section 75 Agreement, detailed planning permission (reference 16/00970/PM) was granted for the erection on the southern part of this same application site of 76 houses, 4 flats and associated works. That development has not been implemented to date and remains extant until the 15th April 2024.

PROPOSAL

Planning permission is now sought through this current application for the erection on the application site of 86 houses, 4 flats and associated works. The associated works include the provision within the site of 15 car parking spaces to serve the Elphinstone Football Ground, the planting of woodland strips, the provision of a sustainable urban drainage basin (SUDS) and the provision of open space and equipped play space within the site. The proposals all relate to the southern half of the site (an area of some 4.9 hectares) with the northern half of the site labelled "future development under separate application". No application has been submitted to date for that part of the site. This current application occupies roughly the same area of the site as the proposed development the subject of planning permission 16/00970/PM and is therefore promoted as an alternative to that 80 unit development rather than additional development.

Since the registration of the application, a number of non-material amendments have been made to the proposals resulting in the submission of revised site layout and landscaping plans, road and footpath layouts, SUDS details and amendments to house

types and designs. These revisions include changes to the layout to allow for electric vehicle charging facilities to be provided for all homes; the adjustment to the road layout and provision of bus stances to allow buses to be able to access and manoeuvre around the site; changes in house types proposed resulting in a decrease in the number of detached units being proposed; changes to boundary treatments, landscaping revisions and communal landscape maintenance details.

The proposed development site layout plan shows how the proposed 86 houses and 4 flats would be accommodated on the site along with associated access roads, parking areas, landscaping, open space, paths and a Sustainable Urban Drainage System (SUDS) basin. The houses would comprise of a mix of 34 detached, 25 semi-detached and 27 terraced houses. The houses would all be two-storey. The 4 flats would be contained within 1, two-storey flatted building.

In terms of size, of the proposed 86 houses 36 would contain 4 bedrooms, 41 would contain 3 bedrooms and 9 would contain 2 bedrooms. All of the 4 flats would contain 2 bedrooms.

13 of the terraced houses, 6 of the semi-detached houses and the 4 flats would be affordable housing units. The remaining 67 houses would be private houses for sale. The private houses would comprise of 8 different house types.

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

The application is also supported by a number of detailed drawings and reports including a Design Statement, a Drainage Report, a Tree Survey and Arboricultural Impact Assessment, Woodland Management Plan Report, Preliminary Ecological Appraisal, Transport Assessment, Noise Assessment, Archaeological Report, Energy Statement, Remediation Method Statement and Site Investigation Reports, some of which have been updated or revised since registration of the application.

ENVIRONMENTAL IMPACT ASSESSMENT

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 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 2017 sets out the selection criteria for screening whether a Schedule 2 development requires an EIA. On the 6th October 2016 the Council issued a formal screening opinion on planning application 16/00970/PM with the conclusion that the proposed development is not likely to have a significant effect on the environment such that consideration of environmental information is required before any grant of planning permission and therefore it was the opinion of East Lothian Council as Planning Authority that there was no requirement for the development the subject of that application to be the subject of an EIA. The **Council's Policy and Projects Team** have again confirmed, in relation to this current application, that it is the opinion of East Lothian Council as Planning Authority that there is no requirement for the proposed development to be the subject of an EIA.

DEVELOPMENT PLAN

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

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

The purpose of the approved South East Scotland Strategic Development Plan (SESplan) is to set out the strategic planning framework to assist preparation of local development plans. Its policies are generally not relevant for assessing individual planning applications.

Relevant ELLDP Proposals are PROP TT11: Elphinstone West, PROP T9: Safeguarding of Land for Station Car Parks – Mussleburgh, Longniddry, Drem, PROP T10: Safeguarding of Land for Platform lengthening – Musselburgh, Prestonpans, Longniddry, Drem and Dunbar, PROP T15: Old Craighall Junction Improvements, PROP T17: A1 Interchange Improvements (Salters Road, Dolphinstone Interchange, Bankton Interchange and Gladsmuir), 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, 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, DP8: Design Standards for New Housing Areas, DP9: Development Briefs, HOU3: Affordable Housing Quota, HOU4: Affordable Housing Tenure Mix, OS3: Minimum Open Space Standard for New General Needs Housing Development, OS4: Play Space Provision in New General Needs Housing Development, CH4: Scheduled Monuments and Archaeological Sites, RCA1: Residential Character and Amenity, DCN2: Provision for Broadband Connectivity in New Development, W3: Waste Separation and Collection, NH5: Biodiversity and Geodiversity Interests, including Nationally Protected Species, NH7: Protecting Soils, NH8: Trees and Development, NH10: Sustainable Drainage Systems, NH11: Flood Risk, NH12: Air Quality, NH13: Noise, T1: Development Location and Accessibility, T2: General Traffic Impacts, T4: Active Travel Routes and Core Paths as part of the Green Network Strategy, T31: Electric Car & Bus Charging Points, T32: Transport Infrastructure Delivery Fund, SEH1: Sustainable Energy and Heat, SEH2: Low and Zero Carbon Generating Technologies and DEL1: Infrastructure and Facilities Provision.

Revised Draft National Planning Framework 4 (NPF4) was published by the Scottish

Government on the 08 November 2022. The Town and Country Planning (Scotland) Act 1997 (as amended) requires that NPF4 must be approved by the Scottish Parliament before it can be adopted by Scottish Ministers. On adoption the Scottish Government will commence the provisions in the Planning Act which will make NPF4 part of the statutory development plan. The Existing National Planning Framework 3 and Scottish Planning Policy remain in place until NPF4 has been adopted by Scottish Ministers.

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

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

Further material considerations are Scottish Government Policy Statement: Designing Streets and Planning Advice Note 67: Housing Quality. They provide an overview of creating places, with street design as a key consideration. They advise on the detail of how to approach the creation of well-designed streets and describe the processes which should be followed in order to achieve the best outcomes. 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 is East Lothian Councils approved Developer Contributions Framework Supplementary Guidance (SG) and the approved Supplementary Planning Guidance (SPG) on:

- (i) 'Design Standards for New Housing Areas'. The SPG expands on policies that are set out in the adopted ELLDP. It seeks to raise awareness of the unique characteristics and attributes of East Lothian, how these can be used positively to create new places both small scale and large, and the technical aspects of design that are required to deliver great new places;
- (ii) 'Affordable Housing'. The SPG supplements relevant LDP policies in relation to the delivery of affordable housing; and
- (iii) 'Sustainable Drainage Systems (SuDS)'. The SPG supplements relevant LDP policies regarding SuDS and flood risk management and links with wider Council policies, strategies and priorities.

Also material to the determination of the application is the non-statutory Development

Brief (TT11 Elphinstone West, Tranent) which was adopted by the Council on 30 October 2018.

REPRESENTATIONS

Material to the determination of the application are the written representations received to it. There have been four written representation received to this application, all of which raise objections to the proposed development. Copies of the written representations are contained in a shared electronic folder to which all Members of the Committee have access.

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

- *Concerns that development of the site could lead to excess surface water run off and flooding issues to neighbouring property;
- *Concerns that the proposed woodland along the east boundary might not be established per the plans;
- *Concerns that the proposed development will cause overlooking and would detract from neighbours privacy;
- *Too large an increase to the village which would significantly affect those already living in this traditional community;
- *It is not a good location for development due to site constraints;
- *The Transport Assessment Report, the Tree Survey, the Archaeological Report and the Noise Assessment Report submitted with the application are out of date and not fit for purpose;
- *No information on what will be done to mitigate impacts of construction work and increased traffic on the listed and older buildings around the site, through the village over a long period of time and what provision will be put in to minimise the construction impact on road safety, air quality and road quality;
- *Elphinstone needs more larger 3 or 4 bed affordable homes not more smaller ones as the plan suggests;
- *There would be impacts on utilities provision and broadband services;
- *What increase in public transport, healthcare resources or access to it, school expansion and community centre accessibility is planned?;
- *What consideration/plans are in place to avoid disturbance of local and protected wildlife species that live in the development area?;
- *What guarantee of jobs / apprenticeships for local people will there be during the construction?;
- * Concerns that the expansion of Tranent and Elphinstone is destroying the character of these settlements and could lead to a reduction in countryside between these two settlements;
- * This development would have a direct, detrimental impact on neighbouring property and would be detrimental to the visual appearance and the setting of the village;
- * The proposed housing is not low rise housing in keeping with the majority of homes in Elphinstone but instead is at least double story (plus higher flats) with high pitched roofs housing solar panels;
- *Open views will be replaced by high built houses which is very likely to have an impact on light and air quality;
- *Concerns about off site paths cutting through the existing 'play area' at Waterloo Place;
- *The location of the proposed development close to the primary school, along with the existing traffic coming to the primary school, will lead to more problems to the traffic situation, particularly at the beginning and end of the school day;
- *There is a lack of infrastructure and amenities in the village and no additional housebuilding whatsoever should be planned, let alone built, until they are at least put in

place first;

*The proposals should be fully rejected by East Lothian Council, who should be fighting to retain the unique characteristics of this and other rural villages in East Lothian, at all costs.

Where relevant, reports initially submitted with the application have been revised and updated if the information within them has been deemed to be out of date.

Matters of construction management can be dealt with through planning controls on a grant of planning permission and can otherwise be investigated by colleagues in Protective Services and Road Services using legislation other than planning legislation.

The possibility of jobs/apprenticeships for local people during the construction is not a material consideration in the determination of an application for planning permission

COMMUNITY COUNCIL COMMENTS

Tranent and Elphinstone Community Council have been consulted on the application. No response has been received from them.

PLANNING ASSESSEMENT

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, other supplementary planning guidance and if not, whether there are material considerations that outweigh any conflict with the development plan and other supplementary planning guidance.

The land of this application site is the allocated housing site of Proposal TT11: Elphinstone West. Proposal TT11 of the ELLDP allocates the whole of the allocated site for a residential development of circa 80 homes. However, what is proposed in this current application is a total of 90 homes on only part of the overall allocated site.

The development proposed in this application occupies approximately half of an allocated housing site (TT11 Elphinstone West) in the ELLDP. Proposal TT11 of the ELLDP allocates the whole of the allocated site for a residential development of circa 80 homes and thus the Council recognises its potential for residential development for circa 80 homes. However, what is proposed in this current application is a total of 90 homes on only part of the overall allocated site. The Design Statement submitted with the application provides indicative details for the overall allocated site that demonstrates that, even with significant landscaping along the northern boundary of the overall allocated site in accordance with the Development Brief, further residential development could be accommodated on the northern part of the allocated site subject to a future planning application which could therefore take the total amount of residential development across the overall site significantly above the circa 80 homes allocation. Therefore, the current application must not only be considered in isolation but in relation to the potential implication it would have in combination with future development proposals in the remainder of the allocated site to the north. It is also relevant to note that some other allocated sites of the ELLDP have seen planning permissions granted for a higher number of housing units than their site allocation and some have seen planning permissions granted for a smaller number of housing units than their site allocation.

The **Council's Policy and Projects Manager**, in consultation on the previous planning application for this site (16/00970/PM), advised that the allocation of site TT11 for 80 units was based at that time on potential constraints identified early on in the local

development plan preparation process including school capacities, coal mining development high risk area and the layout and massing of the existing village. However, he advised in his response to that previous application which was for 80 units, that should the delivery of 80 units across only the southern part of the allocation fit with the existing village in terms of massing and design, there should be no policy impediment to granting consent. Indeed, he advised, a higher density goes part way to fulfilling the requirement for higher densities under Policy DP3 of the ELLDP. The indicative masterplanning of the overall site provided in the applicant's Design Statement and the proposed layout of this application demonstrates that the proposed development could at some future date be integrated into the wider allocated site.

The Council's Policy and Projects Manager, in consultation on this current application, again states that accepting higher overall housing numbers is, if there is no impediment on other grounds such as educational or road capacity, supported as an efficient use of land. However, this must be consistent with achieving good design, including the requirements of the design brief. The Council's Policy and Projects Manager raised a number of design concerns to the proposals as initially submitted and these have largely been taken account of by the applicant in the revisions made to the proposals since the initial registration of the application.

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

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

The proposed development of the application site would, with its permeable street pattern, links to the core path, road and pedestrian/cycle accesses and open spaces, be a distinctive yet attractive urban expansion of Elphinstone. The overall layout of the proposed development is very similar to that approved by the grant of planning permission 16/00970/PM with the vehicular access into the site from Main Street, the street pattern, the woodland strips, siting of the SuDS, open space areas and communal parking to serve the neighbouring sports pitch all being in a similar positioning to that previously approved. In response to planning officer comments and consultation responses the applicant has revised the house type mix to include a greater mix of semi-detached and terraced homes and fewer detached homes to take better due regard to the existing built form of the settlement and neighbouring residential developments. Along the main, central street of the development and along the site frontage with the B6414 Main Street the proposed housing is shown as being laid out with rear driveways and rear parking courtyards to emphasis pedestrian/cycle use and reduce the dominance of vehicle parking.

Policy DP3 of the ELLDP states that new housing sites will be expected to achieve a minimum average density of 30 dwellings per hectare (net) using a full range of housing types and sizes. This is to ensure efficient use of land and other resources and create mixed communities with a full range and choice of house types and sizes. The applicant

has provided confirmation that the net density of the proposed development area is 3.266 hectares so the development proposed through this application is, at approximately 30 dwellings per hectare, of a density consistent with that set out in Policy DP3. The proposed development would be of a pattern and density not out of keeping with patterns and densities of housing and other development in Elphinstone. It is of relevance that to achieve a higher density would result in greater housing numbers, which would be further at odds with the site's allocation.

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

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

The proposed new houses and flats would be so sited, oriented and screened such as not to harm the privacy and amenity of existing neighbouring or nearby residential properties through overlooking or overshadowing and in this respect would not conflict with Policy RCA1 of the ELLDP.

Policy OS3 of the ELLDP sets out the minimum requirement for on-site provision of open space which is 60m² per dwelling. This will consist of provision of formal and informal open space as well as space for equipped play areas in accordance with Policy OS4. The applicant has provided details that demonstrate that, not including the SUDS basin and the woodlands strips, the open space provision would amount to some 67m² per dwelling. The areas of open space shown to be provided would provide sufficient, usable areas of open space for informal recreation for the proposed development, consistent with Policy OS3 of the ELLDP.

It is proposed to provide equipped play provision on site. The play park is proposed to be sited in the south east corner of the site in what is described in the site layout as an 'extended park' as it will be situated adjacent to the existing park to the south of the site. The equipped play park would contain 7 items of play equipment, a bench and a bin all to be provided on a suitable play surface. The applicant has confirmed that they will appoint a factor to take on the management and maintenance of the equipped play area. The **Council's Team Manager – Strategy, Policy & Development** has been consulted on the equipped play proposals and having reviewed the information provided she has confirmed that she is satisfied with the play equipment proposed and that the play area would satisfy the needs of children with a range of abilities and ages. She also welcomes the applicant's confirmation that the play area will be factored. A condition can be imposed on a grant of planning permission to ensure that the play park is provided and factored as set out in the proposals submitted with this application. Subject to this control the proposed play provision is consistent with Policy OS4 of the ELLDP.

The **Council's Biodiversity Officer** has confirmed that there are no significant habitats within the site, through there are individual trees along the field boundaries which should be retained and enhanced. The Council's Biodiversity Officer makes recommendations for habitat creation to benefit and enhance biodiversity including the planting of native species rich hedgerow and tree planting and recommends the submission of a woodland

management plan to include management measures to enhance the biodiversity of the site. In response to comments made by the Council's Biodiversity Officer the applicant has submitted an updated Tree Survey, revised landscape proposals, a revised Woodland Management Plan and a revised and updated Preliminary Ecological Appraisal (PEA) which identifies any ecological constraints on site. The Council's Biodiversity Officer, having reviewed these details raises no objections to the proposed development and, in respect of the revised and updated PEA report, has confirmed that the report is satisfactory and there are no significant ecological concerns on the site. The proposals are therefore consistent with Policy NH5 of the ELLDP.

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

The applicant has taken into consideration a number of comments of the **Landscape Projects Officer** in the submission of revised drawings to incorporate enhanced landscape planting within the site, including street trees, hedges to front gardens, and in incorporating landscaping proposals for the proposed SUDS basin and has revised and updated various reports including a Woodland Management Plan, a Preliminary Ecological Appraisal, a Tree Survey and an Arboricultural Impact Assessment. The applicant has also submitted full details of servicing and drainage details in order to demonstrate that these would not impact on the landscaping proposed and full details of the communal areas within the site and which areas would be factored and which would be under private ownership and private maintenance. The Landscape Projects Officer does not object to the proposed development and makes a number of recommendations for conditions to be imposed relating to matters such as the protection of existing trees during the course of development, arboricultural monitoring and the implementation of the proposed landscaping. Where relevant, these matters can be made conditions of a grant of planning permission.

In addition to the Council's Landscape Officer's comments, the **Council's Tree Officer** welcomes the proposed buffer strip between the existing woodland to the east and the proposed houses being within the proposals for the site and also welcomes the extension of planting into the site between the existing woodland and the proposed housing. He also advises that he's happy to see that a tree protection plan for trees outwith the site has been submitted. Only one tree, a minor Crab Apple specimen, on the south (roadside) perimeter of the site will be lost to the proposed development.

On the above landscape and tree protection considerations, the proposed development is consistent with Policies DP1 and NH8 of the ELLDP.

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

proposed development, of the site access from the B6414 classified public road of Main Street and of parking provision are all consistent with the adopted Development Brief.

The Council's Road Services Officer has advised that she has discussed the proposed development with the local bus operator (Prentice) and they have expressed an interest in running their bus service through the proposed development. Road Services have confirmed that the applicants have satisfactorily demonstrated, through their layout drawings and bus tracking/swept path analysis' carried out, that a bus could manoeuvre through the loop road design of the site (using the loop on the eastern side of the proposed road layout). As recommended by Road Services a condition can be imposed on a grant of planning permission requiring details of bus stops and stances within the site to be submitted to and approved by the Planning Authority.

The Council's Road Services further recommend a number of transportation requirements which can be met through the imposition of conditions on a grant of planning permission for the proposed development. These include the introduction of a 'gateway' feature designed to slow traffic on the B6414 at the southwestern site boundary, a shared use path (3m wide) on the north side of the B6414 and a 2m wide, hard surfaced and lit path along the eastern edge of the existing park at the southeast corner of the site, all as per the Design Brief, and a suitable crossing point of the B6414 to be installed in the vicinity of the primary school, submission of a Travel Plan, a Construction Method Statement and road safety audits, implementation of proposed electric vehicle charging proposals and provision of cycle parking for flatted properties.

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

The applicant has provided swept path analysis drawings which demonstrate to the satisfaction of the Council's Road Services that large vehicles, including waste service vehicles, could satisfactorily negotiate the proposed development. The proposal complies with Policy W3 of the ELLDP.

The **Council's Access Officer** has been consulted and comments that it is a shame there will be no good pedestrian access towards the east of the site and that it would be nice if the path down the east side of the existing park to the south east of the site was hard surfaced. Footpath links to the east and west of the site as well as alongside the main access to the site are proposed and these will allow for pedestrian and cycle access to the wider area including the core path to the west of the site and the playing fields beyond it and to allow access into the woodland strip to the east of the site. The applicant is not proposing to carry out any new footpath works within the existing woodland strip where an informal path already exists. The application does however include a proposal to provide a hard surfaced footpath linking the southeastern end of the site through the small public park to the south of it and on to the existing footpath to the south of the park. A condition can be attached requiring details of this and other footpaths to be submitted, agreed and implemented. Subject to this control, in respect of active travel routes and core paths the proposal does not conflict with Policy T4 of the ELLDP.

In all of this the proposal would be an appropriate residential development of the site and whilst it would bring change to the western edge of Elphinstone it would be well designed and integrated into its landscape and settlement setting.

The site is capable of accommodating all of the proposed development including vehicular and pedestrian access and amenity space without being an overdevelopment of it. The pattern and density of the proposed development would not be at odds with the

existing patterns and densities of housing and other development within the village of Elphinstone. In all of this the proposals are consistent with SPP and Designing Streets/PAN67, Policies DP2, DP4, DP8, DP9 of the ELLDP and the Council's adopted Development Brief for the site.

The **Council's Protective Services Manager** has been consulted on the application and the **Council's Senior Environmental Health Officer** has responded to advise he has no comments or objection to the proposed development, being satisfied that occupants of the proposed development would enjoy sufficient amenity and the proposals would not result in harm to the amenity of any neighbouring land use. He does not raise any concerns in relation to noise or air quality matters. The proposals therefore comply with Policies NH12 and NH13 of the ELLDP.

In relation to considerations of contaminated land issues, the **Council's Environment Protection Officer (Contaminated Land)** advises he has reviewed the Site Investigation Report and the Remediation Method Statement prepared by the applicants consultants and submitted with the application and he is satisfied that the investigation and assessment has been carried out in accordance with best practice guidelines and the relevant standards and there is no requirement for any further investigative works to be undertaken. He agrees with the findings that there are no potentially unacceptable risks to the proposed residential development from any on-site contaminants contained within the soils on the site, with the risk to the water environment being assessed as low. He further advises that the gas risk assessment carried out has identified the western part of the site as requiring gas or radon protection measures to be installed in properties in this part of the site. To this end the Remediation Statement submitted details the measures to be implemented for the site and also confirming the validation procedures to be undertaken in order to verify these measures. The Council's Environment Protection Officer (Contaminated Land) recommends that a condition be imposed on a grant of planning permission requiring that on completion of the remedial works and prior to occupation of the residential units, a Verification Report shall be submitted confirming that all the remedial measures have been successfully carried out. He further recommends that the condition should also be that in the event that 'unexpected' ground conditions (contamination) are encountered at any time when carrying out the development work on site shall cease and the issue shall be reported to the Planning Authority immediately. At this stage a Site Investigation and subsequent Risk Assessment may have to be carried out, if requested by the Planning Authority. It may also be necessary to revise the Remediation Strategy should the reporting determine that additional remedial measures are required. It should also be noted that a Verification Report would also need to be submitted confirming the satisfactory completion of these remedial works. This requirement can be secured through a condition attached to a grant of planning permission for the proposed development.

The Council's Protective Services Manager has no further comments on the proposed development.

As part of the site is within a Coal Mining Development High Risk Area, The Coal Authority has been consulted on the application. The Coal Authority initially objected to the application on the grounds of lack of information relating to potential coal mining features and hazards. In response to that objection the applicant submitted a Site Investigation Report in support of the application which details investigatory works carried out at the application site and an additional parcel of land to the north. The report indicates that there are shallow coal mine workings beneath the western portion of the site. It concludes that in parts of the site these workings pose a risk to surface stability and require remediation by means of drilling and grouting prior to the commencement of development. The Coal Authority advise that they concur with the recommendations of

the Site Investigation Report, that coal mining legacy poses a risk to the proposed development and that remedial measures are necessary to ensure the safety and stability of the proposed development. The Coal Authority confirm that they therefore withdraw their objection to the proposed development subject to conditions being imposed on a grant of planning permission to ensure a scheme of proposed remedial works for past shallow coal workings be submitted to and approved in writing by the Planning Authority and thereafter implemented prior to the commencement of development. This can be required by a condition on a grant of planning permission.

Scottish Water have been consulted on the proposals. They raise no objection and have provided comments relevant to servicing the proposed development which have been forwarded to the applicant for their information. It is the responsibility of the developer to make separate application to Scottish Water for permission to connect to the public waste water and water networks.

Details of the Sustainable Urban Drainage System (SUDS) and other drainage details have been submitted with this application. These details have been revised during the course of the application following consultation with the **Council's Team Manager for Structures, Flooding & Street Lighting** and the **Council's Landscape Officer**. The SUDS basin proposed is of a shallow design and incorporates landscaping to enhance its appearance. A pumping station initially proposed has now been omitted from the proposed scheme of development. Drainage provision has also been amended since initial submission of the application.

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

The **Council's Heritage Officer** advises that although there are no known buried archaeological remains located within the application site, there are a number of known remains, including Scheduled Monuments, in the immediate vicinity. He advises that the area of the application site does not appear to have been subject to any development previously which suggests that any remains present may survive and be impacted upon by the proposed development. Because of this the Heritage Officer recommends that if planning permission is to be granted for this proposal, a programme of archaeological works (Evaluation by trial trenching) should be carried out prior to the commencement of development. This requirement can be secured through a condition attached to a grant of planning permission in for the proposed development. This approach is consistent with Scottish Planning Policy: June 2014, Planning Advice Note 2/2011: Planning and Archaeology and with Policy CH4 of the ELLDP.

The land of the application site is defined by the Macaulay Capability for Agriculture (LCA) classification system as being Land Capable of Supporting Arable Agriculture Class 3:1, that being prime agricultural land capable of producing a moderate range of crops. Policy NH7 of the ELLDP states that development on prime agricultural land will not be permitted unless in the particular circumstances listed in the Policy. One of those circumstances is if it is to implement a proposal of the plan, which this application is. The proposal does not therefore conflict with Policy NH7 of the adopted ELLDP or with SPP

on development on prime agricultural land.

Policy DCN2 of the ELLDP requires that development proposals of 5 or more homes, shall as part of the development make provision for deliverable opportunities for digital infrastructure to the proposed new homes or business premises as relevant, particularly provision for ducting and fibre or wiring for broadband connectivity. The applicant has confirmed that their proposals are to have BT Openreach, Hyperoptic and Virgin broadband provision to the development, with every property having connection at habitation. The applicant has provided BT Openreach and Virgin's layout proposals for information and to demonstrate how digital infrastructure will be provided.

At its meeting on Tuesday 27th August 2019 the Council approved a motion declaring a Climate Emergency. Thereafter, at its meeting on Tuesday 3rd September 2019 the Council's Planning Committee decided that a condition requiring a developer to submit for the approval of the Planning Authority a report on the actions to be taken to reduce the carbon emissions from the building and from the completed development should be imposed on relevant applications for planning permission. This application is supported by a 'Statement on Energy' which has been amended by the applicant since the registration of the application. The 'Statement on Energy' submitted sets out the measures to be taken to reduce the carbon emissions from the building and from the completed development which are designed to ensure compliance with the CO2 requirements of the Scottish Building Standards, and to meet the 15% reduction in carbon emissions from Low and Zero Carbon Generating Technologies (LZCGT) as required by ELLDP. The Report sets out that roof mounted photovoltaic panels will be installed on each dwelling. This will ensure that both the private and affordable homes meet Bronze Active standard under Section 7 (Sustainability) of the building standards. In addition, the affordable dwellings will be designed to achieve Aspect Silver Level 1 & 2 in accordance with minimum funding requirements for affordable housing in Scotland.

In respect of electric vehicle charging provision, the 'Statement on Energy' confirms that all properties will be provided with a 7kW Type 2 socketed or tethered outlet charger. A separate site layout drawing submitted with the application demonstrates that all 90 residential units, whether they have in curtilage parking or off-curtilage parking, will be provided with such charging provision. In addition to this private charging provision the 'Statement on Energy' and the EV Charging Site Layout drawing confirm that a Public Destination charger will be provided within the communal parking court in the south west corner of the site. The **Council's Road Services** have confirmed that they are satisfied with the electric vehicle charging measures proposed. Subject to a condition being imposed on a grant of planning permission for this proposed development to ensure that the proposed actions to be taken to reduce the carbon emissions from the building and from the completed development, including the proposals for Electric Vehicle Charging Provision are implemented on site, the proposals are consistent with Policies SEH1 and SEH2 of the ELLDP.

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

The East Lothian Council Health and Social Care Partnership have been consulted on the application but have not provided any comments on it nor have they provided any

requirement for capital contributions for infrastructure as a result of the proposals. Although they have not commented directly on this application, the East Lothian Council Health and Social Care Partnership will have taken the allocation of this site for circa 80 residential units into account in planning for health care at the time of its allocation in the ELLDP.

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

Provision for turning and parking areas to serve the existing playing field, along with proposed electric vehicle charging provision, are proposed to be provided within the application site, close to the southwest corner of the application site along with footpath provision to the adjacent playing fields all to allow convenient access to the playing fields. A timetable for the provision of this parking and turning facility can be secured by way of a condition on a grant of planning permission. The **Council's Team Manager – Active Business Unit** raises no objections to this proposed provision and in relation to developers contributions required towards refurbishment of the existing changing pavilion at the playing field, advises that a contribution of £298.67 per dwelling (a total of £26,880.30 for 90 residential units) is required for this proposal. The required payment of a financial contribution of a total of £26,880.30 towards the refurbishment of the existing changing pavilion at the Elphinstone playing field can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. The applicants confirm in writing that they are willing to enter into such an agreement.

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

The **Council's Road Services** advises that the contributions required for each transport intervention are as detailed below:

- *Improvements to Old Craighall Junction (PROP T15): £244
- * Improvements to Salters Road Interchange (PROP T17): £952
- * Improvements to Bankton Interchange (PROP 17): £3,728
- * Musselburgh Town Centre improvements (PROP T21): £1,457
- * Tranent Town Centre Improvements (PROP T27 and T28): £8,138
- * Rail Network Improvements (PROP T9 and T10): £1,234

The total contribution required for transportation improvements resulting from cumulative impacts of the development is therefore £15,753.

The total developer contributions towards the transportation interventions of £15,753

(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 applicants have confirmed in writing that they are willing to enter into such an agreement.

The **Council's Executive Director for Education and Children's Services** informs that the application site is located within the school catchment areas of Elphinstone Primary School and Ross High School, Tranent. She advises that there will be a requirement to expand both the primary and secondary school capacity to accommodate children that could arise from the proposed development. Thus she would object to the application on the grounds of lack of permanent capacity at those schools unless the applicant makes a financial contribution to the Council of £876,670.00 towards the provision of additional primary school accommodation and a contribution of £445,770.00 towards the provision of additional secondary school accommodation within the catchment.

The required payment of a financial contribution of a total of £1,322,440.00 towards the provision of additional educational accommodation can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the payment of the required contribution towards educational accommodation, the proposal is consistent with Policy ED1 of the ELLDP, which stipulates that new housing will only be permitted where appropriate provision for infrastructure required as a consequence of the development is made. This will include funding necessary school capacity. The applicants confirm in writing that they are willing to enter into such an agreement.

The applicant has submitted details of their proposed housing completion rate which details their intention to complete the development over the course of 3 years with habitations beginning in 2023/24. The **Council's Planning Obligations Officer** in consultation with the Council's Executive Director for Education and Children's Services confirms that there is sufficient education capacity to deal with the applicant's proposed housing completions. A condition can be imposed on a grant of planning permission to ensure that housing completions on the site do not exceed those proposed by the applicant. This will ensure that sufficient education capacity can be provided for the pupil product of the development.

The **Council's Economic Development & Strategic Investment Manager** advises that in accordance with the Council's Affordable Housing Policy, 25% of the proposed 90 residential units require to be affordable housing units. The affordable housing component of the proposed housing development is 23 units. The Economic Development & Strategic Investment Manager advises that the mix, size and location of the 23 affordable units to be provided on the site is acceptable. The affordable housing is sufficiently integrated into the overall development. The terms for the provision of this affordable housing requirement can be the subject of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the Council securing the affordable housing requirement, which the applicant is willing to do, the proposal would be consistent with Policies HOU3 and HOU4 of the ELLDP and the Council's adopted SPG on Affordable Housing.

In summary, although the number of units proposed is significantly higher than the pro rata number that would be expected on this part of the site, the site is capable of

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

In conclusion, the proposal is considered to be in accordance with the provisions of the stated relevant Development Plan policies and there are no material considerations which outweigh the proposal's accordance with the Development Plan.

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 £1,322,440.00 towards the provision of additional primary and secondary school accommodation within the catchment;
 - (ii) the provision of 23 affordable housing units within the application site;
 - (iii) a financial contribution to the Council of £26,880.30 towards the refurbishment of the existing changing pavilion at the Elphinstone Playing Field;
 - (iv) a financial contribution to the Council of £15,753 for transport improvements to Old Craighall Junction, Salters Road Interchange, Bankton Interchange, Musselburgh town centre improvements, Tranent town centre improvements and rail network improvements;.
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 primary and secondary school capacity within the catchment, a lack of provision of affordable housing, a lack of sports infrastructure improvements and a lack of roads and transport infrastructure contrary to, as applicable, Policies DEL1, HOU3, HOU4 and Proposals T9, T10, T11, T15, T17, T21, T27, T28, ED4 and CF1 of the adopted East Lothian Local Development Plan 2018.

All contribution prices apart from the Primary school contribution are taken from East Lothian Local Development Plan's Supplementary Guidance: Developer Contributions Framework adopted in March 2019 and these costs will be subject to indexation from March 2019 using the BCIS All in tender price index prior to payment. The primary school extension has been part of a re-appraisal of the options for Elphinstone Primary School and therefore will be subject to indexation using the BCIS All in Tender Price

Index but will be indexed from Q3 2022.

CONDITIONS

- 1 The development hereby approved shall begin before the expiration of 3 years from the date of this permission.

Reason:

Pursuant to Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.

- 2 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 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.

- 3 No development shall take place on the site until the applicant has, through the employ of an archaeologist or archaeological organisation, undertaken and reported upon a programme of archaeological work (8% Archaeological Evaluation by trial trench) in accordance with a written scheme of investigation to be submitted to and approved in advance by the Planning Authority.

Reason:

To facilitate an acceptable archaeological investigation of the site.

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

(a) Housing completions on the application site in any one year (with a year being defined as being from 1st April to 31st March the following year) shall not cumulatively exceed the following completion rates, unless otherwise approved in writing by the Planning Authority:

Year 2023/24 - 40 residential units

Year 2024/25 - 40 residential units

Year 2025/26 - 10 residential units

(b) If fewer than the specified number of residential units is completed in any one year then those shall be completed instead at Year 2026/27 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.

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

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

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

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

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

The details to be submitted shall include tree protection measures and temporary protective fencing to be put in place prior to the construction of the 2 metres wide, hard surfaced, lit footpath to be formed from the southeast corner of the application site through the existing park to the south of it and connecting on to Main Street and the measures so approved shall remain intact and in place through to the completion of the footpath and its lighting.

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

Reason:

To enable the Planning Authority to control the development of the site in the interests of the good planning of the site and to ensure the retention of trees which are an important landscape feature of the area.

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

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

Reason:

In the interests of road and pedestrian safety.

- 7 A visibility splay of 4.5 metres by 90 metres shall be provided and maintained on each side of the proposed access 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 90 metres long 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.

Reason:

In the interests of road and pedestrian safety.

- 8 Prior to the commencement of development a timetable for the implementation of the recommendations made in the Quality Audit hereby approved shall be submitted to and approved by the Planning Authority. Thereafter the recommendations shall be implemented in accordance with the detailed design stages and the full audit process completed through the design and implementation stages including post construction/occupation with measures to make good any issues raised being fully implemented.

Reason:

In the interests of road and pedestrian safety.

- 9 Unless otherwise agreed in writing by the Planning Authority prior to the occupation of any residential unit, a pair of bus stops shall be provided, one on either side of the primary spine road running through the site in accordance with details, showing the locations and details of the bus stops with associated hard surfaced stances, to be submitted to and approved in advance of their construction by the Planning Authority.

Reason:

To ensure the provision of adequate bus stop provision in the interests of the residential amenity of the future occupants of the development hereby approved.

- 10 Prior to the occupation of any of the flats hereby approved bin storage facilities and cycle storage facilities shall have been formed and made available for use. The cycle parking shall be in the form of 1 locker per flat or communal provisions in the form of a lockable room or shed in accordance with details to be submitted to and approved in writing by the Planning Authority. Thereafter, the storage facilities shall be retained in use as bin and cycle storage areas.

Reason:

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

- 11 A Travel Information Pack shall be submitted to and approved by the Planning Authority prior to the occupation of any of the residential units hereby approved. The Travel Information Pack shall have particular regard to provision for walking, cycling and public transport access to and within the site, shall include local bus and train timetables, local cycling and walking maps, information on bike hire / car sharing, and shall include details of how it will be distributed to residents. It shall also include a timetable for its implementation, details of the measures to be provided, the system of management, monitoring, review, reporting and duration of the Pack.

Reason:

In the interests of ensuring sustainable travel patterns in respect of the development.

- 12 A Construction Method Statement to minimise the impact of construction activity on the amenity of the area, including from the effects of noise and dust, shall be submitted to and approved by the Planning Authority prior to the commencement of development. The

Construction Method Statement shall recommend mitigation measures to control construction traffic and shall include hours of construction work and routes of construction traffic to/from the site, delivery time restrictions and a health and safety method statement. It shall also make recommendations in respect of how building materials and waste will be safely stored and managed on site.

The Construction Method Statement shall also include details of wheel washing or alternative facilities to be provided, and that these facilities shall be maintained in working order during the period of operation of the site. All vehicles must use the wheel washing or alternative facilities to prevent deleterious materials being carried onto the public road on vehicle tyres.

The Construction Method Statement shall also provide details of utility/service drainage connections, including what temporary measures shall be put in place to control surface water drainage during the construction of the Sustainable Urban Drainage System.

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 minimise the impact of construction activity in the interests of the amenity of the area.

- 13 The actions to be taken to reduce the carbon emissions from the building and the provisions for private electric vehicle charging all as detailed in the 'Statement on Energy' and on drawing titled 'Site Layout EV Charging' with drawing number ELPH/DL/003 docketed to this planning permission shall be fully implemented on site prior to the occupation of the last residential unit hereby approved and thereafter shall be retained unless otherwise approved in writing by the Planning Authority.

Notwithstanding that stated on drawing titled 'Site Layout EV Charging' with drawing number ELPH/DL/003 docketed to this planning permission, details of the public electric vehicle charging point(s) to be provided in the communal car parking area in the south west corner of the site shall be submitted to and approved in writing by the Planning Authority. The details to be submitted shall include a timetable for provision. Development shall thereafter be carried out in accordance with the details so approved and shall be retained unless otherwise approved in writing by the Planning Authority.

Reason:

To minimise the environmental impact of the development.

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

Reason:

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

- 15 Notwithstanding that which is stated on the drawings docketed to this planning permission a detailed specification of all external finishes of the houses, flats, garages and boundary treatments hereby approved shall be submitted to and approved by the Planning Authority prior to the use of the finishes in the development. The external finishes of the houses and flats shall be in accordance with a co-ordinated scheme of materials and colours that 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, and shall show the roofs being

clad in more than one colour of roof tile. All such materials used in the construction of the houses, flats, garages and boundary treatments shall conform to the details so approved.

Reason:

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

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

Reason:

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

- 17 No development shall commence until temporary protective fencing has been erected in accordance with the docketed and stamped approved report titled; Tree Survey & Arboricultural Impact Assessment, Revision R3, dated 10 November 2022 and in the positions shown on docketed and stamped approved drawings titled: The Tree Survey Plan with drawing reference BS-020222_AIA_R1 and Landscape Proposal Plans numbered 231.24.01 - 231.24.06 Revision F and dated October 2022. The temporary protective fencing shall be erected to the specification shown on drawing titled; The Tree Survey Plan, survey reference BS_020422_A1A_R1 shall be erected prior to the commencement of development and shall remain intact and in place through to completion of development. All weather notices containing the wording "Construction exclusion zone - Keep out" shall be erected on said fencing. Within the fenced off areas the existing ground level shall neither be raised nor lowered, no materials, temporary buildings, plant, machinery or surface soil shall be placed or stored and no herbicides shall be used.

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

Reason:

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

- 18 No development shall take place on site until a person who, through relevant education, training and experience, has gained recognised qualifications and expertise in the field of trees in relation to construction, has been employed by the developer to monitor any works within the root protection area or canopy spread of trees on or adjacent to the application site. Arboricultural monitoring shall including the supervision and reporting to the Planning Authority on the installation of the required tree protection fencing and any development within the root protection area of trees shown to be retained and protected in strict compliance with docketed and stamp approved report titled : Tree Survey & Arboricultural Impact Assessment, dated April 2022 and drawings titled: The Tree Suvey Plan with drawing reference BS-020222_AIA_R1 and Landscape Proposal Plans numbered 231.24.01 - 231.24.06 Revision F and dated October 2022. All tree work shall be approved in writing by the Planning Authority before work is carried out.

Reason:

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

- 19 No trees, shrubs or hedgerows which are to be retained on the site, other than the crab apple tagged 419 as shown on stamped approved and docketed drawing no, Landscape proposals Plan numbered 231.24.01 - 231.24.06, Revision F and dated October 2022

shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority. All tree management works shall be carried out under the supervision of an appointed Arboricultural Consultant in compliance with British Standard 3998: 2010 "Tree work ~ Recommendations" Section 7, Pruning and related work and Figure 2 - Positions of final cuts; leaving an overall balanced tree shape on completion of the works.

Reason:

To ensure the retention and protection of the trees on the site which are an important landscape feature of the area.

- 20 Unless otherwise approved in writing by the Planning Authority, the structural landscape planting (woodland planting on east and west boundaries) shall be implemented within 1 year of the commencement of development and all other new planting as shown on stamped approved docketed drawings titled; Landscape Proposal Plan numbered 231.24.01 - 231.24.06, Revision F and dated October 2022, shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner.

Any trees or plants which within a period of ten years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation. The developers Landscape Architect, shall carry out a site inspection once the scheme of landscaping has been implemented and shall report on such inspection to the Planning Authority within 6 months of the scheme of landscaping being implemented. All defects identified by the developers Landscape Architect shall be rectified by the developer within two years of the occupation of the last house or flat in the development.

The scheme of landscaping shall be maintained in accordance with docketed and stamp approved report titled; Communal Landscape Maintenance with appended plans titled; Communal Landscape plans numbered 231.24.07 - 231.24.08

Reason:

In order to ensure the implementation of a landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area and to improve the biodiversity value of the area.

- 21 The approved scheme of landscaping shall be maintained and managed in compliance with the docketed and stamped approved report titled : Communal Landscape Maintenance. The scheme of landscaping shall thereafter be maintained and managed in accordance with the detail so approved unless otherwise agreed in writing by the Planning Authority. The developer shall include a copy of the communal landscape maintenance report and communal landscape plans numbered 231.24.07 - 231.24.08 dated November 2022 in the hand over documents to the management Factor and the owners of properties within the development. Within the missives, the final land use plan and deed of conditions shall be based on the aforementioned report and plans.

Reason:

In order to ensure the maintenance and management of the landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area.

- 22 Unless otherwise approved by the Planning Authority all of the open space and communal landscape as detailed in the docketed and stamped approved drawing titled; Landscape proposals plans numbered 231.24.01 - 231.24.06 Revision F, dated October 2022 and Communal Landscape plans numbered 231.24.07 - 231.24.08 dated November 2022 and the report titled; Communal Landscape Maintenance shall be retained and maintained as such by a Factor or a Residents Association n in accordance with details to be submitted to and approved by the Planning Authority prior to the occupation of any residential units hereby approved.

Reason:

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

- 23 Prior to commencement of development of the Sustainable Drainage System (SuDS) on site, confirmation of Scottish Water's Technical Approval of the SuDS details hereby approved shall be submitted to the Planning Authority. Thereafter, the approved details shall be implemented as approved.

Reason:

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

- 24 Prior to the occupation of any of the residential units hereby approved, a timetable for the provision of all of the play equipment and associated play surfacing, bin, bench and any enclosure of the play area to be provided on the site and details of how the equipped play area is to be managed and maintained are to be submitted to and approved in advance by the Planning Authority and the play area shall thereafter be installed, surfaced, enclosed, managed and maintained in accordance with the details so approved and shall be used for such purposes at all times thereafter unless approved by the Planning Authority..

Reason:

To ensure the satisfactory provision of adequate and suitable play provision and the future maintenance of it within the development.

- 25 All of the gas prevention measures (gas and radon) as identified in the Site Investigation Report and Remediation Method Statement docketed to this planning permission shall be carried out on site in accordance with the terms of those Reports prior to the commencement of any other development on the site. On completion of the remedial works and prior to the occupation of any residential unit, a Validation Report shall be submitted to and be approved by the Planning Authority confirming that the works have been carried out in accordance with the Remediation Strategy.

In the event that 'unexpected' ground conditions (contamination) are encountered at any time when carrying out the development hereby approved, work on site shall cease and the issue shall be reported to the Planning Authority immediately. At this stage a further Site Investigation and subsequent Risk Assessment may have to be carried out, if requested by the Planning Authority. It may also be necessary to modify the Remediation Strategy should the reporting determine that additional measures are required. It should also be noted that a Verification Report would also need to be submitted confirming the satisfactory completion of all these remedial works.

If no 'unexpected' ground conditions are encountered during the development works, then this should be confirmed to the Planning Authority prior to occupation of the new builds.

Reason:

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

- 26 All of the remedial treatment works to address land instability arising from shallow coal mining legacy as identified in the Site Investigation Report docketed to this planning permission shall be carried out on site in accordance with the terms of that Report prior to the commencement of any other development on the site. On completion of the remedial works and prior to the occupation of any residential unit, a signed statement or declaration prepared by a suitably qualified person confirming that the site has been made safe and stable for the development hereby approved and confirming the completion of the remedial works and any mitigatory measures necessary to address the

risks posed by past coal mining activity shall be submitted to and approved in writing by the Planning Authority and any mitigation works identified shall thereafter be fully implemented as so approved.

Reason:

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

