

Report of Handling



Application Number: 2016/0394/DET
Location: Land to the north of Muirlands
Proposal: Erection of three dwellinghouses with associated access, drainage infrastructure and landscaping.
Case Officer: Caroline Strugnell
Target Decision Date: 27 Feb 2017

1 Introduction

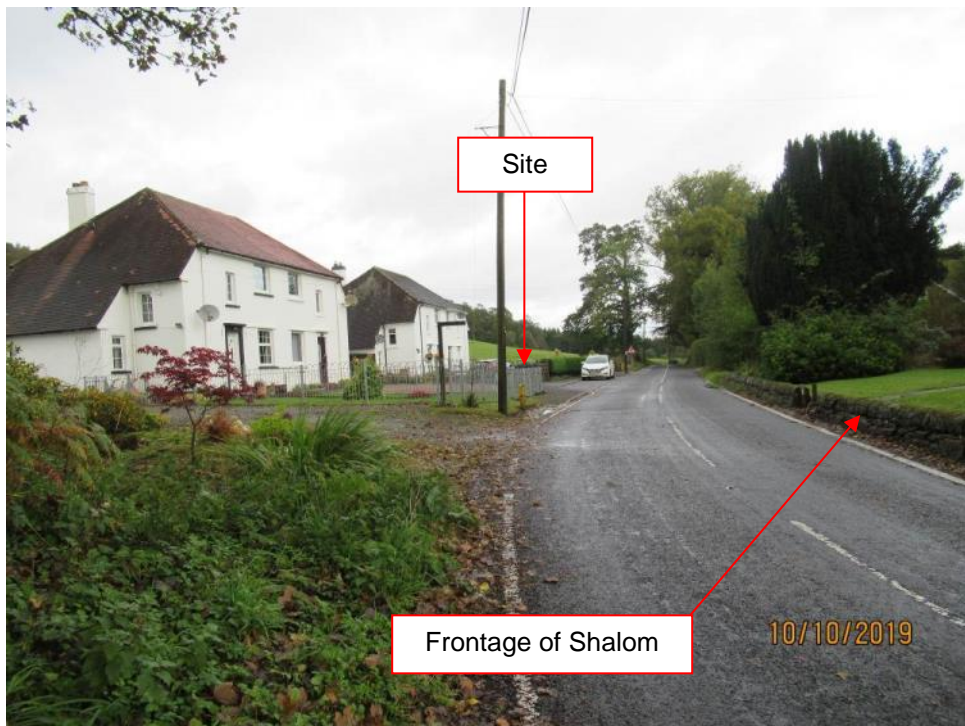
Background

This planning application is one of eight applications which have been submitted by Luss Estates to address the strategic aims of the West Loch Lomondside Rural Development Framework Area Supplementary Guidance (RDF). The other planning application reference numbers are 2016/0387/DET, 2016/0388/DET, 2016/0389/DET, 2016/0390/DET, 2016/0391/DET, 2016/0392/DET and 2016/0393/DET. The location of these sites is shown in Figure 1 of the Overarching Report.

Site Description

The site is located on the northern edge of Muirlands. Muirlands is a building group comprising around 8 dwellings clustered on either side of the B832 which connects to the A82 towards Luss at its northern end and the A818 towards Helensburgh at its southern end. It is approximately 6.5km by road to Luss to the north, 7km to Helensburgh to the west and 7.5km to Balloch to the south. A site location plan is provided at **Appendix 1**.

The site comprises part of a field used for grazing on the west side of the B832. It is bound to the south by no. 4 Muirland Cottages, is open to the west and north and bound to the east by a post and wire fence and the narrow road verge which contains two mature oak trees. A category B-listed building (the former Muirlands School building (now a dwelling known as Shalom) lies around 40m further to the south on the eastern side of the road.



Photograph 1: Looking north towards the site from south of Muirland Cottages

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Photograph 2: Looking north across the site from the boundary of no.4 Muirland Cottages. The B832 is on the right of the picture.



Photograph 3: Looking south across the site towards Muirland Cottages. The B832 is on the left of the picture. The mature roadside oak trees are visible in the verge in the centre.

Proposal:

The proposal is for the erection of 3 no. 3 bed dwellings with associated access, drainage infrastructure and landscaping. The dwellings would comprise 2 no. semi-detached houses (Plots A and B) and 1 no. detached (Plot C) (see Figure 1). Each would have an independent driveway access onto the B832 and plot curtilages defined by a post and wire fence with hedging. The access driveways would be stone chips with timber gates. A shared septic tank would be located in the field to the north of Plot C.

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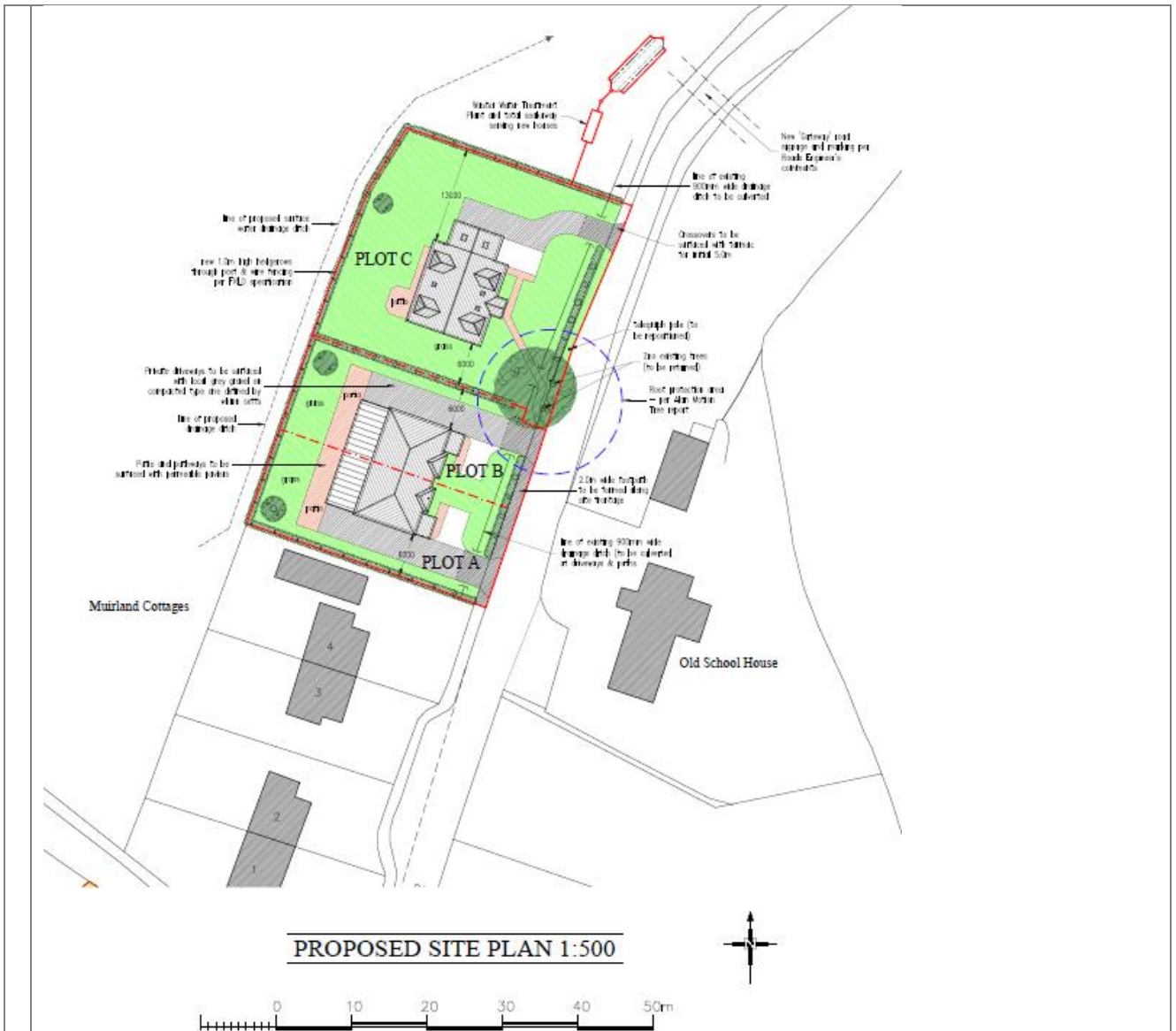


Figure 1: Extract from Proposed Site Plan 01 Rev J (not to scale)

<p>2 Relevant Planning History</p>
<p>None</p>
<p>3 Policy Context</p>
<p><u>Local Development Plan (Adopted 2016)</u> OP1 – Overarching Policy 1: Strategic Principles OP2 – Overarching Policy 2: Development Requirements HP1 - Housing Policy 1: Providing a diverse range of housing HP2 - Housing Policy 2: Location and types of new housing required NEP1 - Natural Environment Policy 1: National Park Landscapes, seascape and visual impact NEP4 - Natural Environment Policy 4: Legally Protected Species NEP6 - Natural Environment Policy 6: Enhancing Biodiversity NEP8 - Natural Environment Policy 8: Development Impacts on Trees and Woodlands NEP11 - Natural Environment Policy 11: Protecting the Water Environment NEP12 - Natural Environment Policy 12: Surface Water and Waste Water Management TP2 - Transport Policy 2: Promoting Sustainable Travel and Improved Active Travel Options TP3 - Transport Policy 3: Impact Assessment and Design Standards of New Development WMP1 – Waste Management Policy 1: Waste Management Requirement for New Developments HEP7 - Historic Environment Policy 7: Other Archaeological Resources</p>

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<p><u>Supplementary Guidance</u> Design and Placemaking Housing West Loch Lomondside Rural Development Framework</p> <p><u>Other Material Considerations</u></p> <p><u>National Park Aims</u> The four statutory aims of the National Park are a material planning consideration. These are set out in Section 1 of the National Parks (Scotland) Act 2000. Policy NP1 of the National Park Local Plan outlines the Park's overarching policy position on new development with regard to the statutory aims.</p> <p><u>National Park Partnership Plan (2012-2017)</u> Relevant Outcomes and Priorities: Outcome 10: Placemaking (Rural Development Priority 10.1: Improving Towns & Villages) Outcome 12: Sustainable Population (Rural Development Priority 12.2: Affordable Housing)</p>
<p>4 Environmental Appraisal</p>
<p><u>Environmental Impact Assessment</u> The National Park is identified as a 'Sensitive Area' within the Environmental Impact Assessment (Scotland) Regulations 2017. In this instance the proposal falls under Schedule 2 of the regulations within the 'urban infrastructure project' category. The proposal was screened collectively with the other eight linked applications to assess the cumulative impact. It was determined that significant environmental effects on the environment are unlikely and therefore an EIA is not required. The screening opinion is available to view as part of the application file.</p> <p><u>Habitats Regulations Assessment</u> Not applicable.</p>
<p>5 Summary of Consultations</p>
<p><u>Scottish Water – no objection</u> Their response confirms that there is currently sufficient capacity in the Finlas Water Treatment Works but no public sewers within the vicinity of the proposed development. Private treatment options should therefore be explored.</p> <p><u>ABC Roads - no objection subject to conditions</u> The response highlights the need for conditions to provide traffic calming gateway feature, visibility sightlines, 2m wide pedestrian footpath connection and access design in accord with the standard.</p> <p><u>ABC Flood Prevention - no objection</u> No objection subject to a condition to agree the final design of the proposed soakaway and filter trenches.</p> <p><u>West of Scotland Archaeological Service – no objection subject to condition</u> WOSAS have requested a scheme of archaeological investigation and recording prior to commencement of development.</p> <p><u>Luss And Arden Community Council – object</u> The Community Council objects on grounds of elevated road safety risk on the B832 at Muirlands.</p> <p>Supports remains for the contribution the proposal would make to the wider aims of the current Local Development Plan for Luss and Arden and the provision of new public spaces and amenities. They request a programme of phasing to secure affordable housing against the market housing delivery and a restriction on the market houses to ensure 'primary residence' to prevent sale for holiday home use.</p>
<p>6 Summary of Representations</p>
<p>117 representations in objection were received from a total of 106 contributors. Of these 101 contributions were made by way of signed 'petition-style' letters (or electronic version of same) and 16 were independently written. Almost all of the objections received were made in respect of all three applications for Muirlands (including refs. 2016/0390/DET and 2016/0392/DET). The objections and concerns raised are summarised as follows:</p>

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- The very dangerous nature of the B832 at the site of the 3 applications which will be exacerbated by these proposals;
- The concentration of 7 new properties in a tight 160 x 80 box on top of 8 existing dwellings;
- The adverse impact on the natural and built environment;
- Development on greenfield and community open space sites;
- Mix of housing types is at variance with policy and issues over equating affordable house units to monetary value;
- Muirlands is not included on the Local Development Plan as a development site;
- Preventing development as holiday or second homes has not been addressed by policy;
- Poorly constructed, inaccurate and misleading planning applications;
- Significant drainage issues not addressed by the applicant.
- The road is narrow and winding and not suitable for increased traffic
- The proposal would lead to parking on the road;
- Accesses cannot achieve appropriate site lines;
- There will be an increase in road traffic accidents;
- The new residents will inevitably use cars, adding to road congestion generally;
- Increased noise;
- Impact on wildlife;
- Negative impact on the character of the building group;
- The development will be on greenfield land;
- 7 additional houses is over development and too high density;
- Muirlands is closer and looks to Helensburgh/Balloch not Luss so development here will play no part in promoting Luss as a centre;
- The sites is not within the list of potential development sites in the LDP and is therefore contrary to the LDP;
- 6 open market and only one affordable is only 15% which is unacceptable;
- Luss Estates should build elsewhere (Camstradden / Duchlage Farm);
- The cost of drainage to the local authority has not been considered;
- Planning blight affecting house values;
- The houses will impinge on the views currently enjoyed by neighbours;
- Concern that the market houses would be used as second homes without necessary safeguards;
- Concerns that the 'marketing' of the affordable plots would not secure their ultimate development;
- The 50%/50% ratio of market to affordable housing should be maintained;
- A credit for three affordable units in lieu of the financial assistance to Link Housing Group is double counting and the credit should equate to what was delivered (i.e. five units);
- The linked proposal for the village green does not contribute, affect nor facilitate the delivery of housing envisaged by the overarching framework and should not be credited against affordable housing.
- There is only one affordable dwelling proposed. Expenditure incurred on other projects does not justify inappropriate development.

These points are addressed in the Planning Assessment (Section 8) and also in the Overarching Report.

7 Summary of Supporting Information

Site Investigation Report prepared by Ardmore Point Geomatics & Geotechnical Solutions (received 24 April 2019) - undertaken to identify the nature of prevailing ground conditions to inform drainage solutions.

Supporting Statement prepared by The Hay Partnership (received 22 November 2018) - Overarching Letter highlighting the revisions and changes since the original application submissions (eight applications in total made in December 2016) and the rationale and justification for the package of developments now proposed.

Landscape Appraisal (dated October 2018) prepared by Fiona Robertson Landscape Design (received 23 Oct 2018) – An appraisal of the landscape and character context for the proposal and proposed landscape mitigation planting and specifications.

Protected Species Survey Update dated 17 August 2018 prepared by Wild Surveys (received 29 Aug

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2018) – update of previous survey and recommendations.

Tree Survey and Arboricultural Constraints prepared by Alan Motion Tree Consulting Ltd (received 22 December 2016) – Assessment of existing trees, species and health.

Design and Access Statement prepared by Hay Partnership (received 28 August 2018) – describing the site and explaining the design rationale.

Protected Species Survey (dated 20 September 2016) prepared by Wild Surveys (received 22 December 2016) - assessment of the site's ecology value and requirements to address any impacts arising.

Soakaway Calculations for Plot F (Rev A) (received 25 July 2019)

8 **Planning Assessment**

The planning considerations are as follows:

- Principle of Development
- Design
- Landscape & Trees
- Ecology
- Flood Risk & Drainage
- Roads
- Heritage and Archaeology
- Waste Management

Principle of Development

This application is one of eight submitted by the applicant which collectively seeks to offer a package of housing designed to deliver the strategic development objectives of the West Loch Lomondside Rural Development Framework Area Supplementary Guidance (the "RDF"). Whilst development of market housing in building groups is not permitted under LDP Policy HP2(c) the RDF provides flexibility to depart from LDP policy under certain circumstances. It states:

"Flexibility in the LDP housing policies within this area will be supported to allow variance of the policy requirements at each site. This will enable individual sites to be developed within a wider strategic context as part of a package of development for the area as a whole."

Compliance with the RDF strategy, principally in terms of the balance of market and affordable housing (or equivalent) proposed across the eight applications and the approach to delivery, is considered in the Overarching Report which should be read alongside this Report of Handling. This concludes that the eight applications, as a package of proposals, are acceptable in principle subject to completion of a Section 75 agreement to control the phasing of development. This assessment is not repeated here.

The principle of development within Muirlands has been questioned by some objectors who cite the proposal as being contrary to the LDP as this does not identify any development sites within Muirlands. Some objectors also consider that development in Muirlands would not contribute to the RDF's Development Strategy since the objectives are focussed on Luss Village whereas residents of Muirlands are more likely to look to Balloch and Helensburgh for access to schools, services and facilities and that therefore development in the Muirlands area, in their view, would make little, if any, contribution to the overall aims of the RDF Development Strategy.

Chapter 2 of the RDF considers the strategy for increasing the supply of housing in the RDF area, which includes Muirlands and other rural communities. Whilst the LDP does not allocate sites in Muirlands (or indeed any other building group) Muirlands is specifically mentioned as one of the locations within the catchment area of Luss Primary School. The RDF therefore clearly envisages that some development can take place within Muirlands and development here would allow more families to live in the area and access the school and employment opportunities within the surrounds. The proposal accords with the RDF in this respect.

The final issue of principle is one of scale and character. Policy HP2(c) supports development that is *"sensitive to the scale and character of the host rural community"*. The Housing Supplementary Guidance (HSG) provides further guidance on this aspect stating that, as a guide, proposals within building groups

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must not expand the grouping by more than 100%. The HSG also makes clear that development should “enhance and consolidate the appearance of the particular building group”.

Objectors consider the number of houses proposed (7 in total in Muirlands including applications 2016/0392/DET and 2016/0390/DET) is too many and represents over development. Collectively the proposals would increase the number of houses in the building group from 8 to 15 (an increase of 87.5%). This is within the guideline limits of the HSG. In this case the siting of the proposed houses would be in keeping with the existing pattern of development. The three new houses would appear as a natural northward extension of development of the line of existing semi-detached houses on the west side of the road. The siting of Plot C would extend development slightly further north than the existing development on the east side of the road however it would not extend to the bend in the road and development would maintain the line of houses sited on the straight road section. It would also be directly adjacent to the built-up edge and would not interrupt any existing naturalised boundaries. The density and character (see ‘Design’ below) would complement that of the adjacent dwellings. Overall therefore the proposal accords with Policy HP2(c).

Policy HP1 requires housing sites to deliver a diverse range of housing to address the needs of smaller sized households, older people and families. The RDF is clear that the priority for the West Loch Lomondside area is family housing. The proposed houses are modest (they are not excessive in size or ‘executive’) mid-market 3 bedroom family homes. The houses are also proposed to incorporate internal arrangements and door widths to cater for disabled/elderly access. The proposal therefore accords with Policy HP1.

Overall it is concluded that the proposal is acceptable in principle.

Design

The proposed houses would be traditional in style and materiality taking a cue from the adjacent houses. Plots A and B (Figure 2) would be 2 story semi-detached, reflecting the neighbouring dwellings. These would have wet dash render (painted white) with smooth banding around windows & door openings. Roofs would be natural slate with profiled metal sheeting over the rear single story elements. Plot C (Figure 3) would be a one-and a half story detached house with traditional style dormer windows. This would also be finished in wet dash render (white painted), and natural slate roof reflecting the prevailing vernacular. Whilst the proposal is of different materiality to the older Victorian stone buildings on the east side of the road this does not result in a harmful relationship given the existing variation of housing design and period within the group.

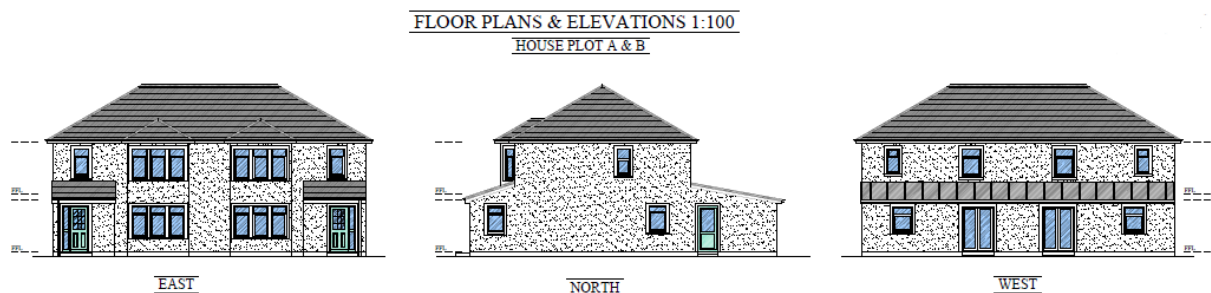


Figure 2: Proposed East Elevation (Plots A and B) – Extract from Plan 03 (not to scale)

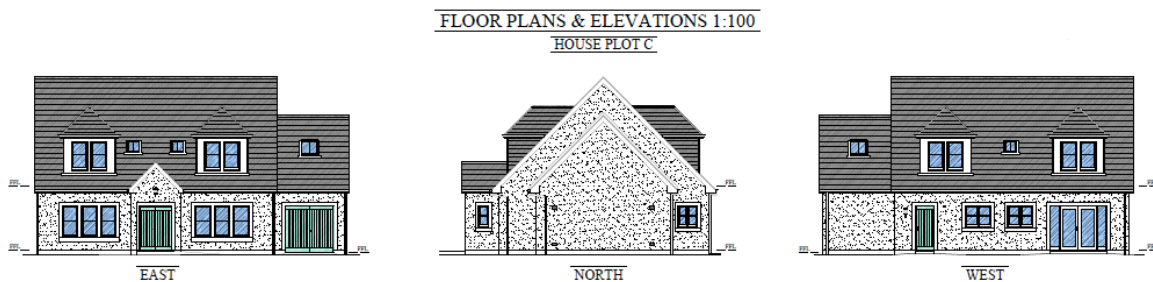


Figure 3: Proposed Elevations (Plot C) – Extract from Plan 03 (not to scale)

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Residential Amenity

The side elevation of the southern-most proposed house (Plot A) is some 12.4 metres from the nearest neighbour (no. 4 Muirland Cottages). This is more than adequate separation to avoid overshadowing or overlooking. The distance from the front window of the proposed houses to the porch of the nearest existing dwelling on the east side of the road (Old School House) would be in excess of 29 metres which is more than sufficient to maintain privacy. The side elevations between the new houses and the existing do not have windows to habitable rooms so, again, no issues of privacy arise.

A number of objections raise the issue of increased noise and disturbance as a result of the new houses. It is recognised that the existing residents enjoy the peaceful surroundings however residential development is not classified in planning terms as a 'bad neighbour' and it is not therefore appropriate to require a noise assessment. A condition is recommended to control the hours of construction to minimise noise and disturbance during construction. Noise post-construction can be controlled through other statutory legislation.

Climate Friendly Design

The existing pattern of development has necessarily dictated the orientation of the dwellings however each dwelling would have a generous west-facing private rear garden with patio area to take advantage of the midday and evening sun. The type of renewable energy technology to be incorporated in compliance with Policy OP2 is not yet confirmed but options include air-source heat pump or photovoltaic panels. As such a condition is recommended to agree these details prior to commencement of development.

In summary the proposal is acceptable in terms of the form, appearance and materiality and climate friendly design and there would be no adverse impact on residential amenity in accordance with Policy OP2.

Landscape & Trees

Policy NEP1 requires development to protect the special landscape qualities of the National Park, be sympathetic to their setting and to minimise visual impact.

The applicant has submitted a Landscape Appraisal which confirms that views of the building group are contained locally and that the B832 is the main visual receptor. The report notes the mature roadside Oaks which it states make an important contribution to the character of the building group and these are proposed to be retained.

To integrate the development into the rural surroundings a block of woodland planting and specimen trees is proposed to the north of Plot C to provide a new 'soft' edge to the building group and to help integrate the proposed development within the landscape (Figure 2). This will, in time, define the hamlet 'entrance'. A condition is recommended to ensure an appropriate planting scheme is undertaken to assist in development integration to accord with Policy NEP1.

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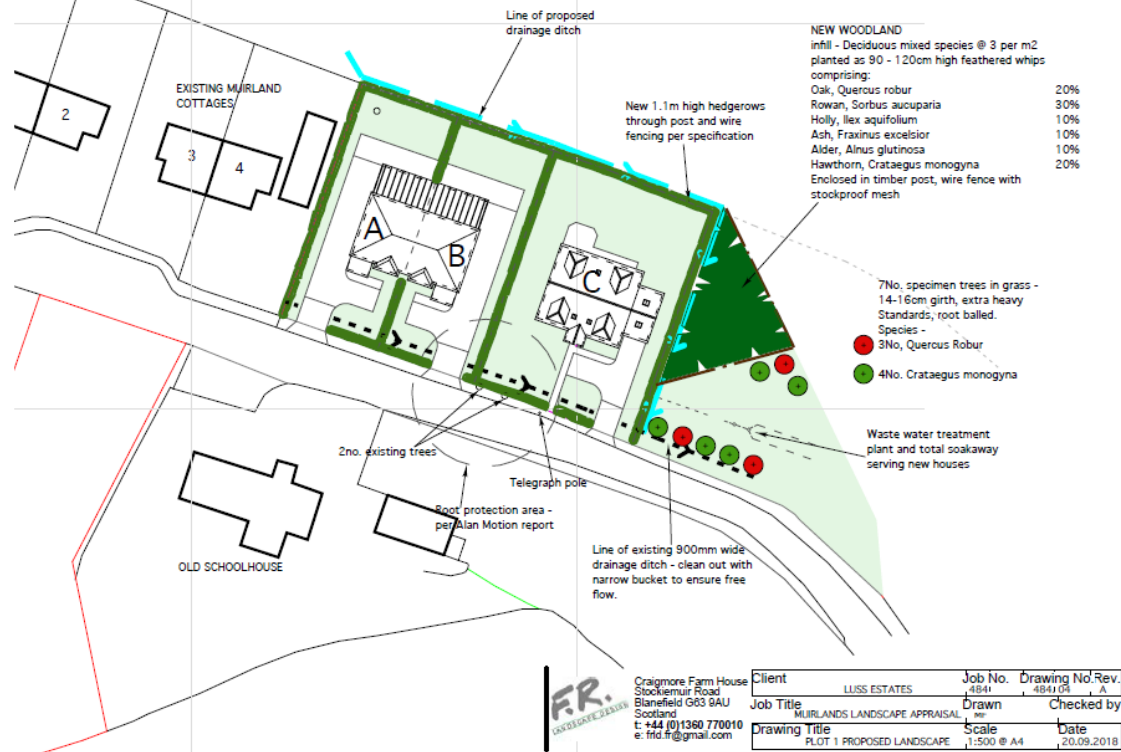


Figure 2: Landscape Mitigation Proposals

The proposed hard and soft landscaping contained within the submitted Landscape Appraisal, including the stone chip driveways, boundary post and wire fence with hedging and timber gates are all appropriate and suited to the rural character. Implementation in accord with those details is recommended to be secured by condition.

In respect of trees, the proposal has been redesigned such that the access sightlines do not conflict with the verge Oak trees, enabling their retention. The implementation of the pedestrian path from Plot C to the road may encroach into the root protection zone and suitable construction techniques will therefore be required in this area. The trees also require to be protected throughout the construction period and conditions are recommended accordingly.

Subject to the retention and protection of the roadside Oak trees and the implementation of the proposed landscaping, the proposal is considered to be in accord with Policies NEP1, NEP8, NEP9 and OP2.

Ecology

The applicant has submitted a Protected Species Survey which confirms that the site is contained within a grazing field which has very little ecological importance. No signs of protected species were recorded and the subsequent Protected Species Survey (update survey) confirmed no change in the baseline.

The habitat is suitable for nesting birds, so the survey recommends that vegetation clearance prior to construction should take place outside the bird breeding season of March to August inclusive and this is conditioned. A condition is also proposed to secure compliance with the recommendations within the survey report to accord with Policy NEP4. The proposed landscape planting measures are considered sufficient to enhance the site's wildlife value in accord with Policy NEP6.

Flood Risk and Drainage

The site is not identified as being at risk of flooding from any source on SEPA's flood maps.

In relation to surface water management from the houses the proposals include a soakaway for plot F and filter trenches for Plots D and E that discharge to an existing surface water pipe. The submitted ground

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investigation demonstrates that the ground conditions are suitable for both. The applicant has commissioned detailed soakaway calculations to ensure the capacity of the soakaways is adequate. Permeable surfacing is proposed for the driveways.

Surface water from the surrounding fields would be redirected via a drainage ditch along the western and northern site boundary to divert existing flows around the new houses. As a further measure the Flood Authority recommends the finished floor levels are raised 300mm above the garden level and this is conditioned. At the time of writing the final response from the Flood Authority was outstanding however they have agreed that a condition can be attached to ensure the final details of the surface water drainage system meets with their approval prior to the commencement of development.

The response from Scottish Water confirms no public sewerage infrastructure is available locally and therefore a private (shared) septic tank treatment system is proposed in the field to the north of Plot C. This would discharge via a soakaway.

With the measures proposed the development would not be at risk from flooding and would not increase the risk of flooding elsewhere and therefore achieves compliance with Policy NEP12.

Roads

Policy TP3 requires access for new development proposals to follow place making principles, be sensitive to the special qualities of the National Park and be serviced by roads infrastructure that conforms to the design standards of the Roads Authority and/or Transport Scotland.

The proposed development would be accessed via individual driveways onto the B832 Muirlands Road. There is provision for two car parking spaces per dwelling plus a turning area within each dwelling curtilage to enable residents to access the B832 from their driveways in forward gear.

In the interests of pedestrian safety the Roads Authority require construction of a 2m wide roadside footway along the frontage connecting to the existing footway at the front of no. 4 Muirland Cottages. So that the required footpath does not necessitate the removal of the roadside trees the footway would stop south of the trees at Plot C but would be connected to it via an in-curtilage footpath behind the trees. The design details of the footway would be agreed with the Roads Authority as part of the required Roads Construction Permit. The Roads Authority also requires additional road markings and signage on the B832 (i.e. a gateway feature at the northern entrance to Muirlands) to ensure that road safety is not compromised. The details of this are to be submitted for approval by the Roads Authority prior to commencement of development and a condition is recommended accordingly.

It is noted that the Community Council has objected to the application on road safety grounds. They consider that, on the basis of local knowledge and sentiment regarding the existing accident history of the B832, the application would pose an unnecessarily elevated and unacceptable road safety hazard to vehicles and pedestrians. This is echoed in a number of the public objections received.

However the Roads Authority have no objection to the application subject to conditions to secure the implementation of the footpath and traffic calming 'gateway' measures and to ensure that visibility site lines are maintained and the accesses constructed to the required standard. Indeed the traffic calming measures 'gateway' feature and road markings may assist in reducing existing traffic speeds and thereby potentially improve safety. The proposal therefore accords with Policy TP3.

Policy TP2 requires proposals to encourage safe, sustainable and active travel options and enabling opportunities for sustainable transport and modal change from the private car to more sustainable forms of transport.

The site is served by the 302 bus service (3 per day each way) operating Mon-Sat between Carrick Castle and Helensburgh via Luss. It is acknowledged that the lack of a more frequent service means it is likely that residents would invariably use the private car for most journeys. However it is also recognised that the rural nature of the West Loch Lomondside Rural Development Framework Area means it is not always possible for new development within existing rural communities to benefit from more convenient access to public transport. The scale and nature of the proposed development would not be such that the additional car journeys would give rise to unacceptable impacts on the environment or the local road network. As such, and given the availability of a bus service (albeit limited), the proposal accords with Policy TP2.

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Heritage & Archaeology

A category B-listed building (Muirland School with walls and railings dating from 1869 - now a dwelling known as Shalom) lies around 40m to the south on the eastern side of the road. Policy HEP3 expects development to protect, conserve and or enhance buildings of architectural or historical merit.

The proposal is sited at such a distance that it would not impact directly upon its setting. The development would also have no greater visual presence in relation to the setting than the existing houses opposite and therefore would not adversely impact upon the building or its setting and would thus accord with Policy HEP3.

The West of Scotland Archaeology Service has advised that the application site lies within an area of some archaeological sensitivity based on the presence of recorded sites and finds from various periods in the surrounding landscape including both prehistoric and Medieval sites and that the possibility that buried remains survive within the site cannot be ruled out. There is a possible record of a Medieval hospital at Muirland c.1500 and the nearby burn place name "Cross Burn" is suggestive of this as they were primarily religious houses. The topography of the application area is entirely suitable for past human use and so buried remains are a distinct possibility. They have recommended a programme of works be undertaken in accordance with an agreed scheme prior to development commencing and this is conditioned in accord with Policy HEP7.

Waste Management

Refuse would be collected under the existing local authority collection service. There are no bin storage locations shown on the drawing however there is ample room within the dwelling curtilage for storage and further details are secured by condition. As such the proposal complies with Policy WMP1.

Conclusion

In summary the proposal for three new houses in this location is acceptable in principle under the West Loch Lomondside RDF policy and Development Strategy. The development is of an appropriate mix and scale and would help consolidate the existing building group in accord with Policies HP1 and HP2(c). The design and materiality is sympathetic to the character of this rural location in accord with Policy OP2. There would be no adverse impacts on landscape, ecology or trees subject to the mitigation planting and measures to protect trees during construction in accord with Policies NEP1, NEP4, NEP6, NEP8 and NEP9. The development complies with the Roads Authority standards, would deliver road traffic calming measures and would not give rise to unacceptable road safety issues in accord with Policy TP3. There would be no adverse impacts on heritage or archaeology in accord with Policies HEP3 and HEP7.

Recommendation: Approve subject to conditions

Conditions

- 1. Breeding Birds:** No site clearance works shall be undertaken during the main bird breeding season (March – August inclusive) unless a prior walk over survey for nesting birds is undertaken and details of the survey have been submitted to and approved by the planning authority prior to clearance works commencing.

REASON: To comply with Policy NEP4 ensure an illegal action does not take place contravening the Wildlife and Countryside Act 1981 (as amended).

- 2. Archaeological Investigation:** No development shall take place within the development site as outlined in red on the approved plan until a programme of archaeological works has been undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the programme of archaeological works shall be fully implemented and all recording and recovery of archaeological resources within the development site shall be undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

REASON: to identify, protect, preserve or recover and appropriately record any items of archaeological interest which may be found on the site in accordance with Policy HEP7

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- 3. Refuse Storage Details:** Prior to the occupation of the dwellings hereby approved details of a bin storage area and enclosures for that dwelling shall be submitted to and approved in writing by the Planning Authority and shall thereafter be implemented in accordance with the approved details.

REASON: To ensure suitable on-site provision for waste management for the collection and storage of recyclable materials in accordance with Policy WMP.

- 4. Renewable Energy Measures:** Prior to the commencement of development details of the proposed renewable energy technology to be incorporated into the development shall be submitted to and approved by the local planning authority. Thereafter the approved measures shall be implemented prior to the development hereby approved being brought into use.

REASON: To comply with Local Plan Policy OP2 that requires the incorporation of renewable energy measures in all new developments.

- 5. Traffic Calming Measures:** Prior to the commencement of development a detailed scheme comprising road markings and signage shall be submitted to and approved by the Planning authority in consultation with the Roads Authority. Thereafter the details shall be implemented in accordance with the approved scheme prior to the construction works commencing.

REASON: To slow traffic speeds on the southbound approach to the development in the interest of road traffic safety.

- 6. Access Works:** Prior to the occupation of the development hereby approved the following works shall be implemented to the satisfaction of the Planning Authority in consultation with the Roads Authority:
- the driveway accesses shall be constructed as per Standard Detail SD 08005a;
 - the first 5m of the driveways shall be a sealed surface;
 - parking space for 2no. vehicles and onsite turning provision for each dwelling shall be provided within their boundaries;
 - sightlines of 53 x 2.4 m x 1.05 m shall be provided and all walls, hedges and fences within the visibility splays and must be maintained at a height not greater than 1 m above the road;
 - a 2 metre wide footway with dropped kerbs shall be provided across the full frontage of the development (excepting Plot C) connecting south onto the existing footway.

REASON: To ensure a satisfactory standard of development in accord with Policy TP3, to maintain pedestrian safety and to ensure that vehicles entering and exiting the accesses can undertake the manoeuvre safely in the interests of road traffic safety.

- 7. Tree Retention and Protection:** The roadside trees on the eastern boundary (nos. 661 and 662 in the approved Existing Tree Survey LE-Muir-TS-01) shall be retained. Prior to the commencement of development a revised Tree Protection Plan based on the approved plans 01 Rev J shall be submitted to and approved in writing by the Planning Authority. This shall include:
- Measures to protect the retained trees using methods in accord with British Standard BS 5837(2012) 'Trees in Relation to Construction' including the establishment of protected areas;
 - Working methods where groundworks are to be undertaken within the root protection areas of the retained trees;
 - Any felling, crown lifting, lopping or chopping to be carried out to the retained trees to enable access for construction.

The Tree Protection Plan shall thereafter be implemented in full and the protection measures maintained for the duration of development and no digging, storage of building materials or piling of soil shall take place within protected areas established pursuant to this condition.

REASON: To ensure the retention and protection of trees that make an important contribution to visual amenity and landscape character during the course of the development in accordance with Local Plan Policies NEP1, NEP9 and OP2.

- 8. Landscaping:** All hard and soft landscaping shall be in accordance with the approved Landscape Appraisal dated October 2018 (received 23 October 2018) including Figure 8 (FRLD Drawing 484/04 Rev A and FRLD Drawing 484/07 Rev A), the Planting Specification at Appendix B and the typical gate detail at Appendix 4 (unless a variation is approved in writing by the Planning Authority) and the

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woodland and specimen tree planting (outwith the plot curtilage) shall be carried out no later than the first planting season following the commencement of development.

REASON: To ensure the appearance of the development is appropriate in the rural landscape and because landscaping is required to fully integrate the development into its surroundings and to mitigate the local landscape and visual impacts. Without such landscaping the proposal would be contrary to the provisions of the development plan Policies NEP1 and OP2.

- 9. Surface Water Flood Mitigation:** Prior to the commencement of development details of the surface water drainage system for each dwelling shall be submitted to and approved in writing by the Planning Authority. The surface water drainage system for each dwelling shall be designed in accordance with CIRIA C753 and Sewers for Scotland 4th Edition including assessment of the proposed drainage system against the 1 in 200 year plus climate change event any necessary measures to ensure any exceedance flows would not result in an increase in flood risk to the proposed development or properties elsewhere. Thereafter the surface water drainage system shall be implemented in accordance with the approved details. Finished floor levels for each dwelling shall be at least 0.3 m higher than the surrounding ground level.

REASON: to ensure that the development is adequately protected from surface water flood risk in accordance with Policy NEP12

- 10. Wildlife Protection:** The development shall be carried out in accordance with the recommendations set out in the Protected Species Survey (received 22 December 2016) and subsequent Update (received 29 August 2018).

REASON: To safeguard protected species and nature conservation interests in accordance with Policy NEP4 and to ensure an illegal action does not take place contravening the Wildlife and Countryside Act 1981 (as amended).

- 11. External Materials:** All external materials and finishes shall be as indicated on the approved plans unless otherwise agreed in writing by the Local Planning Authority prior to their incorporation within the development.

REASON: To ensure that the external appearance of the development is appropriate to the rural character of the area in accordance with Policy OP2.

- 12. Hours of Construction:** Construction works which are audible outwith the site boundary shall be undertaken during normal working hours, viz:- 08.00 to 18.00 hours Monday to Friday, and 09.00 to 13.00 hours on Saturdays. No noisy works audible outwith the site boundary are permitted on Sundays or Bank Holidays.

REASON: To protect the occupants of nearby dwellings from excessive noise/disturbance associated with the implementation of this permission.

Planning Obligations

A Section 75 legal agreement is required to secure the phasing of the provision of the open market homes which are the subject of this application against provision of the affordable housing plots and community infrastructure (village green) which are the subject of the wider package of application proposals.

List of Plans

Title	Reference	Date Received
Location Plan	Loc Rev C	22/07/19
Proposed Site Plan	01 Rev J	02/10/19
Proposed Drainage Layout	J2498-P-03 C	25/07/19
Plots A&B Proposed Floorplans and Elevations	02 Rev D	29/08/18
Plot C Proposed Elevations and Floorplan	03	29/08/18
Tree Protection Plan	LE-Muir-TS-01	22/12/16
Landscape Appraisal	October 2018	23/10/18
Protected Species Survey Update	17 August 2018	29/08/18

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Informatives

1 Duration of permission - In accordance with section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of 3 years beginning from the date of this permission, unless the development to which this permission relates is begun before that expiration.

2 Notification of Initiation of Development - Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. We recommend this is submitted 2 weeks prior to the start of work. A failure to submit the notice, included in the decision pack, would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.

3 Notification of Completion of Development - As soon as practicable after the development is complete, the person who completes the development is required by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give written notice to the planning authority of the completion of the building works. As before, there is notice for you to complete for this purpose included in the decision pack. In larger, phased developments, a notice of completion is to be submitted as soon as practicable after each phase is finished by the person carrying out the development.

4. Roads Consent - The applicant is advised that in terms of Sections 21 and 56 of the Roads (Scotland) Act 1984 he/she/they must obtain from the appropriate Council as Roads Authority consent to construct a new or to alter, open or extend an existing road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.

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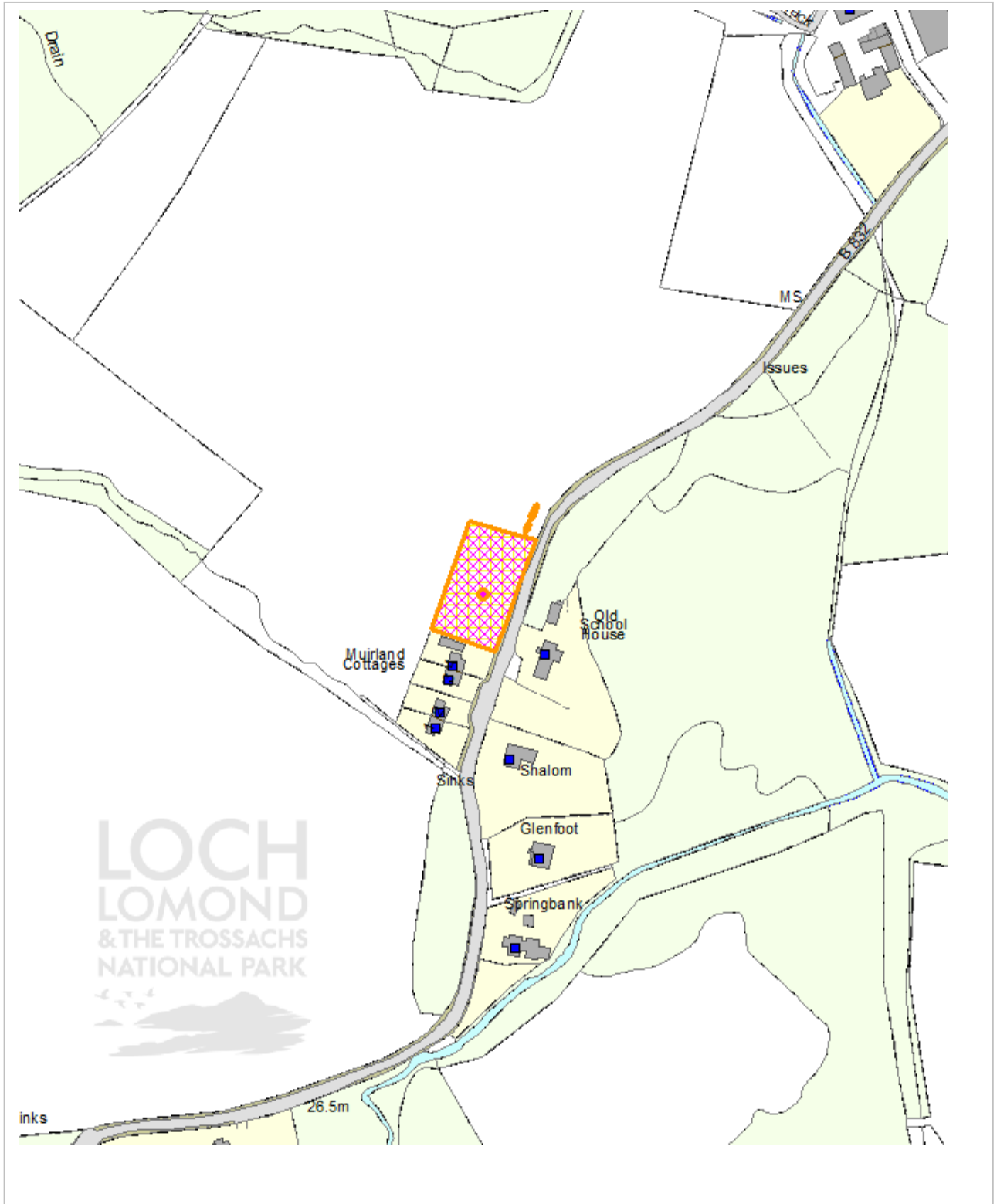
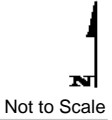
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Appendix 1 - Site Location Plan

Land to the North of Muirlands

 2016/0394/DET



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