

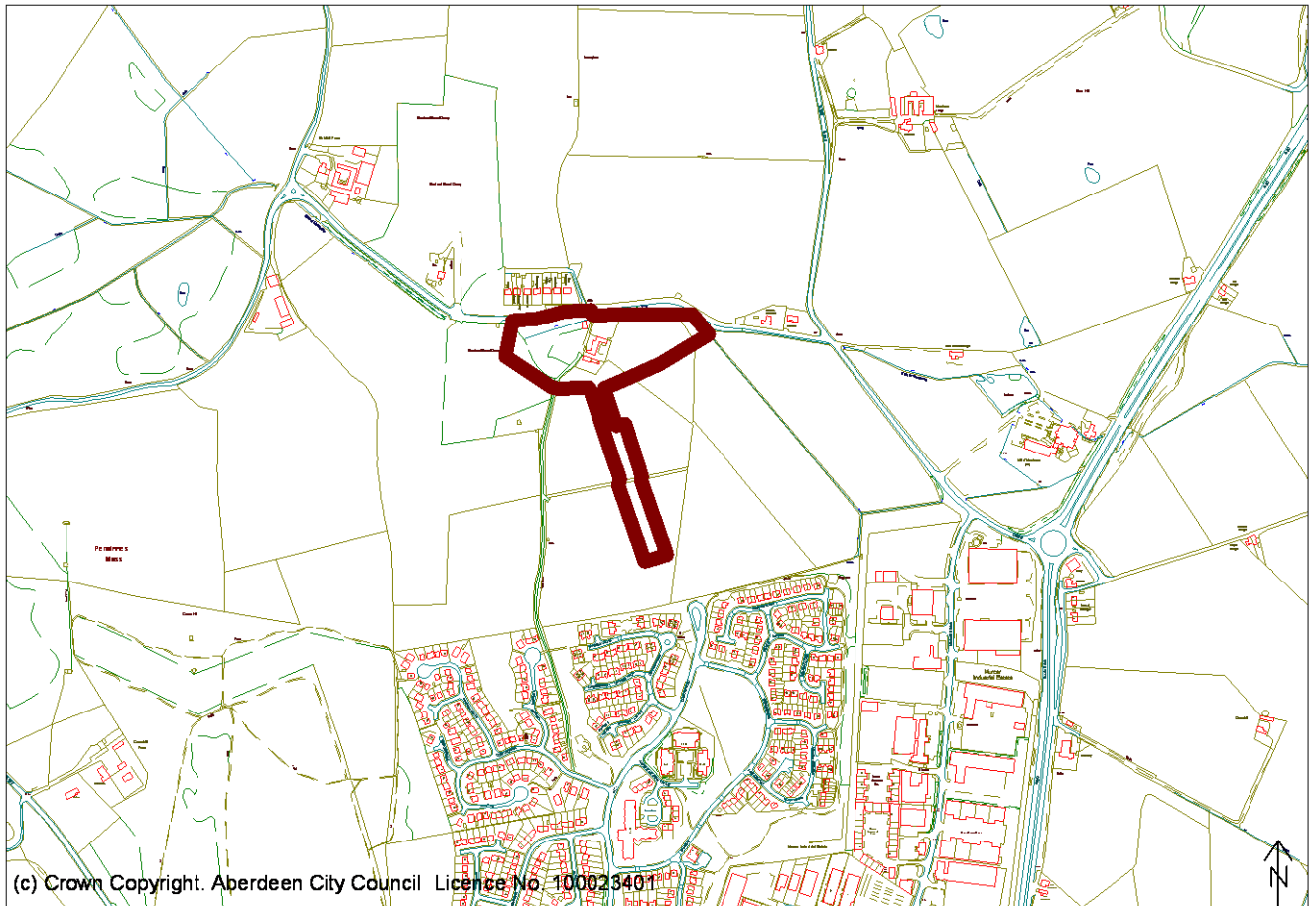
SHIELHILL ROAD (LAND SOUTH OF),
BRIDGE OF DON

MIXED USE DEVELOPMENT
COMPRISING 41 RESIDENTIAL UNITS
AND 5 COMMERCIAL UNITS

For: Scotia Homes Ltd

Application Ref. : P121422
Application Date : 09/10/2012
Officer : Robert Forbes
Ward: Bridge of Don (M Jaffrey/J Reynolds/S
Stuart/W Young)

Advert : Notify not possible
(owner)
Advertised on : 24/10/2012
Committee Date : 17 January 2013
Community Council : Comments



RECOMMENDATION: Approve Subject to Legal Obligation and Conditions

DESCRIPTION

This 3.5 hectare site is located beyond the northern edge of the built up area of Bridge of Don and forms the central part of a larger area of 31.5 hectares for which the applicant has an interest. This wider site comprises open undulating farmland and derelict industrial land (a former brickworks) which was associated with a now redundant quarry. The former brickworks is located adjacent to and accessed from, the Shielhill public road , which forms the northern site boundary. To the north of Shielhill Road lies further redundant quarry workings with associated industrial / open storage uses and a row of detached inter-war houses. The derelict Dubford farm steading is located to the east of the brickworks site, on a knoll and is accessed via an unsurfaced farm track. Adjacent to the steading is a cluster of trees which are protected by a TPO.

To the east of the site is the Mundurno Burn and open farmland extending to the B999 public road. This provides connection with the A90 trunk road beyond. The farmland to the south of the site is bounded by typical late 20th century suburban housing, to the east of which is an industrial estate. The farmland to the west of the site is bounded by Perwinnes Moss and open storage / industrial units. Scotstown Moor SSSI lies about 1km to the south of the site.

PRE-APPLICATION CONSULTATION

In addition to the extensive community engagement undertaken by the Council since June 2009 during preparation of the local plan, the applicant has undertaken Development Framework and pre-application Public Consultation exercises prior to the submission of this application in accordance with the regulations. A report on these proceedings is submitted in support of the application in accordance with planning regulations.

HISTORY

Outline planning permission for residential development of the site, including community facilities and improvements to an area of adjoining green belt (ref A3/192) was submitted by Scotia and was refused at committee in 2003. The subsequent planning appeal was dismissed following a public inquiry, in October 2004, together with a related claim for expenses against the Council. The reasons for dismissal included contravention of structure plan and local plan policy, prematurity in light of pending local plan review, conflict with national policy regarding sustainable transport, including reducing the reliance on private cars and potential adverse impact on the local and trunk road networks due to uncertainty regarding the proposed closure of Shielhill Road to vehicle traffic.

A request for a screening opinion under the EIA Regulations was submitted in 2011 and it was determined that a formal EIA was not required for the development currently proposed.

Three other planning applications for development of various parts of the wider application site and for permission in principle for 550 units have been submitted to the planning authority and are considered with this application.

PROPOSAL

Detailed planning permission is sought for the erection of 41 dwellings and 5 commercial units on the site, together with related infrastructure works and provision of associated open space and parking areas. Parts of the wider site are the subject of separate detailed planning applications. A waste water (sewerage) pumping station is required to accommodate the development and would be provided (underground) within a proposed strategic landscape area at the south-east corner of the wider site. The application is supported by a suite of technical documents and related information including flood risk assessment and transport assessment.

Vehicle access to the site would be created by extension of Dubford Road northwards into the site. A new vehicle access would also be created from Shielhill Road, to the west of the existing trees, thereby potentially allowing through traffic movement. It is intended that the southern access from Dubford Road would only be used by bus traffic and emergency vehicles, in addition to pedestrians and cyclists. A bus turning facility would be provided at the northern end of the proposed spine road within the site. The existing farm track through the wider site would be upgraded to provide a 3m wide shared cycle / footpath which would act as a safe route to school from the proposed houses. Public open space areas would be created along the fringes of the wider site (including a buffer strip with the existing housing to the south and along the burn edge) and along the proposed central footpath / cycle route.

The proposed dwellings which are the subject of this second phase of the development are generally located to the east of the proposed spine road within the southern part of the site. A mix of housing types and sizes is proposed, ranging from 1 bedroom flats to large semi-detached town houses. The architectural composition is influenced by vernacular as opposed to modernist housing typologies and forms, with pitched roofs and traditional design elements (e.g. gables and chimney stacks), in an attempt to evoke historic rural settlement characteristics. The buildings would range from 1 ½ to 3 storeys in height. A small cluster of 1 and 2 bedrooled single storey cottages would be located at the north-east end of the site. Materials would be largely rendered walls, with some use of synthetic masonry, and grey roof tiles. The houses would have private garden areas, largely concentrated to the rear. A total of 84 communal and in curtilage car parking spaces would be provided for the dwellings, with the parking generally accessed by rear access lanes.

The existing steading and derelict farmhouse at the north end of the site would be retained and converted to provide a range of potential commercial uses (including possible use as shops, financial / professional services, restaurant / café and offices). A single storey new build childrens' nursery would be created to the west of the steading complex adjacent to the existing tree group. The total floor space of the non domestic uses would be 784 square metres. A 38 space car park would be provided to the south of these facilities.

REASON FOR REFERRAL TO SUB-COMMITTEE

The Community Council object to the application.

CONSULTATIONS

ROADS SECTION – Request various transport related infrastructure improvements, including off site works and request provision of contribution to the Council’s Strategic Transport Fund. Detailed comments circulated herewith;

ACC FLOODING UNIT - No objection. Agree with SEPA comments and recommend a freeboard allowance of 500mm;

ENVIRONMENTAL HEALTH – Request conditions regarding site contamination, to require protection measures for dwellings against Radon gas and control of construction hours and of any commercial uses;

CULTURE and LEARNING - A programme of archaeological investigation is required prior to development of the site.

EDUCATION – Advise that the development can be accommodated within existing secondary school capacity but advise that enhancement of primary school capacity is required (the site is zoned to Scotstown Primary School).

PLANNING GAIN UNIT – The development will require to provide an appropriate level of affordable housing on site, potential on site health care facilities and contributions towards enhancement of education, community facilities, sports and recreation facilities (outwith the site), libraries and improvement works and links to the Core Path network in the vicinity. These matters are to be included in a legal obligation under the provision of S75 of the planning acts;

TRANSPORT SCOTLAND TRUNK ROAD NETWORK MANAGEMENT – No objection subject to provision of developer contributions to the Council’s Strategic Transport Fund;

SEPA – No objection subject to provision of on site SUDS and imposition of conditions regarding flood risk and waste management;

SSE (Hydro Electric)- Advise that there is existing electrical infrastructure within the site and have no objection to the proposals subject to compliance with health and safety considerations;

COMMUNITY COUNCIL – Compliment the public consultation undertaken with this application. Express concern regarding the potential traffic impact of the development and the creation of a new vehicular through route onto Dubford Road, with consequent potential for creation of a “rat-run” through existing residential areas. Hope that any construction work and traffic will be monitored to avoid disturbance to residents.

REPRESENTATIONS

Excluding the Community Council comments, a total of 2 letters of objection have been received. The concerns raised relate to impact on infrastructure / lack of supporting facilities, traffic impact and prematurity prior to completion of the AWPR.

PLANNING POLICY

The key objective of the Scottish Government is sustainable economic growth. SPP (Scottish Government planning policy) relating to housing and transport is of particular relevance.

The Aberdeen City and Shire Structure Plan sets a target to increase the population of the city region to 480,000 by 2030. It identifies Aberdeen City as a key growth area and allocates a total of 16,500 housing units for the period 2007-2016.

The site is zoned as Land Release policy LR1 within the Adopted Local Plan of 2012. It is identified within Dubford and Murcar masterplan zone. Table 5 of this plan and LR1 policy allocate the site within the phase 1 release for housing development in the period from 2007-2016. LR1 states that housing development within these areas will be approved in principle. This plan identifies the site as forming the major part of opportunity site 25 (OP25). This identifies the site as suitable for residential development for 550 units but also identifies that the site may be at risk of flooding. Appendix 4 of this plan identifies a possible requirement for contributions for additional secondary school capacity at Bridge of Don academy and extension of medical / dental practices specifically in relation to Dubford. Other policies of relevance include I1, T2, D1, D2, D3, D6, H3, H4, H5, CF2, RT1, RT5, NE1, NE4, NE5, NE6, NE9, NE10, R2, R6 and R7.

The site lies within the Dubford Development Framework which was approved by Committee in 2012 and confirms the suitability of the site and adjacent land to the east for residential and associated development.

EVALUATION

This application requires to be determined in accordance with the Development Plan, unless outweighed by other material considerations. The Development Plan consists of the Approved Structure Plan and the Adopted Local Plan. Other material considerations include Scottish Government Planning Policy and the planning history.

Tesco Stores Ltd has submitted an appeal to the Supreme Court against the decision of the Inner House of the Court of Session to refuse its application to quash the Aberdeen Local Development Plan. Tesco has been unsuccessful regarding both an interim suspension and a full appeal in front of three judges in the Inner House and the Council has received robust advice from Counsel that the reasoning of the Inner House is sound and there are strong grounds to resist the appeal.

Planning applications continue to be determined in line with the Aberdeen Local Development Plan but the appeal is a material consideration and the Council has to take into account the basis for the legal challenge when determining applications. It should also be pointed out that the Court indicated that, even if Tesco's arguments had found favour, it would have been inclined to quash the plan only in so far as it related to Issue 64 (Allocated Sites: Woodend...Summerhill... etc.) and that it would be disproportionate to quash the whole plan. This evaluation has had regard to and taken into account the legal challenge.

Development plan

The proposed residential development fully accords with the aspirations of the structure plan, in particular its targets for housing provision.

The allocation of this site was pursued through the local plan preparation process with the site being identified for development by the Council and subsequently ratified by the reporter appointed by the Scottish Government. This was supported by an exemplary process of community and pre-application

consultation by the applicant in the preparation of a development framework and this has subsequently informed the development approach taken with this site. Detailed assessment of the proposal in relation to the relevant planning policies is considered below.

Although the local plan is currently the subject of a legal challenge by Tesco, this is considered to have limited relevance as a material consideration, given that it relates to identification of a specific site for retail use and does not outweigh the identification of this site for residential and related development. Although there is a degree of technical conflict with local plan policy RT1 as the site is not identified as a retail centre, the proposed extent of retail / commercial use within the development falls below the threshold where retail impact assessment is required and is not considered to result in any adverse impact on existing retail centres. Given that local plan policy RT5 requires that masterplans for sites allocated for major residential development, such as this site, should allocate land for retail and related uses to serve the needs of the expanded community, there is a demonstrable need for provision of the proposed commercial / retail uses to service the needs of the occupants of the development and this need has been highlighted by community consultation. Subject to conditions requiring provision of path links and the bus route, the site identified would be in a location which is accessible by walking, cycling and public transport. Notwithstanding the technical conflict with policy RT1, the provision of supporting commercial and retail facilities in relation to this allocated housing site is considered to be justified on the grounds of sustainable development.

Dubford Development Framework

The proposal accords with the general aspirations of this document which is an important material consideration that weighs in favour of the development. Both the local plan and development framework envisage a total of 550 units for the whole site, including adjacent land to the east not under the applicant's control. The scale of development proposed on the current application site and its urban form are considered to accord with wider design objectives and it has been demonstrated that adequate public open space would be provided within the site. The development layout / form / scale proposed is considered to respect the suburban nature of the existing built up area to the south of the site and so accords with policy D1. The standard of design is considered to exceed that of recent residential development in the area and the use of traditional housing vernacular is considered appropriate. Although the density of development proposed would fail to satisfy the minimum density requirements set out in policy H3 (30 units per hectare, as opposed to 11.7 units proposed) this is considered to demonstrate that the proposal would not represent overdevelopment of the site. The local plan does recognise that not all sites need to be developed at a minimum density of 30 dwellings per hectare. Furthermore the density level for this site proposed by the local plan allocation would result in an even lower figure. Sufficient public open space would be provided in accordance with policy NE4. There would be no adverse impact on the amenity of adjacent residents resulting from the scale or proximity of housing proposed and conditions can be used to ensure provision of buffer landscaping to ensure that the landscape setting of the site is enhanced.

It is noted that the site does not include the eastern part of the OP25 opportunity site included within the Development Framework and therefore there remains a degree of risk in relation to piecemeal development of the wider site and in particular formation of the necessary pedestrian and cycle connections through the site to link with Denmore Road. However, the applicant has confirmed that they do not control the adjacent land to the east and cannot therefore provide connections through it.

Flood Risk

Formal consultation with SEPA during the application process has confirmed that flood risk, which is an issue affecting only the northern and eastern edges of the site, is not so significant that the development potential of the site for housing is compromised or that refusal is warranted. Conditions can be imposed to ensure that the development of the site takes account of this issue. The intention is that the existing culverted sections of the burn are naturalised and that the burn is incorporated within the development site as part of the strategic landscape area in accordance with sustainable development objectives in accordance with policies NE6 and NE8

Landscape setting and wildlife

The existing TPO protected trees and farm steading would be retained and incorporated into the development as landscape assets in accordance with local plan policies D4, D6 and NE5. It is considered that the proposed nursery building and other works would be sufficiently distant from the main trees of value within the site that the integrity of the TPO would not be compromised. Conditions are proposed in order to require suitable enhancement planting and landscaping works.

The wider site lies adjacent to Perwinnes Moss which is designated by the Council as a local wildlife site. The development would have no direct effect on this wildlife site, and its wildlife value could be enhanced by the development through the creation of buffer planting within the wider application site. Furthermore, the creation of a footpath network within the wider site would improve public access to this important open space. The development would have no direct effect on the SSSI at Scotstown Moor as this lies some distance to the south west of the site and is already bisected by Dubford Road. As the application site drains to the north and east, away from Scotstown Moor, its development would have no indirect impact on the hydrology of the SSSI which is important for its wetland habitat. It would therefore accord with policy NE8.

Transport / Roads

Provision of the footpath and cycle links which are required to adequately connect the development to the existing path network / developed areas, and therefore discourage car use and ensure compliance with local plan policy D3, T2 and related Scottish Government policy regarding transport, will require works off site on land which is not under the control of the applicant or the Council. This is a matter which requires to be addressed by a legal obligation, including possible use of developer contributions.

It is intended that the site will be serviced by extension of the existing bus route on Dubford Road northwards through the site. The site layout has been designed to allow for the extension of this road and creation of a bus turning facility. This would ensure that residents of the development would have access to a bus service within adequate walking distance. Conditions are required in order to ensure provision of the bus route and suitable footpaths within the wider site and provide a green travel plan. A contribution is, however, also required to enable enhancement of the bus service to / from the site in order to accord with Council policy and address wider sustainable transport objectives.

Both the trunk road agency and the local roads engineers do not express objection regarding the impact of this development on the trunk and local road network subject to various mitigation measures, including off site road works on third party land and contribution to the Strategic Transport Fund. Neither consultee consider that there is any requirement for either the "3rd Don Crossing" or the AWPR, or the Haudagain road improvements to be in place prior to implementation of the development. It would therefore be unreasonable to require this as requested by the objectors. Although the creation of a link road between Dubford Road and Shielhill Road could inevitably result in issues with "rat-running" as through / commuter traffic seeks to avoid existing bottlenecks on the road network, neither consultee requires the closure of Shielhill Road to vehicular traffic. The concern regarding possible through traffic can be addressed by a legal obligation requiring the introduction of camera enforcement monitoring on Dubford Road as requested by the Council's roads officers. They would ultimately have responsibility for implementation and monitoring of this issue and in the event that a significant problem were to arise would have power to implement enforcement measures.

Various off site road / junction improvements to the local road network have been identified in a transport assessment and have been requested by the roads officers to enable the development. These can be addressed by either use of planning conditions or developer contributions / planning obligation.

Education / Social Infrastructure

Although the Adopted Local Plan indicates a possible requirement for contribution for enhancement of secondary school capacity, further consultation with the Council's education service and planning gain unit has shown that this is not in fact required to accommodate the development. However, contribution is required in relation to enhancement of primary education facilities off site.

The Adopted Local Plan indicates a possible requirement for contribution for enhancement of medical facilities off site in relation to this housing site. However, a preferred solution in terms of sustainable development and mixed uses is the identification and reservation of a site for such facilities within the application site as the site identified in the local plan is considerable distance from the application site. This alternative approach would accord with local plan policy CF2 which requires that sites shall be reserved for new community facilities within significant housing developments. In order to minimise the risk of such sites being

developed for housing, this is a matter which requires to be dealt with by a legal obligation. However, it should be noted that the actual provision of such medical services is ultimately beyond the applicant's control and is dependent in part on unrelated commercial considerations.

Planning Gain

The applicants have generally agreed the Heads of Agreement relative to a comprehensive planning gain package for the wider site to include appropriate affordable housing provision (15% provision on site), in order to accord with policy H5, contribution to enhancement of education and community facilities, sports and recreation facilities (outwith the site), libraries and improvement works and links to the Core Path network in the vicinity. These matters are to be included in a legal obligation under the provision of S75 of the planning acts.

History

Although the site has a lengthy history of refusal of planning applications, including most recently examination at a public inquiry in 2004, these refusals predate the approval of the current structure plan in 2011 and allocation of the site for development within the current local plan which was adopted in 2012. The local and regional planning policy context is therefore fundamentally different from that which existed at the time of the refusals. As regards the reporter's concerns regarding the sustainability of the site in terms of compliance with Scottish Government policy regarding transport and impact on the trunk road network, these issues are considered above.

The constraints imposed by historic contamination of the site and proximity to nearby industrial premises have not resulted in objection from Environmental Health and can be addressed by condition in order to accord with policy R2.

Community Council Concerns / Objections

These are addressed in the relevant topic section identified above and have been the subject of lengthy discussion with the relevant statutory consultees. It is considered that there is no grounds for refusal of the application as the relevant traffic / amenity concerns can be dealt with by imposition of conditions / a legal obligation. Given the significant distance between the site and existing residential property to the south and the fact that there is no restriction on hours of use of existing industrial uses in the vicinity, or in relation to traffic movement on Shielhill Road, it is considered that there is no need to impose a condition restricting construction hours or in relation to monitoring of traffic movements. The low volume of objection received in relation to this proposal is considered to be indicative of a successful community engagement process, as acknowledged by the Community Council.

CONCLUSION

Subject to imposition of conditions and a legal agreement to ensure infrastructure provision and ensure that the site is appropriately developed, the proposal accords with the development plan. Although the proposal conflicts with part of policy H3, it does not constitute overdevelopment and is considered to be of appropriate scale. The local plan does recognise that not all sites need to be

developed at a minimum density of 30 dwellings per hectare. Notwithstanding the technical conflict with policy RT1, the provision of supporting commercial and retail facilities in relation to this allocated housing site is considered to be justified on the grounds of sustainable development. The other material considerations and traffic impact do not warrant refusal of the application.

RECOMMENDATION

Approve Subject to Legal Obligation and Conditions

REASONS FOR RECOMMENDATION

Subject to imposition of conditions and a legal agreement to ensure infrastructure provision and ensure that the site is appropriately developed, the proposal generally accords with the development plan. Although the proposal conflicts with part of policy H3, it does not constitute overdevelopment and is considered to be of appropriate scale. Notwithstanding the technical conflict with policy RT1, the provision of supporting commercial and retail facilities in relation to this allocated housing site is considered to be justified on the grounds of sustainable development. The other material considerations and traffic impact do not warrant refusal of the application.

it is recommended that approval is granted with the following conditions:-

- (1) That no development shall take place unless there has been submitted to and agreed in writing by the planning authority detailed schemes for improvements to the junctions / roads as identified in the approved transport statement. Thereafter the development shall not be occupied unless the said junction improvements have been implemented in full - in the interests of road safety and the free flow of traffic.
- (2) That no development shall take place unless there has been submitted to and approved in writing by the planning authority a detailed Green Transport Plan, which outlines sustainable measures to deter the use of the private car, in particular single occupant trips and provides detailed monitoring arrangements, modal split targets and associated penalties for not meeting targets - in order to encourage more sustainable forms of travel to and from the development.
- (3) that no dwelling hereby approved shall be occupied unless the car parking associated with that particular dwelling has been constructed, drained, laid-out and demarcated in accordance with the approved layout drawing or such other drawing as may subsequently be submitted and approved in writing by the planning authority - in the interests of public safety and the free flow of traffic.
- (4) that no development shall take place unless it is carried out in full accordance with a scheme to deal with potential contamination on the site that has been submitted to and approved in writing by the planning authority.

The scheme shall follow the procedures outlined in Planning Advice Note 33 Development of Contaminated Land and shall be conducted by a suitably qualified person in accordance with best practice as detailed in BS10175 Investigation of Potentially Contaminated Sites - Code of Practice and other best practice guidance and shall include:

1. an investigation to determine the nature and extent of contamination,
2. a site-specific risk assessment,
3. a remediation plan to address any significant risks and ensure the site is fit for the use proposed.

No buildings on the development site shall be occupied unless

1. any long term monitoring and reporting that may be required by the approved scheme of contamination or remediation plan or that otherwise has been required in writing by the planning authority is being undertaken and
2. a report specifically relating to the building(s) has been submitted and approved in writing by the planning authority that verifies that remedial works to fully address contamination issues related to the building(s) have been carried out, unless the planning authority has given written consent for a variation.

The final building on the application site shall not be occupied unless a report has been submitted and approved in writing by the planning that verifies that completion of the remedial works for the entire application site, unless the planning authority has given written consent for a variation.

- reason: in order to ensure that the site is fit for human occupation

(5) that no development pursuant to this planning permission shall take place nor shall the dwellings hereby approved be occupied unless there has been submitted to and approved in writing for the purpose by the Planning Authority an assessment of the noise levels likely within any dwelling, unless the planning authority has given prior written approval for a variation. The assessment shall be prepared by a suitably qualified independent noise consultant and shall recommend any measures necessary to ensure a satisfactory noise attenuation for the residential use. No dwelling shall be occupied unless the said measures have been implemented in full - in the interests of residential amenity.

(6) that no development shall take place pursuant to this planning permission, other than site groundworks and provision of site infrastructure, nor shall the buildings be brought into use, unless details of the zero and low carbon equipment to be incorporated into the development and predicted carbon emissions, using SAP or SBEM calculations, have been submitted to and approved in writing by the planning authority, or alternative energy conservation measures and supporting technical calculations have been provided and approved. The buildings hereby approved shall not be brought into use unless the required equipment or insulation / construction measures have been installed in complete accordance with those approved details - to ensure this development complies with requirement for on-site carbon emissions contained in Scottish Planning Policy (SPP) and specified in the the City Council's relevant published Supplementary Planning Guidance 'Low and Zero Carbon Buildings'.

(7) That no development pursuant to this planning permission shall commence unless a detailed site specific construction method statement for the site has been submitted to and approved in writing by the planning authority. The method statement must address the temporary measures proposed to deal with surface water run-off during construction and prior to the operation of the final SUDS. Such statement shall be implemented in full for the duration of works on the site - in order to prevent potential water pollution.

(8) that no development shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems has been submitted to and approved in writing by the Planning Authority and thereafter no part of the development shall be occupied unless the drainage has been installed in complete accordance with the said scheme - in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

(9) that no dwellings hereby granted planning permission shall be occupied unless the area/areas of public open space as identified on Drawing No. 1010 of the plans hereby approved (or such other drawing as may be subsequently approved) have been laid out in accordance with a scheme, including proposals for phased implementation, which shall be submitted to and approved in writing by the Planning Authority. No development pursuant to this planning permission shall take place, other than site groundworks and provision of site infrastructure, unless such a scheme detailing the manner in which the open space is to be managed and maintained has been submitted to and approved in writing by the planning authority. Such scheme shall include provision for a play area comprising at least five items of play equipment and a safety surface - in order to preserve the amenity of the neighbourhood.

(10) that no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site, which scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting - in the interests of the amenity of the area.

(11) that all planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 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 a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority - in the interests of the amenity of the area.

(12) No development shall take place pursuant to this permission unless details of the location and extent of the foul drainage infrastructure required to accommodate the development, as agreed with Scottish Water, including any pumping station, has been submitted to and approved in writing by the planning authority. The development hereby granted planning permission shall not be occupied unless all foul drainage infrastructure required has been installed in complete accordance with the said details and a related phasing plan - in order to safeguard water qualities in adjacent watercourses and to ensure that the proposed development can be adequately drained.

(13) that no development shall take place unless a plan showing those trees to be removed and those to be retained and a scheme for the protection of all trees to be retained on the site during construction works has been submitted to, and approved in writing by, the Planning Authority and any such scheme as may have been approved has been implemented - in order to ensure adequate protection for the trees on site during the construction of the development.

(14) that no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the written consent of the Planning Authority and no fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks - in order to ensure adequate protection for the trees on site during the construction of the development.

(15) that on each house plot there shall be planted two trees of species to be agreed in writing with the Planning Authority. These trees are to be planted at half-standard size or larger. Planting shall take place in the first planting season after completion of each house and any trees which within a period of 5 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 a similar size and species unless the Planning Authority gives written consent to any variation - in order to preserve the amenity of the neighbourhood.

(16) None of the dwellings hereby approved shall be occupied, other than in accordance with an agreed phasing plan or with the agreement in writing of the planning authority, unless the following infrastructure has been provided :-

1. Footpath and cycle links to connect the dwellings with the existing path network as shown on an approved scheme;
2. The extension of Dubford Road northwards through the site and the provision of a bus turning facility at its northern end;
3. Off site road / junction improvement works as detailed in the approved amended transport assessment produced by WSP dated March 2012;
4. Waste-water / sewerage infrastructure, including the required pumping station;
5. Peripheral strategic landscaping, including tree and shrub planting as detailed in an approved scheme;

6. Radon gas protection measures for each individual dwelling / block, in accordance with an approved scheme;

7. Noise protection measures in accordance with the approved environmental noise assessment by RMP dated 10/4/12, including the required acoustic bunding;

No development shall take place unless the required schemes for path links, strategic landscaping and radon protection have been submitted to and approved in writing by the planning authority.

- in order to ensure that essential infrastructure is provided timeously, ensure adequate environmental protection and avoid threat to human health.

(17) No development shall take place in areas identified at risk of flooding until the culvert is removed. Following the removal of the culvert, development shall not be permitted in the areas identified to be at risk of flooding as indicated by the levels detailed in table 1 of letter from Envirocentre dated 4 September 2012 as shown on drawing 361998J-001. Any changes to the proposed landscaping of the site (old quarry area) or alterations other than removal of the culvert must be supported by a revision of the FRA to establish that there is no increased risk to any phases of the development or downstream of the site - Reason: In order to avoid flood risk to the development and ensure the development does not have an unacceptable impact upon flood risk elsewhere.

(18) Prior to the commencement of any works in any phase of the development, a full site specific Construction Environmental Management Document (CEMD) must be submitted for the written approval of the planning authority [in consultation with SEPA] [and other agencies such as SNH as appropriate] and all work shall be carried out in accordance with the approved CEMD. - Reason: In the Interests of pollution prevention.

(19) that no development pursuant to this planning permission shall take place, nor shall any part of the development hereby approved be occupied, unless there has been submitted to and approved in writing by the Planning Authority, a detailed scheme of site and plot boundary enclosures for the entire development hereby granted planning permission. None of the buildings hereby granted planning permission shall be occupied unless the said scheme has been implemented in its entirety - in order to preserve the amenity of the neighbourhood and minimise security risk.

(20) that no development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work which shall include post-excavation and publication work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority - in the interests of protecting items of historical importance as may exist within the application site.

Dr Margaret Bochel

Head of Planning and Sustainable Development.