

PLANNING BOARD – 5 JUNE 2019

Planning Board

Wednesday 5 June 2019 at 3pm

Present: Provost Brennan (for Councillor Moran), Councillors Clocherty, Crowther, Dorrian, J McEleny, McKenzie, McVey, Jackson (for Murphy), Nelson, Rebecchi and Wilson.

Chair: Councillor Wilson presided for agenda items 1, 2(b) and 2(c) and Councillor Nelson presided for agenda item 2(a).

In attendance: Head of Regeneration & Planning, Development & Building Standards Manager, Mr D Ashman (Regeneration & Planning Services), Shared Head of Service Roads, Mr G Leitch (Roads & Transportation), Mr J Kerr (for Head of Legal & Property Services) and Ms R McGhee (Legal & Property Services).

The following paragraphs are submitted for information only, having been dealt with under the powers delegated to the Board.

399 APOLOGIES, SUBSTITUTIONS AND DECLARATIONS OF INTEREST 399

Apologies for absence were intimated on behalf of Councillor Moran, with Provost Brennan substituting, and Councillor Murphy, with Councillor Jackson substituting.

Declarations of interest were intimated as follows:-

Agenda Item 2(a) (Construction of 198 residential homes with road, all associated infrastructure, levels changes, amenity open space and landscaping provision including retention of key existing landscaping features at Ravenscraig Hospital Grounds, Ravenscraig Hospital, Inverkip Road, Greenock (18/0205/IC)) – Councillor Wilson; and Agenda Item 2(b) (Erection of a new build flatted development consisting of 39 units over 4.5 storeys and erection of a new build flatted development consisting of 48 units over 4 storeys at vacant site, James Watt Dock, Greenock (18/0279/IC and 18/0280/IC)) – Councillor Crowther.

400 PLANNING APPLICATIONS 400

There were submitted reports by the Head of Regeneration & Planning on applications for planning permission as follows:-

(a) Erection of a new build flatted development consisting of 39 units over 4.5 storeys and erection of a new build flatted development consisting of 48 units over 4 storeys:

Vacant Site, James Watt Dock, Greenock (18/0279/IC & 18/0280/IC)

The report recommended that planning permission in relation to planning applications 18/0279/IC and 18/0280/IC be granted subject to a number of conditions.

Councillor Crowther declared a non-financial interest in this matter by virtue of having made a submission to the Proposed Local Development Plan and left the meeting.

After discussion, Councillor J McEleny moved that planning permission in relation to planning applications 18/0279/IC and 18/0280/IC be refused as the proposals (1) may

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have a negative impact on the adjacent Inchgreen City Deal site and (2) would result in over-development of the application site. As an amendment, Councillor Wilson moved that planning permission in relation to planning applications 18/0279/IC and 18/0280/IC be granted subject to the conditions detailed in the report.

On a vote, one Member, Councillor J McEleny, voted for the motion and nine Members, Provost Brennan, Councillors Clocherty, Dorrian, Jackson, McKenzie, McVey, Nelson, Rebecchi and Wilson, voted for the amendment which was declared carried.

Decided: that planning permission in relation to planning applications 18/0279/IC and 18/0280/IC be granted subject to the following conditions:-

Planning Application 18/0279/IC

(1) that prior to their use, samples of all the facing materials to be used in the construction of the flats hereby permitted shall be submitted to and approved in writing by the Planning Authority. The approved materials shall thereafter be used unless any alternative is agreed in writing with the Planning Authority, to ensure that the facing materials complement the neighbouring Sugar Sheds;

(2) that prior to their use, samples of all hard landscaping materials shall be submitted to and approved in writing by the Planning Authority. The approved materials shall thereafter be used unless any alternative is agreed in writing with the Planning Authority, to ensure the suitability of these materials;

(3) that prior to the commencement of development, full details of all soft landscaping within the site shall be submitted to and approved in writing by the Planning Authority. This shall include management and maintenance arrangements, to ensure the provision of an adequate landscaping scheme in the interests of visual amenity;

(4) that the landscaping scheme approved in terms of condition 3 above shall be implemented in full within the first planting season after the first of the flatted dwellings hereby permitted is occupied. Any of the planting which is damaged, is removed, becomes diseased or dies within the first 5 years of planting shall be replaced within the following planting season with plants of a similar size and species, to ensure retention of the approved landscaping scheme;

(5) that the play area approved under planning permission 17/0339/IC shall be implemented in full prior to occupation of the 20th flat hereby permitted by this permission or that of planning permissions 18/0049/IC, 18/0050/IC or 18/0280/IC, to ensure the provision of adequate play facilities in the interests of future residents;

(6) that details of all boundary treatments shall be submitted to and approved in writing by the Planning Authority. For the avoidance of doubt, this shall include a scheme for a bund on the boundary separating the application site from the depot to the east, the planting of this mound, and the installation of a 3 metres high acoustic screen. The bund and acoustic screen shall be completed prior to occupation of the first of the flats hereby permitted, to ensure the provision of adequate boundary treatments in the interests of visual amenity and, in the case of the eastern boundary, to accord with the recommendations of the Noise Assessment;

(7) that parking provision shall be on the basis of 1 space per dwelling. The required parking bays for each flat and the vehicular manoeuvring area serving it shall be provided to sealed base course level prior to the associated flat being occupied, to ensure the provision of adequate parking facilities;

(8) that no flat shall be occupied until the footway and road serving the flat is completed to sealed base course level, to ensure the provision of adequate traffic and pedestrian facilities;

(9) that prior to occupation of the last of the flats hereby permitted, the roads, footways, car parking spaces and their associated manoeuvring areas shall be completed to final wearing course, to ensure the provision of adequate traffic and pedestrian facilities;

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(10) that all surface water drainage from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems Manual (C697) (CIRIA 2007). Before development commences, details shall be submitted to and approved in writing by the Planning Authority of the maintenance regime for the water detention areas. For the avoidance of doubt, this includes the maintenance regime for the surface water swales and confirmation of maintenance and ownership responsibilities of the drainage system, to control runoff from the site to reduce the risk of flooding;

(11) that all surface water during and after development is to be maintained within the site boundary to prevent any surface water flowing onto the road. The surface water from the car parking spaces cannot flow over the public footpath, to control runoff from the site to reduce the risk of flooding;

(12) that prior to the commencement of development, confirmation of connection to the Scottish Water Network and Scottish Water's approval for the drainage layout shall be submitted for approval, to ensure adequate service connections can be achieved;

(13) that prior to the start of development, details of a survey for the presence of Japanese Knotweed shall be submitted to and approved in writing by the Planning Authority and that, for the avoidance of doubt, this shall contain a methodology and treatment statement where any is found. Development shall not proceed until appropriate control measures are implemented. Any significant variation to the treatment methodology shall be submitted for approval, in writing by the Planning Authority prior to implementation, to help arrest the spread of Japanese Knotweed in the interests of environmental protection;

(14) that the development shall not commence until an Environmental Investigation and Risk Assessment, including any necessary Remediation Scheme with timescale for implementation, of all pollutant linkages has been submitted to and approved, in writing by the Planning Authority. The investigations and assessment shall be site-specific and completed in accordance with current codes of practice. The submission shall also include a Verification Plan. Any subsequent modifications to the Remediation Scheme and Verification Plan must be approved in writing by the Planning Authority prior to implementation, to satisfactorily address potential contamination issues in the interests of human health and environmental safety;

(15) that before the development hereby permitted is occupied, the applicant shall submit a report for approval, in writing by the Planning Authority, confirming that the works have been completed in accordance with the agreed Remediation Scheme and supply information as agreed in the Verification Plan. This report shall demonstrate that no pollutant linkages remain or are likely to occur and include (but not be limited to) a collation of verification/validation certificates, analysis information, remediation lifespan, maintenance/aftercare information and details of all materials imported onto the site as fill or landscaping material. The details of such materials shall include information of the material source, volume, intended use and chemical quality with plans delineating placement and thickness, to ensure contamination is not imported to the site and confirm successful completion of remediation measures in the interest of human health and environmental safety;

(16) that the presence of any previously unrecorded contamination or variation to anticipated ground conditions that becomes evident during site works shall be brought to the attention of the Planning Authority and the Remediation Scheme shall not be implemented unless it has been submitted to and approved, in writing by the Planning Authority, to ensure that all contamination issues are recorded and dealt with appropriately;

(17) that triple glazing with trickle ventilation shall be installed within the flats hereby permitted prior to their occupation, to protect the amenities of occupiers of premises from unreasonable noise and vibration levels;

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(18) that a visibility splay of 2.4 metres by 43 metres by 1.05 metres shall be provided at the entry to the site and shall be maintained thereafter, in the interests of pedestrian and vehicular safety;

(19) that prior to the commencement of development, a detailed specification of the bin stores shall be submitted to and approved in writing by the Planning Authority, in the interests of visual amenity; and

(20) that for the avoidance of doubt, the mitigation measures in the “Development at James Watt Dock, Greenock” Flood Risk Assessment, dated May 2019 by Kaya Consulting Limited and detailed in application drawings 301879-032 Rev E and 301879-033 Rev E shall be implemented in full prior to occupation of the first flatted dwelling hereby permitted, to prevent flooding of properties within and outwith the application site.

Planning Application 18/0280/IC

(1) that prior to their use, samples of all the facing materials to be used in the construction of the flats hereby permitted shall be submitted to and approved in writing by the Planning Authority. The approved materials shall thereafter be used unless any alternative is agreed in writing with the Planning Authority, to ensure that the facing materials complement the neighbouring Sugar Sheds;

(2) that prior to their use, samples of all hard landscaping materials shall be submitted to and approved in writing by the Planning Authority. The approved materials shall thereafter be used unless any alternative is agreed in writing with the Planning Authority, to ensure the suitability of these materials;

(3) that prior to the commencement of development, full details of all soft landscaping within the site shall be submitted to and approved in writing by the Planning Authority. This shall include management and maintenance arrangements, to ensure the provision of an adequate landscaping scheme in the interests of visual amenity;

(4) that the landscaping scheme approved in terms of condition 3 above shall be implemented in full within the first planting season after the first of the flatted dwellings hereby permitted is occupied. Any of the planting which is damaged, is removed, becomes diseased or dies within the first 5 years of planting shall be replaced within the following planting season with plants of a similar size and species, to ensure retention of the approved landscaping scheme;

(5) that the play area approved under planning permission 17/0339/IC shall be implemented in full prior to occupation of the 20th flat hereby permitted by this permission or that of planning permissions 18/0049/IC, 18/0050/IC or 18/0279/IC, to ensure the provision of adequate play facilities in the interests of future residents;

(6) that details of all boundary treatments shall be submitted to and approved in writing by the Planning Authority. For the avoidance of doubt, this shall include a scheme for a bund on the boundary separating the application site from the depot to the east, the planting of this mound, and the installation of a 3 metres high acoustic screen. The bund and acoustic screen shall be completed prior to occupation of the first of the flats hereby permitted, to ensure the provision of adequate boundary treatments in the interests of visual amenity and, in the case of the eastern boundary, to accord with the recommendations of the Noise Assessment;

(7) that parking provision shall be on the basis of 1 space per dwelling. The required parking bays for each flat and the vehicular manoeuvring area serving it shall be provided to sealed base course level prior to the associated flat being occupied, to ensure the provision of adequate parking facilities;

(8) that no flat shall be occupied until the footway and road serving the flat is completed to sealed base course level, to ensure the provision of adequate traffic and pedestrian facilities;

(9) that prior to occupation of the last of the flats hereby permitted, the roads,

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footways, car parking spaces and their associated manoeuvring areas shall be completed to final wearing course, to ensure the provision of adequate traffic and pedestrian facilities;

(10) that all surface water drainage from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems Manual (C697) (CIRIA 2007). Before development commences, details shall be submitted to and approved in writing by the Planning Authority of the maintenance regime for the water detention areas. For the avoidance of doubt, this includes the maintenance regime for the surface water swales and confirmation of maintenance and ownership responsibilities of the drainage system, to control runoff from the site to reduce the risk of flooding;

(11) that all surface water during and after development is to be maintained within the site boundary to prevent any surface water flowing onto the road. The surface water from the car parking spaces cannot flow over the public footpath, to control runoff from the site to reduce the risk of flooding;

(12) that prior to the commencement of development, confirmation of connection to the Scottish Water Network and Scottish Water's approval for the drainage layout shall be submitted for approval, to ensure adequate service connections can be achieved;

(13) that prior to the start of development, details of a survey for the presence of Japanese Knotweed shall be submitted to and approved in writing by the Planning Authority and that, for the avoidance of doubt, this shall contain a methodology and treatment statement where any is found. Development shall not proceed until appropriate control measures are implemented. Any significant variation to the treatment methodology shall be submitted for approval, in writing by the Planning Authority prior to implementation, to help arrest the spread of Japanese Knotweed in the interests of environmental protection;

(14) that the development shall not commence until an Environmental Investigation and Risk Assessment, including any necessary Remediation Scheme with timescale for implementation, of all pollutant linkages has been submitted to and approved, in writing by the Planning Authority. The investigations and assessment shall be site-specific and completed in accordance with current codes of practice. The submission shall also include a Verification Plan. Any subsequent modifications to the Remediation Scheme and Verification Plan must be approved in writing by the Planning Authority prior to implementation, to satisfactorily address potential contamination issues in the interests of human health and environmental safety;

(15) that before the development hereby permitted is occupied, the applicant shall submit a report for approval, in writing by the Planning Authority, confirming that the works have been completed in accordance with the agreed Remediation Scheme and supply information as agreed in the Verification Plan. This report shall demonstrate that no pollutant linkages remain or are likely to occur and include (but not be limited to) a collation of verification/validation certificates, analysis information, remediation lifespan, maintenance/aftercare information and details of all materials imported onto the site as fill or landscaping material. The details of such materials shall include information of the material source, volume, intended use and chemical quality with plans delineating placement and thickness, to ensure contamination is not imported to the site and confirm successful completion of remediation measures in the interest of human health and environmental safety;

(16) that the presence of any previously unrecorded contamination or variation to anticipated ground conditions that becomes evident during site works shall be brought to the attention of the Planning Authority and the Remediation Scheme shall not be implemented unless it has been submitted to and approved, in writing by the Planning Authority, to ensure that all contamination issues are recorded and dealt with appropriately;

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(17) that triple glazing with trickle ventilation shall be installed within the flats hereby permitted prior to their occupation, to protect the amenities of occupiers of premises from unreasonable noise and vibration levels;

(18) that a visibility splay of 2.4 metres by 43 metres by 1.05 metres shall be provided at the entry to the site and shall be maintained thereafter, in the interests of pedestrian and vehicular safety;

(19) that prior to the commencement of development, a detailed specification of the bin stores shall be submitted to and approved in writing by the Planning Authority, in the interests of visual amenity; and

(20) that for the avoidance of doubt, the mitigation measures in the “Development at James Watt Dock, Greenock” Flood Risk Assessment, dated May 2019 by Kaya Consulting Limited and detailed in application drawings 301879-032 Rev E and 301879-033 Rev E shall be implemented in full prior to occupation of the first flatted dwelling hereby permitted, to prevent flooding of properties within and outwith the application site.

Councillor Crowther returned to the meeting at this juncture.

**(b) Proposed storage building and erection of fence within rear courtyard of coffee shop:
1 Drumpellier Place, Lochwinnoch Road, Kilmacolm (18/0176/IC)**

The report recommended that planning permission be granted.

After discussion, Councillor McVey moved that planning permission be refused as the proposal would be detrimental to the amenity of residents as it would result in a reduction in the availability of off-street parking. As an amendment, Councillor J McEleny moved that planning permission be granted.

On a vote, two Members, Councillors McVey and Rebecchi, voted for the motion and nine Members, Provost Brennan, Councillors Clocherty, Crowther, Dorrian, Jackson, J McEleny, McKenzie, Nelson and Wilson, vote for the amendment which was declared carried.

Decided: that planning permission be granted.

Councillor Wilson declared a non-financial interest in the following item as a Director of Link Housing Association and as a Director of Larkfield Housing Association and left the meeting. Councillor Nelson assumed the Chair.

**(c) Construction of 198 residential homes with road, all associated infrastructure, levels changes, amenity open space and landscaping provision including retention of key existing landscaping features:
Ravensraig Hospital Grounds, Ravensraig Hospital, Inverkip Road, Greenock (18/0205/IC)**

The report recommended (A) that prior to the issuing of planning permission, a Section 75 Agreement be entered into requiring that the scope of the works to the Network Rail bridge at the north-eastern corner of the site and their financing by the applicant to bring it up to adoptable standard and capable of carrying a 44t vehicle shall be agreed between the applicant and the Council prior to the commencement of construction within the application site and that the agreed works be completed and the ownership of the bridge transferred to the Council for adoption and maintenance, prior to the occupation of the first residential unit and (B) that on registration of the Section 75

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Agreement required by point (A), the application be granted subject to a number of conditions.

After discussion, Councillor Rebecchi moved (A) that prior to the issuing of planning permission, a Section 75 Agreement be entered into requiring that the scope of the works to the Network Rail bridge at the north-eastern corner of the site and their financing by the applicant, including the provision of a Bond, to bring it up to adoptable standard and capable of carrying a 44t vehicle shall be agreed between the applicant and the Council prior to the commencement of construction within the application site and that the agreed works be completed and the ownership of the bridge transferred to the Council for adoption and maintenance, prior to the occupation of the first residential unit and (B) that on registration of the Section 75 Agreement required by point (A), the application be granted subject to the conditions detailed in the report.

As an amendment, Councillor Nelson moved (A) that prior to the issuing of planning permission, a Section 75 Agreement be entered into requiring that the scope of the works to the Network Rail bridge at the north-eastern corner of the site and their financing by the applicant to bring it up to adoptable standard and capable of carrying a 44t vehicle shall be agreed between the applicant and the Council prior to the commencement of construction within the application site and that the agreed works be completed and the ownership of the bridge transferred to the Council for adoption and maintenance, prior to the occupation of the first residential unit and (B) that on registration of the Section 75 Agreement required by point (A), the application be granted subject to the conditions detailed in the report.

On a vote, five Members, Councillors Crowther, Dorrian, J McEleny, McVey and Rebecchi, voted for the motion and five Members, Provost Brennan, Councillors Clocherty, Jackson, McKenzie and Nelson, voted for the amendment. There being equality in voting, the Chair exercised his casting vote in favour of the amendment which was declared carried.

Decided:

(A) that prior to the issuing of planning permission, a Section 75 Agreement be entered into requiring that the scope of the works to the Network Rail Bridge at the north-eastern corner of the site and their financing by the applicant to bring it up to adoptable standard and capable of carrying a 44t vehicle shall be agreed between the applicant and the Council prior to the commencement of construction within the application site and that the agreed works be completed and the ownership of the bridge transferred to the Council for adoption and maintenance, prior to the occupation of the first residential unit; and

(B) that on registration of the Section 75 Agreement required by point (A), the application be granted subject to the following conditions:-

(1) that prior to their use, samples of all facing materials to be used in the construction of the dwellings hereby permitted shall be submitted to and approved in writing by the Planning Authority. Development shall proceed thereafter using the approved materials unless a variation is agreed in writing with the Planning Authority, in the interests of visual amenity;

(2) that prior to their use, samples of all hard landscaping materials shall be submitted to and approved in writing by the Planning Authority. The approved materials shall thereafter be used unless any alternative is agreed in writing with the Planning Authority, to ensure the suitability of these materials;

(3) that prior to the commencement of development, full details of a phasing plan for all soft and hard landscaping and details of all management and maintenance arrangements, shall be submitted to and approved in writing by the Planning Authority, to ensure the timely provision of an adequate landscaping scheme in the interests of visual amenity;

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- (4) that the landscaping scheme approved in terms of condition 3 above shall be implemented in full in accordance with the approved phasing plan. Any of the planting which is damaged, is removed, becomes diseased or dies within the first 5 years of planting shall be replaced within the following planting season with plants of a similar size and species, to ensure retention of the approved landscaping scheme;
- (5) that prior to the commencement of development, full details of the equipped play area, including details of management and maintenance arrangements, shall be submitted to and approved in writing by the Planning Authority including a phasing plan for provision of the play area. The play area shall subsequently be provided in accordance with the approved phasing plan, to ensure the provision of adequate play facilities;
- (6) that prior to the commencement of development, details of traffic calming measures shall be agreed in writing with the Planning Authority, in the interests of traffic and pedestrian safety;
- (7) that no dwelling hereby permitted shall be occupied until the footway and road serving it is completed to sealed base course level, to ensure the provision of adequate traffic and pedestrian facilities;
- (8) that prior to the last of the dwellings in each of the “neighbourhoods” hereby permitted being occupied, all footways and roads serving the dwellings in that neighbourhood shall be completed to final wearing course level, to ensure the provision of adequate traffic and pedestrian facilities;
- (9) that all surface water drainage from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems Manual (C697) (CIRIA 2007). Before development commences, details shall be submitted to and approved in writing by the Planning Authority of the maintenance regime for the water detention areas and all other surface water areas, to control runoff from the site to reduce the risk of flooding;
- (10) that all surface water originating within the site shall be intercepted within the site, to control runoff from the site to reduce the risk of flooding;
- (11) that prior to the commencement of development, confirmation of connection to the Scottish Water Network shall be submitted for approval, to ensure adequate service connections can be achieved;
- (12) that removal/retractable bollards shall be fitted at the north-easternmost access from Inverkip Road prior to the commencement of development. Details of the bollards shall be submitted to and approved in writing by the Planning Authority prior to their use, to ensure that this access is for emergency vehicular use only in order that the site is developed in accordance with the approved transport strategy;
- (13) that development shall not proceed until the agreed Japanese Knotweed control measures are implemented. Any significant variation to the treatment methodology shall be submitted for approval, in writing by the Planning Authority prior to implementation, to help arrest the spread of Japanese Knotweed in the interests of environmental protection;
- (14) that the development shall not commence until an Environmental Investigation and Risk Assessment, including any necessary Remediation Scheme with timescale for implementation, of all pollutant linkages has been submitted to and approved, in writing by the Planning Authority. The investigations and assessment shall be site-specific and completed in accordance with current codes of practice. The submission shall also include a Verification Plan. Any subsequent modifications to the Remediation Scheme and Verification Plan must be approved in writing by the Planning Authority prior to implementation, to satisfactorily address potential contamination issues in the interests of human health and environmental safety;
- (15) that before the development hereby permitted is occupied the applicant shall

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submit a report for approval, in writing by the Planning Authority, confirming that the works have been completed in accordance with the agreed Remediation Scheme and supply information as agreed in the Verification Plan. This report shall demonstrate that no pollutant linkages remain or are likely to occur and include (but not be limited to) a collation of verification/validation certificates, analysis information, remediation lifespan, maintenance/aftercare information and details of all materials imported onto the site as fill or landscaping material. The details of such materials shall include information of the material source, volume, intended use and chemical quality with plans delineating placement and thickness, to ensure contamination is not imported to the site and confirm successful completion of remediation measures in the interest of human health and environmental safety;

(16) that the presence of any previously unrecorded contamination or variation to anticipated ground conditions that becomes evident during site works shall be brought to the attention of the Planning Authority and the Remediation Scheme shall not be implemented unless it has been submitted to and approved, in writing by the Planning Authority, to ensure that all contamination issues are recorded and dealt with appropriately;

(17) that existing trees both within the development site and in the vicinity of the boundary of the site which are not to be felled or lopped as part of the proposals are to be protected in accordance with British Standards Recommendations for trees in Relation to Construction, currently BS 5837:2012, to ensure preservation of the trees not to be removed;

(18) that no tree felling, lopping or scrub clearance shall take place within the main bird breeding season, March to June inclusive, and all such works will be preceded by a check for nesting birds in accordance with the Nature Conservation (Scotland) Act 2014 and the protection of wildlife. No development shall take place until details of protection measures have been submitted to and approved in writing by the Planning Authority, in the interests of wildlife protection;

(19) that no development shall take place within the development site as outlined in red on the approved plans until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. The developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of the archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority and its archaeological advisor, in the interests of antiquity;

(20) that the remote footpaths shown on the approved drawings shall be provided in accordance with a phasing plan to be submitted to and approved in writing by the Planning Authority. Full details of the means of connection and surfacing of the paths shall be submitted to and approved in writing by the Planning Authority prior to their provision, to ensure the provision of adequate footpath connections;

(21) that the recommendations contained within the Ecus Environmental Consultant's "Ecological Appraisal" dated February 2017 shall be implemented in full, in the interests of wildlife protection;

(22) that the recommendations contained within the Echoes Ecology Ltd "Bat Survey" report, dated 25 July 2018 shall be implemented in full, in the interests of wildlife protection;

(23) that no development shall take place on site until such time as details of a boundary fence adjacent to Network Rail's boundary has been submitted to and approved in writing by the Planning Authority. A suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary must be installed prior to occupation of the first dwelling hereby permitted and provision for the fence's future

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maintenance and renewal shall be made. Network Rail's existing boundary measure must not be removed without prior permission. The fencing shall be carried out only in full accordance with such approved details, in the interests of public safety and the protection of Network Rail infrastructure;

(24) that drainage must be collected and diverted away from the railway unless through existing channels. Details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and is subject to a minimum prior notice period for booking of 20 weeks, in the interests of public safety and the protection of Network Rail infrastructure;

(25) that the proposed development shall be limited to 200 dwellings, to restrict the scale of the development to that suited to the layout of the existing access and minimise interference with the safety and free flow of traffic on the trunk road;

(26) that the proposed A78(T)/Branchton Road/Gleninver Road junction shall be constructed to a layout generally consistent with Drawing 120756/1016, dated 17 October 2018, forming part of the Transport Assessment and provided in support of application 18/0205/IC. The finalised junction layout, type and method of construction shall be submitted for approval by the Planning Authority, in consultation with Transport Scotland, as Trunk Road Authority, before any part of the development is commenced, to minimise interference with the safety and free flow of the traffic on the trunk road;

(27) that the proposed A78(T)/proposed development emergency access junction shall be constructed to a layout generally consistent with Drawing 120756/1002 A, dated 22 November 2017, forming part of the Transport Assessment and provided in support of application 18/0205/IC. The finalised junction layout, type and method of construction shall be submitted for approval by the Planning Authority, in consultation with Transport Scotland, as Trunk Road Authority, before any part of the development is commenced, to minimise interference with the safety and free flow of the traffic on the trunk road;

(28) that no part of the development shall be occupied until a comprehensive Travel Plan that sets out proposals for reducing dependency on the private car has been submitted to and approved in writing by the Planning Authority, after consultation with Transport Scotland, as the Trunk Road Authority. In particular this Travel Plan shall identify measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan, to be consistent with the requirements of Scottish Planning Policy (SPP) and PAN 75 Planning for Transport;

(29) that prior to the commencement of the development, details of the lighting within the site shall be submitted for the approval of the Planning Authority, after consultation with Transport Scotland, as the Trunk Road Authority, to ensure that there will be no distraction or dazzle to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished;

(30) that there shall be no drainage connections to the trunk road drainage system, to ensure that the efficiency of the existing drainage network is not affected;

(31) that prior to the commencement of the construction period, a Construction Traffic Management Plan (CTMP) shall be prepared and agreed in consultation with the Local Authority and Transport Scotland, to minimise interference with the safety and free flow of the traffic on the trunk road, to ensure the safety of pedestrians and cyclists using the trunk road and adjacent facilities, and to be consistent with current guidance and best practice;

(32) that notwithstanding the terms of condition 1 above, the variation in bricks across the development shall be as per background paper annexe 1, dated 17 January 2019, in

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the interests of creating a sense of place; and

(33) that prior to the commencement of development, full details, including a timetable for provision of the remote footpaths, shall be submitted to and approved in writing by the Planning Authority, to ensure the safe provision of these footpaths.