

REPORT TO: Planning Committee
MEETING DATE: Tuesday 4 December 2012
BY: Executive Director (Services for Communities)
SUBJECT: Application for Planning Permission for Consideration

1

Application No. **12/00338/PM**
Proposal Erection of 67 houses, 4 flats and associated works
Location **Land At Newhouse Farm
North Berwick
East Lothian**
Applicant CALA Management Limited
Per Holder Planning
Ward 5
RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

As the area of the application site is greater than 2 hectares and the number of dwellings is greater than 50, the development proposed in this application is, under the provisions of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, defined as a major development and thus it cannot be decided through the Council's Scheme of Delegation. The application is therefore brought before the Planning Committee for a decision.

As a statutory requirement of major development type proposals this development proposal was the subject of a Proposal of Application Notice (Ref: 11/00012/PAN) and thus of community consultation prior to this application for planning permission being made to the Council.

As an outcome of that and as a statutory requirement for dealing with major development type applications a pre-application consultation report is submitted with this application. The report informs that a total of 85 people attended the two pre-application public exhibitions, both of which were held at the North Berwick scout hall in St Baldred's Road and that those attendees made a number of queries and suggestions regarding the proposals. The development for which planning permission is now sought is of the same character as that which was the subject of the community engagement undertaken through the statutory pre-application consultation of the proposal.

This application relates to some 4.4 hectares of agricultural land at Newhouse Farm, on the western edge of North Berwick. The site also includes the small northern part of the tree belt that is between the agricultural land and the western end of Glenorchy Road.

The application site is broadly square shaped. The land slopes gradually down from south to north. It is bounded to the north by the Edinburgh to North Berwick rail line, beyond which are the residential properties of Williamstone Court and Warrender Court. To the east is the tree belt, with the residential properties of Glenorchy Road and Keppel Road beyond. To the west is agricultural land. To the south is another part of the tree belt and the northern part of Gilsland Caravan Park. An informal footpath runs through the tree belt that is to the east and partly to the south of the site.

Planning permission is sought for the erection on the site of 67 houses and 4 flats and for associated infrastructure including roads and footpaths, open space, and landscaping.

The proposed development would be comprised of 45 detached houses, 6 semi-detached houses, 16 terraced houses and 4 two bedroom flats in a two storey flatted building. One of the houses would be single storey in height. All of the other houses would be two storeys in height. 2 of the proposed 6 semi-detached houses, 12 of the 16 terraced houses and the 4 flats are being promoted as affordable housing.

The proposed development would be accessed from the western end of Glenorchy Road at a point in the northeast corner of the site. The internal site access road would principally be in the form of a loop with the proposed houses and flats laid out within and about it.

A landscaped bund with heavy standard and select standard trees would be formed along most of the northern edge of the site and a landscaped strip with heavy standard and select standard trees would be created along the western edge of the site. Some additional tree planting is proposed within the application site. A SUDS pond would be formed in the northeast corner of the site. A footpath would be formed along the eastern and part of the southern edges of the site. An area of open space is proposed to be located on part of the southern edge of the site.

The majority of the proposed houses would be provided with in curtilage parking spaces. Additionally, a rear parking courtyard with 15 car parking spaces would be formed centrally on the northern part of the site, in close proximity to the houses and flats that would not have in-curtilage car parking spaces. A further 15 visitor car parking spaces would be provided as roadside parking bays in within the site.

Amended plans have been submitted showing:

- i) changes to the design and layout of some of the proposed houses, including a substitution of house types on plots 30 – 33 of the proposed development;
- ii) changes to type and footprints of some of the proposed affordable housing units; and
- iii) changes to the number and layout of the parking spaces of the proposed development.

The application is supported by a Masterplan and Masterplan Document, a pre-application consultation report, a tree survey, an education assessment, a construction traffic management plan, a transport assessment, and a rail noise and vibration assessment.

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 the proposed development falls within the category of a Schedule 2 Development, being one that may require the submission of an

Environmental Impact Assessment (EIA). Schedule 3 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 sets out the selection criteria for screening whether a Schedule 2 development requires an EIA. On 17 April 2012 the Council issued a formal screening opinion to the applicant. The screening opinion concludes that it is East Lothian Council's view that the proposed development is not likely to have a significant effect on the environment such that consideration of environmental information is required before any grant of planning permission. It is therefore the opinion of East Lothian Council as Planning Authority that there is no requirement for the proposed housing development to be the subject of an EIA.

Through separate application 12/00339/PM planning permission is sought by CALA Management Ltd for the erection of 41 houses and 8 flats on the adjacent northern part of Gilsland Caravan Park. A cross-referenced report on planning application 12/00339/PM is at this time also presented to the Planning Committee.

To the southeast of the site of planning application 12/00339/PM is agricultural land of Mains Farm that is covered by Proposal H5 (Mains Farm, North Berwick) of the adopted East Lothian Local Plan 2008. Proposal H5 allocates the land for a mixed use development of approximately 400 houses, community facilities, open space, employment and associated infrastructure. In September 2012 the Walker Group (Scotland) Limited submitted a Proposal of Application Notice (Ref: 12/00007/PAN) which intimated that they would be submitting a planning application in respect of a development of approximately 400 houses, community facilities, open space, employment and associated infrastructure on Mains Farm land of Proposal H5. To date, no such application has been submitted to the Council.

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

The development plan is the approved Edinburgh and the Lothians Structure Plan 2015 and the adopted East Lothian Local Plan 2008.

Policies ENV1G (Design of New Development), HOU3 (Strategic Housing Allocations) and HOU8 (Development on Greenfield Land) of the approved Edinburgh and the Lothians Structure Plan 2015 and Proposal H6 (Gilsland, North Berwick) and Policies H1 (Housing Quality and Design), H2 (Development Frameworks), H4 (Affordable Housing), DP1 (Landscape and Streetscape Character), DP2 (Design), DP5 (Major Development Sites), DP17 (Art Works-Percent for Art), DP18 (Transport Assessments and Travel Plans), DP20 (Pedestrians and Cyclists), DP22 (Private Parking), DP24 (Home Zones), ENV7 (Scheduled Monuments and Archaeological Sites), C1 (Minimum Open Space Standard for New General Needs Housing Development), C2 (Play Space Provision in new General Needs Housing Development), T2 (General Transport Impact) and INF3 (Infrastructure and Facilities Provision) of the adopted East Lothian Local Plan 2008 are relevant to the determination of the application.

A material consideration in the determination of this application is the supplementary planning guidance of "Design Standards for New Housing Areas" approved by the Council on 10th March 2008. This guidance requires that a more flexible approach be taken in road layout and design for proposed housing developments and sets core design requirements for the creation of new urban structures that will support Home Zone development as well as establishing design requirements for the layout of and space between buildings. Developers must provide adequate information to the satisfaction of the Council to demonstrate the merits of their design.

Also material to the determination of the application is Scottish Planning Policy on housing development and Scottish Government advice given in Planning Advice Note 67: Housing Quality.

It is stated in Scottish Planning Policy: February 2010 that the Scottish Government's objectives of creating successful places and achieving quality residential environments should guide the whole process of delivering new housing. Further policy and advice on design is provided in Designing Places and Planning Advice Note 67: Housing Quality which explains how Designing Places should be applied to new housing. In PAN 67 it is stated that the planning process has an essential role to play in ensuring that: (i) the design of new housing reflects a full understanding of its context - in terms of both its physical location and market conditions, (ii) the design of new housing reinforces local and Scottish identity, and (iii) new housing is integrated into the movement and settlement patterns of the wider area. The creation of good places requires careful attention to detailed aspects of layout and movement. Developers should think about the qualities and the characteristics of places and not consider sites in isolation. New housing should take account of the wider context and be integrated into its wider neighbourhood. The quality of development can be spoilt by poor attention to detail. The development of a quality place requires careful consideration, not only to setting and layout and its setting, but also to detailed design, including finishes and materials. The development should reflect its setting, reflecting local forms of building and materials. The aim should be to have houses looking different without detracting from any sense of unity and coherence for the development or the wider neighbourhood.

A total of 29 written representations have been received in respect of this application). Of these, 26 make objection to the proposed development. The other 3 written representations do not state whether they support or object to the proposed development. One of those 3 written representations is from Network Rail.

A copy of each written representation is contained in a shared electronic folder to which all Members of the Committee have had access.

The main grounds of objection are summarised as follows:

- * The proposed access arrangements are inadequate, with existing roads being unsuitable to accommodate traffic generated by the proposed housing development;
- * Concern that the applicant is proposing 20% more housing than that allocated for the Gilsland site in the adopted East Lothian Local Plan 2008;
- * Concerns over access and egress arrangements for construction traffic;
- * Infrastructure of North Berwick will find it difficult to cope with additional residents and traffic generated by proposed housing development;
- * Impact on local schools;
- * The proposed housing development has to be considered in light of the site allocated for housing development at Mains Farm; and
- * The proposed housing represents an overdevelopment of the site.

The main issues raised in the written representations are:

- * Proposed arrangements for construction traffic are not acceptable;

- * Impact on train services should be questioned;
- * Bus companies may not wish to use a new bus stop on Grange Road; and
- * Measures should be put in place to ensure construction of development does not impact on operation of neighbouring railway line.

The Royal Burgh of North Berwick Community Council have given one consultation response in respect of this planning application and application 12/00339/PM. From this it is taken that that the concerns they raise are in respect of the housing developments proposed in both applications. These concerns are in respect of traffic and road management. They advise that the residents of Kingston are very concerned that there will be a highly increased volume of traffic through their small village. The presence of two schools in the immediate proximity of Grange Road is an added danger. This is especially so in the case of construction traffic and the Community Council request that something definite is arranged for the timing of heavy lorries to the construction sites.

In a subsequent consultation response specific to this application the Royal Burgh of North Berwick Community Council raise concern that the routes proposed for construction traffic could pose problems for heavy lorries, other traffic and pedestrians. This is especially the case at what the Community Council consider is the very dangerous corner of the Nungate.

The land of the application site and the land of the site of separate application 12/00339/PM are together covered by Proposal H6 (Gilsland, North Berwick) of the adopted East Lothian Local Plan 2008. Proposal H6 defines all of the land as being a strategic housing site and allocates it for development of approximately 100 houses.

Local Plan Proposal H6 requires the Council to prepare a joint Development Framework addressing the development requirements of the site and the nearby Mains Farm site (Proposal H5). Proposal H6 states that it will then be the responsibility of the developer to submit for approval a masterplan consistent with both this joint Framework and with the Local Plan's development policies prior to or as part of an application for planning permission in principle or planning permission for a development of the site. Proposal H6 also stipulates that developer contributions are required for all necessary infrastructure, education and community facilities arising as a consequence of this development.

Proposal H6 reflects the requirements of Policy H2 (Development Frameworks) of the adopted East Lothian Local Plan 2008. The first of these requirements is that development proposals for strategic housing sites must conform to the relevant Development Framework and the second is that Masterplans for the allocated lands must comply with the relevant Development Framework and with other local plan policies. A Masterplan should be submitted prior to or as part of an application for planning permission to develop a strategic housing site.

A joint Development Framework for all of the allocated land of Proposal H6 and for the allocated Mains Farm land was approved by the Council on the 28 June 2011. It sets out how the Council requires the lands to be developed in terms of design and infrastructure provision.

The land of this application (the 'Newhouse' land) is also covered by Policy DP5 (Major Development Sites) of the adopted East Lothian Local Plan 2008. As the site is part a strategic housing site defined and allocated for residential development by Proposal H6 to meet the requirements of the Edinburgh and the Lothians Structure Plan 2015, Policy DP5

requires the submission of a Masterplan for all of it and an accompanying supporting statement. Policy DP5 sets out the minimum information that must be contained within the Masterplan submission.

A single Masterplan and an accompanying Masterplan Document have been submitted with this applications and also separate application 12/00339/PM. The submitted Masterplan and accompanying Masterplan Document are compliant with the requirements of Policy DP5.

The land of the application site (the 'Newhouse' land) is greenfield land. However, the principle of the residential development of the land is established by the allocation of it for such development by Proposal H6. Thereby, the proposed residential development of it is a permitted exception to the presumption in Policy HOU8 of the approved Edinburgh and the Lothians Structure Plan 2015 against new housing development on greenfield sites.

Furthermore Proposal H6, together with Proposal H5, is consistent with Policy HOU3 (Strategic Housing Allocations) of the approved Edinburgh and the Lothians Structure Plan 2015, which requires the East Lothian Local Plan to allocate sufficient land for approximately 500 residential units at North Berwick. Of those approximately 500 residential units, Proposal H5 allocates approximately 400 to the Mains Farm land and Proposal H6 allocates approximately 100 to the combined land of the application site and the land of the Gilsland Caravan Park to the south of the site that is the subject of separate application 12/00339/PM.

Through their detailed master planning of the land of Proposal H6, the applicant has established that in total it is capable of accommodating more than the approximately 100 residential units that the development plan allows for the site. The Masterplan submitted with this application shows how a total of 120 residential units would be accommodated on all of the land of Proposal H6.

The advice of the Council's approved Development Framework that applies to the allocated housing development land of Proposal H6 is that if the capacity of the land is found to be in excess of the number of units allocated to it, then it is for the Council to be satisfied that the building of an additional number of residential units on it would be acceptable, rather than a part of the land being left undeveloped. In this regard the Development Framework further advises that the test is whether there is a housing land requirement to justify the additional number of units and that related infrastructure requirements can be provided and the impacts of the additional units will be acceptable.

The Council's Policy and Projects Manager accepts that the allocated land of Proposal H6 can accommodate more than 100 residential units. In line with the requirements of the Development Framework, the Policy and Projects Manager has considered the additional 20 residential units in terms of whether or not there is a housing land requirement to justify them. On this matter, the Policy and Projects Manager advises that the Structure Plan Joint Liaison Committee has assessed the adequacy of the five year housing land supply using the latest Annual Housing Monitor, which takes into account the 2010 Housing Land Audit and other material considerations. This shows that the 5-year effective supply figure has fallen to less than 50%, expressed as a percentage of supply to requirement. The Joint Liaison Committee considers that the shortfall results from infrastructure constraints and a lack of mortgage finance rather than the availability of allocated housing land. It has therefore chosen not to bring forward additional housing land in advance of the development plan review in a way that would be inconsistent with the current development plan strategy. However, the Joint Liaison Committee recognises the need to encourage a reasonable level of new house building to meet needs by assisting the house building

process, including support for appropriate new “windfall” applications that are in accord with the development plan.

What is before the Committee is not a windfall application; rather this is an application for planning permission for the development of land that is part of an already designated strategic housing site and which is already allocated for housing development. The building on it of 20 more residential units than the 100 stated for it in Proposal H6 would be a “windfall” contribution to an identified shortfall of the overall 5-year effective housing land supply. It would not amount to the bringing forward of non-allocated land for housing development. It would be a component of two proposed housing developments that should be capable of being the subject of an early site start.

On this basis there is a housing land requirement to justifying the granting of planning permission for an additional 20 residential units on allocated land of Proposal H6 that in part is the subject of this application and in part the subject of application 12/00339/PM.

The approved Development Framework stipulates that the layout of the housing development of the allocated land of Proposal H6 should integrate with its surroundings and be designed to ensure the creation of an interesting and distinctive environment with a layout that contributes positively to North Berwick.

What is proposed for the development of the land the subject of this application would be a sympathetic extension of North Berwick with due regard to the existing built form of the town and the locational context of the application site relative to the nearest existing housing, being the housing of Glenorchy Road and Keppel Road. The proposed residential layout is broadly consistent with the requirements of the Council’s approved Development Framework for the land. It would be compatible with the form and layout of housing development proposed in separate application 12/00339/PM for the southern part of the allocated land of Proposal H6.

One of the principal objectives of the Council's approved Design Standards for New Housing Areas is to reduce the visual dominance of the car in the streetscape of new housing developments. The applicant is proposing to plant beech hedges along the front boundaries of the front gardens of the houses proposed at the entrance into the development. To some degree, this would serve to reduce the visual dominance of the car in the streetscape of the entrance to the development. Moreover, whilst many of the 67 houses are to be large detached two storey buildings set within their own private gardens they are to be of eleven different house types. The use of such a range of house types would give a complimentary variation of architectural form to the development, which coupled with the orientation and layout of the buildings, would give a degree of variety of appearance to the development. The proposed houses, flats and garages would not appear unduly prominent or intrusive in their surroundings and would not harm the character and appearance of this part of North Berwick.

The use of render as the predominant wall finish would respect the existing built form of the housing to the north and east of the application site, which features render as the predominant wall finish. However, some use of a contrasting wall finish (i.e. reconstituted stone or facing brick) would be acceptable providing it is limited to a distinctively complete feature of the houses and flatted building and respectful of their design integrity. A condition can be imposed on this planning permission to address these matters of wall finishes.

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

development to the north and east of the site. The development of this site in the manner proposed would continue the urban edge of the western part of North Berwick, reinforcing the existing built form and architectural character and appearance of the area.

The proposed new houses and flats would be so sited, oriented and screened such as not to harm the privacy and amenity of the neighbouring residential properties through overlooking or overshadowing.

The proposed houses and flatted buildings would be laid out in such a way as to give an acceptable standard of residential amenity to their future occupants.

The site lies immediately to the south of the Edinburgh to North Berwick rail line, and an assessment of noise and vibration from that rail line on the proposed housing development has been submitted by the applicant.

Having appraised the applicant's submitted assessment of noise and vibration, the Council's Environmental Protection Manager raises no objection to the proposed housing development of the site, although he recommends that any north facing windows or, if applicable, doors of the houses to be built on plots 30-33 and 58-62 should be fitted with a double glazing specification consisting of 4mm float glass- 12mm air cavity – 4mm float glass. This can be secured through a condition of the grant of planning permission for the proposed housing development.

In the interests of safeguarding the amenity of the future occupiers of the proposed flats it should be made a condition of the grant of planning permission for the proposed development that bin storage facilities for the proposed flats be formed prior to the occupation of those residential units.

The site plan shows that a landscaped bund with heavy standard and select standard trees would be formed along the northern edge of the site and a landscaped strip with heavy standard and select standard trees would be formed along the western edge of the site. Moreover, a 10 metres wide area of open space would be provided along the eastern and part of the southern edges of the site, and most of it would be adjacent to the existing woodland belt that is to the east and partly to the south of the site. The Council's Policy and Projects Manager is satisfied with these landscape proposals, particularly as the proposed trees would provide a landscaped edge to this part of North Berwick and would form a continuation of the existing belt of trees that is to the east and south of the application site. He recommends that some large species specimen trees are planted at the site entrance and within the proposed area of open space. The Council's Policy and Projects Manager is satisfied that the landscape proposals for the site correspond with the landscape advice set out within the approved Development Framework. He recommends that a detailed landscape plan be submitted prior to the commencement of development and that appropriate measures are taken to safeguard existing trees during construction works. A condition to these effects can be imposed on the grant of planning permission.

The Council's biodiversity officer raises no objection to the proposed housing development.

Subject to the above referred to planning controls, the proposed development of 67 houses and 4 flats on all of the foregoing considerations of layout, design, amenity and landscape is consistent with Policy ENV1G of the approved Edinburgh and the Lothians Structure Plan 2015, Policies H1, DP1, DP2 and DP24 of the adopted East Lothian Local Plan 2008, the approved Development Framework and the Council's Design Standards for New Housing Areas.

In respect of open space provision the approved Development Framework requires the provision of a central area of open space for the allocated land of Proposal H6, to act as a focal point and which would be easily accessible from the proposed new housing.

The Masterplan submitted with this application and also application 12/00339/PM shows the proposed provision of a large area of open space centrally located within the land of Proposal H6. The open space would be overlooked by those proposed houses that would be positioned to the north, south and west of it. The Council's Landscape and Countryside Manager is satisfied with the size and location of the proposed central area of open space and thus with the part of it proposed in this application. On this consideration the development proposed in this application is consistent with the requirements of the approved Development Framework and with Policy C1 of the adopted East Lothian Local Plan 2008.

The applicant confirms that future maintenance of the areas of open space would be factored on behalf of future residents. The Council's Landscape and Countryside Manager does not object to this.

The Development Framework requires the provision of suitably sized and designed equipped play facilities within the land of Proposal H6. In response to this, a play area would be located on the southern part of the proposed large area of open space, within the land the subject of planning application 12/00339/PM. Details of the play equipment to be contained within the play area have been amended from that originally submitted with the planning application to ensure that the equipment is adequate for use by both the toddler and junior (1-10 years) age groups.

The Council's Landscape and Countryside Manager is satisfied that the proposed play area would be of a sufficient size and in a sufficiently central location to serve not only the houses and flats proposed in planning application 12/00339/PM but also the houses and flats proposed in this application. Moreover, she is satisfied that the play equipment now proposed would be adequate for use by both the toddler and junior (1-10 years) age groups. On this consideration the development proposed in this application is consistent with the requirements of the approved Development Framework and with Policy C2 of the adopted East Lothian Local Plan 2008.

To satisfy the demand for pitch sports that will arise as a result of development of the land of Proposal H6 and of Mains Farm, the approved Development Framework requires the provision on the Mains Farm land of a new community sports pitch and related changing accommodation. The approved Development Framework stipulates that all the costs associated with provision of the sports pitch and related changing accommodation has to be met on a pro-rata basis by the applicant(s) of an application(s) for planning permission for housing development of the land of Proposal H6 and of Mains Farm. The Council's Healthy Living Manager advises that the pro-rata value of the contribution for the 67 houses and 4 flats proposed in this application is £68,023.68. This financial contribution can be secured by a legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other legal Agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 1/2010: Planning Agreements. Subject to the securing of this developer contribution the proposed development is consistent with Policy INF3 of the adopted East Lothian Local Plan 2008 and the approved Development Framework.

The approved Development Framework advises that NHS Lothian, Lothian & Borders Police and the Ambulance Service have indicated that the increased population that will arise from the housing developments of the land of Proposal H6 and of Mains Farm may result in these service providers not being able to accommodate any identified impacts

anticipated to arise from these local plan proposals within their existing facilities. Consequently Lothian and Borders Police, the Lothian Fire Brigade, the Scottish Ambulance Service and NHS Lothian were all consulted on this planning application.

Neither the Lothian Fire Brigade nor the Scottish Ambulance Service have provided a consultation response.

Lothian & Borders Police raise no objection to the proposed housing. It can be taken from this that they are satisfied that they could accommodate within their existing operations any identified impacts anticipated to arise from the 67 houses and 4 flats proposed in this application.

NHS Lothian advise that they see a need for capital investment in their General Practice facilities in North Berwick Health Centre. This, they advise, would be to address the increased capacity requirements resulting from the increased population, whilst maintaining the good access that this location provides. NHS Lothian therefore request that the applicant makes a capital contribution towards increasing and improving accommodation at North Berwick Health Centre.

It is for NHS Lothian to demonstrate the need for and the quantum of any contributions towards healthcare provision, all relative to the principles set out in Circular 1/2010: Planning Agreements. No such case has been made in respect of the housing development proposed in this application. In these circumstances it would be unreasonable for the Council as Planning Authority to insist that as a requirement of development of the application site a financial contribution is made towards increasing the capacity of North Berwick Health Centre, as NHS Lothian recommend.

Scottish Planning Policy: February 2010 requires that development be properly integrated with existing urban areas, and related Planning Advice Notes encourage the extension of existing street patterns, where possible.

On this matter, Paragraph 2.6 of the "Design Standards for New Housing Areas", approved by the Council on 10th March 2008, states that new housing development must create a hierarchical, permeable and interconnected street layout that complements and should extend the surrounding street pattern. Such layouts spread vehicle traffic evenly through a site and to the surroundings, help prevent localised traffic congestion, and encourage walking and cycling. Proposed street layouts must maximise connections within the site and to surrounding streets, and ensure the movement requirements of the development strategy are met. By the design and arrangement of street types, street layouts must influence vehicle drivers preferred route choice to ensure the tertiary streets between residential blocks are less busy.

The approved Development Framework states that the preference for vehicular access to the land of Proposal H6 is that the southern part of the land be accessed from Grange Road and the northern part of it from Glenorchy Road. If the northern part of the land cannot be accessed from Glenorchy Road then all of the land of Proposal H6 should be accessed from Grange Road.

The approved Development Framework does however state that an extension of Glenorchy Road into the northern part of the land of Proposal H6 to give vehicular access to a residential development of that land will only be accepted if a Transport Assessment submitted by the applicant for planning permission for a housing development of the land demonstrates that such vehicular access could be achieved without compromising road safety and that no significant harm to amenity in the area would be caused as a result. This

includes assessment of any impacts on pedestrian, cyclist and driver safety at the Ware Road Bridge and identification of any mitigation requirements.

The applicant has submitted a Transport Assessment with this planning application. In itself this submission is consistent with Policy DP18 of the adopted East Lothian Local Plan 2008. The Transport Assessment is in respect of all of the land of Proposal H6 and addresses the housing development proposed in this application, with vehicular access from Glenorchy Road and also the housing development proposed in application 12/00339/PM that is to be separately accessed from Grange Road. The assessment is of the likely impacts the additional traffic generated by the proposed two developments would have on the local road network, including the Ware Road Bridge.

In addressing the housing development proposed in this application of 67 houses and 4 flats on the land of the northern part of the land of Proposal H6 and with vehicular access from Glenorchy Road, the Transport Assessment classes Glenorchy Road and Highfield Road as residential streets that have a low level of existing traffic movement on them and concludes that the small increase in traffic movement generated by the proposed housing development would not have a detrimental impact on these residential streets or on other parts of the local road network, including the Ware Road Bridge.

In light of advice from the Council's Transportation service, the applicant commissioned a risk assessment of the local road network, including Glenorchy Road, Highfield Road, Old Abbey Road and Ware Road. The risk assessment concludes that in general all roads the subject of it are very quiet with low levels of traffic and with no major risks to pedestrians and cyclists using these roads. The risk assessment does not conclude that increased use of these roads as a result of the proposed housing development would result in any risk to road or pedestrian safety. It does, however, recommend that dropped kerbs should be provided at various locations on Highfield Road, Glenorchy Road, Ware Road, Lord President Road and May Terrace to improve the pedestrian experience on the routes considered within the risk assessment.

Having appraised the applicant's Transport Assessment and risk assessment of the local road network, the Council's Transportation service are satisfied that if the proposed housing development of 67 houses and 4 flats is accessed from Glenorchy Road by way of an extension to that public road, the likely generated increase in the volume of traffic using the local road network (including Glenorchy Road, Highfield Road, Old Abbey Road and Ware Road) would not result in a road safety hazard. They agree with the findings of the risk assessment that dropped kerbs should be provided at various locations at Highfield Road, Glenorchy Road, Ware Road, Lord President Road and May Terrace. This requirement can be secured by the imposition of a condition on the grant of planning permission for the proposed development.

With regard to the likely impact of additional traffic generation on the use of the Ware Road Bridge the Transportation Assessment concludes that a developer financial contribution should be provided towards the provision of an improved transport scheme there, such as the provision of shuttle traffic signals to better rationalise the road space for pedestrians, cyclists and vehicles. On this matter, the advice of the Council's Transportation service is that the particular design and implementation of a roads improvement scheme at the Bridge will be for the Council to undertake. To this end they consequently advise that the obligation for the applicant should be the payment to the Council of a developer contribution of £25,000. This contribution would have to be made prior to commencement of development and can be secured by a legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other legal Agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 1/2010: Planning Agreements.

The requirement for the developer contribution of £25,000 is consistent with Policy INF3 of the adopted East Lothian Local Plan 2008, which stipulates that new housing will only be permitted where the developer makes appropriate provision for infrastructure required as a consequence of their development.

The Transport Assessment is in respect of all of the land of Proposal H6 and there is no clear distinction in it between the impacts on the Ware Road Bridge of additional traffic generated by the development proposed in this application with vehicular access from Glenorchy Road and the development proposed in application 12/00339/PM with vehicular access from Grange Road. Nonetheless, on the advice of Transportation only one developer contribution is required to meet the costs of the implementation of the required scheme of road improvements at the Ware Road Bridge. Consequently the developer contribution of £25,000 need only be paid either in respect of the development proposed in this application or in respect of the development proposed in application 12/00339/PM. If each application is approved then in each case the grant of planning permission should be subject to a separate Section 75 Agreement requiring the payment of the developer contribution of £25,000 on the commencement of development of whichever of the two developments is first started.

On these transportation considerations it can be concluded that the housing development of 67 houses and 4 flats on the northern part of the land of Proposal H6 can be acceptably accessed from Glenorchy Road.

In which case, as stipulated by the approved Development Framework, there must not be a through access road between the proposed development and the housing development proposed for the southern part of the land of Proposal H6 in separate application 12/00339/PM.

What is proposed is the provision on part of the southern edge of the application site of a 3.7 metres wide reinforced verge to serve as an emergency access between the proposed development and the housing development proposed in separate application 12/00339/PM. It would run through the combined area of open space proposed in this application and in separate application 12/00339/PM. Provided this reinforced verge is restricted to use by emergency vehicles only and thus is prevented from being used as a through route for other vehicles, the requirement of the Development Framework that there should be no through access road is met. The detailed physical means of restricting the use of the reinforced verge to emergency vehicles only can be controlled by a condition of the grant of planning permission for the proposed development.

The approved Development Framework requires provision of a pedestrian and cycle through route between the proposed development and the housing development proposed in separate application 12/00339/PM. To meet this required provision it is proposed that a 2.5 metres wide pedestrian/ cycle path link be formed on part of the southern edge of the site and such that it would run through the combined area of open space proposed in this application and in separate application 12/00339/PM. The link would connect with the length of public access road and footpath to be formed on the north side of the proposed area of open space. Moreover, the footpath to be formed through the landscaped strip of land proposed for the east and part of the southern edge of the site would connect with the proposed pedestrian/ cycle path link.

The approved Development Framework does not require an assessment to be made of any impact on train services. In their representation, Network Rail raise no concerns over the impact of the proposed houses on train services. Rather, they seek assurance that measures are put in place to ensure site development works do not impact on the

operation of the length of railway line adjacent to the north boundary of the site. This is a matter for the applicant, and a copy of the Network Rail response has been sent to them for their information.

Turning to other transportation matters, the proposed use of pinch points and shared surfaces within the layout of internal access roads of the proposed housing development to restrict traffic priorities and speeds accords with the 'Home Zone' principles set out in the Council's Design Standards for New Housing Areas. The road layout of the proposed housing development has been subject to a swept path analysis which demonstrates that the internal access roads are acceptable for large delivery and refuse lorries and for use by emergency vehicles.

The proposed 2 semi-detached houses, 12 terraced houses and 4 flats of affordable housing would have a total of 16 car parking spaces. The other proposed houses would each have two in-curtilage parking spaces. Moreover, a total of 15 visitor parking spaces is also proposed. The Council's Transportation service is satisfied with both the amount and location of all of these proposed car parking spaces.

The Council's Transportation service advises that secure cycle parking should be provided for the proposed 4 flats. A condition can be imposed on the grant of planning permission to secure this measure.

In their location the proposed houses and flats would be capable of being conveniently and safely accessed by public transport, on foot and by cycle, as well as by private vehicle.

On all of the foregoing transportation considerations and subject to the above stated planning controls, the proposed housing development is consistent with Policies T1, T2, DP20 and DP22 of the adopted East Lothian Local Plan 2008 and with the approved Development Framework.

One of the principal concerns of the Community Council is how construction traffic would safely access and egress the application site. This matter has been addressed in the applicant's construction traffic management plan (CTMP). The applicant has confirmed that the CTMP will be passed to all contractors and suppliers serving the housing development site. The CTMP sets out routes for the movement of construction traffic and details roads within North Berwick that construction traffic would be prohibited from using. For construction traffic travelling eastbound into North Berwick, the given route is for traffic to travel along Dirleton Road and Dirleton Avenue before turning right onto Station Road. From there, construction traffic would turn right onto Nungate Road before accessing the site via Glenorchy Road. For construction traffic travelling westbound into North Berwick, the given route is for traffic to travel along Dunbar Road, St Baldred's Road and then Clifford Road. From there, construction traffic would turn left onto Nungate Road before accessing the site via Glenorchy Road.

Some of the objectors have raised particular concerns over how large construction vehicles would negotiate the bend in the road at the intersection of Nungate Road and Glenorchy Road. A swept path assessment submitted by the applicant demonstrates that with relatively minor temporary works to Nungate Road involving the removal of the existing pedestrian island and its replacement with a temporary pedestrian island and the temporary removal of some of the on street parking spaces on the east side of Nungate Road. The Council's Transportation service are satisfied that, subject to the implementation of these temporary arrangements, construction vehicles would be able to safely access and egress the application site. A condition can be imposed on the grant of planning permission for the proposed development to require i) full details of the temporary arrangements on Nungate Road be submitted to and approved in advance by the Planning

Authority; ii) that those temporary arrangements be carried out in accordance with the details so approved prior to the commencement of development; iii) that those temporary works be kept in place for the full duration of the development of the site; and iv) that within 2 months from completion of development those temporary works to Nungate Road be removed and the traffic island restored.

In their CTMP, the applicant confirms that a site compound would be formed within the application site and this would be of a sufficient size to accommodate all contractor parking as well as being capable of accepting delivery vehicles. In a further statement, the applicant advises that whilst they have no nexus to prevent road users parking legally on the highway, from a logistical perspective, they are keen to ensure that delivery routes are clear and unaffected by a proliferation of parked cars. The applicant further states that their appointed contractors will seek to park as close as possible to their work (i.e. within the site compound). The compound would be securely fenced and visible from the site office, which is essential as the vehicles usually contain tools. The applicant further states that they are unable to provide details on the general arrangement of the site compound at this time as it has not yet been designed.

The Council's Transportation service are satisfied with the proposed arrangements for the routing of construction traffic and the in-compound parking provision. To ensure that the site compound is of a size sufficient to accommodate all of the construction workers' vehicles, they recommend that details of the compound be submitted for the prior approval of the Planning Authority. This requirement could be secured by the imposition of a condition on the grant of planning permission for the proposed development.

The other matter addressed in the CTMP relates to the proximity of the site to Law Primary School and North Berwick High School. It states that there be no deliveries or off site movements between the hours of 08:15 to 09:15 Monday to Friday, between 14:45 to 16:00 Monday to Thursday and between 12:00-13:30 on Friday only. Whilst they are generally satisfied with those stated restrictions, the Council's Transportation service further recommends that there be no deliveries or off site movements between the hours of 11:30 and 13:30 Monday to Thursday. This can be secured by a condition imposed on the grant of planning permission for the proposed development.

Another condition should be imposed on the grant of planning permission requiring that all construction traffic management associated with the development of the site should strictly accord with the applicant's CTMP.

The Council's Transportation service recommend that wheel washing facilities be provided and that a pre-start dilapidation survey should be undertaken for Nungate Road and Glenorchy Road. These matters too can be controlled by conditions imposed on the grant of planning permission.

The Council's Principal Waste Services Officer has expressed concerns at the layout and access for refuse vehicles. This concern has been addressed through a swept path assessment of the housing layout which demonstrates that there would be sufficient manoeuvring space available for refuse or other service vehicles.

It is stated in Scottish Planning Policy: February 2010 that archaeological sites and monuments are an important finite and non-renewable resource and should be protected and preserved in situ wherever feasible. The presence and potential presence of archaeological assets should be considered by planning authorities when making decisions on planning applications. Where preservation in situ is not possible planning authorities should through the use of conditions or a legal agreement ensure that developers undertake appropriate excavation, recording, analysis, publication and

archiving before and/or during development. If archaeological discoveries are made during any development, a professional archaeologist should be given access to inspect and record them. Planning Advice Note 2/2011: Planning and Archaeology similarly advises.

The Council's Heritage Officer advises that the application site is located within an area regarded as having a high potential for archaeological remains to be present. Accordingly he recommends that a programme of archaeological works should be carried out by a professional archaeologist to evaluate the application site for any potential archaeological remains. This can be secured through a condition attached to a grant of planning permission for the proposed development. This approach is consistent with Scottish Planning Policy: February 2010, Planning Advice Note 2/2011: Planning and Archaeology and with Policy ENV7 of the adopted East Lothian Local Plan 2008.

Both the application site and the site the subject of separate application 12/00339/PM are within the school catchments of Law Primary School and North Berwick High School. The Executive Director of Services for People advises of the need for a total developer contribution for both proposed developments of £1,266,773 towards the cost of provision of additional accommodation at Law Primary School, and £550,671 towards the provision of additional accommodation at North Berwick High School; a total developer contribution of £1,817,444. Thus in the case of this planning application, the Executive Director of Services for People advises of the need for a total pro-rata developer contribution of £1,048,528 (£14,768 per unit). Such a developer contribution can be secured by an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 1/2010: Planning Agreements. Moreover the Executive Director of Services for People recommends that a restriction would need to be placed on the annual completion rates arising from the proposed development and that proposed in planning application 12/00339/PM. This can be secured through a condition attached to a grant of planning permission for the proposed development. Subject to the imposition of the recommended condition and to the Council securing the appropriate developer contribution the proposal is consistent with Policy INF3 of the adopted East Lothian Local Plan 2008, which stipulates that new housing will only be permitted where the developer makes appropriate provision for infrastructure required as a consequence of their development and that such provision must be phased in line with the new development required.

The approved Development Framework requires the applicant to submit an 'energy efficiency statement' to demonstrate how the proposed housing development would maximise energy efficiency in terms of building design and layout, and minimise construction waste. In response to this, the applicant has submitted a Statement of Sustainability in Design. In this Statement, the applicant advises that they propose to maximise energy efficiency through improved building efficiency standards and through the use of solar panel water heating. This report has been assessed by the Council's Engineering Design Team Leader, who is generally satisfied with its findings. If planning permission is to be granted for the proposed development, a condition should be imposed requiring that the housing development be carried out in strict accordance with the applicant's Statement of Sustainability in Design.

The Council's Housing Strategy Manager advises that, in accordance with the Council's Affordable Housing Policy, 25% of the 71 new build residential units (i.e. 18 units) should be affordable housing. The affordable housing component of the proposed housing development is 18 units. The Council's Housing Strategy Manager further advises that she is satisfied with the proposed affordable house types and sizes, and their location within the application site. The terms for the provision of the affordable housing requirement should be the subject of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. Subject to this the proposed development is consistent with the

Council's Affordable Housing Policy and with Policy H4 of the adopted East Lothian Local Plan 2008.

The proposed development by its scale would have a significant impact on the local environment and thus in accordance with the requirements of Policy DP17 of the adopted East Lothian Local Plan 2008 it should incorporate artwork either as an integral part of the overall design or as a related commission. This can be secured by a condition on a grant of planning permission for the proposed housing development.

The layout of the proposed development includes provision of a sustainable urban drainage scheme (SUDS) pond which is designed to attenuate the flow of surface water run-off. The Scottish Environment Protection Agency do not object to the proposed development, although they recommend that full details of the finalised SUDS scheme should be submitted for the prior written approval of the Planning Authority, following consultation with SEPA. This requirement could be secured by the imposition of a condition on the grant of planning permission for the proposed development.

Scottish Water confirm that they have no objection to the proposed development. They advise of their statutory requirements for the servicing of the development. A copy of their comments has been forwarded to the applicant.

RECOMMENDATION

It is recommended that planning permission be granted subject to:

1. The undernoted conditions.

2. The satisfactory conclusion of an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997, or some other legal agreement designed to:

(i) Secure from the applicant a financial contribution to the Council of £25,000 towards the provision of a scheme of road improvements in respect of the Ware Road Bridge, North Berwick under the terms set out in the transportation assessments given earlier in this report.

(ii) Secure from the applicant a financial contribution to the Council of £68,023.68 towards the provision on the Mains Farm land the subject of Proposal H5 of the adopted East Lothian Local Plan 2008 of a new community sports pitch and related changing accommodation.

(iii) Secure from the applicant a financial contribution to the Council of £1,048,528 towards the provision of additional accommodation at Law Primary School and at North Berwick High School.

(iv) Secure from the applicant the provision of 18 affordable housing units.

3. That in accordance with the Council's policy on time limits for completion of planning agreements it is recommended that the decision should also be that in the event of the Section 75 Agreement not having been executed by the applicant, the landowner and any other relevant party within six months of the decision taken on this application, the application shall then be refused for the reason that without the developer contributions to be secured by the Agreement the proposed development is unacceptable due to an unacceptable traffic impact on the Ware Road Bridge, an insufficient provision of a community sports pitch and related changing facilities, a lack of sufficient school capacity at Law Primary School and North Berwick High School, and the lack of provision of

affordable housing, contrary to the Council's Development Framework for the development that is titled Mains Farm and Gilsland, North Berwick and, as applicable Policies T2, INF3 and H4 of the adopted East Lothian Local Plan 2008.

- 1 No development shall take place on site unless and until final site setting out details have been submitted to and approved by the Planning Authority.

The above mentioned details shall include a final site setting-out drawing to a scale of not less than 1:200, giving:

- a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings;
- b. finished ground and floor levels of the development relative to existing ground levels of the site and of adjoining land and building(s). The levels shall be shown in relation to an Ordnance Bench Mark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing; and
- c. the ridge height of the proposed shown in relation to the finished ground and floor levels on the site.

Reason:

To enable the Planning Authority to control the development of the site in the interests of the amenity of the area.

- 2 No development shall take place until the applicant has, through the employ of an archaeologist or archaeological organisation, secured the implementation of a programme of archaeological work on the site of the proposed development in accordance with a written scheme of investigation which the applicant will submit to and have approved in advance by the Planning Authority.

Reason:

To facilitate an acceptable archaeological investigation of the site.

- 3 No development shall take place until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping. The scheme shall provide details of : the height and slopes of any mounding on or recontouring of, the site; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. The details shall include the provision of some large specimen trees at the site entrance and within the proposed area of open space. The scheme shall include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

Reason:

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

- 4 The phasing of the development, including the number of residential units to be completed on the site each year, shall be carried out in strict accordance with the phasing document (entitled "6.1 Phasing") docketed to this planning permission, unless otherwise approved in writing in advance by the Planning Authority.

Reason:

To enable the Planning Authority to control the development of the site in the interests of the good planning of the site and to ensure that there is sufficient education provision.

- 5 The development hereby approved shall be carried out in strict accordance with the Statement of Sustainability in Design docketed to this planning permission.

Reason:

To ensure this development complies with the on-site carbon emissions targets of the Climate Change (Scotland) Act 2009.

- 6 Prior to the commencement of development details of the bin and cycle storage facilities for the flatted

properties shall be submitted to and approved in advance by the Planning Authority. The details shall show at least 1 cycle space per flat. Prior to the occupation of any of the flats the bin and cycle storage facilities shall have been formed in accordance with the approved details and made available for use. Thereafter, the storage facilities shall be retained in use solely as bin and cycle storage areas.

Reason:

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

- 7 Notwithstanding that which is stated on the drawings docketed to this planning permission, a detailed specification of all external finishes of the houses and flats of the proposed development shall be submitted to and approved by the Planning Authority prior to the use of the finishes in the development. The external finishes of the houses and flats shall be in accordance with a co-ordinated scheme of materials and colours that shall be submitted to and approved in advance by the Planning Authority. This co-ordinated scheme shall in detail promote render as the predominant finish to the walls of the houses and flats, with a use of more than one render colour and with a strongly contrasting difference in the colours such that they will not each be of a light colour. However, some use of a contrasting wall finish (i.e. reconstituted stone or facing brick) would be acceptable providing it is limited to a distinctively complete feature of the houses and flats and respectful of their design integrity. All such materials used in the construction of the houses and flats shall conform to the details so approved.

Reason:

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

- 8 Details of all boundary treatments and ground surfacings for the site shall be submitted to and approved by the Planning Authority prior to their use in the development. All such materials used in the development shall conform to the details so approved.

Reason:

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

- 9 Prior to the commencement of development full details of the finalised sustainable urban drainage scheme (SUDS) for the application site shall be submitted to and approved in writing by the Planning Authority following consultation with the Scottish Environment Protection Agency.

The integrated sustainable urban drainage scheme (SUDS) for the application site shall thereafter be fully implemented in accordance with the details so approved.

Reason:

To ensure the provision of a satisfactory sustainable urban drainage scheme for the application site.

- 10 Prior to the occupation of the last of the residential units hereby approved, the proposed site access roads, parking spaces, and footpaths shall have been constructed on site, in accordance with that which is shown on the docketed site plan. Those areas of land shall not thereafter be used for any other purpose than for accessing and for the parking of vehicles in connection with the residential use of the houses and flats and shall not be adapted or used for other purposes without the prior written approval of the Planning Authority.

Reason:

To ensure that adequate and satisfactory provision is made for access and for off-street parking in the interests of road safety.

- 11 Prior to their use in the development, details of the acoustic glazing to be used for the north facing windows and, if applicable, north facing doors of the houses on plots 30-33 and 58-62 shall be submitted to and approved by the Planning Authority. The details shall show a glazing specification consisting of 4mm float glass - 12mm air cavity - 4mm float glass.

The houses on plots 30-33 and 58-62 shall not be occupied unless and until the north facing windows and, if applicable, north facing doors of those houses have been installed with acoustic glazing in accordance with the details so approved.

Reason:

To safeguard the privacy and amenity of the occupiers of the houses on plots 30-33 and 58-62 of the approved housing development.

- 12 No residential unit shall be occupied unless and until details of artwork to be provided on the site or at an alternative location away from the site have been submitted to and approved by the Planning Authority and the artwork as approved shall be provided prior to the occupation of the final residential unit approved for erection on the site.
- Reason:
To ensure that artwork is provided in the interest of the visual amenity of the locality or the wider area.
- 13 Prior to the commencement of development details of dropped kerb pedestrian crossings to be provided at various locations at Highfield Road, Glenorchy Road, Ware Road, Lord President Road and May Terrace shall be submitted to and approved by the Planning Authority. Prior to the occupation of the first residential unit, all of the dropped kerb pedestrian crossings shall be provided in accordance with the details so approved.
- Reason:
In the interests of road safety.
- 14 Prior to the commencement of development details of the site compound shall be submitted to and approved by the Planning Authority. Formation of the site compound shall thereafter be carried out in accordance with the details so approved.
- Reason:
To ensure that the site compound is of a size sufficient to accommodate all of the construction worker's vehicles and other associated traffic.
- 15 Development of the site shall at all times be carried out in strict accordance with the Construction Traffic Management Plan docketed to this planning permission.
- Reason:
In the interests of road safety.
- 16 Notwithstanding the requirements of condition 15 above, there shall be no no deliveries or off site movements of vehicles associated with the development between 11:30 and 13:30 Monday to Thursday.
- Reason:
In the interests of road and pedestrian safety.
- 17 Prior to the commencement of development i) full details of the temporary works to Nungate Road to facilitate access for construction vehicles shall be submitted to and approved in advance by the Planning Authority; and ii) the temporary works to Nungate Road be carried out in accordance with the details so approved.
- Those temporary works shall be kept in place for the full duration of the development of the site.
- Within 2 months from completion of development those temporary works to Nungate Road shall be removed and the existing traffic island restored.
- Reason:
To facilitate access for construction vehicles in the interests of road safety.
- 18 No work shall be carried out on the site unless and until an effective vehicle wheel washing facility has been installed in accordance with details to be submitted to and approved by the Planning Authority prior to its installation. Such facility shall be retained in working order and used such that no vehicle shall leave the site carrying earth and mud in their wheels in such a quantity which causes a nuisance or hazard on the road system in the locality.
- Reason:
In the interests of road safety.
- 19 Prior to the commencement of development, a programme for monitoring the condition of the public roads of Glenorchy Road and Nungate Road, prior to and immediately following the completion of the housing development, shall be submitted to and approved in writing by the Planning Authority. Thereafter the approved programme of monitoring shall be implemented. Any remedial works shown by the monitoring as arising from the construction of the development, shall be undertaken by the applicant within 3 months of the completion of the final monitoring undertaken, unless an alternative means of securing the works is approved in writing by the Planning Authority.

Reason:

To ensure that damage to the public road network resulting from the construction of the housing development is rectified.

- 20 The emergency access shown on the docketed site layout drawing shall, at the time of its completion, have installed across it a means of allowing for its use by emergency vehicles but not by any other vehicles in accordance with details of such means to be submitted to and approved in advance by the Planning Authority. Thereafter the means of such restricted vehicle access shall be retained in place unless otherwise approved by the Planning Authority.

Reason:

To prevent the emergency access being used as a through route by other vehicles between the housing development hereby approved and the housing development approved by the grant of planning permission 12/00339/PM.

Please note that the remainder of pages relating to this item have been removed as they contain personal information (for example - names and addresses of people that have made representation)

REPORT TO: Planning Committee
MEETING DATE: Tuesday 4 December 2012
BY: Executive Director (Services for Communities)
SUBJECT: Application for Planning Permission for Consideration

2

Application No. **12/00339/PM**
Proposal Erection of 41 houses, 8 flats and associated works
Location **Land At Gilsland Caravan Site
North Berwick
East Lothian
EH39 5JA**
Applicant CALA Management Ltd
Per Holder Planning
Ward 5
RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

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

As a statutory requirement of major development type proposals this development proposal was the subject of a Proposal of Application Notice (Ref: 11/00012/PAN) and thus of community consultation prior to this application for planning permission being made to the Council.

As an outcome of that and as a statutory requirement for dealing with major development type applications a pre-application consultation report is submitted with this application. The report informs that a total of 85 people attended the two pre-application public exhibitions, both of which were held at the North Berwick scout hall in St Baldred's Road and that those attendees made a number of queries and suggestions regarding the proposals. The development for which planning permission is now sought is of the same character as that which was the subject of the community engagement undertaken through the statutory pre-application consultation of the proposal.

This application relates to some 3.9 hectares of land that forms part of the western edge of North Berwick. It includes a length of Grange Road and otherwise is the northern part of Gilsland Caravan Park.

The application site has a broadly rectangular shape. The land of the site slopes gradually down from south to north. The northern, western and southern edges of the site have on them mature tree strips. There are also a number of other trees located centrally within the site.

The site is bounded to the east by a woodland belt, beyond which are the residential properties of Green Apron Park and Keppel Road. An informal footpath runs through the woodland belt. The site is bounded to the north and west by agricultural land. The site is bounded to the south by part of the southern part of Gilsland Caravan Park and by part of some of the land of Mains Farm. To the south of the site is allocated for housing development by Proposal H5 (Mains Farm, North Berwick) of the adopted East Lothian Local Plan 2008.

Planning permission is sought for the erection on the site of 41 houses and 8 flats and for the provision of associated infrastructure including roads and footpaths, open space, and landscaping. The proposal also includes for a realignment of Grange Road in the vicinity of the proposed vehicular access to the site from Grange Road.

The proposed development would be comprised of 37 detached houses, 4 semi-detached houses, 4 one bedroom flats in a two storey flatted building and 4 two bedroom flats in a two storey flatted building. Two of the semi-detached houses would be single storey in height. All of the other houses would be two storeys in height. The proposed 4 semi-detached houses and 8 flats are being promoted as affordable housing.

The proposed vehicular accessing of the site from a re-alignment of the public road of Grange Road would be at a point in the southeast corner of the site. The internal site access road would principally be in the form of a loop with the proposed houses and flats laid out within and about it.

The existing mature tree strip on the western edge of the site and most of the mature tree strip on the northern edge of the site would be retained. Moreover, much of the mature tree strip on the southern edge of the site would be retained, with a part of it removed to enable the formation of the site access and the associated re-alignment of the public road of Grange Road. Some tree planting is proposed within the application site.

A footpath would be formed along the eastern edge of the site. An area of open space is proposed for part of the northern edge of the site.

The majority of the proposed houses would be provided with in curtilage parking spaces. Additionally a parking courtyard with 12 car parking spaces would be formed on the southwest part of the site, in close proximity to the houses and flats that would not have in-curtilage car parking spaces. A further 13 visitor car parking spaces would be provided as roadside parking bays within the site.

Amended plans have been submitted showing:

- i) changes to the internal road layout and number of parking spaces of the proposed development; and
- ii) changes to the type and footprint of some of the proposed affordable housing units.

The application is supported by a Masterplan and Masterplan Document, a pre-application consultation report, a tree survey, an education assessment, a construction traffic management plan, and a transport assessment.

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 the proposed development falls within the category of a Schedule 2 Development, being one that may require the submission of an Environmental Impact Assessment (EIA). Schedule 3 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 sets out the selection criteria for screening whether a Schedule 2 development requires an EIA. On 17 April 2012 the Council issued a formal screening opinion to the applicant. The screening opinion concludes that it is East Lothian Council's view that the proposed development is not likely to have a significant effect on the environment such that consideration of environmental information is required before any grant of planning permission. It is therefore the opinion of East Lothian Council as Planning Authority that there is no requirement for the proposed housing development to be the subject of an EIA.

Through separate application 12/00338/PM planning permission is sought by CALA Management Ltd for the erection of 67 houses and 4 flats on the land to the north of the site of this application. A cross-referenced report on planning application 12/00338/PM is at this time also presented to the Planning Committee.

To the southeast of the site is agricultural land of Mains Farm that is covered by Proposal H5 (Mains Farm, North Berwick) of the adopted East Lothian Local Plan 2008. Proposal H5 allocates the land for a mixed use development of approximately 400 houses, community facilities, open space, employment and associated infrastructure. In September 2012 the Walker Group (Scotland) Limited submitted a Proposal of Application Notice (Ref: 12/00007/PAN) which intimated that they would be submitting a planning application in respect of a development of approximately 400 houses, community facilities, open space, employment and associated infrastructure on Mains Farm land of Proposal H5. To date, no such application has been submitted to the Council.

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

The development plan is the approved Edinburgh and the Lothians Structure Plan 2015 and the adopted East Lothian Local Plan 2008.

Policies ENV1G (Design of New Development), ENV3 (Development in the Countryside) and HOU3 (Strategic Housing Allocations) of the approved Edinburgh and the Lothians Structure Plan 2015 and Proposal H6 (Gilsland, North Berwick) and Policies DC1 (Development in the Countryside and Undeveloped Coast), H1 (Housing Quality and Design), H2 (Development Frameworks), H4 (Affordable Housing), DP1 (Landscape and Streetscape Character), DP2 (Design), DP5 (Major Development Sites), DP14 (Trees on or adjacent to Development Sites), DP17 (Art Works-Percent for Art), DP18 (Transport Assessments and Travel Plans), DP20 (Pedestrians and Cyclists), DP22 (Private Parking), DP24 (Home Zones), ENV7 (Scheduled Monuments and Archaeological Sites), C1 (Minimum Open Space Standard for New General Needs Housing Development), C2 (Play Space Provision in new General Needs Housing Development), T2 (General Transport Impact) and INF3 (Infrastructure and Facilities Provision) of the adopted East Lothian Local Plan 2008 are relevant to the determination of the application.

A material consideration in the determination of this application is the supplementary planning guidance of "Design Standards for New Housing Areas" approved by the Council

on 10th March 2008. This guidance requires that a more flexible approach be taken in road layout and design for proposed housing developments and sets core design requirements for the creation of new urban structures that will support Home Zone development as well as establishing design requirements for the layout of and space between buildings. Developers must provide adequate information to the satisfaction of the Council to demonstrate the merits of their design.

Also material to the determination of the application is Scottish Planning Policy on housing development and Scottish Government advice given in Planning Advice Note 67: Housing Quality.

It is stated in Scottish Planning Policy: February 2010 that the Scottish Government's objectives of creating successful places and achieving quality residential environments should guide the whole process of delivering new housing. Further policy and advice on design is provided in Designing Places and Planning Advice Note 67: Housing Quality which explains how Designing Places should be applied to new housing. In PAN 67 it is stated that the planning process has an essential role to play in ensuring that: (i) the design of new housing reflects a full understanding of its context - in terms of both its physical location and market conditions, (ii) the design of new housing reinforces local and Scottish identity, and (iii) new housing is integrated into the movement and settlement patterns of the wider area. The creation of good places requires careful attention to detailed aspects of layout and movement. Developers should think about the qualities and the characteristics of places and not consider sites in isolation. New housing should take account of the wider context and be integrated into its wider neighbourhood. The quality of development can be spoilt by poor attention to detail. The development of a quality place requires careful consideration, not only to setting and layout and its setting, but also to detailed design, including finishes and materials. The development should reflect its setting, reflecting local forms of building and materials. The aim should be to have houses looking different without detracting from any sense of unity and coherence for the development or the wider neighbourhood.

A total of 17 written representations have been received in respect of this application, all of which make objection to the proposed development.

A copy of each written representation is contained in a shared electronic folder to which all Members of the Committee have had access.

The main grounds of objection are summarised as follows:

- * Proposed access arrangements are inadequate, with existing roads being unsuitable to accommodate traffic generated by the proposed housing development;
- * Concerns over access and egress arrangements for construction traffic, particularly when children are going to and leaving school;
- * Increased traffic on the Kingston Road would increase likelihoods of a road traffic accident on that road;
- * Infrastructure of North Berwick will find it difficult to cope with additional residents and traffic generated by proposed housing development;
- * Impact on local schools;
- * Proposed housing development has to be considered in light of the site allocated for housing development at Mains Farm;

* Proposed housing represents an overdevelopment of the site.

* Proposed development is contrary to Policy DC1 of the adopted East Lothian Local Plan 2008; and

* Harmful noise impact from increased traffic on Grange Road.

The Royal Burgh of North Berwick Community Council have given one consultation response in respect of this planning application and application 12/00338/PM. From this it is taken that that the concerns they raise are in respect of the housing developments proposed in both applications. These concerns are in respect of traffic and road management. They advise that the residents of Kingston are very concerned that there will be a highly increased volume of traffic through their small village. The presence of two schools in the immediate proximity of Grange Road is an added danger. This is especially so in the case of construction traffic and the Community Council request that something definite is arranged for the timing of heavy lorries to the construction sites.

The length of public road of Grange Road that is within the site is covered by Policy DC1 of the adopted East Lothian Local Plan 2008 and, as such, is defined as being part of the East Lothian countryside. Other than the proposed re-alignment of part of that length of public road there would be no other development of the road. Since the proposed re-alignment is to facilitate vehicular access of the land of the site that is allocated for housing development by Proposal H6 of the adopted East Lothian Local Plan 2008, the inclusion of the length of Grange Road and thus that extremely small part of the East Lothian countryside in this development proposal has no meaningful significance on the planning purpose and integrity of Local Plan Policy DC1 and Policy ENV3 of the approved Edinburgh and the Lothians Structure Plan 2015.

The land of the application site and the land of the site of separate application 12/00338/PM are together covered by Proposal H6 (Gilsland, North Berwick) of the adopted East Lothian Local Plan 2008. Proposal H6 defines all of the land as being a strategic housing site and allocates it for development of approximately 100 houses.

Local Plan Proposal H6 requires the Council to prepare a joint Development Framework addressing the development requirements of the site and the nearby Mains Farm site (Proposal H5). Proposal H6 states that it will then be the responsibility of the developer to submit for approval a masterplan consistent with both this joint Framework and with the Local Plan's development policies prior to or as part of an application for planning permission in principle or planning permission for a development of the site. Proposal H6 also stipulates that developer contributions are required for all necessary infrastructure, education and community facilities arising as a consequence of this development.

Proposal H6 reflects the requirements of Policy H2 (Development Frameworks) of the adopted East Lothian Local Plan 2008. The first of these requirements is that development proposals for strategic housing sites must conform to the relevant Development Framework and the second is that Masterplans for the allocated lands must comply with the relevant Development Framework and with other local plan policies. A Masterplan should be submitted prior to or as part of an application for planning permission to develop a strategic housing site.

A joint Development Framework for all of the allocated land of Proposal H6 and for the allocated Mains Farm land was approved by the Council on the 28 June 2011. It sets out how the Council requires the lands to be developed in terms of design and infrastructure provision.

The land of this application (the 'Gilsland Caravan Park' land) is also covered by Policy DP5 (Major Development Sites) of the adopted East Lothian Local Plan 2008. As the site is part a strategic housing site defined and allocated for residential development by Proposal H6 to meet the requirements of the Edinburgh and the Lothians Structure Plan 2015, Policy DP5 requires the submission of a Masterplan for all of it and an accompanying supporting statement. Policy DP5 sets out the minimum information that must be contained within the Masterplan submission.

A single Masterplan and an accompanying Masterplan Document have been submitted with this applications and also separate application 12/00338/PM. The submitted Masterplan and accompanying Masterplan Document are compliant with the requirements of Policy DP5.

The land of the application site (the 'Gilsland Caravan Park' land) is not greenfield land. It has for many years been used and is still in use as a caravan park. The principle of the residential development of the land is established by the allocation of it for such development by Proposal H6.

Proposal H6, together with Proposal H5, is consistent with Policy HOU3 (Strategic Housing Allocations) of the approved Edinburgh and the Lothians Structure Plan 2015, which requires the East Lothian Local Plan to allocate sufficient land for approximately 500 residential units at North Berwick. Of those approximately 500 residential units, Proposal H5 allocates approximately 400 to the Mains Farm land and Proposal H6 allocates approximately 100 to the combined land of the application site and the 'Newhouse' land to the north of the site that is the subject of separate application 12/00338/PM.

Through their detailed master planning of the land of Proposal H6, the applicant has established that in total it is capable of accommodating more than the approximately 100 residential units that the development plan allows for the site. The Masterplan submitted with this application shows how a total of 120 residential units would be accommodated on all of the land of Proposal H6.

The advice of the Council's approved Development Framework that applies to the allocated housing development land of Proposal H6 is that if the capacity of the land is found to be in excess of the number of units allocated to it, then it is for the Council to be satisfied that the building of an additional number of residential units on it would be acceptable, rather than a part of the land being left undeveloped. In this regard the Development Framework further advises that the test is whether there is a housing land requirement to justify the additional number of units and that related infrastructure requirements can be provided and the impacts of the additional units will be acceptable.

The Council's Policy and Projects Manager accepts that the allocated land of Proposal H6 can accommodate more than 100 residential units. In line with the requirements of the Development Framework, the Policy and Projects Manager has considered the additional 20 residential units in terms of whether or not there is a housing land requirement to justify them. On this matter, the Policy and Projects Manager advises that the Structure Plan Joint Liaison Committee has assessed the adequacy of the five year housing land supply using the latest Annual Housing Monitor, which takes into account the 2010 Housing Land Audit and other material considerations. This shows that the 5-year effective supply figure has fallen to less than 50%, expressed as a percentage of supply to requirement. The Joint Liaison Committee considers that the shortfall results from infrastructure constraints and a lack of mortgage finance rather than the availability of allocated housing land. It has therefore chosen not to bring forward additional housing land in advance of the development plan review in a way that would be inconsistent with the current development plan strategy. However, the Joint Liaison Committee recognises the need to encourage a

reasonable level of new house building to meet needs by assisting the house building process, including support for appropriate new “windfall” applications that are in accord with the development plan.

What is before the Committee is not a windfall application; rather this is an application for planning permission for the development of land that is part of an already designated strategic housing site and which is already allocated for housing development. The building on it of 20 more residential units than the 100 stated for it in Proposal H6 would be a “windfall” contribution to an identified shortfall of the overall 5-year effective housing land supply. It would not amount to the bringing forward of non-allocated land for housing development. It would be a component of two proposed housing developments that should be capable of being the subject of an early site start.

On this basis there is a housing land requirement to justifying the granting of planning permission for an additional 20 residential units on the allocated land of Proposal H6 that in part is the subject of this application and in part the subject of application 12/00338/PM.

The approved Development Framework stipulates that the layout of the housing development of the allocated land of Proposal H6 should integrate with its surroundings and be designed to ensure the creation of an interesting and distinctive environment with a layout that contributes positively to North Berwick.

What is proposed for the development of the land the subject of this application would be a sympathetic extension of North Berwick with due regard to the existing built form of the town and the locational context of the application site relative to the nearest existing housing, being the housing of Green Apron Park and Keppel Road. The proposed residential layout is broadly consistent with the requirements of the Council’s approved Development Framework for the land. It would be compatible with the form and layout of housing development proposed in separate application 12/00338/PM for the northern part of the allocated land of Proposal H6.

One of the principal objectives of the Council's approved Design Standards for New Housing Areas is to reduce the visual dominance of the car in the streetscape of new housing developments. The applicant is proposing to plant beech hedges along the front boundaries of the front gardens of the houses proposed at the entrance into the development. To some degree, this would serve to reduce the visual dominance of the car in the streetscape of the entrance to the development. Moreover, whilst many of the 41 houses are to be large detached two storey buildings set within their own private gardens they are to be of six different house types. The use of such a range of house types would give a complimentary variation of architectural form to the development, which coupled with the orientation and layout of the buildings, would give a degree of variety of appearance to the development. The proposed houses, flats and garages would not appear unduly prominent or intrusive in their surroundings and would not harm the character and appearance of this part of North Berwick.

The use of render as the predominant wall finish would respect the existing built form of the housing to the east of the application site, which features render as the predominant wall finish. However, some use of a contrasting wall finish (i.e. reconstituted stone or facing brick) would be acceptable providing it is limited to a distinctively complete feature of the houses and flatted building and respectful of their design integrity. A condition can be imposed on the grant of planning permission for the proposed development to address these matters of wall finishes.

The site is capable of accommodating all of the proposed development including vehicular and pedestrian access and amenity space without being an overdevelopment of it. The

proposed development would not be of a density incompatible with existing densities of development to the north and east of the site. The development of this site in the manner proposed would continue the urban edge of the western part of North Berwick, reinforcing the existing built form and architectural character and appearance of the area.

The proposed new houses and flats would be so sited, oriented and screened such as not to harm the privacy and amenity of the neighbouring residential properties through overlooking or overshadowing.

The proposed houses and flatted buildings would be laid out in such a way as to give an acceptable standard of residential amenity to their future occupants.

The Council's Environment Protection Manager raises no objection to the proposed development. He does not consider that the increased traffic on Grange Road as a result of the proposed development would lead to any unacceptable noise impact on the amenity of existing neighbouring properties to the east of the application site.

In the interests of safeguarding the amenity of the future occupiers of the proposed flats it should be made a condition of the grant of planning permission for the proposed development that bin storage facilities for the proposed flats be formed prior to the occupation of those residential units.

The Council's Policy and Projects Manager is supportive of the applicant's intention to retain the strip of mature trees along the western edge and part of the northern edge of the site. He also accepts that a number of mature trees along part of the southern edge of the site will have to be removed to facilitate the formation of the proposed vehicular access from Grange Road. The Council's Policy and Projects Manager recommends that some large species specimen trees are planted at the site entrance and within the area of open space proposed for part of the northern edge of the site, as these would adequately compensate for the trees that the applicant proposes to fell within the application site. He is satisfied that the landscape proposals for the site correspond with the landscape advice set out within the approved Development Framework. He recommends that a detailed landscape plan be submitted prior to the commencement of development and that appropriate measures are taken to safeguard existing trees during construction works. A condition can be imposed on a grant of planning permission to secure these landscaping recommendations.

The Council's biodiversity officer raises no objection to the proposed housing development.

Subject to the above referred to planning controls, the proposed development of 41 houses and 8 flats on all of the foregoing considerations of layout, design, amenity and landscape is consistent with Policy ENV1G of the approved Edinburgh and the Lothians Structure Plan 2015, Policies H1, DP1, DP2 and DP14 of the adopted East Lothian Local Plan 2008, the approved Development Framework and the Council's Design Standards for New Housing Areas.

In respect of open space provision the approved Development Framework requires the provision of a central area of open space for the allocated land of Proposal H6, to act as a focal point and which would be easily accessible from the proposed new housing.

The Masterplan submitted with this application and also application 12/00338/PM shows the proposed provision of a large area of open space centrally located within the land of Proposal H6. The open space would be overlooked by those proposed houses that would be positioned to the north, south and west of it. The Council's Landscape and Countryside

Manager is satisfied with the size and location of the proposed central area of open space and thus with the part of it proposed in this application. On this consideration the development proposed in this application is consistent with the requirements of the approved Development Framework and with Policy C1 of the adopted East Lothian Local Plan 2008.

The applicant confirms that future maintenance of the areas of open space would be factored on behalf of future residents. The Council's Landscape and Countryside Manager does not object to this.

The Development Framework requires the provision of suitably sized and designed equipped play facilities within the land of Proposal H6. In response to this, a play area would be located on the southern part of the proposed large area of open space, within the land the subject of this planning application. Details of the play equipment to be contained within the play area have been amended from that originally submitted with the planning application to ensure that the equipment is adequate for use by both the toddler and junior (1-10 years) age groups.

The Council's Landscape and Countryside Manager is satisfied that the proposed play area would be of a sufficient size and in a sufficiently central location to serve not only the houses and flats proposed in this planning application but also the houses and flats proposed in planning application 12/00338/PM. Moreover, she is satisfied that the play equipment now proposed would be adequate for use by both the toddler and junior (1-10 years) age groups. On this consideration the development proposed in this application is consistent with the requirements of the approved Development Framework and with Policy C2 of the adopted East Lothian Local Plan 2008.

To satisfy the demand for pitch sports that will arise as a result of development of the land of Proposal H6 and of Mains Farm, the approved Development Framework requires the provision on the Mains Farm land of a new community sports pitch and related changing accommodation. The approved Development Framework stipulates that all the costs associated with provision of the sports pitch and related changing accommodation has to be met on a pro-rata basis by the applicant(s) of an application(s) for planning permission for housing development of the land of Proposal H6 and of Mains Farm. The Council's Healthy Living Manager advises that the pro-rata value of the contribution for the 41 houses and 8 flats proposed in this application is £46,945.92. This financial contribution can be secured by a legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other legal Agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 1/2010: Planning Agreements. Subject to the securing of this developer contribution the proposed development is consistent with Policy INF3 of the adopted East Lothian Local Plan 2008 and the approved Development Framework.

The approved Development Framework advises that NHS Lothian, Lothian & Borders Police and the Ambulance Service have indicated that the increased population that will arise from the housing developments of the land of Proposal H6 and of Mains Farm may result in these service providers not being able to accommodate any identified impacts anticipated to arise from these local plan proposals within their existing facilities. Consequently Lothian and Borders Police, the Lothian Fire Brigade, the Scottish Ambulance Service and NHS Lothian were all consulted on this planning application.

Neither the Lothian Fire Brigade nor the Scottish Ambulance Service have provided a consultation response.

Lothian & Borders Police raise no objection to the proposed housing. It can be taken from this that they are satisfied that they could accommodate within their existing operations any identified impacts anticipated to arise from the 41 houses and 8 flats proposed in this application.

NHS Lothian advise that they see a need for capital investment in their General Practice facilities in North Berwick Health Centre. This, they advise, would be to address the increased capacity requirements resulting from the increased population, whilst maintaining the good access that this location provides. NHS Lothian therefore request that the applicant makes a capital contribution towards increasing and improving accommodation at North Berwick Health Centre.

It is for NHS Lothian to demonstrate the need for and the quantum of any contributions towards healthcare provision, all relative to the principles set out in Circular 1/2010: Planning Agreements. No such case has been made in respect of the housing development proposed in this application. In these circumstances it would be unreasonable for the Council as Planning Authority to insist that as a requirement of development of the application site a financial contribution is made towards increasing the capacity of North Berwick Health Centre, as NHS Lothian recommend.

Scottish Planning Policy: February 2010 requires that development be properly integrated with existing urban areas, and related Planning Advice Notes encourage the extension of existing street patterns, where possible.

On this matter, Paragraph 2.6 of the "Design Standards for New Housing Areas", approved by the Council on 10th March 2008, states that new housing development must create a hierarchical, permeable and interconnected street layout that complements and should extend the surrounding street pattern. Such layouts spread vehicle traffic evenly through a site and to the surroundings, help prevent localised traffic congestion, and encourage walking and cycling. Proposed street layouts must maximise connections within the site and to surrounding streets, and ensure the movement requirements of the development strategy are met. By the design and arrangement of street types, street layouts must influence vehicle drivers preferred route choice to ensure the tertiary streets between residential blocks are less busy.

The approved Development Framework states that the preference for vehicular access to the land of Proposal H6 is that the southern part of the land (the 'Gilsland Caravan Park' land) be accessed from Grange Road and the northern part of it (the 'Newhouse' land) from Glenorchy Road. If the northern part of the land cannot be accessed from Glenorchy Road then all of the land of Proposal H6 should be accessed from Grange Road.

It is demonstrated in the transportation assessment of the housing development proposed in separate application 12/00338/PM (see report on application 12/00338/PM) that the northern part (the 'Newhouse' land) of the Proposal H6 land can be satisfactorily accessed from Glenorchy Road.

In which case, as stipulated by the approved Development Framework, there must not be a through access road between the development proposed in separate application 12/00338/PM and the housing development proposed in this application for the 'Gilsland Caravan Park' land.

What is proposed in this application is the provision on part of the northern edge of the application site of a 3.7 metres wide reinforced verge to serve as an emergency access between the proposed development and the housing development proposed in separate application 12/00338/PM. It would run through the combined area of open space proposed

in this application and in separate application 12/00338/PM. Provided this reinforced verge is restricted to use by emergency vehicles only and thus is prevented from being used as a through route for other vehicles, the requirement of the Development Framework that there should be no through access road is met. The detailed physical means of restricting the use of the reinforced verge to emergency vehicles only can be controlled by a condition of the grant of planning permission for the proposed development.

The approved Development Framework requires provision of a pedestrian and cycle through route between the proposed development and the housing development proposed in separate application 12/00338/PM. To meet this required provision it is proposed that a 2.5 metres wide pedestrian/ cycle path link be formed on part of the northern edge of the site and such that it would run through the combined area of open space proposed in this application and in separate application 12/00338/PM. The link would connect with the length of public access road to be formed on the south side of the proposed area of open space. Moreover, the footpath to be formed through the landscaped strip of land proposed for the east edge of the site would connect with the proposed pedestrian/cycle path link.

The housing development proposed in this application is to be accessed from Grange Road.

In this regard the approved Development Framework requires that the narrowed section of Grange Road at its western end should be enhanced to an appropriate standard and that appropriate traffic calming should be provided along the entire length of Grange Road.

The applicant has submitted a Transport Assessment with their planning application. In itself this submission is consistent with Policy DP18 of the adopted East Lothian Local Plan 2008.

Having appraised the Transport Assessment, the Council's Transportation service are satisfied that if the proposed housing development of 41 houses and 8 flats is accessed from Grange Road, the likely generated increase in the volume of traffic using the local road network would not result in a road safety hazard, provided road improvements are made to the narrowed section of Grange Road at its western end as required by the approved Development Framework. Those road improvements would be between the junction of the public road of Grange Road with the public road of Green Apron Park and the point of the proposed new vehicular access of the proposed housing development.

Notwithstanding this, the Transport Assessment concludes that a developer financial contribution should be provided towards the provision of road improvements/alterations on parts of the public road of Grange Road to the east of the junction with the public road of Green Apron Park. On this matter, the advice of the Council's Transportation service is that the particular design and implementation of a roads improvement scheme will be for the Council to undertake. To this end they consequently advise that the obligation for the applicant should be the payment to the Council of a developer contribution of £10,000. This contribution would have to be made prior to commencement of development and can be secured by a legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other legal Agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 1/2010: Planning Agreements.

The Council's Transportation service further recommend that a speed table junction should be provided at the site access with Grange Road so that ramps are formed onto Grange Road and the site access road to provide a traffic calming measure and allow an uncontrolled pedestrian crossing from the site to the land on the south side of Grange Road, which will form part of the Mains Farm land.

With regard to the likely impact of additional traffic generation on the use of the Ware Road Bridge the Transportation Assessment concludes that a developer financial contribution should be provided towards the provision of an improved transport scheme there, such as the provision of shuttle traffic signals to better rationalise the road space for pedestrians, cyclists and vehicles. On this matter, the advice of the Council's Transportation service is that the particular design and implementation of a roads improvement scheme at the Bridge will be for the Council to undertake. To this end they consequently advise that the obligation for the applicant should be the payment to the Council of a developer contribution of £25,000. This contribution would have to be made prior to commencement of development and can be secured by a legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other legal Agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 1/2010: Planning Agreements.

The requirement for the developer contribution of £25,000 is consistent with Policy INF3 of the adopted East Lothian Local Plan 2008, which stipulates that new housing will only be permitted where the developer makes appropriate provision for infrastructure required as a consequence of their development.

The Transport Assessment is in respect of all of the land of Proposal H6 and there is no clear distinction in it between the impacts on the Ware Road Bridge of additional traffic generated by the development proposed in this application with vehicular access from Grange Road and the development proposed in application 12/00338/PM with vehicular access from Glenorchy Road. Nonetheless, on the advice of Transportation only one developer contribution is required to meet the costs of the implementation of the required scheme of road improvements at the Ware Road Bridge. Consequently the developer contribution of £25,000 need only be paid either in respect of the development proposed in this application or in respect of the development proposed in application 12/00338/PM. If each application is approved then in each case the grant of planning permission should be subject to a separate Section 75 Agreement requiring the payment of the developer contribution of £25,000 on the commencement of development of whichever of the two developments is first started.

Some of the objectors raise concerns regarding the possible increased use of the road leading south-westwards to Kingston from the application site. In the applicant's Transport Assessment, it is recommended that road improvements shall be provided on this public road. These shall include localised widening of the carriageway of the road to form passing places and the erection of signs at various locations. The Council's Transportation Service are satisfied that provided these road improvement works are completed prior to the occupation of any of the proposed 41 houses and 8 flats then any increased traffic generated by the proposed development would not result in an unacceptable risk to road safety on the public road to Kingston. This requirement can be the subject of a condition of the grant of planning permission for the proposed development.

On these transportation considerations it can be concluded that the housing development of 41 houses and 8 flats on the southern part of the land of Proposal H6 can be acceptably accessed from Grange Road and without prejudice to the provision of access to the Mains Farm land from Grange Road.

Turning to other transportation matters, the proposed use of pinch points and shared surfaces within the layout of internal access roads of the proposed housing development to restrict traffic priorities and speeds accords with the 'Home Zone' principles set out in the Council's Design Standards for New Housing Areas. The road layout of the proposed housing development has been subject to a swept path analysis which demonstrates that

the internal access roads are acceptable for large delivery and refuse lorries and for use by emergency vehicles.

The proposed 4 semi-detached houses and 8 flats of affordable housing would have a total of 12 car parking spaces. The other proposed houses would each have two in-curtilage parking spaces. Moreover, a total of 13 visitor parking spaces is also proposed. The Council's Transportation service is satisfied with both the amount and location of all of these proposed car parking spaces.

The Council's Transportation service advises that secure cycle parking should be provided for the proposed 8 flats. A condition can be imposed on the grant of planning permission to secure this measure.

In their location the proposed houses and flats would be capable of being conveniently and safely accessed by public transport, on foot and by cycle, as well as by private vehicle.

On all of the foregoing transportation considerations and subject to the above stated planning controls, the proposed housing development is consistent with Policies T1, T2, DP20 and DP22 of the adopted East Lothian Local Plan 2008 and with the approved Development Framework.

One of the principal concerns of the Community Council is how construction traffic would safely access and egress the application site. This matter has been addressed in the applicant's construction traffic management plan (CTMP). The applicant has confirmed that the CTMP will be passed to all contractors and suppliers serving the housing development site. The CTMP sets out routes for the movement of construction traffic and details roads within North Berwick that construction traffic would be prohibited from using. For construction traffic travelling eastbound into North Berwick, the given route is for traffic to travel along Dirleton Road and Dirleton Avenue before turning right onto Station Road. From there, construction traffic would be routed along Clifford Road before turning right onto Law Road and before thereafter turning right onto Grange Road and from there to the site. For construction traffic travelling westbound into North Berwick, the given route is for traffic to travel along Dunbar Road and St Baldred's Road before turning left onto Law Road and then right onto Grange Road and from there to the site.

The Council's Transportation service are satisfied that with such routing construction vehicles would be able to safely access and egress the application site.

In their CTMP, the applicant confirms that a site compound would be formed within the application site and this would be of a sufficient size to accommodate all contractor parking as well as being capable of accepting delivery vehicles. In a further statement, the applicant advises that whilst they have no nexus to prevent road users parking legally on the highway, from a logistical perspective, they are keen to ensure that delivery routes are clear and unaffected by a proliferation of parked cars. The applicant further states that their appointed contractors will seek to park as close as possible to their work (i.e. within the site compound). The compound would be securely fenced and visible from the site office, which is essential as the vehicles usually contain tools. The applicant further states that they are unable to provide details on the general arrangement of the site compound at this time as it has not yet been designed.

The Council's Transportation service are satisfied with the proposed arrangements for the routing of construction traffic and the in-compound parking provision. To ensure that the site compound is of a size sufficient to accommodate all of the construction workers' vehicles, they recommend that details of the compound be submitted for the prior approval

of the Planning Authority. This requirement could be secured by the imposition of a condition on the grant of planning permission for the proposed development.

The other matter addressed in the CTMP relates to the proximity of the site to Law Primary School and North Berwick High School. It states that there be no deliveries or off site movements between the hours of 08:15 to 09:15 Monday to Friday, between 14:45 to 16:00 Monday to Thursday and between 12:00-13:30 on Friday only. Whilst they are generally satisfied with those stated restrictions, the Council's Transportation service further recommends that there be no deliveries or off site movements between the hours of 11:30 and 13:30 Monday to Thursday. This can be secured by a condition imposed on the grant of planning permission for the proposed development.

Another condition should be imposed on the grant of planning permission requiring that all construction traffic management associated with the development of the site should strictly accord with the applicant's CTMP.

The Council's Transportation service recommend that wheel washing facilities be provided. This matter too can be controlled by a condition imposed on the grant of planning permission.

The Council's Principal Waste Services Officer has expressed concerns at the layout and access for refuse vehicles. This concern has been addressed through a swept path assessment of the housing layout which demonstrates that there would be sufficient manoeuvring space available for refuse or other service vehicles.

It is stated in Scottish Planning Policy: February 2010 that archaeological sites and monuments are an important finite and non-renewable resource and should be protected and preserved in situ wherever feasible. The presence and potential presence of archaeological assets should be considered by planning authorities when making decisions on planning applications. Where preservation in situ is not possible planning authorities should through the use of conditions or a legal agreement ensure that developers undertake appropriate excavation, recording, analysis, publication and archiving before and/or during development. If archaeological discoveries are made during any development, a professional archaeologist should be given access to inspect and record them. Planning Advice Note 2/2011: Planning and Archaeology similarly advises.

The Council's Heritage Officer advises that the application site is located within an area regarded as having a high potential for archaeological remains to be present. Accordingly he recommends that a programme of archaeological works should be carried out by a professional archaeologist to evaluate the application site for any potential archaeological remains. This can be secured through a condition attached to a grant of planning permission for the proposed development. This approach is consistent with Scottish Planning Policy: February 2010, Planning Advice Note 2/2011: Planning and Archaeology and with Policy ENV7 of the adopted East Lothian Local Plan 2008.

Both this application site and the site the subject of planning application 12/00338/PM are within the school catchments of Law Primary School and North Berwick High School. The Executive Director of Services for People advises of the need for a total developer contributions for both applications of £1,266,773 towards the cost of provision of additional accommodation at Law Primary School, and £550,671 towards the provision of additional accommodation at North Berwick High School (a total developer contribution of £1,817,444). Thus in the case of this planning application, the Executive Director of Services for People advises of the need for a total developer contribution of £723,632 (£14,768 per unit). Such a developer contribution can be secured by an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. The basis of this is

consistent with the tests of a planning agreement set in Planning Circular 1/2010: Planning Agreements. Moreover the Executive Director of Services for People recommends that a restriction would need to be placed on the annual completion rates arising from the proposed development and that proposed in planning application 12/00338/PM. This can be secured through a condition attached to a grant of planning permission for the proposed development. Subject to the imposition of the recommended condition and to the Council securing the appropriate developer contribution the proposal is consistent with Policy INF3 of the adopted East Lothian Local Plan 2008, which stipulates that new housing will only be permitted where the developer makes appropriate provision for infrastructure required as a consequence of their development and that such provision must be phased in line with the new development required.

The approved development framework requires the applicant to submit an 'energy efficiency statement' to demonstrate how the proposed housing development would maximise energy efficiency in terms of building design and layout, and minimise construction waste. In response to this, the applicant has submitted a Statement of Sustainability in Design. In this Statement, the applicant advises that they propose to maximise energy efficiency through improved building efficiency standards and through the use of solar panel water heating. This report has been assessed by the Council's Engineering Design Team Leader, who is generally satisfied with its findings. If planning permission is to be granted for the proposed development, a condition should be imposed requiring that the housing development be carried out in strict accordance with the applicant's Statement of Sustainability in Design.

The Council's Housing Strategy Manager advises that, in accordance with the Council's Affordable Housing Policy, 25% of the 49 new build residential units (i.e. 12 units) should be affordable housing. The affordable housing component of the proposed housing development is 12 units. The Council's Housing Strategy Manager further advises that she is satisfied with the proposed affordable house types and sizes, and their location within the application site. The terms for the provision of the affordable housing requirement should be the subject of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. Subject to this the proposed development is consistent with the Council's Affordable Housing Policy and with Policy H4 of the adopted East Lothian Local Plan 2008.

The proposed development by its scale would have a significant impact on the local environment and thus in accordance with the requirements of Policy DP17 of the adopted East Lothian Local Plan 2008 it should incorporate artwork either as an integral part of the overall design or as a related commission. This can be secured by a condition on a grant of planning permission for the proposed housing development.

The layout of the proposed development includes provision of a sustainable urban drainage scheme (SUDS) pond which is designed to attenuate the flow of surface water run-off. The Scottish Environment Protection Agency do not object to the proposed development, although they recommend that full details of the finalised SUDS scheme should be submitted for the prior written approval of the Planning Authority, following consultation with SEPA. This requirement could be secured by the imposition of a condition on the grant of planning permission for the proposed development.

Scottish Water confirm that they have no objection to the proposed development. They advise of their statutory requirements for the servicing of the development. A copy of their comments has been forwarded to the applicant.

RECOMMENDATION

It is recommended that planning permission be granted subject to:

1. The undernoted conditions.
2. The satisfactory conclusion of an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997, or some other legal agreement designed to:

(i) Secure from the applicant a financial contribution to the Council of £25,000 towards the provision of road improvements at, or in the vicinity of, Ware Road Bridge, North Berwick. The contribution would have to be made prior to occupancy of any of the residential units hereby approved;

(ii) Secure from the applicant a financial contribution to the Council of £10,000 towards the provision of road improvements/alterations on parts of the public road of Grange Road to the east of the junction with the public road of Green Apron Park;

(iii) Secure from the applicant a financial contribution to the Council of £46,945.92 towards the provision on the Mains Farm land the subject of Proposal H5 of the adopted East Lothian Local Plan 2008 of a new community sports pitch and related changing accommodation;

(iv) Secure from the applicant a financial contribution to the Council of £723,632 towards the provision of additional accommodation at Law Primary School and at North Berwick High School;

(v) Secure from the applicant the provision of 12 affordable houses within the application site.

3. That in accordance with the Council's policy on time limits for completion of planning agreements it is recommended that the decision should also be that in the event of the Section 75 Agreement not having been executed by the applicant, the landowner and any other relevant party within six months of the decision taken on this application, the application shall then be refused for the reason that without the developer contributions to be secured by the Agreement the proposed development is unacceptable due to an unacceptable traffic impact on the Ware Road Bridge, an unacceptable traffic impact on Grange Road, an insufficient provision of a community sports pitch and related changing facilities, a lack of sufficient school capacity at Law Primary School and North Berwick High School, and the lack of provision of affordable housing, contrary to the Council's Development Framework for the development that is titled Mains Farm and Gilsland, North Berwick and, as applicable Policies T2, INF3 and H4 of the adopted East Lothian Local Plan 2008.

- 1 No development shall take place on site unless and until final site setting out details have been submitted to and approved by the Planning Authority.

The above mentioned details shall include a final site setting-out drawing to a scale of not less than 1:200, giving:

- a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings;
- b. finished ground and floor levels of the development relative to existing ground levels of the site and of adjoining land and building(s). The levels shall be shown in relation to an Ordnance Bench Mark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing; and
- c. the ridge height of the proposed shown in relation to the finished ground and floor levels on the site.

Reason:

To enable the Planning Authority to control the development of the site in the interests of the amenity of the area.

- 2 No development shall take place until the applicant has, through the employ of an archaeologist or archaeological organisation, secured the implementation of a programme of archaeological work on the site of the proposed development in accordance with a written scheme of investigation which the applicant will submit to and have approved in advance by the Planning Authority.

Reason:

To facilitate an acceptable archaeological investigation of the site.

- 3 No development shall take place until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping. The scheme shall provide details of : the height and slopes of any mounding on or recontouring of, the site; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. The details shall include the provision of some large specimen trees at the site entrance and within the proposed area of open space. The scheme shall include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

Reason:

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

- 4 The phasing of the development, including the number of residential units to be completed on the site each year, shall be carried out in strict accordance with the phasing document (entitled "6.1 Phasing") docketed to this planning permission, unless otherwise approved in writing in advance by the Planning Authority.

Reason:

To enable the Planning Authority to control the development of the site in the interests of the good planning of the site and to ensure that there is sufficient education provision.

- 5 The development hereby approved shall be carried out in strict accordance with the Statement of Sustainability in Design docketed to this planning permission.

Reason:

To ensure this development complies with the on-site carbon emissions targets of the Climate Change (Scotland) Act 2009.

- 6 Prior to the commencement of development details of the bin and cycle storage facilities for the flatted properties shall be submitted to and approved in advance by the Planning Authority. The details shall show at least 1 cycle space per flat. Prior to the occupation of any of the flats the bin and cycle storage facilities shall have been formed in accordance with the approved details and made available for use. Thereafter, the storage facilities shall be retained in use solely as bin and cycle storage areas.

Reason:

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

- 7 Notwithstanding that which is stated on the drawings docketed to this planning permission, a detailed specification of all external finishes of the houses and flats of the proposed development shall be submitted to and approved by the Planning Authority prior to the use of the finishes in the development. The external finishes of the houses and flats shall be in accordance with a co-ordinated scheme of materials and colours that shall be submitted to and approved in advance by the Planning Authority. This co-ordinated scheme shall in detail promote render as the predominant finish to the walls of the houses and flats, with a use of more than one render colour and with a strongly contrasting difference in the colours such that they will not each be of a light colour. However, some use of a contrasting wall finish (i.e. reconstituted stone or facing brick) would be acceptable providing

it is limited to a distinctively complete feature of the houses and flats and respectful of their design integrity. All such materials used in the construction of the houses and flats shall conform to the details so approved.

Reason:

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

- 8 Details of all boundary treatments and ground surfacings for the site shall be submitted to and approved by the Planning Authority prior to their use in the development. All such materials used in the development shall conform to the details so approved.

Reason:

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

- 9 Prior to the commencement of development full details of the finalised sustainable urban drainage scheme (SUDS) for the application site shall be submitted to and approved in writing by the Planning Authority following consultation with the Scottish Environment Protection Agency.

The integrated sustainable urban drainage scheme (SUDS) for the application site shall thereafter be fully implemented in accordance with the details so approved.

Reason:

To ensure the provision of a satisfactory sustainable urban drainage scheme for the application site.

- 10 Prior to the occupation of the last of the residential units hereby approved, the proposed site access roads, parking spaces, and footpaths shall have been constructed on site, in accordance with that which is shown on the docketed site plan. Those areas of land shall not thereafter be used for any other purpose than for accessing and for the parking of vehicles in connection with the residential use of the houses and flats and shall not be adapted or used for other purposes without the prior written approval of the Planning Authority.

Reason:

To ensure that adequate and satisfactory provision is made for access and for off-street parking in the interests of road safety.

- 11 No residential unit shall be occupied unless and until details of artwork to be provided on the site or at an alternative location away from the site have been submitted to and approved by the Planning Authority and the artwork as approved shall be provided prior to the occupation of the final residential unit approved for erection on the site.

Reason:

To ensure that artwork is provided in the interest of the visual amenity of the locality or the wider area.

- 12 Prior to the commencement of development details of the site compound shall be submitted to and approved by the Planning Authority. Formation of the site compound shall thereafter be carried out in accordance with the details so approved.

Reason:

To ensure that the site compound is of a size sufficient to accommodate all of the construction worker's vehicles and other associated traffic.

- 13 Development of the site shall at all times be carried out in strict accordance with the Construction Traffic Management Plan docketed to this planning permission.

Reason:

In the interests of road safety.

- 14 Notwithstanding the requirements of condition 13 above, there shall be no no deliveries or off site movements of vehicles associated with the development between 11:30 and 13:30 Monday to Thursday.

Reason:

In the interests of road and pedestrian safety.

- 15 No work shall be carried out on the site unless and until an effective vehicle wheel washing facility has

been installed in accordance with details to be submitted to and approved by the Planning Authority prior to its installation. Such facility shall be retained in working order and used such that no vehicle shall leave the site carrying earth and mud in their wheels in such a quantity which causes a nuisance or hazard on the road system in the locality.

Reason:

In the interests of road safety.

- 16 The emergency access shown on the docketed site layout drawing shall, at the time of its completion, have installed across it a means of allowing for its use by emergency vehicles but not by any other vehicles in accordance with details of such means to be submitted to and approved in advance by the Planning Authority. Thereafter the means of such restricted vehicle access shall be retained in place unless otherwise approved by the Planning Authority.

Reason:

To prevent the emergency access being used as a through route by other vehicles between the housing development hereby approved and the housing development approved by the grant of planning permission 12/00338/PM.

- 17 None of the houses to be erected on Plots 18, 19, 20, 21 and 30 shall be occupied unless the play equipment shown in docketed drawing number PO2 has been installed in its entirety on the play area shown in the docketed site layout drawing to be formed in the northeast corner of the application site.

Reason:

To ensure the satisfactory provision of play equipment in the play area of the housing development hereby approved.

- 18 Notwithstanding the drawings docketed to this planning permission, a speed table junction shall be provided at the site access with Grange Road so that ramps are formed onto Grange Road and the site access road to provide a traffic calming measure and allow an uncontrolled pedestrian crossing from the site to the land on the south side of Grange Road, which will form part of the Mains Farm land. Details of the speed table shall be submitted to and approved by the Planning Authority. Development of the speed table shall be carried out in accordance with the details so approved.

Reason:

In the interests of road safety.

- 19 Prior to the commencement of development, details of the road improvement works to be carried out to the narrowed section of Grange Road, including a timetable for implementation, shall be submitted to and approved by the Planning Authority. The road improvement works shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road safety.

- 20 Prior to the commencement of development, details of the road improvement works to be carried out to the road leading south-westwards to Kingston from the application site, including a timetable for implementation, shall be submitted to and approved by the Planning Authority. The road improvement works shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road safety.

Please note that the remainder of pages relating to this item have been removed as they contain personal information (for example - names and addresses of people that have made representation)

REPORT TO: Planning Committee
MEETING DATE: Tuesday 4 December 2012
BY: Executive Director (Services for Communities)
SUBJECT: Application for Planning Permission for Consideration

3

Application No. **11/00914/P**
Proposal Erection of 7 houses, 10 flats and associated works
Location **Under Bolton Farm
Bolton
Haddington
East Lothian
EH41 4HL**
Applicant Ogilvie Homes
Ward 6
RECOMMENDATION Consent Granted

UPDATE POSITION

At their meeting on 2 October 2012 the Planning Committee decided to continue their consideration of this planning application. This was in order to allow the applicant the opportunity to address the issues of bin storage and other storage provision which had been raised by local residents, amenity groups and some of the Elected Members.

In respect of this the applicant has submitted plans showing proposed bin store provision and provision of storage facilities for cycles and other household items.

The proposed bin stores would be constructed of timber. They are designed to contain and screen the number of refuse bins and boxes for recycling materials for the proposed 7 houses and 10 flats, according to the requirements of the Council's Waste Services operation.

The bin store proposed for each of the two houses to be formed in the southern ends of the proposed south building would be positioned within the garden curtilages of those houses. Of the bin stores proposed for the proposed 10 flats, 6 would be positioned against the external stairwells of the south building, 2 would be positioned beside parts of the external walling of the south building and 2 would be positioned on the east side of the courtyard of the south building.

Each of the houses to be formed in the north building would have a bin store within its curtilage.

All of the proposed bin stores would be adjacent to and accessed from a pathway connecting to an appropriate roadside collection point within the development.

The proposed storage facilities would be in the form of either a shed or as under stairwell compartments.

Of the proposed storage sheds 1 each would be positioned within the garden curtilages of the two houses to be formed in the southern ends of the proposed south building, 6 would be positioned along the retaining wall to be formed to the north of the south building and the other 1 would be positioned against the north gable of the western part of the south building. The proposed under stairwell storage compartments would be formed under three of the stairwells of the south building. In all there is an external storage shed or under stairwell compartment proposed for each of the 2 houses and 10 flats to be formed within the south building.

Attached to this further report on application 11/00914/P is a site plan showing the proposed positioning of all of the now proposed bin stores and sheds and under stairwell compartments.

The applicant proposes that the flats would have communal, landscaped garden ground maintained by a factor. Thus there would be a reduced need for storage in relation to garden maintenance needs.

In the circumstance of the submission by the applicant of the now proposed provision of bins stores, storage sheds and under stairwell compartments in order to address the issues of storage raised by the Committee, these changes are taken to be a material change to the application. Accordingly, the application has been re-notified to neighbours, and to objectors and Bolton Community Association, re-advertised and has been subject to further consultation with the Humble, East and West Saltoun and Bolton Community Council.

In response, 9 written objections have been received. Two of them are from the same objector. Members of the Committee have been given sight of all of these additional objections.

Some reiterate the objections raised to the development otherwise still proposed in the application and as already assessed and reported to the Committee (as reproduced below).

It is stated in several of the objections that the proposed provision of additional car parking spaces on the east side of the development would not leave sufficient on site space for adequate hedge planting along that part of the boundary of the site. This is not a new ground of objection. Those concerns were expressed to Committee when application 11/00914/P was considered on 2 October 2012. At that time, Committee did not request any change to that proposed provision of additional car parking spaces.

Two objections submitted by the guardian of one of the residents of the existing development, raise the issue of that resident's use of a visitor parking space in place of that allocated for his house as it is closer to the front door of the house and more practical and beneficial to use than the allocated space. These spaces are a component of the development already carried out on the Under Bolton site under the terms of the original

planning permission 06/00415/FUL, and thus any variation to their use would have to be addressed through the terms of that planning permission.

In respect of the now proposed provision of bin stores, storage sheds and under stairwell compartments objection is raised on the grounds that:

1) the proposed layout of bin stores and other storage provision would clutter the site and restrict the communal space available to the flats within the proposed development. Some views are expressed that stores should be located against the buildings and some that they should be located away from the buildings;

2) bin stores at the external stairs of the south block would detract from the visual character and amenity of the area;

3) bin stores would be prominent within the courtyard of the south block and it is unreasonable to expect residents to have bins as a view from their windows or to be subject to noise of the use of the bins, which would be magnified by the enclosure of the building itself;

4) one of the bin stores is located in the open in an exposed position and will detract from the view out of the front door of 27 Bolton Steading;

5) the proposals do not account for required recycling bin storage;

6) the bin stores are not accessible for collection;

7) the proposed location of storage sheds for flats 1 to 7 along the retaining wall at the north of the south block would be in full view of the development as a whole;

8) there is no easy access to the proposed storage sheds for the residents of proposed flats which would have entrances off the south facing courtyard of the south block; and

9) the proposed communal garden ground for the flats is impractical as some of the flats have patio doors on to that communal garden ground and residents would attempt to use fences or planters to secure their privacy.

Humbie, East and West Saltoun and Bolton Community Council, as a consultee, reaffirm their objection to the proposed development for the reasons set out in their original consultation response. They raise a concern that consultation on the matter of bin storage, other storage and on landscaping of the development has been extremely limited, which they consider to be contrary to the stated requirements of the Planning Committee. The Community Council are not satisfied that the concerns over bin storage and other storage provision have been addressed appropriately. They do not think that the location of storage in limited communal garden space is acceptable and state that issues of noise, nuisance and access would arise, particularly in the courtyard of the south building.

The proposed bin stores are of a simple design and would be constructed of timber. The bin stores for the flats that would be positioned against the walls or external stairs of the south building would be visually contained by their relationship with the building. Otherwise they would be contained within the curtilages of the proposed houses. The proposed storage sheds would be of a simple timber construction. They would be positioned either against the south building or alongside the retaining wall to be formed to the north of the south building. Due to their relatively small size their visual impact would be contained by their positioning adjacent to the south building and retaining wall. The under stairwell

storage compartments would be well integrated into the built form of the stairwells and would not be incongruous in their relationship with the stairwells.

The bin stores have been designed to provide for the requirements set out in the Council's Waste Service's guidance note for developers.

The Council's Principal Waste Services Officer raises no objection to the proposals. He advises that the proposed layout is suitable for Waste Service's purposes. He advises that all bins and containers will be expected to be presented on the kerbside of the main access road, as for the existing parts of the development of Under Bolton Steading.

The Officer Report for application 11/00914/P remains the same as that which was presented to the Committee on 2 October 2012 and is as reproduced below.

If the Committee consider that the now proposed storage facilities are acceptable then it is recommended that Condition 10 listed at the end of the reproduced report below be changed to read:

"Prior to the occupation of any of the houses and flats hereby approved the bin stores and external stores shown on docketed drawing no.001RevC9A shall be fully formed and available for use".

THE FOLLOWING IS THE TEXT OF THE REPORT PRESENTED TO THE PLANNING COMMITTEE AT THEIR MEETING ON TUESDAY 2 OCTOBER 2012.

A planning assessment report on this planning application was on the Scheme of Delegation List issued to all Members of the Council on 13 September 2012. At the request of Councillors McMillan and Trotter the application is now referred to the Planning Committee for a determination.

PLANNING ASSESSMENT

This application relates to part of the site of the former Under Bolton farm steading and an area of associated land, located on the northeast corner of the village of Bolton. The site is within the predominantly residential area of Bolton, as defined by Policy ENV1 of the adopted East Lothian Local Plan 2008.

In 2007, planning permission (06/00415/FUL) was granted for a development of the site comprising conversion of the agricultural buildings of the farm steading to form 12 houses, for the erection on the land of 19 houses and for associated works, including the formation of an access, access road and parking areas for a total of 47 car parking spaces. Planning permission 06/00415/FUL was granted following the prior conclusion of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 to secure developer contributions for education, affordable housing and play park provisions.

Planning permission 06/00415/FUL has been partly implemented. The steading buildings, which occupy the southern part of the site, have been converted into the 12 houses. An 'L' shaped terrace containing 9 houses has been erected on the northwest part of the site. The foundations of the two other terraces of 10 new build houses have been laid out on the northeast part of the site. 3 of the 10 houses are approved for the northern most of these two terraces and 7 are approved for the other.

Some of the houses in the original steading buildings have been sold and are now occupied. Five of those houses were sold to the East Lothian Housing Association and fulfil the affordable housing contribution required of the development approved by the

grant of planning permission 06/00415/FUL. Some of the nine new build houses in the terrace on the northwest part of the development site have been sold and are occupied. Most of the access, parking and turning arrangements have been formed and are available for use.

Planning permission is now sought for the provision of a total of 7 houses and 10 flats within the two terraces approved for the northeast part of the site (the two terraces for which the foundations have been laid) instead of the 10 houses approved for these two terraces by the grant of planning permission 06/00415/FUL. Planning permission is also sought for associated revisions to the existing layout of the development to accommodate additional car parking. As now proposed the north terrace would contain 5 houses and the south terrace would contain 2 houses and 10 flats. In association with this 11 additional car parking spaces would be provided.

The applicant considers that the now proposed 7 houses and 10 flats would be more marketable in the current financial climate than the 10 houses approved for the two terraces by the grant of planning permission 06/00415/FUL.

Amended plans have been submitted detailing changes to the layout of the proposed new parking arrangements and the omission of an access deck and bridge originally proposed for the north side of the south terrace.

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

The development plan is the approved Edinburgh and the Lothians Structure Plan 2015 and the adopted East Lothian Local Plan 2008.

Relevant to the determination of the application are Policies ENV1C (International and National Historic or Built Environment Designations) and ENV1G (Design of New Development) of the approved Edinburgh and the Lothians Structure Plan 2015 and Policies ENV1 (Residential Character and Amenity), ENV3 (Listed Buildings), DP2 (Design), DP7 (Infill, Backland and Garden Ground Development), DP20 (Private Parking), T2 (General Transport Impact), INF3 (Infrastructure and Facilities Provision) and HOU4 (Affordable Housing) of the adopted East Lothian Local Plan 2008.

Material to the determination of the application are Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the Scottish Government's policy on development affecting a listed building or its setting given in Scottish Planning Policy: February 2010.

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

Twelve written objections to the application have been received, including one from Bolton Community Association. The grounds of objection are:

- (i) the proposed flats would result in an overdevelopment of the site;
- (ii) flats would be an incongruous form of development in the village and rural environment of Bolton. They would not be suitable for families, would be unlikely to sell and would be

rented out with a high turnover of tenants, none of which would help the sustainability of the community;

(iii) the existing and proposed properties lack sufficient garden space;

(iv) there is inadequate parking for the existing and proposed properties of the development, parking should be at 1 car space per adult due to the rural location and infrequent public transport;

(v) the developer has not provided the play park improvements required by the Section 75 legal agreement relevant to planning permission 06/00415/FUL;

(vi) the proposed deck parking and access and external stairs are inappropriate to the character and appearance of the area and are dangerous due to high winds in the area;

(vii) the prohibition on sheds and washing lines makes it difficult to store bikes and garden equipment and to dry clothes, and there is no storage for bins, all of which has an impact on the appearance of the development and of the village;

(viii) the proposed flats would affect property values; some of the residents of houses in the development state that they would not have bought their houses had flats been a part of it. The effect on values could mean that Bolton becomes an economic burden on East Lothian Council;

(ix) there should be no further development on the site until the Doocot at the southeast of the original steading buildings is restored.

As a consultee, Humbie, East and West Saltoun and Bolton Community Council object on the grounds that the proposals seek to create accommodation which is not in keeping with that already present within the village or within the development as approved by the grant of planning permission 06/00415/FUL. They consider that the proposals will result in a loss of amenity to neighbouring properties, will provide housing units that lack garden space and privacy and is an overdevelopment of the site. They also raise concerns over parking provision and the lack of bin stores.

The impact of the proposed development on property values is not a material planning consideration in the determination of an application for planning permission.

Neither is the potential tenure of unsold properties in the development.

The safety of access arrangements is a matter for Building Standards legislation and not planning legislation.

The proposal for an access deck and bridge is now deleted from the application and planning permission is not now being sought for them.

There is no absolute prohibition on the erection of sheds within the development site of planning permission 06/00415/FUL. Through a condition of that grant of planning permission householder permitted development rights are restricted. This means that sheds cannot be erected without planning permission having been applied for and granted by the Council. In each case the determination would be on the appropriateness of the shed in terms of its size, height, form, finishes and positioning. The intention is not to oppose all proposals for sheds but to enable the Council, as Planning Authority to manage, through the planning process, the development of sheds in the interests of safeguarding the character, appearance and residential amenity of the housing development.

There is no planning prohibition on the installation and use of drying lines.

The developer has provided the Council with the developer contribution for improvements to the village play park required by the Section 75 Agreement that pertains to the development approved by the grant of planning permission 06/00415/FUL. The Council is working with the Bolton Community Association towards the refurbishment of the existing play park

The principle of residential development of the application site as an infill development of the northeast corner of the village of Bolton consistent with Policy DP7 of the adopted East Lothian Local Plan DP7 is established by the grant of planning permission 06/00415/FUL.

The material considerations in the determination of this application are whether or not the proposed additional houses and the now proposed flats, together with the proposed associated changes to the design and layout of the development and the provision of additional car parking spaces is acceptable in the context of the development of the site otherwise in accordance with the grant of planning permission 06/00415/FUL.

As now proposed, the north terrace of the north-eastern part of the development approved by the grant of planning permission 06/00415/FUL would contain 4 x 2 bedroom houses and 1 x 3 bedroom house instead of the approved 3 x 3 bedroom houses and the south terrace would contain 2 x 2 bedroom houses, 6 x 2 bedroom flats and 4 x 1 bedroom flats.

To accommodate this greater number of units some design changes to each of the two terraces are proposed. Otherwise the two terraces would still be much the same in size, height, footprint, positioning and general architectural form to that which is approved for them by the grant of planning permission 06/00415/FUL.

The north terrace would be of the same height but some 1 metre longer on its east - west length than approved by the grant of planning permission 06/00415/FUL. It would differ in having gable ends to its roof rather than hipped ends. Some of the window openings in its elevations would be formed as doorways to facilitate access to the additional number of house now proposed for it. Some additional dormers are proposed to serve the rooms to be formed in its roof space.

The ridge height of parts of the northwest element of the south terrace would be some 0.5 of a metre higher than is approved and the southeast element of it would be some 1 metre higher. These elements of the terrace would be 2 storey in height rather than 1½ storey, as approved. External stairs would be formed on the northwest and inner courtyard elevations to serve some of the upper flats. The other upper flats would be accessed by internal stairs. Some of the already approved window openings of the terrace would be formed as doorways to facilitate access to the additional number of units now proposed for it.

The materials and finishes of the two terraces would still be natural stone, render, timber panelling and slate and the doors and the frames of the windows would still be of timber, all as approved by the grant of planning permission 06/00415/FUL.

Notwithstanding the number of additional units to be formed within them and the design changes required to achieve this, the proposed two terraces would not be radically different in appearance from what they would be were they to be completed as already approved. The small changes to the length of the north terrace and the height of the south terrace and the proposed change to a gable end form would not significantly change the form and appearance of them and would not cause them to be out of keeping with the already completed other components of the development. The gabled end form would be similar to that of the converted steading buildings and the completed terrace of new build

houses on the north-western part of the development site. The proposed external stairs would be similar to the existing external stairs on two of the converted steading buildings. The stairs would be constructed of stone and rendered blockwork with precast stone steps.

In their limited changed form, the two terraces would not harmfully disrupt the architectural composition and design integrity of the development as a whole. They would continue to respect the form and setting of the converted steading buildings and they would not appear dominant or incongruous when seen in relation to them. They would also respect the form of the new build terrace of houses that now occupies the northwest part of the development site. Due to their distance away from the dovecot in the southeast corner of the development site the two terraces would still not have a dominant impact or appear incongruous in relation to that listed building and they would not detract from its setting. They would not cause the overall development of the Under Bolton Steading development site to detract from the character and appearance of the village of Bolton.

As required by the grant of planning permission 06/00415/FUL, variable colour should be employed in the finishing colours of the terraces in a co-ordinated manner that marries with the component elements of the overall built form of the development site of Under Bolton Steading. This control should again be employed through a grant of planning permission for the two terraces in their proposed changed form.

The proposed changes to the internal roadway and car parking/vehicular turning spaces of the development would not radically change the overall appearance of the overall development of the Under Bolton Steading development site. Parking spaces would be provided within the layout of the development as already approved by planning permission 06/00415/FUL, within the curtilage of the houses of the north terrace, and alongside the internal roadway of the development at the northeast corner and the east side of the roadway. None of these proposed parking arrangements would appear exposed or incongruous and thus they would not harm the character and amenity of the overall development of the site development or the character and appearance of the village of Bolton.

The proposed terraces would not give rise to harmful loss of sunlight, daylight or privacy to neighbouring buildings.

The proposed residential accommodation would be of a satisfactory size and layout. Each of the houses to be formed in the north terrace would have its own garden ground. Each of the houses and flats to be formed in the south terrace would have access to communal garden ground.

No details of bin storage facilities have been provided. This can be made conditional on the grant of planning permission.

On all of the foregoing considerations the proposed development accords, as applicable with Policies ENV1C and ENV1G of the approved Edinburgh and the Lothians Structure Plan 2015 and Policies ENV1, ENV3 and DP2 of the adopted East Lothian Plan 2008 and Scottish Planning Policy: February 2010.

If the proposed development were to be granted planning permission the houses and flats to be formed in the terraces would, once occupied, benefit from permitted development rights for certain extensions and/or alterations to them. In addition the garden ground of the houses would benefit from permitted development rights for the erection of certain structures such as garden sheds and garages and other development on it. Those extensions and structures and other curtilage development could harm the character,

integrity and appearance of the buildings and/or lead to an overdevelopment of the site and the creation of a density of built form harmful to the character and amenity of the area. It would therefore be prudent for the Council, as Planning Authority, to impose a condition on a grant of planning permission for the proposed development removing permitted development rights for any extensions to the new houses and for any building of detached structures and the carrying out of other development on the land to be changed to domestic garden ground. In addition, in the interests of safeguarding the character, appearance and setting of the proposed housing development it would be prudent for the Council, as Planning Authority, to impose a condition on a grant of planning permission requiring that a scheme of landscaping for the site be submitted for the prior approval of the Planning Authority.

The Council's Transportation service does not object to the proposals. They advise that the revised layout, with additional parking provision, is to an acceptable standard for the 7 houses and 10 flats which would be created in place of the already approved 10 houses. Whilst the proposed parking spaces at the east side of the access road of the development are outwith the application site, they are part of the greater Under Bolton Steading development site and thus are within the control of the developer to ensure the formation of those proposed parking spaces. Transportation raise no concerns over the intensification of use of the existing site access arrangements approved by planning permission 06/00415/FUL resulting from the proposed additional number of residential units within the overall development of the site.

The Council's Executive Director (Services for People) informs that the planning application site is located within the catchment areas of Yester Primary School with its nursery class, and Knox Academy. He confirms that there would be space at Yester Primary School and nursery for nursery and primary aged pupils that might arise from the proposed 17 housing units. In respect of secondary pupils he advises that Knox Academy would not have capacity to accommodate the children that might arise from the proposed houses and flats. He objects to new residential development proposals in the catchment area of Knox Academy on the grounds of lack of permanent capacity at that school. However, he would withdraw that objection provided the applicant makes a financial contribution to the Council of £45,968 (£2,704 per unit) towards the provision of additional accommodation at Knox Academy.

This can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 1/2010: Planning Agreements. Subject to the Council securing the appropriate developer contribution the proposal is consistent with Policy INF3 of the adopted East Lothian Local Plan, which stipulates that new housing will only be permitted where the developer makes appropriate provision for infrastructure required as a consequence of their development. This will include funding necessary school capacity. A legal agreement will be used to secure this provision.

The developer proposes that affordable housing provision be made through the Scottish Government's New Supply Shared Equity with Developers Scheme (NSSE). Under this scheme the developer would make 6 units available for purchase on a shared equity basis. The Council's Housing Strategy and Development Services section confirm that the NSSE scheme is an appropriate one for the delivery of affordable housing in East Lothian and accords in principle with the Council's Affordable Housing Policy approved by the Council in January 2006.

They advise that the requirement for the provision of affordable housing arising from this proposed housing development of 7 houses and 10 flats is determined by the Council's

Affordable Housing Policy approved by the Council in January 2006, amounting to 25% of the 7 additional housing units proposed over the 10 houses approved by the grant of planning permission 06/00415/FUL i.e. 2 units. They are satisfied that the proposed 6 units to be made available under the NSSE scheme would fulfil this requirement for 2 units.

The Scottish Government has approved the developer's participation in the NSSE scheme. In the circumstances of this case the terms for the provision of an affordable housing requirement should be the subject of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997, requiring either the provision of a minimum of 2 units as proposed by the developer under the NSSE scheme, or the provision of 2 units by means of on-site provision, off site provision or, if appropriate, a commuted sum. Subject to the Council securing the affordable housing requirement the proposal is consistent with Policy H4 of the adopted East Lothian Local Plan 2008.

Condition 22 of planning permission 06/00415/FUL requires the restoration and maintenance of the listed dovecot in the southeast corner of the Under Bolton Steading development site in accordance with a programme of works to be approved by the Planning Authority. Such a programme of works has been approved. The condition requires that the works be carried out prior to the last of the houses approved being occupied. Any implementation of a grant of planning permission for the development now proposed would preclude the completion of that previously approved scheme of development. Therefore a similar condition should be attached to a grant of planning permission for the development now proposed, to secure the restoration and future maintenance of the listed dovecote.

The decision to grant planning permission is subject to the prior conclusion of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 designed to:

- (i) Secure from the applicant a financial contribution to the Council of £45,968 towards the provision of additional school accommodation at Knox Academy; and
- (ii) Secure the provision of a minimum of 2 affordable housing units under the Scottish Government's New Supply Shared Equity with Developers Scheme, or the provision of 2 units by means of on-site provision, off site provision or, if appropriate, a commuted sum.

In accordance with the Council's policy on time limits for completion of planning agreements the decision should also be that in the event of the Section 75 Agreement not having been executed by the applicant, the landowner and any other relevant party within six months of the decision taken on this application, the application shall then be refused for the reasons that without the developer contributions to be secured by the Section 75 Agreement the proposed development is unacceptable due to a lack of sufficient school capacity at Knox Academy and a lack of provision of affordable housing, contrary to Policies INF3 and H4 of the adopted East Lothian Local Plan 2008

CONDITIONS:

- 1 Prior to the erection of the buildings hereby approved, final site setting out details shall be submitted to and approved by the Planning Authority.

The above mentioned details shall include a final site setting-out drawing to a scale of not less than 1:200, giving:

- a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings;
- b. finished ground and floor levels of the development relative to existing ground levels of the site and of adjoining land and building(s). The levels shall be shown in relation to an Ordnance Bench Mark or

Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing; and
c. the ridge height of the proposed buildings shown in relation to the finished ground and floor levels on the site.

Reason:

To enable the Planning Authority to control the development of the site in the interests of the amenity of the area.

- 2 Prior to the erection of the buildings hereby approved a scheme of landscaping shall be submitted to and approved in writing by the Planning Authority. The scheme shall include full details of: the height and slopes of any mounding on or recontouring of the site, tree and shrub sizes, species, habitat, siting, planting distances, a programme of planting and details of all means of enclosure and all hard surfaces. The scheme shall include indications of all existing trees and hedgerows on the site, details of any to be retained, and measures for their protection in the course of development.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the new houses or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

Reason:

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

- 3 Samples of the finishing materials and colours to be used for the external walls, roofs, windows and doors of the buildings hereby approved shall be provided for the prior inspection and approval of the Planning Authority and the finishing materials used for the external walls of the new build terraces of houses shall accord with the samples so approved.

The sections of the external walls of the buildings that are to be rendered shall be rendered in a coloured wet dash render in accordance with a sample, including finishing colours, to be provided for the prior inspection and approval of the Planning Authority and the coloured wet dash render applied shall accord with the samples so approved. The colour of the wet dash render finish of each of the buildings shall be different from each other.

Reason:

To ensure the development is of a satisfactory appearance in the interests of safeguarding the character and visual amenity of the area.

- 4 All stonework shall match as closely as possible the existing stonework of the walls of the existing steading buildings and all the stonework pointing shall comprise a lime-based mortar, which shall match, as closely as possible, the existing lime pointing of the steading buildings

Prior to commencement of limework a detailed specification for limework together with details of the lime specialist contractor to be used, shall be submitted to and approved by the Planning Authority. The specification shall include a timetable for the limework; and also details of the masonry preparation; lime mortar mix, showing type of lime, aggregate and proportions and protective measures for the limework during and after the work being carried out. The specification shall be based on a lime specialists analysis of and report on the building, and a copy of this analysis and report shall be included with the detailed submission for this condition.

Reason:

To safeguard the character and visual amenity of the area.

- 5 All roof windows shall be conservation style roof windows installed as near to a flush fitting as possible with the roof surface and with minimum required flashing. Scale 1:10 or 1:20 section drawings showing the size, appearance and flush positioning of the roof windows shall be submitted to and approved by the Planning Authority prior to their installation and once installed the new and replacement roof windows shall accord with the details so approved.

Reason:

To safeguard the character and visual amenity of the area.

- 6 Details of any vents and flues to be installed on the buildings hereby approved shall be submitted to

and approved in advance by the Planning Authority. Details shall include scale 1:5 or 1:10 section drawings and brochures showing the size, design and numbers of the proposed wall mounted vents and flues. The details shall show the vents and flues to be concealed as much as possible and for visible parts to match as closely as possible the colour and materials of the part of the building to which they would adjoin.

Reason:

To safeguard the character and visual amenity of the area.

- 7 Unless otherwise approved in writing by the planning authority all rainwater goods shall be cast iron and shall be painted a colour to be approved in advance by the Planning Authority and the colour of the paint applied to them shall accord with the detail so approved.

Reason:

To safeguard the character and visual amenity of the area.

- 8 The handrails and balustrades to be installed on the external stairs shall be painted black or some other colour to be approved in advance by the Planning Authority.

Reason:

To safeguard the character and visual amenity of the area.

- 9 No fascia boards shall be installed behind the gutters on the buildings hereby approved. All new and replacement sections of guttering shall only be attached to the buildings using sarking straps.

Reason:

To safeguard the character and visual amenity of the area.

- 10 Prior to the occupation of any of the houses and flats hereby approved bin storage facilities shall be provided for the houses in accordance with details to be made available for the prior approval of the Planning Authority and the bin storage facilities provided shall accord with the details so approved.

Reason:

To ensure that acceptable bin storage facilities for the houses and flats are provided in the interests of safeguarding residential amenity and the character and visual amenity of the area.

- 11 Prior to the last of the houses or flats hereby approved being occupied repair and restoration work on the listed dovecote at the southeast corner of the original steading buildings shall be completed in its entirety to the satisfaction of the Planning Authority and in accordance with the detailed programme of work for the repair, restoration and maintenance of the dovecot as approved by the Planning Authority in terms of condition 22 of planning permission 06/00415/FUL. Thereafter it shall be subsequently maintained in accordance with that approved programme of work.

Reason:

To secure the timeous repair and restoration and the future maintenance of the dovecot which is a building listed as being of Special Architectural of Historic Interest.

- 12 The car parking areas hereby approved shall be constructed in accordance with the details shown for them on the docketed site layout drawing. None of the houses or flats hereby approved shall be occupied unless and until the car parking shown on the docketed site layout drawing have been constructed in their entirety and are made available for use.

Reason:

In the interests of pedestrian and road safety and in the interests of the amenity of the future occupants of the proposed houses and flats.

- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended, no development of the types specified in Part 1 and Part 2 of Schedule 1 of the Order or in any statutory instrument revoking and/or re-enacting those Parts of the Order shall be undertaken on the houses or flats hereby approved, or on any part of the application site, other than the development shown on the drawings docketed to this planning permission, unless with the prior approval of the Planning Authority.

Reason:

In the interests of safeguarding the character, integrity and appearance of the buildings and the visual amenity of the area.

Please note that the remainder of pages relating to this item have been removed as they contain personal information (for example - names and addresses of people that have made representation)

REPORT TO: Planning Committee
MEETING DATE: Tuesday 4 December 2012
BY: Executive Director (Services for Communities)
SUBJECT: Application for Planning Permission for Consideration

4a

Note: this application was called off the Scheme of Delegation List by Councillor Berry for the following reasons: considerable external alterations to a prominent site visible at tourist focus and from two streets. Also adjacent to a controversial application for adding a second storey to the adjacent property.

Application No. **12/00701/P**

Proposal Alterations, 1st floor extension, formation of dormers, balcony, vehicular access, hardstanding area, erection of walls and erection of gates

Location **24 Victoria Road
North Berwick
East Lothian
EH39 4JL**

Applicant Mr and Mrs Andrew and Janette Rear

Per Somner Macdonald Architects

Ward 5

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

The property to which this application relates is a two storey and attic terrace house and the rear garden ground of the house. The property is located on the east side of Victoria Road near to the junction of Victoria Road and Melbourne Road. The house has a frontage with Victoria Road to the west and at its eastern end the rear garden of the house has a boundary with Melbourne Road.

In its location the property is within a predominantly residential area as defined by Policy ENV1 of the adopted East Lothian Local Plan 2008. It is also within North Berwick Conservation Area.

Planning permission is sought for: (i) the addition of two hipped and pitched roofed dormers and a small roof light on the front (west) elevation roof slope of the house, (ii) the addition of two hipped and pitched roofed dormers and a large roof light on the rear (east) elevation roof slope of the house, (iii) the enlargement of an existing first floor window

opening in the northern part of the rear (east) elevation of the house to form a door opening and the installation within that new door opening of a timber framed and astragalled glazed door and top light, (iv) the formation of a first floor balcony on the northern part of the rear elevation of the house, (v) the infilling of an existing ground floor window opening in the east elevation of the existing two storey rear outshot of the house with materials to match the external wall finish of the outshot, (vi) the formation of three window openings at first floor level in the east elevation of the two storey rear outshoot of the house and the installation in each of them of a timber framed casement type window, (vii) the addition of a flat roofed and glazed extension on top of the existing two storey rear outshot of the house, (viii) the formation of an area of hardstanding within the rear garden of the house, and (ix) the re-alignment of the east roadside (Melbourne Road) stone boundary wall of the rear garden of the house, an increase in height of the wall from some 1.2 metres to 1.8 metres, the formation in the re-aligned and heightened stone wall of a vehicular access opening some 3.0 metres wide and the installation within that opening of double leaf, timber boarded gates some 1.8 metres high.

Through separate application 12/00701/CAC conservation area consent is sought for the demolition of the existing east roadside boundary wall of the property. A separate report on application 12/00701/CAC is at this time on the Committee Expedited List.

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

The development plan is the approved Edinburgh and the Lothians Structure Plan 2015 and the adopted East Lothian Local Plan 2008.

Policies ENV1D (Regional and Local Natural and Built Environment Interests) and ENV1G (Design of New Development) of the approved Edinburgh and the Lothians Structure Plan 2015 and Policies ENV4 (Development within Conservation Areas), DP2 (Design), DP6 (Extensions and Alterations to Existing Buildings) and T2 (General Transport Impact) of the adopted East Lothian Local Plan 2008 are relevant to the determination of the application.

Material to the determination of the application are Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the Scottish Government's policy on development within a conservation given in Scottish Planning Policy: February 2010.

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

There are two written objections to the application. They are both from The Architectural Heritage Society of Scotland. The Society objects to the formation of the proposed dormers and roof light on the front (west) elevation roof slope of the house as this would be disruptive of the uniform frontage and generally clear front roof slope of the other houses of the terrace of which the applicant's house is a part. The Society considers that the dormers

should be confined to the rear elevation of the house and along with the proposed balcony and other alterations to the house, relate to the existing pattern of fenestration to the rear of the terrace of houses. The Society also raises objection to the rebuilding of the east roadside boundary wall to the proposed greater height as it would not preserve or enhance the special character and amenity of the Conservation Area and would consequentially block important views across the Conservation Area.

Each of the proposed four dormers would be of the same size and architectural form and would each project some 2.0 metres out from the slope of the roof slope in which they would be installed. The ridge of the roof of each of the dormers would be positioned at almost the same height as the ridge of the roof of the existing house. They would have white painted timber framed sash and case windows installed in their canted face and their pitched roofs would be clad with slate to match the slates on the roof of the building. The larger of the proposed two roof lights would be installed between the two dormers to be formed on the rear (east) roof slope of the house, with the smaller roof light installed between the two dormers to be formed on the front (west) elevation roof slope of the house.

The proposed dormers would each be small in size and scale relative to the roof slope they would occupy and the house as a whole. They would be in keeping with the architectural style of the house and would not harmfully disrupt the architectural form of the roof of the house. They would be seen in relation to dormers of various sizes and architectural forms on the roofs of other houses on Victoria Road including those that have been installed in recent years on the front and rear elevation roof slopes of the neighbouring house of 22 Victoria Road and in the front elevation roof slope of the flatted building of 18-20 Victoria Road. Like those other existing dormers, the proposed dormers, with their uniform size and scale, would be proportionate to the roof slope they would occupy. Cumulatively they would not be an overdevelopment of the roof of the house. By virtue of their size, positioning, materials and architectural form, the proposed dormers would be subservient to and in keeping with the house and would be well integrated with their surroundings. They would not be harmful to the character and appearance of the house, the terrace of houses of which the house is a part or to the character and appearance of the Conservation Area.

The proposed two roof lights would be similar in their arrangement to the roof lights that have been installed between the dormers on the front and rear roof slopes of the neighbouring house of 22 Victoria Road and on the front elevation roof slope of the flatted building of 18-20 Victoria Road. Providing they are each installed so that as far as possible their upper surface is as near flush as possible with the upper surface of the roof onto which they are to be installed, which can be made a condition of the grant of planning permission, they would not be harmful to the character and appearance of the house or to the character and appearance of the Conservation Area.

As alterations to the rear (east) elevation of the house and of the rear outshot of the house the proposed in-filling of an existing window opening, formation of the three new window openings and the installation in them of timber framed casement windows and the enlargement of a window opening into a door opening and the installation in it of a timber framed and astragalled glazed door and top light would all, by virtue of their size, form, materials and respective positioning, be sympathetic to the house and well integrated with their surroundings. They would not be harmful to the character and appearance of the house or the character and appearance of the Conservation Area.

The proposed flat roofed extension to be added to the top of the rear outshot of the house would raise the wall heads of the outshot to a resultant eaves level a little higher than the eaves level of the rear elevation of the house. Accordingly, the flat roof of the proposed

extension would tie into the lowest part of the rear elevation roof slope of the house. By this minimalist encroachment onto the rear roof slope of the house the flat roof of the proposed extension would be considerably below the ridge height of the roof of the house. A glass balustrade would be formed across the lower parts of the glazing of the east elevation of the proposed extension and the north and south side elevations of the extension are also to be glazed. The glazing of the walls of the proposed extension would be contained in white painted timber frames.

In its setting the existing house is seen in the context of the Lifeboat Station building to the north of it, the two and three storey pitched roofed terrace of buildings on the east side of Victoria Road and the variety of one and a half storey, two storey and two and a half storey pitched roofed buildings of Melbourne Road. The existing house is a component of the variety of built form that defines the character and appearance of this part of North Berwick Conservation Area. In its positioning the proposed extension would be seen in limited public views from the public road and footpath of Melbourne Road that is to the east of the rear garden of the house. Within those limited public views the proposed extension would be seen in relation to the three storey flat roofed stair tower that is attached to the rear elevation of the adjoining flatted building of 18-20 Victoria Road, to the south. That stair tower, with its wholly glazed third floor and flat roof is similar in its architectural detailing and form to what the rear outshot on the rear elevation of the applicant's house would be with the proposed lightweight glazed extension added to it. As does the existing neighbouring stair tower, the existing rear outshot with the proposed extension added to it would sit comfortably in the context of the variety of built form of this part of North Berwick Conservation Area and thus it would be well integrated into its surroundings. The proposed extension would be a sympathetic and subservient addition to the rear outshot of the house, to the house as a whole and to the terrace of buildings on the east side of Victoria Road. By its form, size, height and positioning the proposed extension would not harmfully increase the density and pattern of development of this part of North Berwick Conservation Area. The proposed extension would not be harmful to the character and appearance of the house or of the Conservation Area.

The proposed balcony would be installed at lower first floor level on the rear (east) elevation of the house, between the north elevation of the rear outshot of the house and the south elevation of the neighbouring Lifeboat Station building. Access to it would be taken from the new first floor door opening to be formed from the enlargement of the existing window opening on that part of the rear (east) elevation of the house. It would be enclosed on its longer east and shorter north sides by a stainless steel framed and glazed balustrade. At its northeast and southeast corners it would be supported from below by steel vertical support columns.

With its minimalist stainless steel frame and glass balustrade the proposed balcony would not appear as a dominant or intrusive addition to the house. It would be subservient to the house and would be well integrated into its surroundings. It would not be harmful to the character and appearance of the house or the character and appearance of the Conservation Area.

On the forgoing considerations of design the proposed dormers, roof lights, extension, balcony and other alterations to the house are all consistent with Policies ENV1D and ENV1G of the approved Edinburgh and the Lothians Structure Plan 2015, Policies ENV4 and DP6 of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy: February 2010.

The dormers and roof light to be formed in the front (west) elevation roof slope of the house would be positioned and orientated such that they would face towards the public road of

Victoria Road and as such would not allow for harmful overlooking of neighbouring residential properties.

The dormers and roof light, the new glazed door, the new windows, the glazing of the east elevation of the proposed extension, and the proposed balcony all to be installed on or in the rear (east) elevation of the house would each be positioned and orientated such that they would face onto the rear garden of the house and towards Melbourne Road and the beach beyond. Thus none of them would allow for harmful overlooking of neighbouring residential properties.

The glazing of the south elevation of the proposed extension would be positioned and orientated such that it would face towards the roof of the existing east projecting outshoot on the rear elevation of the neighbouring house 22 Victoria Road to the south and, consequently, that glazing would not allow for harmful overlooking of that neighbouring residential property. The glazing of the north elevation of the proposed extension would be positioned such that it would face towards the Lifeboat Station building to the north and thus would not allow for harmful overlooking of neighbouring residential properties.

"Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice" by P.J. Littlefair gives guidance on the impact of a proposed building, including a house extension, on the daylight and sunlight received by neighbouring properties.

Application of the daylight test given in the Guide demonstrates that the proposed extension would not give rise to a harmful loss of daylight received by the neighbouring house of 22 Victoria Road to the south.

By their size, form, positioning and orientation the proposed dormers, extension and balcony would not give rise to a harmful loss of sunlight received by neighbouring residential properties.

On the foregoing considerations of overlooking and overshadowing the proposed dormers, extension and balcony are consistent with Policy DP6 of the adopted East Lothian Local Plan 2008.

The existing roadside boundary of the rear garden of the house (i.e. the boundary with Melbourne Road) is presently enclosed by a 1.2 metres high natural stone wall. There is within the wall a pedestrian access gate.

Planning permission is sought for the re-alignment and heightening of the wall. To facilitate this, the existing 1.2 metres high wall would have to be demolished.

Conservation area consent for the demolition of the existing wall is separately sought through associate application 12/00701/CAC. The assessment of the effect of the demolition of the wall on the Conservation Area is set out in the report on application 12/00701/CAC.

As is stated in paragraph 3.55 of the Scottish Historic Environment Policy: December 2011, the Scottish Ministers have directed that the need for conservation area consent for the demolition of any gate, wall, fence or railing in a conservation area shall not apply to the specific exemptions given in Annex IV of Circular 17/1987 (New Provisions and Revised Guidance Relating to Listed Buildings and Conservation Areas). One of those exemptions applies to a gate, wall, fence or railing less than one metre in height. The existing pedestrian access gate is only some 0.99 metres in height. Therefore the demolition of it is exempted from the need for conservation area consent.

The purpose of the proposed re-alignment of the wall is to achieve a visibility splay on either side of a new vehicular access which in this planning application is proposed to be formed on part of the east boundary of the rear garden of the house. Additionally it is proposed that the re-aligned wall would be built to a height of 1.8 metres compared to the 1.2 metres height of the existing wall.

In its re-aligned and heightened form the proposed new wall would be constructed of natural stone salvaged from the dountakings of the existing wall and of additional matching natural stone. The vehicular access to be formed in the new wall would be some 3 metres wide and would be set back some 0.7 metres from the back edge of the adjacent footpath of the public road of Melbourne Road. 1.8 metres high vertically lined timber gates would be formed across the opening of the proposed new vehicular access.

In its positioning on the east roadside boundary of the rear garden of the house the proposed new wall would at one end abut the northeast corner of the house of Hope Cottage to the south and at the other end the southeast corner of the single storey flat roofed component of the Lifeboat Station building to the north. In its streetscape relationship with the overall height and massing of those two buildings, the proposed new wall would not at a height of 1.8 metres appear excessively high. In this context and since the new wall is to be of natural stone salvaged from the dountaking of the existing wall and of additional matching natural stone, the proposed new wall would not appear alien to its particular place. It would not harm the streetscape of Melbourne Road and would not be harmful to the character and appearance of the Conservation Area.

The proposed vehicular access opening to be created within the length of proposed new wall and the boarded timber gates to be installed in the opening would be of a height proportionate to the height of the proposed new wall. The timber gates would harmonise with the stone wall in a traditional manner common to the Conservation Area. The opening and timber gates that would enclose it would not appear harmfully intrusive or incongruous in the streetscape of Melbourne Road. They would not be harmful to the character and appearance of the Conservation Area.

Only from the adjacent length of Melbourne Road and the beach beyond would part of the existing view from across the rear gardens of the houses and flatted buildings of Victoria Road and Melbourne Road be obscured by the proposed higher wall and the gates. Such limited loss of view would not so affect the public's appreciation and enjoyment of the views of this part of North Berwick Conservation Area as to be unacceptable and justifiable of a reason for refusal to grant planning permission for the proposed new wall and gates. From more distant view points from the vicinity of the Seabird Centre and the land to the south of the Seabird Centre the proposed new wall and gates would not affect views across the rear gardens of the houses and flatted buildings of Victoria Road and Melbourne Road and thus of that part of North Berwick Conservation Area.

The proposed area of hardstanding would be an extension to the north side of an existing area of hardstanding within the rear garden of the house. It would be formed as a turning head to allow vehicles to enter and egress the proposed new vehicular access with the classified road of Melbourne Road in a forward gear. In its relationship with the proposed vehicular access and by its containment within the rear garden of the house the proposed area of hardstanding would not be inappropriate to its place. It would not be harmfully prominent or intrusive and it would not be harmful to the character and appearance of the Conservation Area.

The proposed new wall, vehicular access, gates and area of hardstanding are consistent with Policies ENV1D and ENV1G of the approved Edinburgh and the Lothians Structure

Plan 2015, Policies ENV4 and DP2 of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy: February 2010.

The Council's Transportation Service advises that the now proposed positioning of the proposed vehicular access and associated turning head are of an acceptable standard for adequate and safe use by vehicles entering and egressing the classified road of Melbourne Road in a forward gear. On the alignment proposed for it the new wall would allow for a visibility splay of 2 metres by 20 metres to each side of the vehicular access, which is the standard of visibility splay recommended by Transportation. Additionally, Transportation advise that the area of ground that would be exposed in front of the new wall due to its different alignment from the existing boundary wall be formed as an extension to the existing footpath. These matters can be controlled by conditions of the grant of planning permission. It would be prudent, as another condition, to require that the proposed gates be installed to open inwards into the rear garden of the property to prevent obstruction of the adjacent footpath and public road. Subject to these planning controls the proposed vehicular access is consistent with Policy T2 of the adopted East Lothian Local Plan 2008.

CONDITIONS:

- 1 The roof lights hereby approved shall be installed in a manner which ensures that their upper surface is as near flush as possible with the upper surface of the roof into which they are to be installed.

Reason:

To safeguard the character and appearance of the Conservation Area.

- 2 The stonework of the new wall hereby approved shall match in all respects the stonework of the wall to be demolished, including the laying, pointing and coping of it, all in accordance with a sample panel to be provided on site for the prior inspection and approval of the Planning Authority.

Reason:

To safeguard the character and appearance of the Conservation Area.

- 3 No use shall be made of the vehicular access hereby approved unless and until: (i) the new boundary wall, vehicular access and turning area within the site are erected and laid out and available for use as shown on drawing no. 1258-02-B and thereafter they shall be retained as such, and (ii) the area of ground between the east side of the new wall and the existing back edge of the footpath of Melbourne Road is formed and surfaced as an extension to the existing footpath.

Reason:

In the interests of road safety.

- 4 No use shall be made of the vehicular access hereby approved if the gates to be erected across it are installed so as to open outwards towards the adjacent public road and footpath.

Reason:

In the interests of road safety.

Please note that the remainder of pages relating to this item have been removed as they contain personal information (for example - names and addresses of people that have made representation)

REPORT TO: Planning Committee
MEETING DATE: Tuesday 4 December 2012
BY: Executive Director (Services for Communities)
SUBJECT: Application for Planning Permission for Consideration

4b

Application No. **12/00701/CAC**
Proposal Demolition of walls
Location **24 Victoria Road
North Berwick
East Lothian
EH39 4JL**
Applicant Mr and Mrs Andrew and Janette Rear
Per Somner Macdonald Architects
Ward 5
RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

The property to which this application relates is a two storey and attic terrace house and the rear garden ground on the east side of the house. The property is located on the east side of Victoria Road near to the junction of Victoria Road and Melbourne Road. The house has a frontage with Victoria Road to the west and at its eastern end the rear garden of the house has a boundary with Melbourne Road. The property is within North Berwick Conservation Area.

Conservation area consent is sought for the removal of the 1.2 metres high natural stone wall on the east roadside boundary of the rear garden of the house (i.e. the boundary with Melbourne Road).

Through separate application 12/00701/P planning permission is sought for the erection of a new wall on a different alignment and to a higher height than the existing roadside boundary wall. A separate report on application 12/00701/P is at this time on the Scheme of Delegation List.

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

The development plan is the approved Edinburgh and the Lothians Structure Plan 2015 and the adopted East Lothian Local Plan 2008.

Policy ENV1D (Regional and Local Natural and Built Environment Interests) of the approved Edinburgh and the Lothians Structure Plan 2015 addresses the need to control development within conservation areas but is silent on the matter of the demolition of buildings. Thus it is not relevant to the determination of this application.

Policy ENV4 (Development within Conservation Areas) of the adopted East Lothian Local Plan 2008 addresses the need to control development within conservation areas, including the demolition of buildings and thus is relevant to the determination of this application.

Material to the determination of the application are Sections 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the Scottish Historic Environment Policy: December 2011 and Scottish Planning Policy: February 2010.

Section 64 of the Town and Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that a planning authority, in exercising its responsibilities under planning legislation must have regard to the desirability of preserving or enhancing the character or appearance of a conservation area. This statutory duty should always be borne in mind in the determination of an application for conservation area consent to demolish an unlisted building in a conservation area. As is stated in the Scottish Historic Environment Policy: December 2011 and also in Scottish Planning Policy: February 2010 a planning authority, in deciding whether or not conservation area consent should be granted should take account of the merits of the building to the character or appearance of the conservation area and of proposals for the future of the cleared site. The general presumption should be in favour of retaining buildings that make a positive contribution to the conservation area, particularly where it can be demonstrated that the building is able to support a new viable use. Where demolition is considered acceptable careful consideration should be given to a replacement scheme of new development in terms of its design and quality.

There is one written objection to the application. It is from The Architectural Heritage Society of Scotland. However, the grounds of objection relate to elements of the development for which planning permission is sought separately through application 12/00701/P. They are not therefore material to the determination of this application for conservation area consent for the removal of the existing roadside boundary wall.

Policy ENV4 of the adopted East Lothian Local Plan 2008 states that, conservation area consent for the demolition of a building (including a wall) will only be considered in the context of appropriate proposals for redevelopment or intermediate treatment, and will only be permitted where its removal or replacement would not adversely affect the character of the conservation area.

As is explained in the report for application 12/00701/P, the new roadside boundary wall for which planning permission is sought is proposed to allow for an acceptable standard of visibility splay on either side of a new vehicular access for which planning permission is also sought. Additionally it is proposed in application 12/00701/P that the re-aligned wall would be built to a height of 1.8 metres compared to the 1.2 metres height of the existing wall. The taking down of the existing roadside boundary wall would facilitate the positioning and part formation of the new wall. The relevant part of the planning appraisal of the development proposed in application 12/00701/P concludes that the realignment and heightening of the roadside boundary wall would not have a harmful affect on the character and appearance of the Conservation Area and that planning permission should be granted for it. Accordingly, the removal of the existing wall is justified.

In the circumstance of this case the taking down of the existing wall does not conflict with Policy ENV4 of the adopted East Lothian Local Plan 2008, the Scottish Historic Environment Policy: December 2011 or Scottish Planning Policy: February 2010.

It is indicated on the application drawings the intention to demolish a pedestrian access gate that exists in the east roadside boundary of the rear garden of the house. Stated in paragraph 3.55 of the Scottish Historic Environment Policy: December 2011, the Scottish Ministers have directed that the need for conservation area consent for the demolition of any gate, wall, fence or railing in a conservation area shall not apply to the specific exemptions given in Annex IV of Circular 17/1987 (New Provisions and Revised Guidance Relating to Listed Buildings and Conservation Areas). One of those exemptions applies to a gate, wall, fence or railing less than one metre in height. The existing pedestrian access gate is only some 0.99 metres in height. Therefore the demolition of it is exempted from the need for conservation area consent.

RECOMMENDATION

That conservation area consent be granted subject to the following condition:

- 1 The works to implement this conservation area consent shall begin before the expiration of 3 years from the date of this grant of conservation area consent.

Reason:

Pursuant to Section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

Please note that the remainder of pages relating to this item have been removed as they contain personal information (for example - names and addresses of people that have made representation)