

**REPORT TO:** Planning Committee

**MEETING DATE:** Tuesday 1 December 2015

**BY:** Depute Chief Executive  
(Partnerships and Community Services)

**SUBJECT:** Application for Planning Permission for Consideration

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Application No. **15/00581/PPM**

Proposal Planning Permission in Principle for residential development with associated infrastructure, landscaping and engineering works.

Location **Dovecot Farm  
Haddington  
East Lothian**

Applicant Hallam Land Management

Per Geddes Consulting

RECOMMENDATION Consent Granted

#### PLANNING ASSESSMENT

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

As a statutory requirement for major development proposals this development proposal was the subject of a Proposal of Application Notice (Ref: 14/00021/PAN) and thus of community consultation prior to this application for planning permission in principle 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 some 22 people attended the pre-application public exhibition, which was held at the Maitlandfield House Hotel, Haddington on 21 January 2015, and that those attendees made a number of queries and suggestions regarding the proposals. The development for which planning permission in principle 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.

The application site is an area of agricultural land in the East Lothian countryside, located to the southwest of Haddington. It is some 4.2 hectares in area and is roughly rectangular in shape. The land of the application site is defined by Policy DC1 of the adopted East Lothian Local Plan 2008 as being part of the countryside of East Lothian and is not allocated for housing development.

The site is bounded to the east by agricultural land which has planning permission for residential development and site works are underway. Planning permission in principle 13/00071/PPM was sought in January 2013 for a development of 113 residential units on this neighbouring agricultural land. An appeal (Ref: PPA-210-2037) was subsequently made to the Scottish Ministers against the failure of the Council to determine the application within the prescribed period of 4 months. In March 2014, following the conclusion of a legal agreement to secure education and affordable housing contributions, the appeal was allowed and planning permission in principle 13/00071/PPM was granted. In July 2015 approval of matters specified in conditions of planning permission in principle 13/00071/PPM (ref: 14/00731/AMM) was granted for the erection of 109 houses, 4 flats and associated works on that site and for internal access roads, a parking court, landscaped open space, two play areas and structural planting.

To the south of the site are areas of mature woodland and fields. To the west of the site is agricultural land.

To the north of the site is the A6093 Pencaitland Road and 3 residential properties, beyond which is agricultural land which forms part of a larger area of land allocated by Proposal H3 (Letham Mains) of the adopted East Lothian Local Plan 2008 for a mixed use development of 750 houses, social and community facilities and associated infrastructure.

In July 2013 planning permission (Ref: 13/00519/PM) was sought for the erection of 385 houses and 48 flats on the western part of that allocated housing site. In January 2014 planning permission (Ref: 14/0089/PM) was sought for the erection of 257 houses and 119 flats on the eastern part of that allocated housing site. In July 2014 planning permission (Ref: 14/00534/PCL) was sought for the erection of a primary school on the central part of that allocated housing site. At their meeting of 2 June 2015 the Planning Committee resolved to grant planning permission for the development proposed in applications 13/00519/PM and 14/0089/PM subject to the prior conclusion of legal agreements. At that same meeting the Planning Committee approved application 14/00534/PCL for the new primary school.

Planning permission in principle is sought through this application for a residential development of the application site with associated infrastructure, landscaping and engineering works.

An indicative development framework plan has been submitted with the application indicating how some 80 residential units could be accommodated on the application site. It is also indicated that a SUDS pond be accommodated on the southwestern part of the site and how an area of recreational open space and play facilities could be accommodated on the southern part of the site. It is also indicated how footpath linkages from the site into the site the subject of approval of matters specified in conditions of planning permission in principle 13/00071/PPM (ref: 14/00731/AMM) could be formed and how landscape planting could be formed on the northern and southern boundaries of the site.

The indicative development framework plan indicates that access to the site could be taken from the A6093 road by way of a new access junction at the northeast corner of the

site. The access indicatively shown is part of the approved access to the site the subject of approval of matters specified in conditions of planning permission in principle 13/00071/PPM (ref: 14/00731/AMM).

The northern part of the site consists of a mature tree belt and an access track. A small watercourse flows along the southern edge of the site.

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 15 January 2015 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 in principle. 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.

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

The development plan is the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Plan 2008.

Policies 5 (Housing Land) and 7 (Maintaining a Five Year Housing Land Supply) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies DC1 (Development in the Countryside and Undeveloped Coast), DP1 (Landscape and Streetscape Character), DP14 (Trees on or Adjacent to Development Sites), DP17 (Art Works-Percent for Art), DP20 (Pedestrians and Cyclists), INF3 (Infrastructure and Facilities Provision), H4 (Affordable Housing), C1 (Minimum Open Space Standard for New General Needs Housing Development), C2 (Play Space Provision in new General Needs Housing Development), T1 (Development Location and Accessibility) and T2 (General Transport Impact) of the adopted East Lothian Local Plan 2008 are relevant to the determination of the application.

Also material to the determination of the application is Scottish Planning Policy: June 2014.

One of the main Outcomes of Scottish Planning Policy is to create a successful, sustainable place by supporting sustainable economic growth and regeneration, and the creation of well-designed, sustainable places.

This is reflected in paragraph 25 of Scottish Planning Policy in which it is stated that the Scottish Government's commitment to the concept of sustainable development is reflected in Scottish Planning Policy's Purpose. It is also reflected in the continued support for the five guiding principles set out in the UK's shared framework for sustainable development. Achieving a sustainable economy, promoting good governance and using sound science responsibly are essential to the creation and maintenance of a strong, healthy and just society capable of living within environmental limits.

The principle in delivering this through the Development Management function is contained in paragraph 33 of Scottish Planning Policy in which it is stated that where relevant policies in a development plan are out of date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration. Decision-makers should also take into account any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies in Scottish Planning Policy. The same principle should be applied where a development plan is more than five years old.

Paragraph 34 states that where a plan is under review, it may be appropriate in some circumstances to consider whether granting planning permission would prejudice the emerging plan. Such circumstances are only likely to apply where the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new developments that are central to the emerging plan. Prematurity will be more relevant as a consideration the closer the plan is to adoption or approval.

Paragraph 110 of Scottish Planning Policy states that the planning system should identify a generous supply of land for each housing market area within the plan area to support the achievement of the housing land requirement across all tenures, maintaining at least a 5 year supply of effective housing land at all times.

SESplan Policy 7 states that sites for greenfield housing development proposals either within or outwith the identified Strategic Development Areas may be allocated in Local Development Plans or granted planning permission to maintain an effective five years housing land supply subject to satisfying each of the following criteria:

- (a) The development will be in keeping with the character of the settlement and the local area;
- (b) The development will not undermine green belt objectives; and
- (c) Any additional infrastructure required as a result of the development is either committed or to be funded by the developer.

At its Cabinet meeting of 10 December 2013, the Council agreed that at that time East Lothian had a shortfall in its effective housing land supply and in respect of this also approved Housing Land Supply: Interim Planning Guidance against which planning applications for housing on land not allocated for housing development would be assessed. This position, and the associated guidance, was updated in December 2014.

On 17 November 2015 the Council approved its draft Proposed Local Development Plan subject to amendment and to the carrying out of further technical work, including cumulative assessment of requirements for developer contributions in respect of education provision, community facilities and transportation. The approval, as amended, was of the spatial strategy, sites and policies of the draft Proposed Plan.

Material to the determination of the application are the written representations to the proposals. Seven written objections have been received. Copies of the written representations are contained in a shared electronic folder to which all Members of the Committee have had access.

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

- \* it would harm the Clerkington Designed Landscape;

- \* it could impact on a tree belt required by a condition of planning permission in principle 13/00071/PPM;
- \* little weight has been given to Policy DC1 of the adopted East Lothian Local Plan 2008;
- \* it would harmfully impact on the countryside area in which the application site is located;
- \* it would have a detrimental impact on the approach and amenity of Haddington;
- \* it would lead to an increase in traffic and a resultant road safety hazard;
- \* many other residential developments have been approved in the Haddington area.

Contrary to what is stated in the written objections the lands of Clerkington are not part of the national Inventory of Gardens and Designed Landscapes.

The primary material consideration in the determination of this application is whether or not the principle of the proposed development accords with national, strategic and local plan policies, proposals and other planning guidance and, if not, whether there are material considerations that outweigh any conflict with those policies and guidance.

The land of the site is part of site HN3 of the draft Proposed Plan approved by Council on 17 November 2015. As such, in respect of the provisions of Paragraph 34 of SPP, the proposal would not prejudice the emerging Plan.

Following the Council's approval of the draft Proposed Plan (subject to amendment, further technical work and cumulative assessment of developer contributions), where an application for planning permission or planning permission in principle is for a site of that draft Proposed Plan (as amended), support is given for the residential or other potential of the site as relevant. This support remains subject to appraisal of the site in terms of technical considerations and any constraints, including infrastructure capacity constraints. Assessment will include consideration of developer contributions in respect of impacts, including cumulative impacts, on education, transportation, community facility and other essential infrastructure.

In that the site now under consideration is part of housing site HN3 of the approved draft Proposed Plan, the Council recognises its potential for residential development. It is therefore appropriate to determine this application with due consideration of that recognised residential potential, subject to the above considerations and assessments.

Also, in being part of a site of the draft Proposed Plan it is an integral part of the group of sites which the Council recognises as having the potential to meet, cumulatively, the SPP and SESplan requirements of an effective five year housing land supply.

Thus the site being part of site HN3 of the approved draft Proposed Plan is a material consideration to be weighed against the considerations of national, strategic and local planning policy.

One of these considerations relates to the control of new build housing development in the countryside. Part 1(b) of Policy DC1 of the adopted East Lothian Local Plan 2008 sets out the circumstances in which new housing in the countryside may be appropriate, that being where the Council is satisfied that a new house is a direct operational requirement of an agricultural, horticultural, forestry or other employment use and also minimises the loss of prime agricultural land. The housing development proposed in this

application is not necessary in these terms and as such is contrary to that policy provision.

However, the countryside designation of the land of the site must also be weighed against the requirement of SESplan Policy 7 that Policy DC1 be considered in the context of the housing land supply. It must also be considered in relation to the Council's previous recognition of a shortfall in the effective housing land supply in East Lothian and approval of its Housing Land Supply: Interim Planning Guidance.

In respect of Policy 7 and the Guidance, approval of the draft Proposed Plan results in the approval of sites with the potential to provide an effective five year housing land supply. The process of selecting and approving sites included assessment of them through considerations which reflect the criteria of the Interim Planning Guidance. Thus the approved Interim Planning Guidance need not be given significant weight in respect of sites that are integral to the strategy and sites of the approved draft Proposed Plan. However, it remains a material consideration in the determination of planning applications for sites not previously allocated for housing development and not part of the approved draft Proposed Plan.

The potential of residential development of the site is therefore supported by the approved, amended draft Proposed Plan such as to contribute to the effective five year housing land supply and help meet that requirement of SPP and SESplan Policy 7, thereby outweighing the considerations of Policy DC1 of the adopted East Lothian Local Plan 2008. As regards the further considerations of SESplan Policy 7, the site is outwith the Green Belt and the consideration in the draft Proposed Plan is that it is an appropriate extension of Haddington of a suitable scale.

The determination of the application therefore falls to a consideration of the technical merits of the proposal and its assessment in relation to requirements including, where identified, cumulative requirements for developer contributions for essential infrastructure.

The application site is bounded on its north side by the A6093 Pencaitland Road and 3 residential properties, on its east side by the area of land the subject of planning permission in principle 13/00071/PPM and approval of matters specified in conditions of planning permission in principle 13/00071/PPM (ref: 14/00731/AMM) and on its south side by areas of mature woodland.

On its west side the application site is bounded by a strip of agricultural land with a high hedgerow beyond. Between the strip of agricultural land and the high hedgerow is to be planted a belt of tree planting at least ten metres wide. This is a planning requirement embodied within Condition 3(i) of planning permission in principle 13/00071/PPM. Once planted this would form the western boundary of the application site.

These are robust and defensible boundaries which would serve to contain the proposed development along these aforementioned boundaries.

If planning permission in principle were to be granted, the details of the siting, design and external appearance of the proposed houses, the landscaping of the site and the means of access to the proposed development would require the subsequent approval of the Planning Authority. Through the subsequent determination of such details in relation to Scottish Government Policy of Designing Streets and the Council's Urban Design Standards for New Housing Areas, and the Council's policies and practices in respect of residential amenity, planning control would be exercised to ensure that the built form of the development would be fully acceptable, with due regard to the need to safeguard the

character and appearance of the site and of the area.

The Council's Principal Amenity Officer is satisfied in principle with the quantity of open space and play area provision that is proposed. He notes that the location of the main open space and play area is indicatively proposed to the periphery of the site, however, he makes no alternative recommendation in respect of this. On the considerations of open space and play area provision, the principle of the proposed housing development is consistent with Policies C1 and C2 of the adopted East Lothian Local Plan 2008.

The Council's Roads Services has considered the Transport Assessment submitted with the application and does not advise that traffic likely to be generated by the proposed development could not be satisfactorily accommodated on the local road network. Roads Services do raise concern that traffic likely to be generated by the proposed development could lead to extra pressure on traffic flows at Bankton, Dolphingstone and Salters Road interchanges of the strategic road network. However at this time Roads Services analysis and modelling of traffic impacts in the wider area awaits completion and no further evidence is available at this time to inform an assessment of such impacts.

Roads Services recommend that:

- \* a 40 miles per hour (mph) speed limit on the A6093 Pencaitland Road should be brought into effect in a location from the existing 30 miles per hour (mph) speed limit on the A6093 Pencaitland Road westwards to the site access junction;
- \* an independent road safety audit be undertaken which should include identification of pedestrian safeguards and locations for bus stops needed to ensure safe movement of persons and vehicles within, to and from the site and an implementation programme describing when measures identified in the audit will be provided in relation to construction of the proposed development;
- \* street lighting be provided over the full extent of the proposed new 40mph speed limit on Pencaitland Road from the existing lighting at the junction with Clerkington Road to a point beyond the proposed site access;
- \* a visibility splay of 4.5m by 215m in both directions be provided and maintained at the proposed site access junction with the A6093 Pencaitland Road so that no obstruction lies within it above a height of 1.05 metres measured from the adjacent carriageway surface;
- \* a continuous 2.5 metre wide shared pedestrian/cycle link be provided on the south side of the A6093 Pencaitland Road from the site access to Dobson's Well;
- \* two bus stops with shelters be provided on the A6093 Pencaitland Road, one on either side of the road for east and west bound traffic;
- \* a 2 metre wide footway be provided on the north side of Pencaitland Road (A6093) to provide a continuous connection from the northern (east bound) bus stop shelter as required above to the existing footway network to the east;
- \* a scheme for updating and improving operation of the existing traffic signals at the junction of Knox Place, Station Road, Hope Park and Court Street within Haddington to be implemented prior to the occupation of any house;
- \* a detailed a vehicle tracking (swept path) assessment be provided using the large design rigid vehicle for the application site showing all turning manoeuvres. For the

avoidance of doubt the Design Vehicle to be used is the "Large Rigid Vehicle" as outlined in the Freight Transport Association's document "Designing for Deliveries" - this will permit access by the occasional refuse/recycle collection vehicle, deliveries, social care buses and emergency & fire fighting appliances. From the text outlined in the document the vehicle is 2.5m wide and has a 6.1m wheelbase within an overall vehicle length of 10m;

- \* a pedestrian/cycle route be provided at the south eastern corner of the site to connect to the adjacent site to the east;

- \* the proposed "formal footpath" at the north eastern corner of the site be provided as shown on the indicative development framework plan;

- \* the priority junction onto the A6093 Pencaitland Road be laid out such that it includes corner radii at the junction of 10.5 metres on either side;

- \* any access roads which form short cul-de-sacs include turning areas to enable all vehicles to turn or alternatively road ends should be linked;

- \* parking for the proposed residential elements of the development be provided at a rate as set out in the East Lothian Council Standards for Development Roads – Part 5 Parking Standards;

- \* all access roads conform to East Lothian Council Standards for Development Roads in relation to roads layout and construction, footways & footpaths, parking layout and number, street lighting and traffic calming measures;

- \* vehicle accesses to private parking areas (i.e. other than driveways) be via a reinforced footway crossing and have a minimum width of 5.5 metres over the first 10 metres to enable adequate two way movement of vehicles;

- \* driveways having minimum dimensions of 6 metres by 3 metres and double driveways having minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11m length. Pedestrian ramps to houses may encroach by up to 300mm on the width (but not the length) provided they are no greater than 150mm in height above the adjacent driveway surface;

- \* within residential private parking areas the minimum dimensions of a single parking space being 2.5 metres by 5 metres and all visitor parking spaces within these areas being clearly marked for visitors with the remaining private parking spaces allocated to individual dwellings;

- \* cycle parking be included at a rate of 1 space per flat. The parking shall be in the form of 1 locker per flat or communal provisions in the form of a lockable room or shed;

- \* a Green Travel Plan (GTP) be submitted and approved in consultation with Roads Services. It should have particular regard to provision for walking, cycling and public transport access to and within the site, and will identify the measures to be provided, the system of management, monitoring, review, reporting and duration of the plan;

- \* a Construction Method Statement to minimise the impact of construction activity on the public road network be submitted to and approved by the Planning Authority prior to the commencement of development. It should recommend mitigation measures to control construction traffic and include hours of construction work; and



\* wheel washing facilities be provided and maintained in working order during the period of operation of the site.

With the imposition of conditions to cover these recommendations of Roads Services, the principles of the proposed development of the site for residential use do not conflict with Policies DP20, T1 and T2 of the adopted East Lothian Local Plan 2008.

In respect of landscape matters the Council's Policy and Projects service advises that the landscape planting shown on the indicative masterplan would provide an acceptable landscape setting for the proposed development. Subject to the submission of a detailed landscape planting plan, which can be made a condition of a grant of planning permission in principle, the proposed development complies with Policy DP14 of the adopted East Lothian Local Plan 2008.

The Council's Environmental Protection Manager advises that to ensure there is no loss of amenity to any existing neighbouring or nearby residential properties during the construction phase of the development that a Construction Method Statement should be submitted for the prior approval of the Planning Authority which should cover matters of noise and dust control. Subject to the imposition of this recommended condition the proposed development would not harm the amenity of any existing neighbouring or nearby residential properties, consistent with Policy DC1 of the adopted East Lothian Local Plan 2008.

The Scottish Environment Protection Agency (SEPA) raises no objection to the principle of the proposed development on the grounds of potential flood risk. It does, however, advise that a condition should be attached to any grant of planning permission in principle requiring that the discharge of surface water to the water environment should be in accordance with the principles of the SUDS (Sustainable Drainage Systems) Manual (C697) published by CIRIA.

The Council's Senior Structures Officer is also satisfied that the proposed development could be carried out without unacceptable risk of flooding.

Scottish Water has made no comment on the application.

Policy INF3 of the adopted East Lothian Local Plan 2008 stipulates that new housing will only be permitted where appropriate provision for infrastructure required as a consequence of the development is made. This includes funding necessary school capacity.

The Council's Depute Chief Executive (Resources and People Services) informs that the application site is located within the school catchment areas of Haddington Infant School, St Marys RC Primary School, King's Meadow Primary School and Knox Academy.

He advises that Haddington Infant School, King's Meadow Primary School and Knox Academy do not have sufficient capacity to accommodate children that could arise from the proposed development. Thus he objects to the application on the grounds of lack of permanent capacity at those schools. However, he would withdraw that objection provided the applicant makes a financial contribution to the Council of £40,000 towards the provision of additional school accommodation at Haddington Infant School (£500 per unit), £30,000 towards the provision of additional school accommodation at King's Meadow Primary School (£375 per unit) and a contribution of £297,651 (£3,720.64 per unit) towards the provision of additional school accommodation at Knox Academy.

The required payment of a financial contribution of a total of £367,651 towards the provision of additional accommodation at Haddington Infant School, King's Meadow Primary School and Knox Academy can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the payment of the required contribution towards educational accommodation the proposal is consistent with Policy INF3 of the adopted East Lothian Local Plan 2008, which stipulates that new housing will only be permitted where appropriate provision for infrastructure required as a consequence of the development is made. This will include funding necessary school capacity. The applicant confirms in writing that they are willing to enter into such an agreement.

The Council's Economic Development & Strategic Investment Manager advises that a grant of planning permission in principle would require to be subject to provision of 25% of all housing units to be developed as affordable housing. They should be provided on site or if it can be demonstrated to the Council that this, or the off-site provision of the required affordable units is not practicable, a commuted sum payment should be made to the Council in lieu of such an on or off-site provision. The terms for the provision of this affordable housing requirement could be the subject of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the Council securing the affordable housing requirement, which the applicant confirms they are willing to do, the proposal would be consistent with Policy H4 of the adopted East Lothian Local Plan 2008.

Given the scale of the proposed development, if planning permission in principle were to be granted it would be appropriate for artwork to be incorporated either as an integral part of the overall design of it or as a related commission to be located on the site or in an approved alternative location. This could be achieved by means of a condition on a grant of planning permission in principle, subject to which the proposals would be consistent with the requirements of Policy DP17 of the adopted East Lothian Local Plan 2008.

In the context of the site being land of the site HN3 of the approved draft Proposed Plan as amended, and in that its impacts in respect of amenity and technical considerations can be mitigated through the appropriate use of planning conditions and the submission of detailed plans in respect of those conditions, the balance of the material considerations of this case support the proposals. In this it is consistent with Scottish Planning Policy: June 2014 and SESplan Policy 7, which considerations outweigh the provisions of Policy DC1 of the adopted east Lothian Local Plan 2008.

## RECOMMENDATION

It is recommended that planning permission in principle 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 £367,651 (£4,595.64 per residential unit) towards the provision of additional capacity at Haddington Infant School, King's Meadow Primary School and Knox Academy.

(ii) Secure from the applicant the provision of 25% of the final approved number of residential units within the application site as affordable residential units or if it can be demonstrated to the Council that this, or the off-site provision of 25% of the final approved number of residential units as affordable units is not practicable, to secure from the applicant a commuted sum payment to the Council in lieu of such an on or off-site provision.

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

1 The submission for approval of matters specified in conditions of this grant of planning permission in principle in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended) shall include details of the siting, design and external appearance of the residential units, the means of access to them, the means of any enclosure of the boundaries of the site and the landscaping of the site. Those details shall generally comply with the Indicative Development Framework plan docketed to this planning permission in principle, but additionally shall comply with the following requirements:

a. The residential dwellings shall be no higher than two storeys which can include for accommodation in the roof space and the external finish to their walls shall be predominantly rendered and coloured in accordance with a co-ordinated colour scheme that respects the layout of the development;

b. Other than in exceptional circumstances where the layout or particular building type does not permit, the residential units shall be orientated to face the street;

c. There shall be no integral garages, unless it can be justified as an exceptional design feature, or where the house and garage would not be on a primary street frontage;

d. The detailed design of the layout shall otherwise accord with the principles set out in the Council's Design Standards for New Housing Areas and with Designing Streets;

e. there shall be at least a 9 metres separation distance between the windows of a proposed new building and the garden boundaries of existing or proposed neighbouring residential properties and an 18 metres separation distance between directly facing windows of the proposed new building and the windows of existing or proposed neighbouring residential properties;

f. the priority junction onto the A6093 Pencaitland Road shall be laid out as shown on docketed drawing number J2701-sk13 "Proposed Junction Alterations" and shall include corner radii at the junction of 10.5 metres on either side. This shall include the movement of the road drainage gully to the new kerb line channel;

g. an independent road safety audit shall be undertaken which shall include identification of pedestrian safeguards and locations for bus stops needed to ensure safe movement of persons and vehicles within, to and from the site and an implementation programme describing when measures identified in the audit will be provided in relation to construction of the proposed development;

h. a visibility splay of 4.5m by 215m in both directions shall be provided and maintained at the proposed site access junction with the A6093 Pencaitland Road so that no obstruction lies within it above a height of 1.05 metres measured from the adjacent carriageway surface;

i. a scheme for updating and improving operation of the existing traffic signals at the junction of Knox Place, Station Road, Hope Park and Court Street within Haddington shall be submitted for the prior approval of the Planning Authority and the scheme so approved shall be implemented prior to the occupation of any residential unit;

j. a detailed vehicle tracking (swept path) assessment shall be provided using the large design rigid vehicle for the application site showing all turning manoeuvres. For the avoidance of doubt the Design Vehicle to be used is the "Large Rigid Vehicle" as outlined in the Freight Transport Association's document "Designing for Deliveries" - this will permit access by the occasional refuse/recycle collection vehicle, deliveries, social care buses and emergency & fire fighting appliances. From the text outlined in the document the vehicle is 2.5m wide and has a 6.1m wheelbase within an overall vehicle length of 10m;

k. any access roads which form short cul-de-sacs shall include turning areas to enable all vehicles to turn or alternatively road ends shall be linked;

l. with regard to the trees on the northern boundary of the site the proposed development shall be carried out in strict accordance with British Standard BS5837\_2012 "Trees in relation to design, demolition and construction ~ Recommendations" and an arboricultural survey demonstrating this shall be submitted with application(s) for approval of matters specified in conditions;

m. parking for the residential development hereby approved shall be provided at a rate as set out in the East Lothian Council Standards for Development Roads- Part 5 Parking Standards;

n. all access roads shall conform to East Lothian Council Standards for Development Roads and Design Standards for New Housing Areas in relation to roads layout and construction, footways and footpaths, parking layout and number, street lighting and traffic calming measures;

o. driveways shall have minimum dimensions of 6 metres by 3 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 metres length. Pedestrian ramps to houses may encroach by up to 300mm on the width (but not the length) provided they are no greater than 150mm in height above the adjacent driveway surface;

p. within residential private parking areas the minimum dimensions of a single parking space shall be 2.5 metres by 5.0 metres. All visitor parking spaces within these areas shall be clearly marked for visitors with the remaining private parking spaces allocated to individual dwellings;

q. vehicle accesses to private parking areas (i.e. other than driveways) shall be via a reinforced footway crossing and have a minimum width of 5.5 metres over the first 10 metres to enable adequate two way movement of vehicles;

r. cycle parking be included at a rate of 1 space per flat. The parking shall be in the form of 1 locker per flat or communal provisions in the form of a lockable room or shed;

s. a play area shall be provided as shown on the docketed Indicative Development Framework. Details of the play area, including the equipment to be provided within it and a timetable for its implementation shall be submitted to and approved in advance by the Planning Authority and the play area shall be installed in accordance with the details so approved;

t. a pedestrian/cycle route shall be provided at the southeastern side of the site to connect to the adjacent site to the east as shown on the docketed Indicative Development Framework;

u. the proposed "formal footpath" at the northern part of the site shall be provided as shown on the docketed Indicative Development Framework;

v. notwithstanding that which is shown in the Indicative Development Framework docketed to this planning permission in principle, there shall be no pedestrian connections formed from the application site to the land to the west.

Reason:

To enable the Planning Authority to control the development in the interests of the amenity of the development and of the wider environment and in the interests of road safety.

- 2 No more than 80 residential units are approved by this grant of planning permission in principle. Unless otherwise agreed in writing with the Planning Authority: the annual completion rates shall be those set out by the applicant i.e. 24 in year 2018/2019, 24 in year 2019/2020 and 32 in year 2020/2021; and any slippage in any single year shall revert to year 2021/2022 or beyond, and not be added to the subsequent year.

Reason:

To ensure sufficient education capacity can be provided for the pupil product of the development.

- 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 be generally based on the landscape proposals shown in principle on the docketed Indicative Development Framework and the docketed tree survey drawings nos. 09025-MPSK-P001-A and 09025-STSU-P003 and shall otherwise fully accord with requirements of Conditions 11 above.

It shall also 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 scheme shall also 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 ten years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

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 A Green Travel Plan shall be submitted to and approved by the Planning Authority prior to the occupation of any of the residential units hereby approved. The Green Travel Plan shall have particular regard to provision for walking, cycling and public transport access to and within the site, and will include a timetable for its implementation, details of the measures to be provided, the system of management, monitoring, review, reporting and duration of the Plan.

Reason:

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

- 5 A Construction Method Statement to minimise the impact of construction activity on the amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control construction traffic and shall include hours of construction work and details of wheel washing facilities to be provided. Wheel washing facilities must be provided and maintained in working order during the period of operation of the site. All vehicles must use the wheel washing facilities to prevent deleterious materials being carried onto the public road on vehicle tyres.

Reason:

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

- 6 No development shall commence unless and until a 40 miles per hour (mph) speed limit on the A6093 Pencaitland Road has been brought into effect in a location from the existing 30 miles per hour (mph) speed limit on the A6093 Pencaitland Road westwards to the site access junction. Details of the new 40 miles per hour speed limit shall be submitted to and approved in advance by the Planning Authority and shall include the provision of street lighting over the full extent of the proposed new 40mph speed limit on Pencaitland Road from the existing lighting at the junction with Clerkington Road to a point beyond the proposed site access. Thereafter the new 40 miles per hour speed limit and street lighting shall be implemented and installed in accordance with the details so approved.

Reason:

In the interests of road safety.

- 7 Prior to the occupation of any of the residential units hereby approved:
- a. a continuous 2.5 metre wide shared pedestrian/cycle link shall be provided on the south side of the A6093 Pencaitland Road from the site access to Dobson's Well;
  - b. two bus stops with shelters shall be provided on the A6093 Pencaitland Road, one on either side of the road for east and west bound traffic;
  - c. a 2 metre wide footway shall be provided on the north side of Pencaitland Road (A6093) which shall provide a continuous connection from the northern (east bound) bus stop shelter required by b. above to the existing footway network to the east.

Details of the new 2.5 metre wide shared pedestrian/cycle link, two bus stops with shelters and 2 metre wide footway shall be submitted to and approved in advance by the Planning Authority. Development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road safety.

- 8 The discharge of surface water from the application site shall be treated in accordance with the principles of the SUDS Manual (C697), which was published by CIRIA in March 2007.

Details of the proposed integrated 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.

- 9 A Construction Method Statement to specify the measures to be adopted to protect the amenity of neighbouring residential properties from the effects of noise and dust arising as a result of the construction phase of the proposed development shall be submitted to and approved by the Planning Authority prior to the commencement of development.

Reason:

In the interests of the amenity of the area.

- 10 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.