

REPORT TO: Planning Committee

MEETING DATE: Wednesday 29 March 2017

BY: Depute Chief Executive (Partnerships and Community Services)

SUBJECT: Application for Planning Permission for Consideration

Application No. **16/00552/PM**

Proposal Erection of 87 houses, 20 flats and associated works

Location **Land To The West Of Aberlady
Aberlady
East Lothian**

Applicant Cruden Homes (East) Ltd

Per apt Planning & Development Ltd

RECOMMENDATION Granted Permission

PLANNING ASSESSMENT

As the application site area is greater than 2 hectares and the proposal is for more than 49 houses the development proposed is a major development in terms of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Therefore it cannot be decided by officers through the Council's Scheme of Delegation and is brought to Planning Committee for a decision. The officer recommendation is to grant planning permission.

Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 a statutory requirement of major development applications is that they be subject to a Proposal of Application Notice (PAN) and pre-application community consultation before an application for planning permission or planning permission in principle is submitted to the Council.

A PAN (Ref: 14/00023/PAN) was submitted on 12 February 2016 and the application was submitted on 28 June 2016 which complies with the minimum 12 week period required between PAN and application by the above regulations. A public event was held at Kirk Stables on 12 April 2016 and other meetings were held with the Community Council and local amenity interest groups and a pre-application

consultation report is submitted with this application, all in accordance with the statutory requirements. The report states that 74 people attended the pre-application community consultation event and that 38 feedback forms were completed. The attendees raised a number of issues regarding the proposals. The development for which planning permission is now sought is of the same character as that presented through the community consultation event.

The application site is some 6 hectares of agricultural land located immediately at the west of Aberlady, with northern boundaries to the A198 and houses of The Pleasance and Elcho Terrace with agricultural land and Cragielaw golf course beyond, an eastern boundary to Kirk Road with houses beyond and a curving southern and western boundary abutting agricultural land.

Planning permission is sought for a development of 87 houses and 20 flats and for associated works including formation of vehicle accesses, internal roads, landscaping, a Sustainable Urban Drainage System (SUDS) and open space.

The contextual masterplan and proposed site layout plan show how it is intended to develop the site, with an access from The Pleasance serving an internal road leading to an access at Kirk Road and other internal roads linking with this, the south-easternmost of which would also form an access with Kirk Road. An area of open space would be formed in a roughly square shape on part of the southern area of the site and would incorporate a SUDS basin. Houses and the flatted buildings would be set out addressing the roadways and around the north, east and west of the open space on the southern part of the site. Houses on the eastern boundary would address Kirk Road as a street frontage set back behind a landscaped edge. Tree planting is proposed along the streets of the development and within the area of open space. A substation would be located near the northwest access off of The Pleasance and one at the north access off Kirk Street. A small pumping station cabinet would be located near the SUDS basin.

A mix of housing types is proposed. For the affordable housing there would be 8 one bedroom cottage flats, 12 two bedroom cottage flats, 4 two bedroom houses and 2 three bedroom houses. These would include for elderly amenity and wheelchair needs and tenures would be a mix of social rent and mid-market rent. The market housing would be comprise of 13 three bedroom houses, 28 four bedroom houses and 40 5 bedroom houses

Since the registration of the application revised site layout plans, elevation plans and house type drawings have been submitted to show revisions to some of the house types and their locations.

The application is supported by, amongst other documents, a Pre-application Consultation Report, a Design and Access Statement, a Transport Assessment, a Flood Risk Statement, a Tree Survey and Arboricultural Constraints Assessment and an Extended Phase 1 Habitat Report.

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 20 March 2017 the Council issued a formal screening opinion to the applicant. The screening opinion concludes that it is East Lothian Council's view that a mixed use development of the scale proposed 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 mixed use 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 1B (The Spatial Strategy: Development Principles), 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), DP2 (Design), DP4 (Design Statements), DP13 (Biodiversity and Development Sites), DP14 (Trees on or Adjacent to Development Sites), DP17 (Art Works-Percent for Art), DP20 (Pedestrians and Cyclists), DP22 (Private Parking), DP24 (Home Zones), ENV7 (Scheduled Monuments and Archaeological Sites), INF3 (Infrastructure and Facilities Provision), H1 (Housing Quality and Design), 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.

A material consideration in the determination of the application is the supplementary planning guidance of "Design Standards for New Housing Areas" approved by the Council on 10 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 Government Advice given in Planning Advice Note 67: Housing Quality.

Planning Advice Note 67 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.

Also material to the determination of the application is Scottish Planning Policy: June 2014. One of the main 'Outcomes' of Scottish Planning Policy (SPP) is to create successful, sustainable places by supporting sustainable economic growth and regeneration, and the creation of well-designed, sustainable places.

This is reflected in paragraph 25 of SPP in which it is stated that the Scottish Government's commitment to the concept of sustainable development is reflected in SPP'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 SPP, 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 this SPP. 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 SPP 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.

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 and again in February 2016.

On 06 September 2016 the Council approved its Proposed Local Development Plan. It sets out a development strategy for the future of East Lothian to 2024 and beyond, as well as a detailed policy framework for guiding development. The Proposed Local Development Plan sets out the Council's settled view of where new development should and should not occur, including housing, education, economic and retail development, new transport links, and other infrastructure. The Schedule 4 responses to comments on the plan during its period of representation are before Council at its meeting of 28 March 2017 for approval for submission together with the plan, for Examination. At this stage the Proposed LDP is the settled view of the Council as to the strategy, plans and policies for development, however, it cannot be accorded the weight of an adopted development plan.

Material to the determination of the application are the written representations to the proposals. Sixty written representations, some of which are multiple objections from the same signatory, have been received. Copies are contained in a shared electronic folder to which all Members of the Committee have had access.

Of these, 53 object to the proposal, 2 are in support and 5 neither support nor object to the proposal.

The main grounds of objection are summarised as follows:

*Existing infrastructure and facilities, including Aberlady Primary School and nursery and North Berwick High School, healthcare facilities, water and sewage infrastructure, electricity infrastructure and supply, trains, parking and roads cannot accommodate this along with other recently approved housing developments;

*The development is too dense for the conservation village, a 22% increase over the 479 homes recorded in the last Census;

*The village has insufficient shops and commercial facilities;

*The village needs sheltered housing for older and disabled people;

*There should be a roundabout at the junction with the A198 to slow vehicles and other speed reducing measures, including a 20mph limit through the village, new signage and pedestrian crossings are needed. Some opposition is voiced at the roundabout suggestion also;

*Road traffic going east needs to be diverted to the B1377, particularly HGVs and there needs to be an integrated bus/rail service;

*Residents objected to the developer's proposal for access on to Kirk Road with the southern one said by the developer to be for cyclists /pedestrians only and the two road accesses would be a road safety hazard on a quiet country road and the Mair;

*There should be a pedestrian/cycle access to Elcho Terrace, however, one representor objects to such provision as the land needed to facilitate it is in private ownership and the turning circle at the west end would make it unsafe for pedestrians and cyclists;

*There should be a path leading through the Gosford Estate to Longniddry station and other cycle and footpath links in the area;

*The open space on the west side of the development will be exposed to westerly winds and little used and there needs to be a solution to managing the care of it, there also needs to be more play space;

*The development should provide a social area for young people and provide for sports pitch improvement;

*The design of the houses is bland, featureless and uniform, though some have 'mock historical' details. The house types should reflect the draft Development Brief for the site in building heights. There should be no driveways on to Kirk Road as per the draft Development Brief. Freestanding garages within the development would be featureless and ugly and give a suburban appearance. Gardens are too small;

- *There should be replacement hedgerow planting along the west side of Kirk Road;
- *the development will block views;
- *The houses should use green/renewable energy
- *Affordable housing provision should be calculated on bedroom numbers rather than number of units;
- *The field access roads and back lane suffer from flooding;
- * The development of the site would lead to a loss of prime agricultural land;
- * The proposed development will impact harmfully features like the John Muir Way and therefore on tourism
- *The public exhibition was held at very short notice;
- * The proposed development would have a harmful impact on neighbouring residential properties in terms of noise, pollution and disturbance including for shift workers;

One of the objections is from Aberlady Primary School Parent Council, which objects on the grounds of lack of capacity at the school and nursery to accommodate children from the proposed new homes; that insufficient developer contributions to extend the school are being sought; road safety, traffic congestion and parking concerns; and pressure on local facilities and services, including GP and other community health services.

Support is offered for the proposed development in providing housing and particularly affordable housing.

Gullane Area Community Council does not object to the proposals but does raise some detailed issues of objection and expresses some general concerns at levels of development in East Lothian, all reflecting views expressed at community meetings.

These include local traffic impacts and the Community Council endorses suggestions of a roundabout at the access off the A198, extending the 30mph speed limit to beyond the Gosford Bothy junction, improving signage and installing a pedestrian crossing. They also endorse provision of signage, footpaths and traffic calming measures at the Mair and improvements to the wider pedestrian and cycle path network including, to mitigate the likely increase in motor traffic to Longniddry station, the feasibility of a path through the Gosford Estate.

It is suggested that the affordable housing provision be calculated as 25% of bedroom spaces rather than the number of dwellings and that 50% of the affordable housing should be made available as rental properties.

The Community Council is concerned that the proposal does not reflect the draft Development Brief for the site, that thought needs to be given to the management of public space in the development and that developer contributions be sufficient for the necessary extension of the school.

In more general terms the Community Council has concerns at a 22% increase from the 479 households recorded in the 2011 census, including on natural habitat for wetland birdlife, walking routes including the John Muir Way and that over-development

will compromise the integrity of this outstanding conservation area and may have a negative effect on its amenity as a leisure destination.

The Community Council considers that Aberlady is not easily accessible by public transport, that the bus service is poor, taking at least an hour to reach Edinburgh and parking issues at Longniddry station. Parking at this station is already full. In particular, management of increased traffic flows should include diversion inland along the B1377.

The impact of the proposal on capacity of doctor's surgeries is primarily a matter for the NHS. Notwithstanding this, the NHS was consulted on the Proposed LDP of which the site forms part and confirmed that the issue for GP surgeries is generally not accommodation but having sufficient staffing, which is not a material consideration in the determination of a planning application. The advertisement of the public meeting relating to the Proposal of Application Notice was carried out in accordance with statutory requirements. Any impacts on the value of properties and on private views are not material planning considerations in the determination of this application. The provision of specific facilities for young people is not material to the application and it would be unreasonable to require the developer to contribute to what is stated by objectors to be an existing issue. Provision of housing for specific elderly or disabled needs is a matter for the Council's Housing service to provide within the affordable housing allocation.

Following the Council's approval of the Proposed Local Development Plan, where an application for planning permission or planning permission in principle is for a site of that Proposed Plan, general 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 housing site NK10 of the Proposed LDP, the Council recognises its potential for residential development. Proposal NK10 of the LDP allocates the site for a residential development of circa 100 homes. It is therefore appropriate to determine this application with due consideration of that recognised residential potential, subject to the above considerations and assessments, particularly in respect of cumulative impact considerations of Scottish Planning Policy on prematurity and prejudice to the Proposed LDP.

The Council's Legal Services has previously advised that previous planning case law confirms that a planning authority has two distinct obligations - to prepare development plans and to determine applications for planning permission and other statutory consents. One function should not be subservient to the other. Where an application stands to be determined and there are at the same time corresponding objections to a proposed Local Development Plan, as happens to be the case in this instance, the authority should still decide the application but must demonstrate that in so doing it took into account the nature of the corresponding objections.

The Committee are advised that, separate to the representations to this planning application, there have been 3 representations to the Proposed Local Development Plan in respect of Proposal NK10. The grounds of objection reflect those voiced by objectors above, additionally one representor considers that the development of this site with others will lead to coalescence from Musselburgh to Dunbar.

In being a site of the Proposed LDP the application site is an integral part of the group

of sites which the Council's settled view recognises as having the potential to meet, cumulatively, the SPP and SESplan requirements of an effective five year housing land supply. This is a material consideration to be weighed against the considerations of national, strategic and local planning policy.

In respect of the considerations of Scottish Planning Policy: 2014 on prematurity and prejudice to the plan, Proposal NK10, the Examination of the LDP will consider the unresolved representations to the proposed strategy, sites and policies of the plan. The plan sets out a Compact Growth strategy in which development is concentrated to the west of the East Lothian strategic development area, however, sites are also allocated outwith the west and the SDA to reflect marketable and effective sites which fulfil part of the housing need and demand in the East Lothian area. If the Reporter's findings from the Examination were to be to modify the compact strategy, other sites such as this one would play a more significant role in providing for an effective five years housing land supply. In both scale and location, the site should therefore be considered appropriate for development at this time without predetermining decisions about the scale, location or phasing of new developments that are central to the emerging plan.

The primary material considerations in the determination of this application are therefore: whether or not the proposed development accords with development plan policy and other supplementary planning guidance; 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; and if not, whether there are material considerations that outweigh any conflict with the development plan and other planning guidance.

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.

Local Plan Policy DC1 (Development in the Countryside and Undeveloped Coast) provides the detailed context for the consideration of development proposals in East Lothian's countryside and coast. It presumes against new housing in the countryside other than where it has an operational requirement relating to an appropriate countryside business. It requires loss of prime agricultural land be minimised.

However, the countryside designation of the land of the site must 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, the Council's approval of the Proposed Local Development 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 Proposed LDP. 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 Proposed LDP.

SESplan Policy 7 states that sites for greenfield housing development proposals either within or without 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.

The site is in the control of a housebuilder who is seeking a grant of planning permission to enable development of it once any pre-development conditions are discharged. It is proposed that the development would be phased over a three year period from commencement of development. There is no evidence to suggest that the site cannot be developed in the short terms. Subject to assessment of the scale and character of the proposal and the developer agreeing to any required developer contributions, the site must therefore be considered effective and capable of contributing to the housing land supply in the short term.

In respect of prime agricultural land, the release of greenfield land for development will often result in loss of prime agricultural land. It requires to be considered whether the proposed density of development, taken in conjunction with the provision of green space for the development and the area, is such that it can be considered that the loss of prime agricultural land would be minimised.

The residential development of the site is therefore supported by the approved Proposed Local Development 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 Proposed Plan is that it is an appropriate extension of Aberlady of a suitable scale.

In respect of the Proposed LDP the site is part of the allocations required to meet the housing targets from SESplan 1. As a proposed site for allocation it does not conflict with the Council's settled view of where development should take place. Whilst Examination of the plan will consider unresolved representations objecting to the proposed Compact Growth strategy and to sites, any modification in respect of the compact strategy would likely require additional allocations in the east of East Lothian rather than removal of them.

The site would be laid out with an access from The Pleasance/A198, with roadways through the site linking with Kirk Road towards the north and south edges of the site on the east side. The potential for a pedestrian access with Elcho Terrace would be retained, though achievement of this is dependent on the legal permission of one of the house owners. There would be an area of open space and a SUDS basin located adjacent to the southern boundary, roughly half way between the north-western and south-eastern ends of that boundary

The proposed masterplan layout and design of the development has been the subject of discussions with Council officers and revisions have been made by the developer in response to a number of points. It is noted that the draft Development Brief for the site considers housing of one storey on the northern part of the site with the southern area for larger houses. The proposal has been amended so as to respond to aspirations to have varied roof and eaves levels to avoid a uniformity of build heights, particularly around the boundaries of the site

The application site is bounded to the north and east by existing development. In respect of the south and west boundaries, the Council's Landscape Projects Officer advises that it is important to locate trees with a view to their mature size in order to reduce any future detrimental impact they may have on the residential amenity to householders whilst being mindful of maintaining a sensitively designed rural / urban edge to the west/south-west. He would prefer to see hedge planting to that boundary with its length punctuated with groups of small to medium sized trees, this should avoid excessive future overshadowing to the new houses and further that large specimen feature trees would fit well into the open space area, complementing the large trees in and around this part of Aberlady and thus helping integrate the development with the existing village setting. This can be part of a detailed landscape condition for any grant of planning permission.

In relation to the proposed development along the western and southern edge of the site, the general landscape philosophy to the west / south-western boundary is not to hide the houses but to use both the built form with landscape planting to enhance the development whilst respecting the wider rural character. Therefore the revised masterplan for the site shows one and one and a half storey houses at the north access to the site adjacent to The Pleasance then a mix of one and a half and two storey houses, punctuated by one storey garages and by an area of open space and SUDS basin which abuts the southern boundary. The use of a range of gabled and hipped roofs adds further to a sense of space between the buildings. Hedge and tree planting around this boundary would serve to soften the edges of garden boundaries.

The proposed houses to the south of existing houses of The Pleasance and Elcho Terrace would be a mix of one and a half and two storey houses, with a landscaped edge between the new development and the gardens of the existing houses. The houses of The Pleasance are a mix of one and one and a half storey build, some with two storey gables to the rear. Those of Elcho Terrace are one storey, some with accommodation in the roof space. The Landscape Projects Officer advises that the boundary between the development and The Pleasance / Elcho Terrace should be considered in respect of introducing hedging and reducing the number of trees proposes, to avoid overshadowing to the existing south facing gardens. Small groups of trees would be better placed rather than a tree belt with these being positioned for improved privacy between both new and existing properties. A detailed landscaping plan, including species, can be required as a condition of a grant of planning permission.

Along Kirk Road the existing houses are a mix of one and two storeys. The majority of the proposed houses would face outwards to form a street frontage, though three at the access junctions to Kirk Road would have gables to the road and face across internal access roads of the development. The gables would have windows so as to be active and not present a solid wall. Again a range of gabled and hipped roofs would be used and one storey garages, the gardens of the houses with gables to the road and the accesses would all create space between buildings. Whereas the Landscape Projects Officer initially advised that the arrangement to Kirk Road should reflect the arrangement of the relatively recent Cala development, which largely backs on to the road, it is a better arrangement to have an active street frontage and the relative openness of it, set back behind a landscape strip, would be an appropriate response.

The proposed primary frontages and the internal layout of the development respect the Council's Urban Design Standards for New Housing Areas and the Scottish Government's Designing Streets. Use of integral garages with frontage parking is kept away from the entrances to the development and around the area of open space,

reducing the impact of vehicle presence on these more public areas. Frontage boundary treatments can be required as part of the detailed landscape plans as a condition of any grant of planning permission in principle to reduce the impact of frontage parking elsewhere in the development. Roadways would be designed with shared surfaces and integrated traffic calming measures. There are no lock-up garages proposed as one objector states.

The design of the houses is relatively simple with some window gables other features to articulate their elevations. It is proposed to use materials such as a range of coloured renders, slate and pantiles which reflect materials commonly used in the village. Reconstituted stone would be used for base courses and window and door surrounds. Window frames and doors would be of a green or white upvc finish.

Reconstituted stone would also be used for walls forming garden boundaries in prominent positions throughout the development, including corners and the public garden boundaries of the houses at Kirk Road which have their gables, and therefore garden boundaries, facing to the road. Hedges would be used for frontage boundaries and fencing only for subdivision of gardens between plots. A condition can be used to require submission of samples of the materials shown on the submitted materials plan for approval prior to their use.

In all of this the proposal would be an appropriate residential development of the site and whilst it would bring change to the village it would be well designed and integrated into its landscape and village settings.

The proposed housing development would provide an attractive residential environment. The houses are shown to be laid out in such a way that adheres to the normally accepted privacy and amenity criteria on overlooking and overshadowing, whilst affording the future occupants of the houses an appropriate level of privacy and residential amenity.

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

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 be of a pattern and density consistent with existing patterns and densities of housing and other development within Aberlady.

In being of an appropriate scale and character, of an appropriate density and in its layout and design the proposal accords with Policy 1B and 7 of the approved South East Scotland Strategic Development Plan (SESplan) and Policies DC1, DP1, DP2, DP4, DP24 and H1 of the adopted East Lothian Local Plan 2008.

Further to the landscape considerations of boundaries as set out above, the Council's Landscape Projects Officer advises that the Tree Survey and Arboricultural Impact Assessment submitted with the application only considers impacts to adjacent trees subject to a Tree Preservation Order and that this should be extended to cover other trees at the junction of the A198 and The Pleasance and the junction of Elcho Terrace and Kirk Road to ensure that appropriate protection and mitigation measures can be secured. He also recommends that trees within the site should be a variety of mixed species with a sufficient number of large species to give balance and scale to the development.

These landscape recommendations could be made conditions of a grant of planning permission, subject to which the proposals comply with Policy DP14 of the adopted East Lothian Local Plan 2008.

The Council's Principal Amenity Officer notes the proposal to generally consolidate the open space onto one area which will provide an appropriate location for informal recreation, an approach which he promotes and supports.

He advises that in terms of contribution towards formal recreational facilities, the evidence base arrived at through examination of cumulative needs for the Proposed LDP demonstrates that Aberlady would require an enhancement of the grass sports pitch provision within the village to accommodate the increased use a 107 house development would generate. The existing pitch copes with the current level of use but it was identified that to increase capacity it would require to have an enhanced drainage system installed and some re-profiling of the contours. His advice is that recent works of a similar nature elsewhere in the county were approximately £36,000 and an equivalent figure is sought.

The Principle Amenity Officer further advises that in terms of provision of equipped play, standard practice for the Council is to seek a contribution towards enhancing the capacity of an existing ELC maintained facility rather than creating a long term burden for the householders of a standalone facility within the development. The standard formula for such provision is a contribution of £517 (2015 rates) per house unit (£55319). This would be towards adding additional items of equipment and replacing some existing items with units that offer increased discrete activities along with appropriate increase in safety surface area to enhance the capacity of the site to accommodate the additional demand generated by these additional households. Given that there is a small facility at The Pleasance which could be enhanced to increase its capacity, he promotes that as a sustainable means of the developer meeting their obligations in this regard.

The above requirements can subject to an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement.

The above approach would also increase integration between the householders and the existing community.

On these considerations of open space and recreation provision, the principle of the proposed housing development is consistent with Policies C1 and C2 of the adopted East Lothian Local Plan 2008.

In his original consultation response, the Council's Access Officer advised that core path 102 starts a few metres from the eastern corner of the development, and it is planned for this route to be part of a cycle link from Aberlady to Longniddry train station. This route was also being looked at as a possibility for a safe route to school for the children at Ballencrieff. He originally recommended that the developer make a financial contribution towards upgrading part of this path. The Access Officer has subsequently advised that the main owner of the land required to form this path is not prepared to allow a promoted route on his land. This means that this section of the core path would now not form part of that route. In these circumstances he confirms that he no longer recommends that the developer make a financial contribution towards upgrading part of this path. The Access Officer raises no objection to the proposed development.

The Council's Archaeology Officer advises that there is unlikely to be any indirect

impacts as the majority of the Historic Environment receptors are behind the existing houses or at some distance. He further advises that in terms of direct impacts although there are no known remains within the application area, there is a moderate to good potential for remains to be present given the known remains in the immediate vicinity. The surrounding remains include a scheduled prehistoric palisaded enclosure c.250m to the north west of the site (SM4142); a scheduled medieval castle and settlement c.300m to the north east of the site (SM5997); the A listed Aberlady Parish Church which dates to the 15th century (LB6508) and the designed landscape for Gosford House c.200m to the south and west of the site (DGL197). Overall there is still the potential for unidentified subsurface remains to exist within the proposed development area and the proposals have the potential to impact upon any that survive adversely. As such he recommends that a 5% archaeological evaluation by trial trenching over the whole development area carried out. 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: June 2014 and Planning Advice Note 2/2011: Planning and Archaeology. On this consideration the proposed development complies with Policy ENV7 of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy: June 2014.

The Council's Road Services advises that the proposed site is included within the Proposed Local Development Plan and was included within the East Lothian Council Transport Appraisal to determine the cumulative impacts of development on both the strategic and local road network. The model highlighted that the development of this site will have a cumulative impact on the wider strategic road network, however, it can be accommodated within the local road network in terms of road capacity. A Transport Assessment was also completed and looked at the future sustainable travel demand against the existing provision in the area.

The Council's Transport Appraisal (TA) informed the Council's draft Developer Contributions Framework (DCF) and has been produced in conjunction with the Local Development Plan TA so that Road Services can assess the cumulative impacts of the Local Development Plan allocations on the Transport Network. The TA has identified a number of hot spots on the network which require interventions to mitigate against the Local Development Plan and was included within the East Lothian Council Transport Appraisal setting out the appropriate contribution levels for each of the Local Development Plan sites.

For the Aberlady site the requirement for developer contributions towards each intervention as identified through the above process is as follows (the works are detailed in the Transport Appraisal, references given here are to the Proposed Local Development Plan proposals, for information on the types of works):

- Proposal T15 improvements to Old Craighall junction - £1,481
- Proposal T17 improvements to Salters Road Interchange and Bankton Interchange - £2,607 and £19,171
- Proposals T8 and T10 improvements to the rail network - £13,144
- Proposal T21 Musselburgh town centre improvements - £1,503
- Proposals T27 and T28 Tranent town centre improvements – £2.598

The total contribution required for transportation improvements resulting from cumulative impacts of the development is therefore £40,504.

In respect of the matters above, Transport Scotland advise that they have concern in regard to the development impact on the junction of the A1 trunk road and the A720

trunk road (i.e. the Old Craighall Junction south of Musselburgh, at the western end of East Lothian). In this regard they have sought a contribution from the developer towards mitigation of this perceived impact. The applicant is willing to pay Transport Scotland a sum of £1,481 towards the upgrade of the Old Craighall junction, that amount being calculated by them from the figures given in the Council's draft developer contributions framework. They have provided the Council with a formal legal undertaking from them that they will make this payment to Transport Scotland prior to the Council signing the section 75 Agreement. Transport Scotland are content with this approach and, on this basis, raise no objection to the impact of the development on the Old Craighall junction.

Network Rail advises that the proposal will contribute to a cumulative impact on Longniddry Station and on local rail services within East Lothian and that mitigation of the impact of the development is required in accordance with the evidence base informing East Lothian Council's Draft Developer Contributions Framework. Network Rail's Scotland Route Study 2016 and its Market Study of local and long distance journeys identify for the routes between North Berwick, Drem and Edinburgh Waverley that ScotRail services will exceed 100 per cent of seating capacity (assumed to be six carriage trains) in the peak hour by the time they reach Edinburgh Waverley. The provision of two new tracks to form passing loops via new flat junctions between Prestonpans and Drem stations would allow local passenger and freight services to utilise new track between Prestonpans and Drem in order that long distance non-stopping services can overtake slower trains on this section of the East Coast Main Line. This intervention will substantially increase timetable flexibility and contributes towards additional services, as well as providing regulating capacity for freight services between Drem Junction and Millerhill. Contributions secured from developers in this area should be channelled to this project to help secure additional local rail services and capacity for the East Lothian Council area. The indicative costs of this project will be between £125m - £300m. In accordance with this and the evidence base of East Lothian Council's Draft Developer Contributions Framework Network Rail therefore seeks a developer contribution of £13,144. Again the applicant have provided the Council with a formal legal undertaking from them that they will make this payment to Network Rail prior to the Council signing the section 75 Agreement. Network Rail are content with this approach and, on this basis, raise no objection to the impact of the development on the rail network.

With allowance for the amount covered by the formal legal undertakings for payment to Transport Scotland and to Network Rail, the developer contributions towards these other required interventions of £25,879 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 these transport interventions 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.

In respect of details of the proposed development, Roads Services has no objection and confirms that the Proposed Site Layout is acceptable. Roads Services recommends that a number of conditions be attached to any grant of planning permission, requiring that:

- The proposed accesses onto both the A198 and Kirk Road be designed in accordance with the Design Manual for Roads and Bridges, Volume 6;

- The existing footway along the A198 providing access to the bus stop on the western side of the A198 / The Pleasance junction be widened to 2 metres;
- The existing bus stops on the Edinburgh bound carriageway to the west of the A198 / The Pleasance junction and on the North Berwick bound carriageway to the east of the A198 / The Pleasance junction be upgraded to each include a shelter;
- Dropped kerb crossing points be provided in close proximity to the A198 / The Pleasance junction to allow pedestrians to cross the road to the north side of the A198 to access walkways and bus stops;
- A continuous 2 metres wide footway be provided along the southern side of the A198 to link in with the existing footway network from the A198 / The Pleasance junction towards Aberlady;
- Raised Table traffic calming be constructed at the 2 priority junctions with Kirk Road;
- The section of Kirk Road on the southern boundary of the village linking the proposed site to the A6137 Haddington Road be provided with 3 vehicle passing places to allow vehicles to pass one another;
- The internal carriageway through the site in front of plots 11, 12, 23, 24,57 and 58 have a 2 metre wide footway on either side of the carriageway;
- The remote footpath through the park area adjacent to the SUDS pond be constructed to an adoptable standard including street lighting;
- The new roads junctions within the site have traffic calming measures to reduce vehicle speeds, to include raised tables at junctions and crossing points with appropriate speed bumps at other locations;
- 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 ELC 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;
- Driveways have minimum dimensions of 6 metres by 2.5 metres, double driveways minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 m 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 be 2.5 metres by 5 metres and all visitor parking spaces within these areas be clearly marked for visitors with the remaining private parking spaces allocated to individual dwellings;
- No part of the development be occupied until a Residential Green Travel Plan (GTP) has been submitted and approved by the planning authority in consultation with Road Services. The GTP shall 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 amenity of the area be submitted to and approved by the Planning Authority prior to the commencement of development with recommended mitigation measures to control noise, dust, construction traffic and shall include hours of construction work;
- A detailed condition survey of the construction access route from The Pleasance be jointly undertaken by the developer and East Lothian Council Road Services prior

to commencement of the development. During the period of construction of the site a similar joint inspection shall be carried out to assess the condition of the route on the first anniversary of the commencement of the development and each subsequent anniversary thereafter. Any damage identified during the inspections as a result of construction activities shall be repaired or resurfaced by the applicant in compliance with the council's specifications and requirements at no cost to the council as roads authority.

These measures can be required by conditions of a grant of planning permission, subject to which the proposals comply with Policies T1, T2 DP20 and DP22 of the adopted East Lothian Local Plan 2008.

The Council's Service Manager, Waste advises that he is content with the layout of the development. He advises that certain plots of the development would be required to present waste containers outwith their own driveways. The applicant has been informed of this requirement.

The Council's Biodiversity Officer made no response to consultation on the application. His standard advice in respect of open arable fields there are opportunities for biodiversity improvement and recommends native species planting to facilitate this, which can be addressed through any conditions on detailed landscaping of the site. He subsequently confirmed this reflects his views. The proposal therefore complies with Policy DP13 of the adopted East Lothian Local Plan 2008.

The Council's Principal Environmental Protection Officer advises that he has no comment to make on the proposal and in respect of his considerations the proposal would not harm the amenity of any existing nearby or proposed residential properties, consistent with Policies DC1 and ENV1 of the adopted East Lothian Local Plan 2008.

The Scottish Environment Protection Agency (SEPA) raises no objection to the proposal in respect of flood risk. It comments that it is acknowledged that an area to the east of the site is shown to be at surface water flood risk as shown on SEPA flood hazard maps. SUDS will be incorporated within the site design to ensure that the site has a neutral impact on runoff rates from the development site. It highlights that runoff rates should be agreed with the local authority as the flood prevention authority. Further details of the SUDS system can be made a condition of a grant of planning permission.

In respect of this the Council's Manager - Structures, Flooding and Street Lighting advises he has no objection to the proposals subject to a condition to secure that the proposed SUDS Outfall Pipe Design and route are approved prior to any construction works on the site.

In respect of foul drainage Scottish Water have made no response to consultation on the proposals. SEPA advise that as the application details that the site will connect to the public sewer contact should be made with Scottish Water with regards this issue. The developer will require to negotiate with Scottish Water to achieve a connection and any capacity issues would be considered by Scottish Water at that stage. Scottish Water has a duty to provide capacity for committed development, which would be the case for this site if planning permission were to be granted.

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 Aberlady Primary School and Nursery School and North Berwick High School.

He advises that Aberlady Primary School and Nursery School and North Berwick High School 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 £8,000 per unit (£856,000) towards primary and nursery provision towards the provision of additional school accommodation at Law Primary School and £7140 per unit (£763,980) towards additional school accommodation at North Berwick High School.

The required payment of a financial contribution of a total of £1,619,980 towards the provision of additional accommodation at Aberlady Primary School and Nursery School and North Berwick High School 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.

In accordance with Policy H4 of the adopted East Lothian Local Plan 2008 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 i.e. 27 units. 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 developer's layout proposes 26 units on site with the remainder proposed to be covered by a commuted sum).

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 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, 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 allocated housing site NK10 of the Proposed Local Development Plan, and in that its impacts in respect of amenity and technical considerations can be mitigated through the appropriate use of planning conditions, and necessary developer contributions, the balance of the material considerations of this case support the proposals. In this and in that the scale and location of

development would not prejudice the Proposed LDP nor be a premature decision, 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 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 secure from the applicant:

(i) a financial contribution to the Council of £1,619,980 (£15,140 per residential unit) towards the provision of additional capacity at Aberlady Primary School and North Berwick High School.

(ii) 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.

(iii) a financial contribution to the Council for £91,319 towards the provision of required increased sports pitch capacity and play capacity

(iv) a financial contribution to the Council of £25,879 for road improvements to Salters Road Interchange and Bankton Interchange, Musselburgh town centre improvements and Tranent town centre improvements.

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 Aberlady Primary School and North Berwick High School, the lack of provision of affordable housing, lack of roads and transport infrastructure improvements and the lack of provision of play facilities, contrary to, as applicable, Policies INF3, H4 and C2 of the adopted East Lothian Local Plan 2008.

CONDITIONS

- 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 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 commencement of development a further Tree Survey and Arboricultural Constraints Assessment, including details of protection and mitigation measures shall be carried out for the trees at the junction of the A198 and The Pleasance and the junction of Elcho Terrace and Kirk Road.

The development hereby approved shall be carried out in strict accordance with a tree protection and mitigation plan that shall set out the protection and mitigation measures for the site as set out in the Tree Survey and Arboricultural Constraints Assessment docketed to this planning permission and that approved in writing by the Planning Authority as part of this condition.

Reason:

To ensure the retention of existing trees, in the interests of the visual amenity of the area.

- 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 include for:

Continuous hedge planting around the southwestern boundary of the site;

Hedge planting at the Kirk Road frontage;

Tree and hedge planting between the proposed houses to the south of existing houses at Elcho Terrace and The Pleasance;

Planting to the frontages of houses with integral garages to screen parking driveways;

Planting of native species trees of a variety of mixed species and with a sufficient number of large species;

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 accordance with a phasing plan to be submitted with the scheme of landscaping and any trees or plants which within a period of ten years from planting 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 and to improve the biodiversity value of the area.

- 4 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 (Trial Trench Evaluation (5%)) 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.

- 5 Prior to the commencement of development, details showing compliance with the following transportation requirements shall be submitted to and approved in writing in advance by the Planning Authority and thereafter shall be completed and brought into use in accordance with a phasing plan approved in writing in advance by the Planning Authority:

- a) The proposed accesses onto both the A198 and Kirk Road shall be designed in accordance with the Design Manual for Roads and Bridges, Volume 6;
- b) The existing footway along the A198 providing access to the bus stop on the western side of the A198 / The Pleasance junction shall be widened to 2metres;
- c) The existing bus stop flag on the Edinburgh bound carriageway to the west of the A198 / The Pleasance junction shall be upgraded to include a shelter;
- d) The existing bus stop flag on the North Berwick bound carriageway to the east of the A198 / The Pleasance junction shall be upgraded to include a shelter;
- e) Dropped kerb crossing points shall be provided in close proximity to the A198 / The Pleasance junction to allow pedestrians to cross the road to the north side of the A198 to access walkways and bus stops;
- f) A continuous 2 metre footway shall be provided along the southern side of the A198 to link in with the existing footway network from the A198 / The Pleasance junction towards Aberlady;
- g) Raised Table traffic calming shall be constructed at the 2 priority junctions with Kirk Road;
- h) The Section of Kirk Road on the Southern boundary of the village linking the proposed site to the A6137 Haddington Road is narrow and not suitable for the increase in 2 way traffic that shall be generated by the site. 3 vehicle passing places shall therefore be required to allow vehicles to pass one another without having to drive on the road verge;
- i) The internal carriageway through the site in front of plots 11, 12, 23, 24,57 and 58 shall have a 2 metre wide footway on either side of the carriageway;
- j) The remote footpath through the park area adjacent to the SUDS pond shall be constructed to an adoptable standard including street lighting;
- k) The new roads junctions within the site shall have traffic calming measures to reduce vehicle speeds along the route in order to promote road safety. This shall include raised tables at junctions and crossing points with appropriate speed bumps at other locations;
- l) Parking for the proposed residential elements of the development shall be provided at a rate as set out in the East Lothian Council Standards for Development Roads – Part 5 Parking Standards;
- m) All access roads shall conform to ELC Standards for Development Roads in relation to roads layout and construction, footways & footpaths, parking layout and number, street lighting and traffic calming measures;
- n) 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;
- o) Driveways shall have minimum dimensions of 6 metres by 2.5 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 m 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 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) No part of the development shall be occupied until a Residential Green Travel Plan (GTP) has been submitted and approved by the planning authority in consultation with Road Services. The GTP shall 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;
- r) 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 noise, dust, construction traffic and shall include hours of

construction work; and

s) A detailed condition survey of the construction access route from the The Pleasance shall be jointly undertaken by the developer and East Lothian Council Road Services prior to commencement of the development. During the period of construction of the site a similar joint inspection shall be carried out to assess the condition of the route on the first anniversary of the commencement of the development and each subsequent anniversary thereafter. Any damage identified during the inspections as a result of construction activities shall be repaired or resurfaced by the applicant in compliance with the Council's specifications and requirements at no cost to the council as roads authority.

Reasons:

In the interests of road and pedestrian safety.

- 6 Prior to the commencement of development further details of the SUDS scheme shall be submitted for the approval of the Planning Authority:

demonstrating that the site has a neutral impact on runoff rates from the development site; and providing details of the SUDS Outfall Pipe Design and route.

Thereafter the SUDS system shall be constructed in accordance with the details so approved.

Reason:

In the interests of drainage and flood risk management.

- 7 Unless otherwise approved in writing by the Planning Authority, the external finishes of the development shall be as shown on the Materials Plan and elevation drawings docketed to this planning permission. Prior to the use of them on the development samples of all materials and finishes shall be submitted for the approval of the Planning Authority and thereafter the materials and finishes used on the development shall be as so approved.

Reason:

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

- 8 The number of residential units to be completed on the site each year shall be as follows unless otherwise approved in writing in advance by the Planning Authority:

Year 1 - 46 residential units
Year 2 - 34 residential units
Year 3 - 27 residential units

Should any completions be fewer per year than given above then the difference shall be added to the end of the 3 year phasing period and not to the year following on.

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.

- 9 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.

- 10 Prior to the occupation of the last house or flat hereby approved, the proposed access roads, parking spaces, and footpaths shall have been constructed on site in accordance with the docketed drawings.

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 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 application site or at an alternative location away from the site have been submitted to and approved by the Planning Authority. The details shall include a timetable for the provision of the artwork. The artwork shall thereafter be provided in accordance with the details so approved.

Reason:

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