

REPORT TO: Planning Committee

MEETING DATE: Tuesday 6 June 2017

BY: Depute Chief Executive (Partnership and Community Services)

SUBJECT: Application for Planning Permission for Consideration

Application No. 16/00594/PPM

Proposal Planning permission in principle for residential development, school campus land, open space and ancillary works

Location Land At Saltcoats Field
Gullane
East Lothian

Applicant CALA Management Ltd

Per Apt Planning & Development Ltd

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 49 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: 16/00004/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 200 people attended the pre-application public exhibition, which was held over two days at The Golf Inn, Main Street, Gullane on 18 and 19 March 2016, 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 on the southern side of Gullane. It is some 13.5 hectares in area and is roughly rectangular shaped. 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 in that Plan for housing development.

The site is bounded to the north by Muirfield Grove, Muirfield Gardens, the grounds of Gullane Primary School and the eastern part of a larger area of woodland known as Millennium Wood, to the east by the C111 public road and to the south and west by agricultural land.

Planning permission in principle is sought through this application for a residential development of the application site with associated works and for an expansion of the school campus land of Gullane Primary School.

An indicative masterplan has been submitted with the application indicating how some 150 residential units could be accommodated on the application site.

It is also indicated that a SUDS pond be accommodated on the southern part of the site at its eastern end and how areas of recreational open space could be formed throughout the site incorporating a series of path networks. It is also indicated how footpath linkages from the site onto the C111 public road to the east and links to the south and west could be formed and how landscape and woodland planting could be undertaken.

The indicative masterplan indicates that access to the site could be taken from two new access points from the C111 public road.

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 29 August 2016 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 1B (The Spatial Strategy), 5 (Housing Land) 6 (Housing Land Flexibility) and 7 (Maintaining a Five Year Housing Land Supply) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies NH1a (Internationally Protected

Areas), DP1 (Landscape and Streetscape Character), DP13 (Biodiversity and Development Sites), DP14 (Trees on or Adjacent to Development Sites), DP17 (Art Works-Percent for Art), DP20 (Pedestrians and Cyclists), ENV3 (Listed Buildings), 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.

Material to the determination of the application are Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and Scottish Planning Policy: June 2014.

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

Scottish Planning Policy states proposals for development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area.

One of the main Outcomes of Scottish Planning Policy 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 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.

A 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. In assessing this, 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 is to be applied where a development plan is more than five years old.

The adopted East Lothian Local Plan is more than five years old.

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 approved the 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. This Interim Guidance reflects the principles of Policy 7 of SESplan and is a material consideration in the determination of this application for planning permission in principle.

In respect of development plans, 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 development 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.

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. It sets out a generous housing land supply to meet the requirements of Scottish Planning Policy and SESplan.

The Schedule 4 responses to comments on the plan during its period of representation were approved by Council at its meeting of 28 March 2017 and have been submitted, together with the plan, for Examination.

At this stage the Proposed Local Development Plan is the settled view of the Council as to the strategy, plans and policies for development. It is a material consideration in the determination of planning applications, however, as it remains subject to Examination it cannot be accorded the weight of an adopted development plan.

In Paragraph 34 of Scottish Planning Policy it is stated 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 (in this case the Proposed Local Development Plan). Scottish Planning Policy goes on to state that 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.

In respect of the above provision of Scottish Planning Policy it must therefore be considered whether or not the site under consideration is of a scale, location or phasing that is central to the Proposed Local Development Plan and whether a grant of planning permission in principle would, in this instance, undermine the plan making process and therefore be considered premature.

Also material to the determination of the application are the written representations to the proposals. A total of 433 written objections have been received. Copies of the written objections are contained in a shared electronic folder to which all Members of the Committee have access.

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

- * it would result in the loss of agricultural land;
- * it would compromise delivery of housing on the former fire service training school;

- * it would lead to additional traffic generation that would be too much for the local road network to cope with resulting in a road, cyclist and pedestrian safety hazard;
- * it would lead to parking problems in Gullane;
- * it would lead to flooding, sewerage and drainage problems;
- * it would harmfully impact on local infrastructure in terms of school and healthcare capacity and community facilities;
- * it would be contrary to Policy DC1 of the adopted East Lothian Local Plan 2008;
- * it would not follow the pattern of development of the village;
- * it would result in an overdevelopment of the site, disproportionate to the size of the village and would destroy its character;
- * it would harmfully impact on tourism;
- * it would prejudice the Local Development Plan;
- * it would not be sustainable as it would result in more car journeys and there is no employment to serve it in Gullane;
- * it is too far from shops, services, bus stops and railway stations;
- * the existing public transport network is currently full and cannot accommodate it;
- * it would lead to noise and disruption;
- * it would be a threat to biodiversity and would displace pink footed geese;
- * it would harmfully impact on Gullane Conservation Area;
- * it would harmfully change the existing landscape character of the area;
- * it should include for much needed affordable housing;
- * it would impact on police and fire service resources; and
- * it would be development in the green belt.

Contrary to what is stated in written objections the site is not part of the Green Belt.

Some of the objections state there are few employment opportunities in Gullane and most future occupiers of the houses would have to commute to Edinburgh. The Local Development Plan recognises Edinburgh as an important source of employment, however, there are some employment opportunities in Gullane and the wider area, and home working is a growing trend.

It should be noted that in terms of the existing medical practice in Gullane, NHS Lothian was consulted during the preparation of the Local Development Plan and advised there was sufficient accommodation within Gullane Medical Practice to accommodate additional GP services. Therefore the capacity of the existing practice building is capable

of accommodating the levels of growth set out in the Proposed Local Development Plan.

East Lothian Council's Team Leader for Community Learning and Development was consulted in the preparation of the Local Development Plan, and identified that there was no requirement for additional community centres in Gullane, satisfied there was sufficient community space.

Annex B of the Scottish Government's Planning Advice Note 75: Planning for Transport recommends a threshold of 1600m for walking distance to local facilities. The application site is within this distance of the school, the medical centre and many shops and other facilities within Gullane.

The recommended guidelines in Planning Advice Note 75 for accessibility of housing to public transport are less than 400m to bus services and up to 800m to rail services. Although the site is outwith these guideline distances, future occupants would be capable of accessing bus services to Edinburgh and North Berwick on foot.

Gullane Area Community Council, as a consultee on the application, objects to the proposed development. The Community Council mainly objects to the proposed development on the grounds that:

- * the location of the site makes it unsustainable;
- * they consider it to be too large scale;
- * it constitutes development in the countryside contrary to Policy DC1 of the adopted East Lothian Local Plan 2008;
- * it would lead to cumulative impacts harmful to Gullane;
- * it would not minimise travel by car;
- * it would prejudice the Local Development Plan;
- * it would prejudice brownfield site delivery;
- * the site has limited access to public transport;
- * it would impact on views to Saltcoats Castle, a Scheduled Monument;
- * it may impact on listed buildings at West Fenton;
- * it may cause a road and pedestrian safety hazard;
- * it would lead to cumulative impact on sewerage;
- * community facilities do not have the capacity to cater for it; and
- * it would have a detrimental impact on infrastructure in Gullane in terms of schools and doctor surgeries.

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, 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 facilities and other essential infrastructure. Consideration must also be given to the objections to the application and the relevant representations to the Proposed Local Development Plan.

In that the site now under consideration is housing site NK7 of the Proposed Local Development Plan, the Council recognises its potential for residential development. Proposal NK7 allocates the site for a residential development of circa 130 homes.

The Council's Legal Services has previously advised that 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 applicants have confirmed that they wish the application to be determined at this time. In the context of planning case law it is therefore appropriate to determine this application with due consideration of that recognised residential potential, subject to the above material considerations and assessments, particularly in respect of cumulative impact considerations and of Scottish Planning Policy on prematurity and prejudice to the Proposed LDP.

Planning Committee is advised that, separate to the representations to this planning application, there have been some 161 objections to the Proposed Local Development Plan in respect of Proposal NK7. Those representations set out grounds of objection to Proposal NK7 reflecting those voiced by objectors to this planning application as advised earlier in this report. As with the objections to this application, Members have access to the full text of the representations received on the plan in a shared electronic folder. The grounds of objection are considered in part above and through the technical assessment of the proposals in this report.

In being a site of the Proposed Local Development Plan 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 on prematurity and prejudice to the plan, 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 (SDA), however, sites are also allocated outwith the west and the SDA to reflect marketable and effective sites which are required to 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 much more significant role in providing for an effective five years housing land supply.

It therefore requires to be considered whether in scale and/or location the site is 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 other 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 the above do not apply, 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 Interim 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 for the Proposed Local Development Plan included assessment of them through considerations which reflect the criteria of the Interim Guidance, including considerations of sustainability and effectiveness. Whilst the approved Interim Guidance need not be given significant weight in respect of sites that are integral to the strategy and sites of the Proposed LDP, its considerations of scale, location and mitigation of impacts and the related detailed criteria remain relevant.

The Interim Guidance remains a material consideration in the determination of planning applications for sites not previously allocated for housing development and not part of the Proposed Local Development Plan.

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.

The site is in the control of a housebuilder who is seeking a grant of planning permission in principle to enable future development of it. It is proposed that the development would

be phased over a four year period from commencement of development. There is no evidence to suggest that the site cannot be developed in the short term. 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.

In terms of land use Scottish Planning Policy states that where it is necessary to use good quality land for development, the layout and design should minimise the amount of such land that is required. Development on prime agricultural land may be permitted where it is essential as a component of the settlement strategy or necessary to meet an established need.

Part 5(d) of Policy DC1 states that proposed development must minimise the loss of prime agricultural land. This is not the same as stating that there must be no loss of prime agricultural land. Rather, if prime agricultural land has to be developed, the amount of such land taken out of agricultural use must be the least possible.

In this case, housing site NK7 of the Proposed Local Development Plan is one which represents the Council's settled view of where new development should occur as an essential component of its settlement strategy to meet the SESplan housing land requirement. Moreover given the size of the site at some 13.5 hectares which includes for adequate provision of open space, and the amount of undeveloped agricultural land in the surrounding area, it is considered that the proposed development would, given its nature, minimise the loss of prime agricultural land.

Therefore a residential development of the site would contribute to the effective five year housing land supply 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 Gullane 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 and its associated Supplementary Guidance on Housing Land. As a site proposed for allocation, a grant of planning permission in principle would not conflict with the Council's settled view of where development should take place.

Examination of the plan will consider unresolved representations objecting to the proposed Compact Growth strategy and to specific sites. It is the case that any modification of the plan in respect of the compact strategy would likely require additional allocations in the east of East Lothian rather than removal of them.

The proposed allocation of the site in the Proposed Local Development Plan is not central to the primary aims and objectives of the plan i.e. the compact strategy. Thus it is considered that a grant of planning permission in principle would not, in the particular circumstances of this site, predetermine decisions about the scale, location or phasing of new development central to the emerging plan.

If planning permission in principle were to be granted, the details of the siting, design and

external appearance of the proposed residential units, 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.

In respect of open space, the Council's Principal Amenity Officer advises that the areas of open space indicatively shown to be provided would be set out in such a way as to provide sufficient areas of open space for informal recreation for a proposed development of 150 residential units, consistent with Policy C1 of the adopted East Lothian Local Plan 2008.

Regarding formal play provision, the Principal Amenity Officer advises that it would be more beneficial to enhance the existing play area at Recreation Park, which is on the west side of Muirfield Terrace a short distance to the northwest of the application site, with additional facilities rather than provide a new facility within the application site. The applicants have confirmed in writing that they are willing to contribute a sum of £77,550 as the amount agreed with the Council's Principal Amenity Officer for enhancement of the existing play area at Recreation Park. This contribution can be secured by a legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other legal Agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the Council securing this appropriate developer contribution the proposed development is consistent with Policy C2 of the adopted East Lothian Local Plan 2008.

The Council's Sports Development & Community Recreation Team Manager 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 Gullane would require an enhancement of the existing 11-aside grass pitch (levelling / drainage) within Recreation Park and that a new additional 7-aside football pitch is required, either within the footprint of Recreation Park or in another location within the wider area, to accommodate the increased use the proposed housing development would generate. His advice is that based on recent works of a similar nature elsewhere in East Lothian, a sum of £85,050 is sought. The applicants have confirmed in writing that they are willing to contribute a sum of £85,050 towards these formal recreational facilities. This contribution can be secured by a legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other legal Agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements.

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) provides the evidence base which has 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 the impact of the Local Development Plan allocations and the site 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 Saltcoats 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):

- * improvements to Old Craighall junction - £3,450;
- * improvements to Salters Road Interchange and Bankton Interchange – £6,673.50 and £30,459;
- * improvements to the rail network - £53,410.50;
- * Musselburgh town centre improvements - £2,533.50;
- * Tranent town centre improvements – £4,374.

The total contribution required for transportation improvements resulting from cumulative impacts of the development is therefore £100,900.50.

In respect of the matters above, Transport Scotland advises 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, Cala Management Ltd, is willing to pay Transport Scotland a sum of £3,450 towards the upgrade of the Old Craighall junction. They have provided the Council with a formal legal undertaking that they will make this payment to Transport Scotland on commencement of development of the site following a grant of planning permission in principle, were this to be the decision. Transport Scotland is 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 Drem 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, which will substantially increase timetable flexibility and contribute towards additional services. 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 informing the East Lothian Council's Draft Developer Contributions Framework Network Rail therefore seeks a developer contribution of £53,410.50. Again the applicant have provided the Council with a formal legal undertaking that they will make this payment to Network Rail on commencement of development of the site following a grant of planning permission in principle, were this to be the decision. 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 the other required interventions of £44,040 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, which the applicants have confirmed in writing that they are willing to make, 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.

The Council's Road Services raise no objection to the application, being satisfied that traffic likely to be generated by the proposed development could be satisfactorily accommodated on the local road network, that the site could be accessed safely and thus it would not result in a road or pedestrian safety hazard. Neither do Road Services raise any objection with regards to any perceived impact on parking in Gullane itself.

Roads Services recommend that:

- * the existing 30 miles per hour (mph) speed limit on the C111 public road be extended southwards along the entire length of the site frontage;
- * any new access junction with the C111 public road have a minimum visibility splay of 2.4 metres by 90 metres in both directions such that no obstruction lies within it above a height of 1.05 metres measured from the adjacent carriageway surface;
- * off site road improvement works are made to the C111 to include for the formation of footpaths, as shown on one of the applicant's submitted drawings;
- * a footpath link be provided from the northwest corner of the site to connect to Gullane Primary School and Muirfield Drive;
- * parking for the proposed residential units 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 2.5 metres and double driveways having 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;
- * 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 Road 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 including that construction HGV traffic will not be routed through Gullane and shall include hours of construction work; and

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

On the point of a footpath link from the northwest corner of the site to connect to Gullane Primary School and Muirfield Drive this would require to be routed through the school grounds. The school grounds are currently contained within a fence surrounding them. Moreover as this land is not in the control or ownership of the applicant it would be unreasonable to expect such footpath provision. There would still remain an informal pedestrian link from the site to Muirfield Drive.

With the use of conditions to cover these recommendations of Road 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.

The Council's Waste Services Manager raises some concerns over the layout of the indicative masterplan, but otherwise raises no objection to the application. As the submitted masterplan is indicative the comments from Waste Services has been passed to the applicant for their information and can be addressed through the detailed plans for development of the site which would be required should planning permission in principle be granted.

The Council's Environmental Health Manager raises no objection to the proposals, satisfied they would not result in harm to the amenity of any neighbouring land use.

The Council's Archaeology Officer advises that the proposed development would be situated in close proximity to known archaeological sites recorded in East Lothian Council's Historic Environment Record. Because of this the Archaeology Officer recommends that a programme of archaeological works be carried out prior to the commencement of development. This can be secured through a condition attached to a grant of planning permission in principle for the proposed development. This approach is consistent with Scottish Planning Policy: June 2014 and Planning Advice Note 2/2011: Planning and Archaeology.

The Council's Access Officer raises no objection to the proposed development.

In respect of landscape matters the Council's Landscape Projects Officer has appraised the Landscape and Visual Assessment (LVA) submitted with the application. She advises that she agrees with the LVA assessment that the proposed development would alter the character of Gullane along this localised edge, but that the addition of a further area of modern housing is not inconsistent with the growth that has already occurred

within and around the south-eastern part of the village.

The Landscape Projects Officer notes that the submitted indicative masterplan shows new woodland planting along the western boundary of the site to link with the existing woodland of Millennium Wood to the northwest of the site, and this is supported. She further advises that areas of open space have been indicated along the southern boundary of the site, described as a landscape buffer to southern edge. This open space as indicatively shown provides an opportunity to integrate this proposed urban expansion of Gullane successfully into the surrounding rural landscape such that the proposed development can be successfully designed to fit within its wider landscape setting. She also makes recommendations on additional landscape planting that could be undertaken to further integrate the proposed development into its landscape setting.

Subject to the submission of a detailed scheme of landscaping taking account of additional landscaping requirements of the Landscape Projects Officer, which can be made a condition of any grant of planning permission in principle, the proposed development is consistent with Policy DP14 of the adopted East Lothian Local Plan 2008.

The application site is some 290 metres to the east of the southeastern edge of Gullane Conservation Area and thus would be outwith the Conservation Area. The landscape and visual assessment given above concludes that, subject to the submission of a detailed scheme of landscaping for the site, a proposed development of it can be successfully designed to fit within its wider landscape setting. Given this and its distance from the edge of the Conservation Area, the principles of the proposed development of the site would have only a limited inter-relationship with the Conservation Area and would not harm the setting of that adjacent part of the Conservation Area, consistent with Scottish Planning Policy: June 2014.

The listed buildings of Saltcoats Castle, Saltcoats Vaulted Chamber and Saltcoats Market Garden House (all category B listed) and Saltcoats Dovecot (category C listed) are all some 0.5 kilometres to the southwest of the application site. They are separated from the site by intervening farmland, Saltcoats Farm Cottages and the woodland surrounding the cottages. They are also visually contained within their tree lined walled enclave. Due to this, a proposed development of the site would not have a harmfully prominent or imposing visual relationship with the listed buildings and thus would not harm their setting.

On this consideration the principle of the proposed development of the site for residential use is not contrary to Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), Policy ENV3 of the adopted East Lothian Local Plan 2008 or Scottish Planning Policy: June 2014.

In terms of generic wildlife interest, the Council's Biodiversity Officer advises that the application site is largely an arable field, with limited habitat value. He advises he concurs with the conclusions of habitat survey submitted with the application and assessment and is satisfied that in terms of the wider, generic, wildlife interest of the site, the proposal would not have a harmful impact on existing wildlife.

With regard to international designations, paragraph 207 of Scottish Planning Policy states that sites designated as Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) make up the Natura 2000 Network of protected areas. Any development proposal likely to have a significant effect on these sites which is not directly connected with or necessary to their conservation management must be subject to an "appropriate assessment" of the implications for the conservation objectives. Such

plans or proposals may only be approved if the competent authority has ascertained by means of an “appropriate assessment” that there will be no adverse effect on the integrity of the site.

Policy NH1a of the adopted East Lothian Local Plan 2008 stipulates that development which would have an adverse effect on the conservation interest of a Natura 2000 area (including proposed Special Protection Areas or Special Areas of Conservation) or a Ramsar site will only be permitted in the following circumstances, (i) there are no alternative solutions, and (ii) there are imperative reasons of over-riding public interest, including those of a social or economic nature.

Policy DP13 of the adopted East Lothian Local Plan 2008 generally presumes against new development that would have an unacceptable impact on the biodiversity of an area.

The Council's Biodiversity Officer advises that the Firth of Forth Special Protection Area (SPA) is designated as a Natura 2000 site because of its importance to over-wintering waders and wildfowl. One of the principal species of this designation is the pink footed goose which visits East Lothian farmland in abundance from September onwards each year. The SPA designation extends protection over landscapes that are not within the SPA boundary but which are still important for sustaining species listed in the citation. This potentially includes the arable fields south of Gullane, where pink footed geese feed.

A goose survey has been carried out over a number of seasons to identify those fields around East Lothian that are of particular importance to feeding and roosting pink footed geese. The overall arable area to the south and east of Gullane is of huge importance to pink footed geese, with thousands of geese recorded in different years by the survey. Five hundred geese were recorded specifically in the field which comprises the application site in a recent survey, so it is known that geese use this field, as well as other fields in the wider area.

The application proposal, therefore, would potentially have a significant environmental impact, which could be experienced through loss of feeding area and displacement of geese to surrounding fields. Since this is related to the Firth of Forth SPA, both the Council's Biodiversity Officer and Scottish Natural Heritage (SNH) advise it needs to be demonstrated that there will be no adverse impact on the SPA or its qualifying interests.

As the proposed development may affect a qualifying interest of the Firth of Forth SPA, namely the potential loss of feeding grounds and displacement of pink footed geese, then in accordance with the Conservation (Natural Habitats, &c.) Regulations 1994, more commonly known as the 'Habitat Regulations', the Council must undertake an appropriate assessment to ascertain the impacts of the development on the qualifying interests of the Firth of Forth SPA.

Regulation 48(2) of the Habitats Regulations states that the applicant shall provide such information as the Council may reasonably require for the purposes of the assessment.

In support of this application and to inform an appropriate assessment the applicant appointed ITP Energised (ITPE) to undertake an assessment of effects on pink-footed goose as a qualifying feature of the Firth of Forth Special Protection Area (SPA), resulting from the proposed residential development of the site. The assessment seeks to address concerns raised by the Council's Biodiversity Officer and SNH on the following potential effects on pink footed geese resulting from the proposed development; (i) direct loss of feeding grounds; and (ii) indirect loss of feeding grounds, e.g. through disturbance.

On appraisal of this the Council has undertaken and submitted an Appropriate Assessment. The Appropriate Assessment informs that the proposal is for the principle of a new residential development on the south side of Gullane, including ancillary works and space for expansion of Gullane Primary School. Potential impacts on the SPA and its species include direct loss of feeding habitat and indirect impacts such as disturbance by people. The proposal, therefore, has a 'likely significant effect' on the SPA. The Appropriate Assessment has been carried out to determine whether displacement or disturbance will affect the integrity of the Firth of Forth Special Protection Area (SPA).

The Appropriate Assessment advises of the possible impacts on the SPA that are considered, including:

1. Disturbance and/ or displacement of species during construction work; and
2. Disturbance and/ or displacement of species when the site becomes a residential area.

The conclusions of the Appropriate Assessment are, provided that specified mitigation is implemented as identified in the ITPE assessment of effects on pink-footed goose as a qualifying feature of the Firth of Forth Special Protection Area, the proposal would not have any adverse effects on the integrity of the SPA. In summary this mitigation is:

Construction Phase:

- * Screening on scaffolding to reduce visible presence of people;
- * No access to be taken by work personnel outwith the eastern and southern site boundary;
- * Measures to reduce noise such as soft start piling and directional reversing alarms on vehicles.

Operational Phase:

- * Private properties set back from the southern boundary of the site to reduce the visual impact of the edge of the development;
- * Landscaping designed to encourage people to remain within the boundaries of the site;
- * Path creation and signage to encourage people to walk along the existing core path on the southern boundary of the site and discourage people from walking across the field to the south of the site.

Subject to the proposed development incorporating the mitigation measures as identified in the ITPE assessment of effects on pink-footed goose as a qualifying feature of the Firth of Forth Special Protection Area, and appropriate assessment, both the Council's Biodiversity Officer and SNH raise no objection to the application, being satisfied the proposals would not impact on the integrity of the Firth of Forth Special Protection Area (SPA).

The Appropriate Assessment has identified that the proposals would not have any adverse effect on the qualifying interest of the Firth of Forth SPA, namely the potential loss of feeding grounds and displacement of pink footed geese. Subject to the aforementioned mitigation measures the proposals would not compromise the objectives or designation and overall integrity of the SPA. Accordingly, the proposals do not conflict with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), Policies NH1a and DP13 of the adopted East Lothian Local Plan 2008 or Scottish Planning Policy: June 2014.

The Scottish Environment Protection Agency (SEPA) raises no objection to the principle of the proposed development on the grounds of potential flood risk. In terms of surface water drainage SEPA advise that SUDS will be used to treat this and that there is sufficient space within the development to accommodate a SUDS system onsite. SEPA therefore raises no objection to the application on the grounds of surface water drainage. In this respect it would be prudent to impose a condition on a grant of planning permission in principle that full details of the finalised SUDS scheme are submitted to and approved in advance by the Planning Authority prior to the commencement of development.

The Council's Team Manager - Structures, Flooding and Street Lighting makes no comment on the application.

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 Gullane Primary and Nursery School and North Berwick High School.

He advises that Gullane Primary 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 would object to the application on the grounds of lack of permanent capacity at those schools unless the applicant makes a financial contribution to the Council of £1,164,393 towards the provision of additional school accommodation at Gullane Primary and Nursery School and a contribution of £1,071,000 towards the provision of additional school accommodation at North Berwick High School.

The required payment of a financial contribution of a total of £2,235,393 towards the provision of additional accommodation at Gullane Primary 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. The applicants confirm in writing that they are willing to enter into such an agreement.

Proposal NK7 of the proposed Local Development Plan states that the application site is, as well as for housing, allocated for the expansion of the Gullane Primary School campus. This proposed expansion of the school campus land is shown on the submitted indicative masterplan. Moreover, the applicant has indicated they would be willing to provide this additional land to the Council for this purpose. Notwithstanding this, the Council's Depute Chief Executive, Resources and People Services advises he has considered the impact of the necessary additional built footprint of Gullane Primary and Nursery School together with additional campus land required for outdoor play area space and car parking. He confirms that the existing residual school campus area of

approximately 1.3ha is sufficient for the provision of the additional educational, recreation and playing field area for the projected capacity of the school arising from the cumulative impact of the residential development of this site, together with other LDP allocations in the school catchment area. This assessment is based on the standards set within the School Premises Act (Scotland) 1967, updated in 1973. On this basis the Depute Chief Executive, Resources and People Services advises there is no requirement to secure through this application the proposed additional school campus land as shown on the indicative masterplan, as it is not required as a direct consequence of this proposed development.

The Depute Chief Executive, Resources and People Services does however advise that the proposed additional school campus land as shown on the indicative masterplan forms part of the proposal and would therefore still provide for the potential for expansion of the school campus land in the future should this be required. In this he confirms the proposed housing would not prejudice the possible future development of the school campus land as an expansion to Gullane Primary School.

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 Proposal NK7 of the Proposed Local Development Plan, and in that its impacts in respect of amenity and technical considerations are acceptable in themselves, or can be mitigated through the appropriate use of planning conditions and necessary developer contributions, the balance of the material considerations of this case supports the proposals. This includes consideration of the matters raised in objections to the application and the representations to the proposed allocation of the site in the Proposed Local Development Plan.

Furthermore, the scale and location of development is consistent with the Council's Housing Land Supply: Interim Planning Guidance, which in itself would justify a grant of planning permission in principle.

In all of the above the proposal would not prejudice the Examination of the Proposed Local Development Plan. It would not undermine the plan-making process by pre-determining decisions about the scale, location or phasing of new developments central to the emerging plan. Therefore approval of it would not be a premature decision. A grant of planning permission in principle would be 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 £2,235,393 towards the provision of additional accommodation at Gullane Primary and Nursery School and North Berwick High School;

(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;

(iii) secure from the applicant a financial contribution to the Council of £77,550 for the provision of additional play equipment and/or for some other enhancement of the play area at Recreation Park, Muirfield Terrace, Gullane;

(iv) secure from the applicant a financial contribution to the Council of £85,050 for the provision of increased sports pitch capacity; and

(v) secure from the applicant a financial contribution to the Council of £44,040 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 Gullane Primary and Nursery School and North Berwick High School, a lack of provision of affordable housing, a lack of formal play and sports pitch provision and a lack of roads and transport infrastructure improvements contrary to, as applicable, Policies INF3, H4 and C2 of the adopted East Lothian Local Plan 2008.

CONDITIONS

- 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 Masterplan docketed to this planning permission in principle, but additionally shall comply with the following design requirements:

- a. The residential units shall be no higher than two storeys in height 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. Notwithstanding that shown in the Indicative Masterplan docketed to this planning permission in principle, there shall be at least a 9 metres separation distance between the windows of a proposed new building and the garden boundaries of 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. 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;
- g. 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;
- h. 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 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;
- i. 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;
- j. 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;
- k. 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;

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 150 residential units are approved by this grant of planning permission in principle. Unless otherwise agreed in writing with the Planning Authority, housing completions on the application site in any one year (with a year being defined as being from 1st April to 31st March the following year) shall not exceed the following completion rates:

Year 2019/2020	-	30 residential units
Year 2020/2021	-	50 residential units
Year 2021/2022	-	47 residential units
Year 2022/2023	-	23 residential units

If less than the specified number of residential units are completed in any one year then those shall be completed instead at Year 2023/2024 or beyond and not added to the subsequent Year.

Reason:

To ensure that the completion rate of residential development within the application site accords with the provision of education capacity.

- 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 Masterplan.

It shall also provide details of: the height and slopes of any mounding on or recontouring of, the site including any SUDS pond formation with existing and proposed levels; new tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting, which shall include a hedgerow along the full length of the southern boundary of the site, a native mixed woodland along the full length of the western boundary of the site, groups of trees and woodlands on the southerly located areas of open space, large species trees within open spaces throughout the site, and feature trees and landscaping on the eastern road frontage of the site. The scheme shall also include a full arboricultural assessment of all existing trees and hedgerows on and adjacent to the application site in accordance with BS5837:2012 'Trees in relation to design, demolition and construction' to include a tree survey and tree constraints plan, details of any trees to be retained, and measures for their protection in the course of development. It shall be insured that no garden ground extends within the root protection area of existing trees to be retained. The scheme shall also include a maintenance plan for the management of the scheme of landscaping.

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 thereafter the landscaping shall be maintained in accordance with the approved maintenance plan. 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. No trees or shrubs, detailed in the approved landscaping plans to be retained on the site, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority.

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 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) 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 No development shall commence unless and until a 30 miles per hour (mph) speed limit on the C111 public road has been brought into effect in a location from the existing 30 miles per hour (mph) speed limit on the C111 public road southwards to include along the entire length of site frontage. Details of the new 30 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 30mph speed limit and shall incorporate town entry treatments. Thereafter the new 30 miles per hour speed limit, street lighting and town entry treatments shall be implemented and installed in accordance with the details so approved.

Reason:

In the interests of road safety.

- 6 A visibility splay of 2.4m by 90m in both directions shall be provided and maintained at all proposed site access junctions with the C111 public road so that no obstruction lies within it above a height of 1.05 metres measured from the adjacent carriageway surface.

Reason:

To ensure that adequate visibility is provided at the access in the interest of highway safety.

- 7 Prior to the occupation of any of the residential units hereby approved the off-site road improvement works shall be carried out in accordance with that shown on docketed drawing no. 513. These off-site road improvements shall incorporate street lighting in accordance with a detail to be submitted to and approved in advance by the Planning Authority.

Reason:

In the interests of road safety.

- 8 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.

- 9 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.

- 10 The mitigation measures for the prevention of disturbance and/or displacement of pink footed geese during the construction and operational phases of the development hereby approved shall be implemented in strict accordance with those detailed in section 5.2 'Mitigation Measures' of the 'SALTCOATS: Assessment of effects on pink footed goose (*Anser brachyrhynchus*) as a qualifying feature of the Firth of Forth Special Protection Area (SPA)' document by ITP Energised docketed to this planning permission in principle.

Reason:

To safeguard species of the Firth of Forth Special Protection Area.

- 11 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.

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

Reason:

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