

**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

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Application No. 16/00587/PM

Proposal Erection of 40 houses, 8 flats and associated works

Location Fenton Gait East  
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, 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: 16/00005/PAN) and thus of community consultation prior to this application for planning permission being made to the Council.

As an outcome of that and as a statutory requirement for dealing with major development type applications a pre-application consultation report is submitted with this application. The report informs that 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 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 eastern side of Gullane. It is some 3.68 hectares in area and is roughly rectangular in shape. The land of the application site is defined by Policy DC1 of the adopted East Lothian Local Plan 2008 as being part of the countryside of East Lothian and is not allocated in that Plan for housing development.

The site is bounded to the west by the residential properties of Fentoun Gait and Muirfield Steading, to the south and east by agricultural land and to the north by the A198 Main Street. There are mature tree belts along the eastern and southern boundaries of the site.

Planning permission is sought through this application for the erection on the application site of 40 houses, 8 flats and associated works.

The development site layout plan shows how the proposed 40 houses and 8 flats would be accommodated on the site along with associated access roads, parking areas, landscaping, open space and a SUDS pond. The houses would comprise of a mix of detached, semi-detached and terraced houses. The houses would be two-storey with the exception of four houses (plots 39 to 42 on the site layout plan) which would be two and a half storey. The 8 flats would be contained within 3, two storey flatted buildings, with all of the flats having 2 bedrooms.

Of the 40 houses, 28 would be detached, 8 semi-detached and 4 terraced. In terms of size, of the proposed 40 houses 6 would contain 3 bedrooms, 8 would contain 4 bedrooms and 26 would contain 5 bedrooms.

Of the 40 houses there would be a total of 36 private houses for sale. The houses would comprise of 12 different house types, including the provision of 12 affordable housing units which would be a mix of 2 different house types and 2 bedroom flats.

Vehicular, pedestrian and cycle access to the site would be taken by way of a new access junction with the A198 Main Street. A pedestrian link would be formed connecting the site to Muirfield Steading to the west.

Three areas of landscaped open space would be formed on the site, one large area on the southern part of the site, a second smaller area on the western part of the site at its northern end and another smaller area centrally within the site. A SUDS pond would be formed on the southeastern corner of the site.

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 the proposed development falls within the category of a Schedule 2 Development, being one that may require the submission of an Environmental Impact Assessment (EIA). Schedule 3 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 sets out the selection criteria for screening whether a Schedule 2 development requires an EIA. On 11 October 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. 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.

Since the registration of the application non-material amendments have been made to

the application resulting in the submission of revised site layout plans and landscaping plans to show a slightly revised site layout for the proposed development and enhanced landscaping of the site. They also show a reduction in the number of proposed residential units from 49 to 48.

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), ENV3 (Listed Buildings), ENV9 (Greywalls, Gullane), 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 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.

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.

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. Decision-makers should also take into account any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies in Scottish Planning Policy.

The same principle should be applied where a development plan is more than five years old.

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 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 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 283 written objections have been received. Copies of the written representations are contained in a shared electronic folder to which all Members of the Committee have 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 lead to a loss of amenity to neighbouring residential properties through overlooking and loss of sunlight;
- \* 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 harm the setting of listed buildings and the Greywalls Designed Landscape;
- \* 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 proposed 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 the guideline distance for rail services it is within the distance for bus services.

Gullane Area Community Council, as a consultee on the application, objects to the proposed development. The Community Council mainly object 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 may impact on the listed Greywalls;
- \* it may cause a pedestrian safety hazard;
- \* 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 NK8 of the Proposed Local Development Plan, the Council recognises its potential for residential development. Proposal NK8 allocates the site for a residential development of circa 50 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 162 objections to the Proposed Local Development Plan in respect of Proposal NK8. Those representations set out grounds of objection to Proposal NK8 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 to enable future development of it. 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 NK8 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 small size of the site at some 3.68 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 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 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.

In respect of assessment of part of the consideration of the detail of the application, the A198 public road comprises an important gateway into Gullane. It is proposed that the houses along the eastern side of the application site, and thus most prominent in westward views when travelling into Gullane from the east, would be set back from the eastern boundary of the site and separated from it by the existing landscape planting belt which encloses the eastern boundary of the site. Additionally it is proposed that that landscape planting belt would be reinforced by additional landscaping planting. Moreover it is proposed that the houses along the northern boundary of the site, those closest to the A198 public road, would be set back from the road and separated from it by the new landscape planting.

The landscape planting as so enhanced along the eastern boundary of the site and the

new landscape planting the northern boundary of the site would soften and serve to integrate the proposed development into its landscape setting, breaking up the massing of the proposed development whilst gently introducing an additional extent of urban development at this important gateway into Gullane. It would ensure a visually attractive approach into Gullane, with the proposed houses visible but not appearing prominent or intrusive in their surroundings. The proposals respond appropriately to the character of this location in such respect.

One of the principal objectives of the Council's approved Design Standards for New Housing Areas is to reduce the visual dominance of the car in the streetscape of new housing developments. The applicant has addressed this principle throughout the development by use of in-curtilage parking to the side of houses, or the use of courtyard parking. This would serve to reduce the visual dominance of the car in these streetscapes. In this and in the design principles of the street layout the proposals generally respond to the requirements of the Design Standards.

The range of house types proposed would give a variation of architectural form to the development, which coupled with the orientation and layout of the buildings, would give a degree of variety of appearance to the development. The architecture of the proposed houses and flats is of a traditional pitched roof form. It should be ensured that the use of render is the predominant wall finish as this would respect the built form of other housing developments in Gullane. However, some use of a contrasting wall finish (i.e. reconstituted stone or facing brick) would be acceptable providing it is limited to a distinctively complete feature of the houses and respectful of their design integrity. A condition can be imposed on the grant of planning permission for the proposed development to address these matters of wall finishes.

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 setting.

The proposed housing development would provide an attractive residential environment. The houses and flats 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 and flats 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 this part of East Linton.

In their generally simple architectural form the proposed houses and flats would, by their size, height, design, finishes and layout integrate and sit comfortably with the built architectural form and layout of the other housing developments to the east.

In respect of open space and play provision, the Council's Principal Amenity Officer advises that the areas of open space shown to be provided would provide sufficient areas of open space for informal recreation for the proposed development, 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 Recreation Park, which is on the west side of Muirfield Terrace to the southwest 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 £24,816 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 proposal is consistent with Policy C2 of the adopted East Lothian Local Plan 2008.

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 locally alter the character of the edge of Gullane, but that this is not inconsistent with recent growth in and around the eastern part of the village. The LVA does note that the proposed development will appear more prominent than the existing houses to the west, but that the stature of the proposed houses would be broadly typical of those on the north side of the A198 and that the retained landscaped boundary edges would provide a substantial and well defined edge to the village. She advises that the proposed development would generally be well contained within the site and related to the existing settlement of Gullane. She notes that the addition of large species trees throughout the development provides green links with the existing tree cover within Gullane, helping to break up the massing of the roofscape of the buildings.

In other respects the applicant has taken into consideration other comments of the Landscape Projects Officer in the submission of revised drawings to incorporate enhanced landscape planting of the existing tree belts on the east and south sides of the site, planting within the site itself and the submission of a landscape management report. The Landscape Projects Officer therefore advises she is supportive of the proposed landscaping of the site subject to trees being retained on site being protected during construction works. The provision of the proposed landscaping of the site and tree protection measures can be made conditions of a grant of planning permission. On this consideration the proposed development is consistent with Policy DP14 of the adopted east Lothian Local Plan 2008.

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

On all of these foregoing findings on matters of design, layout, open space, landscaping and amenity, and subject to the imposition of conditions, the proposed development is not inconsistent with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan) or Policies C1, C2, DC1, DP1, DP2, DP14, DP20, DP24 and H1 of the adopted East Lothian Local Plan 2008, the Council's Design Standards for New Housing Areas and the Scottish Government Policy Statement entitled "Designing Streets".

The application site is some 250 metres to the south of the Greywalls Designed Landscape. It can be seen in views from the Designed Landscape but in these views it comprises a minor element within the surrounding wider landscape context. The proposed development of the site would increase the visual impact of it in views from the

Designed Landscape but not to such a degree that would harm the landscape setting of the Designed Landscape. On this consideration the proposed development is not contrary to Policy ENV9 of the adopted East Lothian Local Plan 2008.

The application site is some 740 metres to the east of the eastern edge of Gullane Conservation Area and thus would be outwith the Conservation Area. It is separated from the Conservation Area by the built development comprising the eastern side of Gullane. Given this the proposed development of the site would not have a direct visual relationship with the historic core of the Conservation Area and would not harm the setting of the Conservation Area, consistent with Scottish Planning Policy: June 2014.

The listed building of Muirfield Lodge (Category B listed) is to the northwest of the site and the listed building of Greywalls (category A listed) is some 400m to the northeast of the site. Both of these buildings are separated from the site by intervening land and buildings. Due to this the proposed development would not have a harmfully prominent or imposing visual relationship with the listed buildings, would not harm the setting of them and thus would allow them to remain the focus of their setting. On this consideration 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.

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 £27,216 is sought. The applicants have confirmed in writing that they are willing to contribute a sum of £27,216 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 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 Fenton Gait East 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 - £1,104;
- \* improvements to Salters Road Interchange and Bankton Interchange – £2,135.52 and £9,746.88;
- \* improvements to the rail network - £17,091.36;
- \* Musselburgh town centre improvements - £810.72;
- \* Tranent town centre improvements – £1,399.68.

The total contribution required for transportation improvements resulting from cumulative impacts of the development is therefore £32,288.16.

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 £1,104 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, 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 of East Lothian Council's Draft Developer Contributions Framework Network Rail therefore seeks a developer contribution of £17,091.36. 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, 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 £14,092.80 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 have considered the Transport Assessment submitted with the application and raise no objection to the proposed development, being satisfied that it would be accessed safely and would not lead to a road or pedestrian safety hazard. They advise that the proposed means of access and amount and location of parking within the site are generally acceptable and that traffic likely to be generated by the proposed development could be satisfactorily accommodated on the local road network without harm to road or pedestrian safety. Neither do Road Services raise any objection with regards to any perceived impact on parking in Gullane itself.

Roads Services additionally recommend that:

- \* the existing 30 miles per hour (mph) speed limit be extended along the site frontage on the A198 from the existing 30 mph limit to the tree belt on eastern edge of proposed site boundary;
- \* the proposed vehicular access from the A198 be designed in accordance with the Design Manual for Roads and Bridges, Volume 6;
- \* a visibility splay of 2.4m by 70m to the west and 2.4m by 160m to the east be provided and maintained at the proposed site access junction with the A198 public road so that no obstruction lies within it above a height of 1.05 metres measured from the adjacent carriageway surface;
- \* an independent road safety audit be undertaken for the proposed site vehicular access junction onto the A198 public road;
- \* pedestrian crossing points be formed on the A198 public road in close proximity to the site vehicular access junction to link the proposed new development's footways with the north side of the A198 and the wider footway network towards Dirleton and North Berwick;
- \* a continuous 2 metre wide footway be provided on the south side of the A198 over the full extent of the new 30 mph speed limit (i.e. from the existing junction at the C111 Fenton Road to the new 30 mph speed limit on the eastern side of the proposed access junction). Dropped kerb tactile crossings are required at the junction with C111;
- \* a Double D island be constructed on the western side of the vehicular access junction with the A198 public road to provide a safe crossing point to the north side of the A198 for pedestrians wishing to access the wider footpath network to Dirleton and North Berwick;
- \* a footpath link be provided to Muirfield Steading, and crossing point to the footpath be formed on the pavement on the opposite western side of the public road of Muirfield Steading;
- \* a continuous 2 metre wide footway be provided on the west side of the C111 public road from its junction with the A198 (Main Street) to the pedestrian access link into West Fenton Gait; A raised table be introduced at this location to assist in reducing vehicle speeds;

\* cycle parking be included at a rate of 1 space per flat. The parking should 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 and include hours of construction work; and

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

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

In terms of generic wildlife interest, the Council's Biodiversity Officer raises no objection to the application, satisfied 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 visit 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 ITPEnergised (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 a new residential development on the east side of Gullane. 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:

- \* Retention of existing boundary planting to screen the site from geese potentially present in adjacent fields;
- \* 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:

- \* Retention of the existing boundary hedge, with consolidation through planting and use of a post and wire fence. The hedge and fence will form the boundary of public land rather than private gardens. This will prevent access from the site direct to the fields beyond;
- \* Buildings will be set back from the boundary of the site to reduce visual disturbance.

Subject to the proposed development incorporating the mitigation measures as identified in the ITPE assessment of effects on pink-footed geese 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) June 2013, Policies NH1a and DP13 of the adopted East Lothian Local Plan 2008 or Scottish Planning Policy: June 2014.

The Council's Waste Services raise no objection to the application.

The Scottish Environment Protection Agency (SEPA) raises no objection to the proposed development on the grounds of potential flood risk.

In respect of SUDS provision SEPA advises it is satisfied that the applicant is providing the required level of treatment for a development of this size and that the proposed SUDS provision is acceptable.

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 £372,605.76 towards the provision of additional school accommodation

at Gullane Primary and Nursery School and a contribution of £342,720 towards the provision of additional school accommodation at North Berwick High School.

The required payment of a financial contribution of a total of £715,325.76 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.

The Council's Economic Development & Strategic Investment Manager advises that in accordance with the Council's Affordable Housing Policy, 25% of the proposed 48 residential units require to be affordable housing units. The affordable housing component of the proposed housing development is 12 units. The Economic Development & Strategic Investment Manager advises that the mix and location of affordable units to be provided on the site is acceptable. 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 is 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 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 Proposal NK8 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 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 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 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 £715,325.76 towards the provision of additional accommodation at Gullane Primary and Nursery School and North Berwick High School;

(ii) secure from the applicant 12 affordable residential units within the application site or if it can be demonstrated to the Council that this, or the off-site provision of 12 affordable residential 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; and

(iii) secure from the applicant a financial contribution to the Council of £24,816 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 £27,216 for the provision of increased sports pitch capacity; and

(v) secure from the applicant a financial contribution to the Council of £14,092.80 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 No development shall take place on site unless and until final site setting out details have been submitted to and approved by the Planning Authority.

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

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

shall be shown on the drawing; and

c. the ridge height of the proposed shown in relation to the finished ground and floor levels on the site.

Reason:

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

- 2 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 2018/2019 - 27 residential units  
Year 2019/2020 - 21 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 Notwithstanding that which is stated on the drawings docketed to this planning permission a detailed specification of all external finishes of the houses and flats hereby approved shall be submitted to and approved by the Planning Authority prior to the use of the finishes in the development. The external finishes of the houses and flats shall be in accordance with a co-ordinated scheme of materials and colours that shall be submitted to and approved in advance by the Planning Authority. This co-ordinated scheme shall in detail promote render as the predominant finish to the walls of the houses and flats, with a use of more than one render colour and with a strongly contrasting difference in the colours such that they will not each be of a light colour. All such materials used in the construction of the houses and flats shall conform to the details so approved.

Reason:

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

- 4 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.

Vehicle access's 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.

Reason:

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

- 5 The vehicular access junction from the A198 shall be designed in accordance with the Design Manual for Roads and Bridges, Volume 6.

Reason:

In the interests of road safety.

- 6 No development shall commence unless and until a 30 miles per hour (mph) speed limit on the A198 public road has been brought into effect in a location from the existing 30 miles per hour (mph) speed limit on the A198 public road eastwards 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.

- 7 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:

(i) pedestrian crossing points shall be formed on the A198 public road in close proximity to the site vehicular access junction to link the proposed new development's footways with the north side of the A198 and the wider footway network towards Dirleton and North Berwick;

(ii) a continuous 2 metre wide footway shall be provided on the south side of the A198 over the full extent of the new 30 mph speed limit as required by Condition 6 above (i.e. from the existing junction at the C111 Fenton Road to the new 30 mph speed limit on the eastern side of the site access junction). Dropped kerb tactile crossings are required at the junction with C111 public road;

(iii) a Double D island shall be constructed on the western side of the vehicular access junction with the A198 public road to provide a safe crossing point to the north side of the A198 for pedestrians wishing to access the wider footpath network to Dirleton and North Berwick;

(iv) a footpath link shall be provided to Muirfield Steading, and a crossing point to the footpath shall be formed on the pavement on the opposite western side of the public road of Muirfield Steading;

(v) a continuous 2 metre wide footway shall be provided on the west side of the C111 public road from its junction with the A198 (Main Street) to the pedestrian access link into West Fenton Gait; A raised table shall be introduced at this location to assist in reducing vehicle speeds;

(iv) cycle parking shall 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.

The residential development shall thereafter be carried out in accordance with the details so approved.

Reason:  
In the interests of road and pedestrian safety.

- 8 A visibility splay of 2.4m by 70m to the west and 2.4m by 160m to the east shall be provided and maintained at the proposed site access junction with the A198 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.

- 9 Prior to the commencement of development an independent road safety audit shall be submitted to and approved by the Planning Authority for the proposed site vehicular access junction onto the A198 public road.

Reason:  
In the interests of road safety.

- 10 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.

- 11 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.

- 12 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.

- 13 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 FENTON GAIT EAST: Assessment of effects on pink footed geese (*Anser brachyrhynchus*) as a qualifying feature of the Firth of Forth Special Protection Area (SPA) document by ITP Energised docketed to this planning permission.

Reason:

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

- 14 A timetable for the provision of the erection of the boundary enclosures for the rear gardens of the houses hereby approved shall be submitted to and approved in advance by the Planning Authority and development shall thereafter be carried out in full accordance with the timetable so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure the satisfactory provision of the boundary enclosures in the interest of safeguarding the privacy and amenity of future residents of the development and residential properties nearby.

- 15 All the open space recreation areas indicated on the docketed site layout plan shall be available for use prior to the occupation of the last house or flat on the site.

The open space recreation areas, when provided, shall be used for such purposes at all times thereafter unless otherwise agreed in writing by the Planning Authority.

Reason:

To ensure the satisfactory laying out of all areas of open space in the interest of the amenity of the future occupants of the dwellings hereby approved.

- 16 No trees or shrubs, which are to be retained on the site, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the prior written consent of the Planning Authority.

Reason:

To ensure the retention and maintenance of the trees which are an important landscape feature of the area.

- 17 No development shall take place on site until temporary protective fencing has been erected in accordance with Figure 2 of British Standard 5837\_2012 "Trees in relation to design, demolition and construction". This temporary protective fencing shall be erected prior to the commencement of development and be retained on site and intact through to completion of development. The fencing shall be erected in the positions shown for it as indicated by the blue dashed lines on the docketed landscape layout drawing no. 12-01e.

All weather notices shall be erected on said fencing with words such as "Construction exclusion zone - Keep out". Within the fenced off areas the existing ground level shall neither be raised nor lowered, no materials, temporary buildings, plant, machinery or surface soil shall be placed or stored and no herbicides shall be used. Planning of site operations should take sufficient account of wide loads, tall loads and plant with booms, jibs and counterweights (including drilling rigs), in order that they can operate without coming into contact with retained trees. Any materials whose accidental spillage would cause damage to a tree shall be stored and handled well away from the outer edge of its root protection area. Fires on sites should be avoided if possible. Where they are unavoidable, they should not be lit in a position where heat could affect foliage or branches. The potential size of a fire and the wind direction should be taken into account when determining its

location and it should be attended at all times until safe enough to leave.

Reason:

To ensure the retention and maintenance of trees which are an important landscape feature of the area.

- 18 All new planting as shown on the docketed landscape layout drawing no. 12-01f, and as specified on docketed drawing no. 12-02e and in the docketed documents titled 'Cala Management Limited, Fenton Gait, Gullane, Landscape Works, Grassed and Planted Areas, Planting Schedule' and 'Cala Management Limited, Fenton Gait, Gullane, Landscape Works, Grassed and Planted Areas, Planting Key' shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of ten years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

All the new planting shall be maintained in accordance with the maintenance programme as detailed in the docketed document titled 'Cala Management Limited, Fenton Gait, Gullane, Landscape Works, Grassed and Planted Areas, Maintenance Specification'.

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.

- 19 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.