

REPORT TO: Planning Committee

MEETING DATE: Tuesday 4 September 2018

BY: Depute Chief Executive
(Partnerships and Community Services)

SUBJECT: Application for Planning Permission for Consideration

Application No. **18/00016/PM**

Proposal Erection of 32 houses, 4 flats and associated works

Location **Land At Castlemains Farm Off Station Road
Dirleton
East Lothian**

Applicant Queensberry Properties

Per APT Planning and 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: 17/00010/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 45 people attended the pre-application community consultation event, which was held at the Open Arms Hotel, Dirleton on Thursday 7th September 2017, and that those attendees made a number of queries and suggestions regarding the proposals. The PAC report informs that 8 completed feedback forms were received following the consultation event alongside letters from both the Village Association and a group called Dirleton is Special. The report also

informs that a separate presentation to members of the Dirleton Village Association (DVA) (and members of the public) on the 30th August and a number of more informal follow up meetings where updated plans and layouts have been tabled and discussed with representatives of the DVA have taken place. 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 south eastern side of Dirleton. It is some 3.99 hectares in area and is roughly triangular in shape with its narrowest part at its eastern end. The site rises slightly in gradient towards the south. 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 northern half of the application site is allocated housing site NK11 as allocated by the Proposed East Lothian Local Development Plan (ELLDP).

The application site comprises almost the whole of an arable field but excludes the westernmost end of the field (a strip of some 35 metres in width along the full western end of the field). The site is bounded to the south by the A198 public road (the Dirleton bypass) and beyond that by agricultural land. It is bounded to the east by the public road of Station Road which connects to the A198 at its southern end and to the Main Road in Dirleton at its northern end and beyond Station Road by a mature tree belt and the residential property of Braeside. The site is bounded to the north by the public road, footpaths, grassed and landscaped amenity spaces and the residential properties of Castlemains Place, to the eastern end of Castlemains Place by two business units which are currently vacant and to the northwest by the residential properties of Fidra Avenue and the residential property of Springfield. The site is bounded along the full length of its west side by the some 35 metres width of the field which does not form part of the application site and beyond that by the farm buildings and farmhouse of Castlemains Farm and by a wind turbine on that site and beyond that by Dirleton Castle and its grounds.

The site is within Dirleton Conservation Area. Dirleton Castle is a scheduled monument (Ref SM90096). Dirleton Castle, the Castle Dovecot and the Castle Gate are listed as being of special architectural or historic interest (Category A), and the grounds of Dirleton Castle and the land around it (including Castlemains Farm Cottages) are designated a Designed Landscape. The houses of Fidra Avenue to the north east of the site are listed as being of special architectural or historic interest (Category B).

Planning permission is sought through this application for the erection on the northern half of the application site of 32 houses, 4 flats and associated works. Since the registration of the application, a number of amendments have been made to the application resulting in the submission of revised site layout plans, amendments to road design, cycle and bin storage provision, landscaping plans, SUDS details and amendments to house design. The revisions include a slight repositioning of the 8 house plots at the western end of the site southwards by a maximum of 3.5 metres at the very westernmost end, the reduction in ridge heights of two house types, design changes to incorporate dormer windows to another house type, small changes to materials to be used on the terraced house and cottage flat house types, revisions to the proposed tree planting within the site and revisions to the design of the SUDS basin.

The development site layout plan shows how the proposed 32 houses and 4 flats would be accommodated on the northern half of the site along with associated access roads and footpaths, parking areas, landscaping, open space and a SUDS detention basin. The development would be concentrated on the northern half of the site (consisting of some 1.99 hectares of the overall 3.99 hectares of the application site) with the southern half being left undeveloped and instead being planted as a grass and wild flower meadow which is to be used as informal open space associated with the proposed housing development.

The residential units would comprise a mix of 18 detached, 8 semi-detached and 6 terraced houses and two buildings described in this application as 'cottage flats' which would each contain two flats. The detached and semi-detached houses would be 1 and ½ storeys (i.e. their upper storey would be mostly above eaves height although in the case of these houses part of the upper storey would also be below the eaves of the buildings). The terraced houses and cottage flats would also contain two floors of accommodation although in the case of these buildings less of the upper floor would be above eaves height and therefore these buildings can more accurately be described as 1 and ¾ storey buildings.

In terms of size of accommodation, of the proposed 32 houses 12 would contain 3 bedrooms, 17 would contain 4 bedrooms and 3 would contain 5 bedrooms. The 4 flats would be contained within 2, two storey flatted buildings, with all of the flats having 2 bedrooms.

The 4 flats and 6 terraced houses would be affordable housing units. These would be grouped together on the easternmost part of the site. The remaining 26 houses would be private houses for sale. The private houses would comprise of 7 different house types arranged around two streets, one facing northwards towards Castlemains Place and one facing southwards towards the southern part of the site, and a courtyard which would be formed at the western part of the site.

Vehicular, pedestrian and cycle access to the site would be taken by way of a new access into the site from Station Road to the east of the site which vehicular access would then form a loop road through the site with the western end of the road forming a cul-de-sac. Pedestrian footpaths are also proposed at two points on the north boundary of the site. It is proposed to form a SUDS detention basin at the eastern end of the site on the south side of the proposed vehicular access and to landscape this as well as carrying out tree and hedge planting and other landscaping along the boundaries of the proposed residential development as well as meadow planting on the southern half of the site.

The application is also supported by a Heritage Statement, a Transport Statement, an Extended Phase 1 Habitat Survey, a Noise Assessment, a Drainage Assessment, a Design and Access Statement (Masterplan) and a Landscape and Visual Appraisal.

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 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 2017 sets out the selection criteria for screening whether a Schedule 2 development requires an EIA. On 7th February 2018 the Council issued a formal screening opinion to the applicant's agent. 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.

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), DP15 (Sustainable Urban Drainage Systems), DP16 (Flooding), DP17 (Art Works-Percent for Art), DP18 (Transport Assessments and Travel Plans), DP19 (Transport Infrastructure Standards – Development Roads, Pedestrian, Cycle and Public Transport Facilities), DP20 (Pedestrians and Cyclists), DP22 (Private Parking), DP24 (Home Zones), ENV3 (Listed Buildings), ENV4 (Development within Conservation Areas), ENV7 (Scheduled Monuments and Archaeological Sites), ENV8 (Gardens and Designed Landscapes), 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.

The Proposed East Lothian Local Development Plan was submitted to Scottish Ministers for Examination in 2017 and the Reporters' Examination Report was issued on 14 March 2018. The East Lothian Local Development Plan (ELLDP) was thereafter modified following the Examination. At their meeting on 29 May 2018, the Council approved the ELLDP as the Local Development Plan the Council intends to adopt. The ELLDP reflects the most recent planning view of the Council and is a material consideration in the determination of applications.

Relevant ELLDP Policies and Proposals are PROP NK11: Castlemains, Dirleton, DP1: Landscape Character, DP2: Design, DP3: Housing Density, DP4: Major Development Sites, DP8: Design Standards for New Housing Areas, DP9: Development Briefs, HOU3: Affordable Housing Quota, HOU4: Affordable Housing Tenure Mix, PROP ED7: North Berwick Cluster Education Proposals, OS3: Minimum Open Space Standard for New General Needs Housing, PROP T9: Safeguarding of Land for Station Car Parks - Musselburgh, Longniddry, Drem, PROP T10: Safeguarding of Land for Platform Lengthening - Musselburgh, Prestonpans, Longniddry, Drem and Dunbar, PROP T15: Old Craighall Junction Improvements, PROP T17: A1 Interchange Improvements, PROP T21: Musselburgh Urban Traffic Control System, PROP T27: Tranent Town Centre One-Way System, PROP T28: Junction Improvement at Elphinstone Road and Edinburgh Road, W3: Waste Separation and Collection, NH5: Biodiversity and Geodiversity Interests, including Nationally Protected Species, NH7: Protecting Soils, NH10: Sustainable Drainage Systems, NH11: Flood Risk, NH13: Noise, T1: Development Location and Accessibility, T2: General Traffic Impacts, T32: Transport Infrastructure Delivery Fund, DC8: Countryside Around Towns, CH1: Listed Buildings, CH2: Development Affecting Conservation Areas, CH4: Scheduled

Monuments and Archaeology Sites, CH6: Gardens and Designed Landscapes and DEL1: Infrastructure and Facilities Provision.

Material to the determination of the application are Sections 59 and 64 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 echoes the statutory requirements of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that a planning authority must have regard to the desirability of preserving or enhancing the character or appearance of a conservation area in exercising its responsibilities in the determination of any application for planning permission for development affecting a conservation area. It is stated in Scottish Planning Policy that proposed development 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. Proposals that do not harm the character and appearance of the conservation area should be treated as preserving its character and appearance.

Also material is Scottish Government's policies on development affecting archaeological sites and monuments and on designed landscapes. It is stated in the Historic Environment Scotland Policy Statement June 2016 and Scottish Planning Policy: June 2014 that scheduled monuments are of national importance and that they should be preserved in situ and within an appropriate setting. Where works requiring planning permission would affect a scheduled monument, the protection of the monument and the integrity of its setting are material considerations in the determination of whether or not planning permission should be granted for the proposed development. Scottish Planning Policy notes that planning authorities should protect and, where appropriate, seek to enhance gardens and designed landscapes included in the Inventory of Gardens and Designed Landscapes.

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

Planning Advice Note 67 explains how Designing Places should be applied to new housing. In PAN 67 it is stated that the planning process has an essential role to play in ensuring that: (i) the design of new housing reflects a full understanding of its context - in terms of both its physical location and market conditions, (ii) the design of new housing reinforces local and Scottish identity, and (iii) new housing is integrated into the movement and settlement patterns of the wider area. The creation of good places requires careful attention to detailed aspects of layout and movement. Developers should think about the qualities and the characteristics of places and not consider sites

in isolation. New housing should take account of the wider context and be integrated into its wider neighbourhood. The quality of development can be spoilt by poor attention to detail. The development of a quality place requires careful consideration, not only to setting and layout and its setting, but also to detailed design, including finishes and materials. The development should reflect its setting, reflecting local forms of building and materials. The aim should be to have houses looking different without detracting from any sense of unity and coherence for the development or the wider neighbourhood.

Also material to the determination of the application are the written representations received to it. A total of 72 written representations have been received, 71 of which raise objections to the proposals and 1 of which supports the proposals. Copies of the written representations are contained in a shared electronic folder to which all Members of the Committee have access.

The grounds of support are that affordable housing is badly needed in this area and this development offers 10 affordable housing units; the infrastructure of Dirleton can cope with this size of development and consideration has been given to house size and form.

The majority of objections to the proposals are from individual residents of Dirleton and the surrounding area. Objections have also been received from The Association for the Protection of Rural Scotland (APRS) and the Dirleton Village Association (DVA).

The APRS's grounds of objection are that (i) the design of the proposed houses is too modern and suburban, they will not add to a 'sense of place' or reflect the character of this historic village but instead will dilute the historic nature of Dirleton's architecture and therefore do not accord with the Local Plan; (ii) the number of units proposed on the site and the layout and landscaping required would irreparably damage the setting of Dirleton, destroying the important edges that define the village and separate it from the surrounding countryside; and (iii) the proposed development will harm the setting of Dirleton Castle. The APRS advise that they wholeheartedly commend the 'Dirleton Expects' document produced by the Dirleton Village Association (DVA) to East Lothian Council. They consider it to be an excellent document and a model of its kind and advise the findings of it should be taken fully into consideration when assessing the merits of this planning application.

The DVA advise they object to the proposals on behalf of its membership of 165. They advise that 2 members do not wish to object. The DVA have submitted a detailed letter of objection along with a document titled "Dirleton Expects More" which has been prepared by DVA Members and sets out in text, plans, photos and illustrations the DVAs concerns and objections to the proposals of this application. The document also sets out, as a response to the community consultation undertaken as part of this proposal, and again in text, plans, photos and illustrations, how the DVA considers the site could be better developed along with their own conservation study of Dirleton Conservation Area.

A full copy of the DVAs detailed letter of objection along with their "Dirleton Expects more" document is contained in the shared electronic folder to which all Members of the Committee have access. Their main grounds of objection are summarised below:

- * The proposal will have an adverse impact on the setting of the castle;
- * The proposal will have an adverse impact on the views from the castle and the Designed Landscape;

- * The proposed mitigation in the form of the planting of a single row of trees on the sensitive western edge of the site is insufficient;
- * The proposal will have an adverse effect on the views to the castle from the bypass road;
- * Object to the boundary tree planting mitigation proposed along the southern boundary and agree with HES's requirement for the retention of the open view of the castle from the bypass;
- * The proposal will have an adverse impact on the special architectural, landscape, and historic qualities of the Dirleton Conservation Area and will not preserve or enhance its character and appearance;
- * The proposal will adversely impact on the countryside setting of the settlement and misses the opportunity to improve upon the south-eastern section of the edge of the village;
- * Object to the outward facing house layout along the southern edge and consider the development should be inward instead of outward facing;
- * The southern view is of poor quality and is not a site asset;
- * The layout is dominated by roads;
- * The affordable housing courtyard is urban;
- * The Planning Authority has been misinterpreting the word 'open' as used in the Conservation Statement in its pre-application consultations with Queensberry, and object to it being used to support a continuous hard built south-facing southern edge to the village;
- * The housing density used is typical of an urban not a rural development;
- * The design does not integrate and connect the proposals with its surroundings;
- * No village green has been included, as required by the Proposed LDP site brief;
- * Linkages to the surrounding areas are not maximised as required by the site brief. Footpath and cycle links to the village centre via Castlemains Place are indicated on the application drawings as 'to be installed later';
- * Object to architectural design including the heights being above 1 storey in height along the southern and western boundaries, the height of the affordable flats being 2 storeys, the use of steep roof pitches which also increases the overall ridge heights, the elevation detailing, the mixture of materials all within a single building, base coursing being introduced, the fenestration details, non-traditional dormer and porch shapes, no chimneys being included in the proposed house design, the use of verandahs in the house designs, the use of reconstituted stone, the use of bright white render, the use of modern types of roof tiles;
- * Objections relating to street character, gardens, boundary treatments and outdoor space including the use of high, white harled back garden walls with red copes, coloured concrete block paving, open plan, suburban-style front gardens and public realm shrub planting;

* Objections relating to noise and in particular the impact traffic noise from the bypass would have on the residents of the proposed development and the impact any noise mitigation impacts such as close-boarded fencing would have on views to the castle;

* Objections relating to the proposed public open space along the bypass including objections to the proposed public use of such an inhospitable space which will be dominated by constant noise from the bypass and will be overlooked by both passing vehicles and the proposed houses, the grassland proposed will not screen the proposed houses from bypass traffic, the space would be dangerous for children to use due to the proximity of fast moving traffic, the extensive wild flower areas are difficult to maintain and manage in the long term without very specialist knowledge, the hedge type is not typical of the surrounding fields, many species proposed to be planted are too exotic rather than native to the area;

* Objections relating to the SUDS area including questioning the need for a detention basin rather than a simple swale type soakaway/wetland feature and objections to materials proposed to be used;

* Objections relating to off-site impacts and transport, in particular the impact on train station car parks including Drem, North Berwick, Longniddry and Prestonpans which are already at full capacity early in the day; and

* The proposed development would not meet the presumption in favour of sustainable development principles set out in NPF3 and Scottish Planning Policy 2014

The DVA conclude their detailed letter of objection by asking the planning authority to reject this application, to give less weight to this site and proceed cautiously, waiting until the site is considered as part of the examination of representations, asking that the Council commissions an independent expert to produce a conservation area appraisal and a design guide before further applications are considered and that a reduction in the allocated house numbers to 10 affordable homes along the Castlemains Place road be considered at the examination of representations stage.

Many of the same or similar objections to those raised by the DVA are also raised in individual letters of objection submitted. The additional main grounds of objection raised in individual letters of objection are that:

* By having the potential to have an adverse effect on a scheduled monument or the integrity of its setting it would be contrary to the current Local Plan, the Local Development Plan, Scottish Planning Policy and National Planning Acts;

* The size, scale, high density, road infrastructure and generic appearance are not appropriate for a small rural village of only some 400 inhabitants;

* The number of properties proposed will add considerably to the traffic in and out of the village. Entering and exiting the village has already been made worse and more difficult and dangerous by the additional traffic created by the excessive number of development in North Berwick. Any additional traffic calming measures would make the village even more suburban;

* It bears no resemblance to the Development Brief that was put together by East Lothian Council and Historic Environment Scotland for the site;

* No childrens play area is proposed;

- * Any variation of the Brief should be a wide-ranging exercise involving a full consideration of the Conservation Area status of the location by the Council, SNH and HES;
- * If this application is allowed, in a Conservation Area, and in such a sensitive and exposed location as Castlemains Place, then it will give a clear precedent to every other developer of every other site in the County to bring forward proposals which maximise profit before place-making, with the expectation that the Council will grant them for dogmatic or ideological reasons (ie maintaining a 5 year housing land supply) which have nothing to do with good planning law and practice or that is best for the locality;
- * If the application is granted it will make a mockery of the planning process;
- * The allocation of the site in the proposed LDP is subject to representations and as such the fact of allocation should not carry weight, particularly when the Applicant has failed to meet the requirements for the allocation ie observance of the Design Brief;
- * This will result in the loss of habitat for wildlife;
- * Affordable smaller housing is required in this area. However, this development is mainly composed of large and probably expensive homes;
- * Vehicular and pedestrian access from Station Road would be unsafe. This will encourage more traffic to use this already dangerous entrance/exit to/from the Dirleton By-pass. The access to the site is off Station Road and dangerously close to the junction with the bypass (A198). It is already difficult to use this junction because of the speed of traffic on the bypass;
- * If there was an accident or obstruction at the turnoff from the bypass there is no way out for the new residents of the proposed development as there is no other road in or out of the proposed development. There should be another route in/out from the estate at Castlemains Place for cars with a path for pedestrians directly from the estate into the village;
- * The Council's grounds for refusal of planning applications for a residential development site at Foreshot Terrace in Dirleton, and upheld by the Scottish Government at appeal, are just as applicable to the Castlemains Place site;
- * The proposed access from Station Road contravenes the findings of the Main Issues Report into the LDP;
- * Traffic counts carried out by the applicant weren't carried out at the peak time of the year;
- * The Transport Statement fails to mention how full the car parks at North Berwick or Drem railway stations are before 8.00am, refers to businesses in Dirleton which are no longer open or have changed in use and doesn't accurately document all of the accidents that have happened at the junction of Station Road and the A198 in recent years;
- * The Transport Statement submitted with this application has not been updated since the previous application made by CALA 1.5 years ago, there is no Road Safety Audit in place and access is not per the development brief;

- * If development is consented consideration should be given to stopping up Station Road (south) or making this section one way (travelling north) and promoting the use of access via the eastern A198/Main Road junction.
- * Recommendations made in the Transport Statement would increase the risk of accidents and would further sub-urbanise a rural conservation village;
- * The section of Station Road between Castlemains Place and the A198 is narrow in width and two way car traffic on this stretch is only possible with care. This will be worsened by the proposed development and vehicle tracking drawings showing how a refuse vehicle will deal with this have not been submitted;
- * The proposed access appears to be too close to the junction of Station Road and the A198 making vehicle manoeuvres from the A198 into Station Road and then into the development awkward;
- * Lack of village facilities or work opportunities to serve all these houses. This implies more cars and more pollution;
- * The village voices and those of the Dirleton Village Association are being ignored;
- * There is little substantive change in the present application from the previously presented and withdrawn application;
- * It would be a very cramped development with no significant community space;
- * The LDP allocation is for “circa 30 houses” and yet this is 36 units, an increase of 20%;
- * The height and positioning of the houses proposed along the northern part of the site will have a harmful impact on the privacy and amenity of the houses of Castlemains Place;
- * The proposed line of trees will screen the houses but only after 20 years and it is likely that they will block the light of the residents of the proposed houses;
- * Drainage works will cause disruption to visitors to the area and to movements of agricultural machinery;
- * In the interests of biodiversity, a SUDS pond would be preferable to a basin;
- * Consideration will need to be given to the historic surface water drains (cundies) that cross the development site and pass under Castlemains Place;
- * Would result in the loss of Class 2 prime agricultural land;
- * East Lothian’s push for new housing must be a two pronged approach with a more joined up pro-active approach to enable and assist commercial development to create jobs for these new residents;
- * Health, education and car parking provision at local train stations are not equipped to cope with the influx of residents that this and other new housing developments in the area will bring;
- * This proposal brings nothing to Dirleton Village in terms of additional amenities, this

should be a prerequisite of any housing development to Dirleton village;

* There are a lack of amenities in Dirleton to support these houses. New residents will have to go to North Berwick or Gullane for amenities and services in these towns are already under strain;

* Planning conditions to deal with working hours, dust control and road maintenance during the construction phase should be imposed;

* The proposed development of the site could lead to the loss of biodiversity; and

* The proposals will obscure views from existing houses.

The loss of a private view as a consequence of a development is not a material consideration in the determination of a planning application.

A number of objectors state that they support the submission of the objection by the Dirleton Village Association and consider the DVA scheme is preferable to the one of this application.

In addition to the objections summarised above The DVA state in their letter of objection that they proposed their alternative 'best possible mitigation' layout for 30 houses (as detailed in their "Dirleton Expects More" document to the developer at the public consultation stage, but were informed publicly by them that the planning officers were not willing to accept the inward-facing approach to mitigation tested in "Dirleton Expects More".

The Scottish Government's objective for the carrying out of pre-application community consultation between developers and communities is for communities to be better informed about major and national development proposals and to have an opportunity to contribute their views to the prospective applicant (not the planning authority) before a formal planning application is submitted to the planning authority. This helps to: improve the quality of planning applications; mitigate negative impacts where possible; address misunderstandings; and to air and to address where practicable any community issues. While engagement should be meaningful, the prospective applicant is not obliged to take on board community views, or directly reflect them in any subsequent application. However, that is a decision for the prospective applicant and not a matter for the planning authority to get involved in at the pre-application community consultation stage contrary to the statements made in the DVAs representation. Pre-application community consultation does not take away the need for, and right of, individuals and communities to express formal views to the planning authority during the planning application process itself.

The applicants and their consultants have considered the views expressed by the DVA and have made observations on those views in their Design and Access Statement (Masterplan) document advising that many of the observations contained with the DVAs documents have been adopted as part of their design development process and setting out their reasons why they have taken a different design approach to some of the points expressed by the DVA.

In response to objections made by the DVA and other objectors that the planning authority should wait until the site is considered as part of the examination of representations it should be noted (as previously stated in this report) that since the submission of those public objections to this planning application the Scottish Government's Reporters' have issued their Examination Report on the LDP (on 14 March 2018) and the East Lothian Local Development Plan (ELLDP) was thereafter

modified following the Examination. At their meeting on 29 May 2018, the Council approved the ELLDP as the Local Development Plan it intends to adopt.

It should also be noted that the examination report produced by the Scottish Government's Reporters proposed only one modification to the wording of the Housing Proposal for Castlemains in the LDP which was to amend the end of the final sentence of the pre-ambles to PROP NK11 to read "including the retention of views to and from Dirleton Castle instead of just "views to Dirleton Castle" as it had previously read. No other modifications to this site at Castlemains were required by the Scottish Government's Reporters.

Gullane Area Community Council (representing Aberlady, Dirleton, Drem and Gullane), as a consultee on the application, objects to the proposed development advising that they consider that the DVA's comments on the application fairly represent the views of the community and that they concur fully with their observations and objections.

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

The land of the application site is defined as countryside by Policy DC1 (Development in the Countryside and Undeveloped Coast) of the adopted East Lothian Local Plan 2008.

Policy DC1 gives a presumption against new housing in the countryside other than where it has an operational requirement relating to an appropriate countryside business and requires loss of prime agricultural land be minimised. However, the countryside designation of the land of the site must be weighed against the fact that the northern part of the site is allocated housing site (NK11: Castlemains, Dirleton) in the East Lothian Local Development Plan (ELLDP).

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 (SPP) 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. The current SPP introduces a presumption in favour of development that contributes to sustainable development, the aim being to achieve the right development in the right place and not to allow development at any cost. SPP makes it clear that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. However, paragraph 33 states 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 and the same principle should be applied where a development plan is more than five years old.

At this time the adopted East Lothian Local Plan is more than five years old.

Policy 7 of the SESplan states that sites for greenfield housing development may be granted planning permission to maintain a five years' effective housing land supply, subject to satisfying three criteria. These are that the development will be in keeping with the character of the settlement and local area, the development will not undermine green belt objectives; and any additional infrastructure required as a result of the development is either committed or to be funded by the developer. In this case the site is not part of the greenbelt.

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, Proposal NK11 of the ELLDP allocates the northern half of the site for a residential development of circa 30 homes and thus the Council recognises its potential for residential development for circa 30 homes. As stated earlier in this report the ELLDP has been approved by Council as the Development Plan it intends to adopt having been examined by Scottish Ministers and thereafter modified. The examination report produced by the Scottish Government's Reporters was published on the 14th March 2018 and did not propose any modifications to this site of Castlemains, Dirleton.

Proposal NK11 states that a comprehensive masterplan for the entire allocated site that conforms to the relevant Development Brief will be required. Any development here is subject to the mitigation of any development related impacts, including on a proportionate basis for any cumulative impacts with other proposals including on the transport network and on education and community facilities as appropriate. A draft Development Brief has been written for site NK11 that has been approved by the Council for consultation and is intended for adoption as supplementary planning guidance.

Housing site NK11 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 3.99 hectares which includes for adequate provision of open space, 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 Dirleton of a suitable scale.

It is thereafter necessary to consider whether, with regard to national, strategic and local planning policy and guidance and other material considerations, the detailed design and layout of the proposed development is acceptable with due regard to its potential impact on the setting of the Scheduled Monument of Dirleton Castle, on the Designed Landscape of Dirleton Castle, on the setting of other listed buildings within the vicinity of the site, on the character and appearance of the Conservation Area as well as its impact on infrastructure and facilities provision, on the amenity of existing residential properties and on existing landscape and biodiversity interests.

As stated above, Proposal NK11 states that a comprehensive masterplan for the entire allocated site that conforms to the relevant Development Brief will be required. Any development here is subject to the mitigation of any development related impacts, including on a proportionate basis for any cumulative impacts with other proposals including on the transport network and on education and community facilities as appropriate.

A draft Development Brief has been written for site NK11 that has been approved by the Council for consultation and is intended for adoption as supplementary planning guidance. The Development Briefs prepared in association with the ELLDP supplement policy in the East Lothian Local Plan and, once adopted, can be a material consideration in the determination of planning applications. They are a set of guiding principles, and indicative design, to be followed, where possible.

The Development Brief for site NK11 is not yet adopted and therefore carries little weight as a material consideration. Nevertheless it is worth noting that many, although not all, of the guiding principles set out in it have been met in the detail of this application including vehicular access being provided from Station Road, the existing hawthorn hedgerow along Station Road and hedging that encloses the north boundary of the site being retained, hedging and specimen trees being provided to the southern edge of the housing development to frame the built form, part of the south-western portion of the site being left as open space and views across the site to Dirleton Castle from the A198 being retained. Other guiding principles of the Development Brief which have not been met in full include buildings being no higher than 1.5 storey in height or the suggestion that an area of open space could be formed in the northwest corner of the site. However as the Development Brief is in draft form and not yet adopted it cannot afford much weight as a material consideration in the determination of this application. Instead the proposals should be considered against the relevant Development Plan policies and other material considerations.

The Dirleton Conservation Area Character Statement describes Dirleton Conservation Area as comprising the whole of the very picturesque village with its buildings grouped around a series of open greens. The village grew up around the Castle, with the original castle-village being to the east. The Castle is now appreciated for its scenic qualities and fine open views over the surrounding area and is a popular visitor attraction. The Character Statement describes most buildings in the village as being low density and small scale, although there are exceptions which are landmark buildings. To the east end of Dirleton buildings are also low density, generally single storey and a mix of stone and whitewashed walls. It is to this end of Dirleton that the

application site lies.

The Design and Access Statement (Masterplan) submitted with this application sets out the applicants design concept for the site. It states that they seek to enhance the outward appearance of Dirleton along its southern boundary, providing a new defensible edge to the village. It states that key views to the eastern elevation of Dirleton Castle, beyond Castlemains farmhouse, have been identified and preserved from the eastern approach along the A198, a landscaped buffer has been incorporated along the western boundary (the 35 metres strip of the allocated housing site not included within this application site) providing breathing space between the proposed development and Castlemains Farm. The applicants state the design concept envisages four main components to the proposed development and they describe them as the following:

1. The Steading Cluster – 1 and $\frac{3}{4}$ storey affordable units arranged around a shared garden space and united within a perimeter of masonry walls – the ‘Walled Garden’. The Steading Cluster would terminate the view west from Station Road junction at this gateway location.
2. The Southern View – conceived as a series of gabled elevations linked by masonry walls in keeping with the form and scale of Dirleton exemplars – this street elevation, overlooking a landscaped amenity area and buffer strip – will form a presentation edge to the village.
3. Castlemains Lane – here 1 and $\frac{1}{2}$ storey units arranged along a shared surface lane beyond a landscaped buffer strip, echo the form and scale of the buildings aligned along Castlemains Place.
4. The Courtyard Cluster – a grouping of family homes arranged in a courtyard with garage blocks and adjoining boundary walls to create an enclosed exclusive setting to this quiet corner of the site.

The Design and Access Statement advises the design approach has been to take inspiration from the surrounding Dirleton context in terms of its form, height and scale but also to add a contemporary approach to the design. The new housing is designed to complement the existing – employing a palette of locally distinctive materials, appropriate scale and massing, and incorporating setbacks from the site boundary.

The Design and Access Statement is designed to be read in conjunction with the Landscape and Visual Appraisal and Heritage Statement documents also submitted with this application. The Landscape and Visual Appraisal undertakes an evaluation of the landscape and visual effects of the residential development proposed describing the potential effects of the proposed development on landscape and visual receptors as well as addressing specific matters regarding the relationship to the existing village and views to and from Dirleton Castle. The Heritage Statement assesses the likely impacts on cultural heritage by the proposed development including on the Conservation Area, listed buildings and on the multiple historic environment designations of Dirleton Castle.

Historic Environment Scotland (HES) have been consulted on the application and have advised that while they acknowledge the development will have an impact on the setting of the Scheduled Monument of Dirleton Castle, Dovecot and Gardens and the Dirleton Castle Designed Landscape, they consider the proposals have mitigated that impact to a level that does not raise issues of national significance and they therefore do not object to this application.

HES acknowledge that the proposed development will not be visible in views towards the castle and gardens from much of the village e.g. the Village Green. They recognise

that the development will be visible from some parts of the upper levels of the Castle and state that from these locations, the new housing will read as a continuation or extension of the mass of existing housing extending southwards. They add that the development will also be visible from the eastern side of the castle grounds and designed landscape, particularly from the access path between the Dovecot and the drawbridge entrance to the castle where it will increase the sense of enclosure of the castle grounds by the village on the eastern side. When viewed from the south and east towards Dirleton Castle, HES are content that the roof levels of the houses will lie below the castle and as a result they will not challenge it for dominance within its setting. They add that the design of the development means that it maintains a degree of separation between the castle, the farm buildings and the village when viewed from this southern and eastern arc. HES considers that as the landscape planting at the south-eastern corner of the development matures, views towards the castle from the east will become increasingly obscured along a small section of this arc of view. Although not objecting to the proposed development and the associated landscaping proposed, HES nevertheless considers the potential impact of the development could be mitigated further through an amendment to the planting design along the western and southern edges of the residential development proposed and through the provision of a suitable design for the street lighting scheme.

In response to these comments the applicants have amended their scheme of landscaping along the western edge of the site to replace previously proposed lime and alder with smaller tree species (cherry and birch) and have reduced the number of trees proposed along the southern boundary of the western part of the residential development. Nevertheless, in order to control the details of a final scheme of planting a condition can be imposed on a grant of planning permission to ensure that the final scheme of landscaping is approved by the planning authority. Likewise, a condition can be imposed on a grant of planning permission to ensure the finalised street lighting design mitigates impacts on the setting of the castle and gardens.

On matters of unscheduled archaeology The Council's Archaeology/Heritage Officer advises that an assessment of the proposed development indicates that there is a potential impact upon the buried archaeology of the area. He recommends that a Programme of Archaeological Works (Archaeological Evaluation by Trial Trench), to mitigate the direct impacts of the proposed development upon the Historic Environment is required. This can be secured through a condition attached to any grant of planning permission for the proposed development. This approach is consistent with Scottish Planning Policy: June 2014, Planning Advice Note 2/2011: Planning and Archaeology, with Policy ENV7 of the adopted East Lothian Local Plan 2008 and with Policy CH4 of the ELLDP.

It is the case that any development of this site will have an impact on views towards and away from Dirleton Castle. However it has been demonstrated through the application drawings and associated documents submitted with this application that the way the development is proposed to be laid out, including setting the proposed development northwards of the boundary of the allocated site at the western end of the site and some 35 metres eastwards from the western boundary of the allocated site and by virtue of the building design, heights and positioning of buildings that the proposed development would have an impact on the setting of Dirleton Castle but that impact would not be to such a degree that it would harm the setting of Dirleton Castle as a Category A listed building or as a scheduled monument nor would it have a harmful impact on its Designed Landscape.

Nor would it have a harmful impact on the setting of other listed buildings within the vicinity of the site all of which 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 these heritage considerations the proposed development is not contrary to Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), Policies ENV3, ENV7 or ENV8 of the adopted East Lothian Local Plan 2008, to Policies CH1, CH4 or CH6 of the ELLDP or to Scottish Planning Policy June 2014.

In respect of its impact on the Conservation Area, there would be very limited views of the proposed development from the historic core of the Conservation Area. The 'fine open views over the surrounding area' from the top of the castle keep noted in the Conservation Area Character Statement would be altered as would other views from the castle and its grounds however the main views of the development would be from the south and the east where it would be seen in relation to less traditional or slightly more recent elements of the Conservation Area such as the properties of Castlemains Place and the buildings of Castlemains Farm, many of which are modern, utilitarian agricultural sheds.

The houses at the western end of Castlemains Place have their rear gardens facing towards the application site whereas the houses along the remainder of Castlemains Place front southwards towards the application site. The layout of the houses proposed will respect this pattern by being laid out in such a way that the houses to be erected at the western end of the site will have back gardens closest to the back gardens of the houses of Castlemains Place and this part of the development site will otherwise have its houses facing inwards into a courtyard setting. The northern row of houses proposed in the middle part of the site (described by the applicant as Castlemains Lane) would, by virtue of their positioning and their orientation facing towards the houses of the adjoining part of Castlemains Place and by their semi-detached form, sit comfortably with the pattern of development in Castlemains Place. The southern row of houses proposed in the middle part of the site would face southwards towards the A198, as that part of Castlemains Place already does, and in a similar manner to the orientation of the housing on the west side of Dirleton Castle at Gylers Road. The proposed terraced houses and cottage flats on the eastern part of the site would be of a different character but would again be designed appropriately in accordance with development around them.

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 or variety of appearance to the development.

The design of two of the house types proposed has been amended since this application was registered to lower the overall height of these house types. Nevertheless the houses proposed would still have a higher ridge height than the low 1 and 1 and a ½ storey houses of Castlemains Place. However, due to their layout and positioning on the site and by virtue of them being set back on the northern part of the site, which generally has a lower ground level than the southern part of the site, and when considered in the wider context within which they would be viewed which includes the modern agricultural buildings of Castlemains Farm and mature tree planted areas at the eastern and western sides of the site, the heights of the proposed houses would not have be harmful to the character and appearance of this part of the Dirleton Conservation Area.

The architecture of the proposed houses and flats is of a traditional pitched roof form. Although contemporary features are incorporated into the house and flat designs such

as modern styled windows, dark grey coloured window frames, flat roofed dormers and in the case of the terraced houses and cottage flats, solar panels, these contemporary features would sit comfortably with the otherwise traditional design elements of the houses and flats proposed and would not be harmful to the character and appearance of this part of the Conservation Area. It is however important to ensure that the materials to be used on the houses and flats and on their associated garages and boundary treatments reflect the high quality of the prevailing traditional materials in the village as listed in the Conservation Area Character Statement. A condition can be imposed on a grant of planning permission to ensure that natural materials, such as natural stone, slate and clay tiles and cast iron gutters are used rather than reconstituted stone, concrete roof tiles and upvc gutters and that the colour or colours of render to be used are muted colours (not white) which would help to integrate the proposed development into its landscape setting. This would ensure that the character and appearance of the Conservation Area is preserved.

Subject to the imposition of such a condition controlling materials, in respect of their architectural form including their size, height and the design and layout of them and in respect of their materials, the proposed houses and flats and their associated garages and boundary treatments would integrate and sit comfortably with the built architectural form and layout around them and, coupled with appropriate landscaping of the site, would not have a harmful impact on the Dirleton Conservation Area.

Whilst it would bring change to this part of the village it would be well designed and integrated into its landscape and village setting and would be an appropriate residential development of the site. On this consideration the proposed development is not contrary to Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), Policy ENV4 of the adopted East Lothian Local Plan 2008, Policy CH2 of the ELLDP or to Scottish Planning Policy June 2014.

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 proposed residential 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 pattern and density of the proposed development would not be at odds with the existing patterns and densities of housing and other development within the village of Dirleton.

Regarding formal play provision, the Principal Amenity Officer advises that it would be more beneficial to enhance the existing community play facility on Castle Green with

enhanced facilities within its existing footprint rather than provide a new facility within the application site. He advises that a contribution of £549 per residential unit, which would equate to a total contribution of £19,764 at 2018 rates, should be secured from the applicant for the enhancement of the existing Castle Green playpark. 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. The applicants have confirmed in writing that they are willing to enter into such an agreement.

In respect of open space, it is proposed that the southern half of the application site would remain undeveloped and instead would be landscaped as 'meadowland' for informal recreational space. This southern half of the site is outwith the allocation of Proposal NK11 and is instead to be designated as 'Countryside Around Towns' by Policy DC8: Countryside Around Towns in the Proposed ELLDP.

The Council's Landscape and Countryside Biodiversity and Access Officers, as well as the Council's Landscape Projects Officer are supportive of the principle of the applicant's proposal to plant this area as a wild flower meadow subject to a management plan being submitted to and approved by the Planning Authority for the soil specification, the seed mix and sowing density, establishment requirements, the cutting regime to include height of cut, frequency and time of cuts and removal or arisings and ongoing annual management requirements. The Council's Biodiversity Officer advises that if planted appropriately, the landscaping of this land could potentially allow for biodiversity gain and provide good wildlife benefits. The Council's Landscape Projects Officer advises that the meadow should have mown paths through out it to provide recreation access. Subject to the imposition of a condition requiring agreement of a management plan for the meadow area, defining the seed mix that will be used and the management arrangements that will be in place annually once the seed mix has been sown, the meadow to be provided on the southern part of the application site 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 and Policy OS3 of the ELLDP.

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. Accordingly the proposals do not conflict with Policy DP13 of the adopted East Lothian Local Plan 2008.

In respect of other areas of landscaping within the site the Council's Landscape Projects Officer is generally content with the proposals to provide a hedge to the south of the development area to the north of the meadow and for it to be a mixed hawthorn and hazel hedge, which ties in with other rural hedges within the area. The hedges to the front gardens of the row of houses facing south are proposed to be beech and this is also supported as is shrub planting proposed in other garden areas. The Landscape Projects Officer makes recommendations for further tree planting at various points throughout the site and therefore conditions can be imposed on a grant of planning permission to ensure that a scheme of landscaping for the site is submitted for the approval of the planning authority as well as for tree and hedge protection.

The Council's Landscape Projects Officer has also provided comments on the design and landscaping of the SUDS basin proposed for the site. The layout of the SUDS has been amended during the course of this application in order to widen and shorten it so

as to lessen its impact on the development. Subject to the amendments being carried out to the proposed planting scheme of the SUDS basin, a matter which can be dealt with by condition of a grant of planning permission, the Landscape Projects Officer is content with the design and positioning of the SUDS basin which would be screened from the public road of Station Road by the retained hedgerow along this eastern edge of the development.

Subject to the aforementioned landscape conditions the landscaping of the site would soften and serve to integrate the proposed development into its landscape setting, breaking up the massing of the proposed development and ensuring a visually attractive approach into Dirleton, with the proposed houses and flats visible but not appearing prominent or intrusive in their landscape setting. On this consideration the proposed development is consistent with Policies DP1 and DP14 of the adopted east Lothian Local Plan 2008 and Policy DP1 of the ELLDP.

A noise assessment has been submitted to assess noise impacts on the future residents of the proposed development, particularly in relation to predicted noise from road traffic using the A198 Dirleton Bypass located to the south of the site. The Council's Environmental Health Manager, having considered the noise assessment submitted is satisfied that the proposed development can be satisfactorily mitigated from road traffic provided that any rear gardens on the southern edge of the proposed residential development are enclosed with 1.8 metres high close boarded fencing or other solid boundary treatment of a similar height and provided that first floor bedroom windows of properties on the southern boundary of the proposed development facing the A198 are provided with acoustic trickle ventilation. The majority of the residential properties on the southern edge of the proposed development would have their front gardens facing the A198 but where rear gardens are to be formed along this southern edge, 1.8 metre high walls are proposed to enclose these rear gardens as well as tree planting beyond them and the walls proposed would meet the requirements of the Environmental Health Manager. Therefore, the potential noise impacts from the A198 road on residential amenity can be satisfactorily addressed if a condition is attached requiring the erection of the boundary enclosures already proposed along the southern boundary of the site and for the windows of first floor bedrooms of properties on the southern boundary facing the A198 to be provided with acoustic trickle ventilation. The Council's Environmental Health Manager otherwise raises no objection to the proposed development, satisfied that it would not result in harm to the amenity of any neighbouring land use. Subject to this control the proposed development would comply with Policy NH13 of the ELLDP.

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 or the Scottish Government Policy Statement entitled "Designing Streets" or with Policies DP1, DP2, DP3, DP8, OS3, NH5 and NH7 of the ELLDP.

Consideration must then be given to the potential impact of the proposed development on the infrastructure of the area.

The Council's Road Services have considered the Transport Statement submitted with the application and raise no objection to the proposed development, being satisfied that it would be accessed safely from Station Road and would not lead to a road or pedestrian safety hazard. They are satisfied 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.

Roads Services additionally recommend that:

- * the existing 30 miles per hour (mph) speed limit on Station Road be extended southwards to the junction with the A198 and be supported by street lighting and an extension to the footway on the west side of the carriageway;
- * the existing vehicular access from Station Road to the land at the northern edge of the site should be stopped up, but pedestrian access should remain;
- * the existing directional signage, located on the verge to the immediate west of the junction between the A198 and Station Road shall be relocated in accordance with details to be approved by the Planning Authority in consultation with Road Services in order to improve visibility at the junction;
- * Notwithstanding that which is detailed on drawings the two footpath links from the site to Castlemains Place shall be constructed to an adoptable standard up to where they meet the carriageway/existing footpaths on Castlemains Place;
- * 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 or with Policies T1 or T2 of the ELLDP..

The Council's Road Services also recommend that where there is no footway, all planting and hedges immediately adjacent to the carriageway should be limited to 900mm in height for visibility. However Road Services have not presented any evidence to suggest that hedges of a height of 900mm or above would present a hazard to road safety within this site. Hedges and other roadside boundary treatments above 900mm in height are not uncommon in residential developments of this kind.

The Council's Waste Services raise no objection to the application but advised that the proposal include a presentation point for waste collection at the eastern end of the site to serve the terraced houses and cottage flats. This has been incorporated into the layout of the development. The applicant has demonstrated through the submission of a swept path analysis that the development can be adequately serviced for the purposes of waste collection.

Details of the SUDS and other drainage details including a Drainage Assessment have been submitted with this application. These details have been revised during the course of the application.

SEPA have been consulted on the details provided and, after having initially objected to the proposals, have since been provided with further details from the applicant on their proposed replacement culvert through the site and now raise no objections to the proposed development and nor do they request any condition be imposed on this application. SEPA advise that the design of SUDS infrastructure is a matter for East Lothian Council to consider.

The Council's Team Manager for Structures, Flooding & Street Lighting is now satisfied with the design of the SUDS basin proposed commenting that the gradients are shown to be at most 1:4 and therefore should be compliant with Scottish Water's Sewers for Scotland 3. He advises that it would be prudent for a condition to be imposed stating that no construction works can be prior to the Council receiving Scottish Water's Technical Approval of the design of the SUDS basin (including their agreement to vest the basin). This matter can be secured through a condition on a grant of planning permission.

Scottish Water have been consulted on this application but have not commented on it.

Policy INF3 of the adopted East Lothian Local Plan 2008 and Policy Del1 of the ELLLDP stipulate that new housing will only be permitted where appropriate provision for infrastructure, required as a consequence of the development, is made. Policy T32 of the ELLDP specifically relates to the package of transportation interventions to mitigate the cumulative impact of development on the transport network which have been identified by the Council in consultation with Transport Scotland. In line with Policy DEL1, relevant developments are required to contribute to the delivery of these transportation interventions, on a proportionate, cumulative pro-rata basis, as set out in Developer Contributions Framework Supplementary Guidance.

The Council's Planning Obligations Officer advises that the cumulative transport impacts of the development of proposed housing site NK11 was assessed for 30 dwellings in the 2018 Developer Contribution Framework Supplementary Guidance. Whilst this proposal is for 36 and not for 30 dwellings, he advises that this is within an acceptable margin not to require a re-run of the model to identify any changed level of impacts or contributions. Therefore, for the Castlemains, Dirleton NK11 site the Council's Planning Obligations Officer has advised that following the approval of the updated Developer Contributions Framework at the Council meeting on 29 May 2018 the contributions required for each transport intervention are as detailed below:

- * Improvements to Old Craighall junction (PROP T15): £125
- * Improvements to Salters Road Interchange (PROP T17): £130
- * Improvements to Bankton Interchange (PROP 17): £5,873
- * Musselburgh Town Centre improvements (PROP T21): £718
- * Tranent Town Centre Improvements (PROP T27 and T28): £505
- * Rail Network Improvements (PROP T9 and T10): £8,915

The total contribution required for transportation improvements resulting from cumulative impacts of the development is therefore £16,266.

The total developer contributions towards the transportation interventions of £16,266 (indexed linked) 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. The applicants have confirmed in writing that they are willing to enter into such an agreement.

The Council's Depute Chief Executive (Resources and People Services) informs that the application site is located within the school catchment areas of Dirleton Primary School and North Berwick High School.

He advises that Dirleton Primary and Nursery School will have sufficient capacity to accommodate children that could arise from the proposed development, however he also advises that North Berwick High School would not have sufficient capacity to accommodate children that could arise from the proposed development. Therefore he objects to the application on the grounds of lack of permanent capacity at North Berwick High School. However, he would withdraw that objection provided the applicant makes a financial contribution to the Council of £257,040 towards the provision of additional school accommodation at North Berwick High School.

The required payment of a financial contribution of a total of £257,040 towards the provision of additional accommodation at 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, and Policy ED7 of the ELLDP which stipulate that new housing will only be permitted where appropriate provision for infrastructure required as a consequence of the development is made. The applicants have confirmed in writing that they are willing to enter into such an agreement.

The East Lothian Council Health and Social Care Partnership raises no concerns about the ability of its health and social care services to support the 36 residential units proposed although they note that this is a 20% increase on "circa 30 homes" and advise that if such a growth was replicated across all LDP sites it may create unsustainable pressures on East Lothian's GP practices. Notwithstanding this comment, they do not object to this proposal.

The Council's Sports Development & Community Recreation Manager has advised that there are no requirements for additional sports facilities to be provided as a result of this proposal.

Subject to the payment of the required contribution towards transport interventions and education provision the proposal is consistent with Policy INF3 of the adopted East Lothian Local Plan 2008 and Policies DEL1, ED7 and T32 of the ELLDP.

The Council's Economic Development & Strategic Investment Manager advises that in accordance with the Council's Affordable Housing Policy, 25% of the proposed 36 residential units require to be affordable housing units. In the case of this application, the affordable housing component of the proposed housing development is 10 units which is 1 unit over the minimum requirement of the Council's affordable housing policy. Discussions have taken place between Housing Strategy and Development and the applicant and the Economic Development & Strategic Investment Manager confirms that the location, mix and sizes of the affordable units have been agreed and it has been agreed that the units will be delivered on this site by the applicant. Although the group of 10 affordable housing units is grouped together facilitating easier

management, the affordable housing is still sufficiently integrated into the overall development. The Economic Development & Strategic Investment Manager therefore advises that the number, 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 and Policies HOU3 and HOU4 of ELLDP.

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 summary, in the context of the site being part of housing allocation PROP NK11 of the East Lothian 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. A grant of planning permission would be consistent with Scottish Planning Policy: June 2014, SESplan Policy 7 and relevant East Lothian Local Development Plan policies which considerations outweigh the provisions of Policy DC1 of the adopted East Lothian Local Plan 2008.

RECOMMENDATION

It is recommended that planning permission be granted subject to:

1. The undernoted conditions.
2. The satisfactory conclusion of an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997, or some other legal agreement designed to secure from the applicant:
 - (i) a financial contribution to the Council of £257,040 towards the provision of additional accommodation at North Berwick High School;
 - (ii) 10 affordable residential units within the application site;
 - (iii) a financial contribution to the Council of £19,764 for the provision of additional play equipment and/or for some other enhancement of the play area at Castle Green, Dirleton;
 - (iv) a financial contribution to the Council of £16,266 for transport improvements. (Comprised of £125 for road improvements to Old Craighall Junction, £130 for improvements to Salters Road Interchange, £5,873 for improvements to Bankton Interchange, £718 for Musselburgh town centre improvements, £505 for Tranent town centre improvements and £8,915 for Rail Network 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 North Berwick High School, a lack of provision of affordable housing, a lack of formal play 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 and ED7, DEL1, HOU3 and T32 of the East Lothian Local Development Plan.

- 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 Prior to commencement of development on site, full details of the proposed Sustainable Drainage System (SuDS) shall be submitted to and approved in writing by the Planning Authority.

The details shall include confirmation of Scottish Water's technical approval of the SuDS proposals.

Thereafter, the approved details shall be implemented as approved.

Reason:

To ensure that the final SuDS design complies with Sewers for Scotland 3 and can be vested by Scottish Water in the interest of flood prevention, environmental protection and the long term amenity of the area.

- 3 No development shall take place on the proposed site until the applicant has, through the employ of an archaeologist or archaeological organisation, undertaken and reported upon a programme of archaeological work (Archaeological Evaluation by Trial Trench) in accordance with a written scheme of investigation which the application will submit to and have approved in advance by the Planning Authority.

Reason:

To facilitate an acceptable archaeological investigation of the site.

- 4 Prior to the commencement of development, a Construction Method Statement which sets out how the impact of construction activity on the safety and amenity of the area will be mitigated shall be submitted to and approved by the Planning Authority.

The Construction Method Statement shall include details of:

- * Mitigation measures to control noise, dust, construction traffic (including routes to/from site and delivery times).
- * Hours of construction work
- * Temporary measures to be put in place to control surface water drainage during the construction works
- * Routes for construction traffic

* Wheel washing facilities.

Thereafter, the Construction Method Statement shall be implemented and complied with in accordance with the approved details for the period of construction of the development hereby approved.

Reason:

To retain control of the operation of construction in the interest of environmental and residential amenity.

- 5 Prior to the occupation of any of the residential units hereby approved 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 and details of how it will be distributed to residents.

Thereafter, the Green Travel Plan shall be implemented in accordance with the details so approved.

Reason:

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

- 6 No development shall commence unless and until the following requirements have been met:

(i) the 30 miles per hour (mph) speed limit on Station Road has been extended to the junction with the A198 public road and has been brought into effect. 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 the provision of a footway on the west side of the carriageway. Thereafter the new 30 miles per hour speed limit, street lighting and footway shall be implemented and installed in accordance with the details so approved;

(ii) the existing vehicular access from Station Road to the eastern part of Castlemains Place shall be stopped up to allow only a pedestrian access to remain in place;

(iii) Existing directional signage located on the verge to the immediate west of the junction between the A198 and Station Road shall be relocated in accordance with details to be submitted and approved by the planning authority.

Details of the proposed extension to the existing 30 mph speed limit, footway, street lighting, stopping up of the existing access and relocated signage shall be submitted for approval by the planning authority. These measures shall be implemented in accordance with the details as approved by the planning authority.

Reason:

In the interests of road safety.

- 7 Prior to the occupation of any of the residential units hereby approved the footpath links from the northernmost access road within the site as detailed on drawings docketed to this planning permission shall be fully constructed to an adoptable standard and shall connect from the site into the existing public footway/carriageway of Castlemains Place.

Reason:

In the interests of the safety and amenity of pedestrians.

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

Those areas of land shall not thereafter be used for any other purpose than for accessing and for the parking of vehicles in connection with the residential use of the houses and flats and shall not be adapted or used for other purposes without the prior written approval of the Planning Authority.

Reason:

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

- 9 Prior to the occupation of any of the flats hereby approved bin storage facilities and cycle storage facilities shall have been formed and made available for use. Thereafter, the storage facilities shall be retained in use as bin and cycle storage areas.

Reason:

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

- 10 No development shall take place on site until temporary protective fencing in accordance with Figure 2 of British Standard 5837_2012 "Trees in relation to design, demolition and construction" has been installed, approved and confirmed in writing by the Planning Authority. The fencing must be fixed in to the ground to withstand accidental impact from machinery, erected prior to site start and retained on site and intact through to completion of development. The position of this fencing must be as indicated on the drawing numbered 4462.001 rev D, shall be positioned outwith the Root Protection Area (RPA) as defined by BS5837:2012 for all trees and approved in writing by the Planning Authority.

All weather notices shall be erected on said fencing with words such as "Construction exclusion zone - Keep out". Within the fenced off areas creating the Construction Exclusion Zones the following prohibitions must apply:-

- _ No vehicular or plant access
- _ No raising or lowering of the existing ground level
- _ No mechanical digging or scraping
- _ No storage of temporary buildings, plant, equipment, materials or soil
- _ No hand digging
- _ No lighting of fires
- _ No handling discharge or spillage of any chemical substance, including cement washings

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.

Reason

In order to protect retained hedgerows and trees from damage.

- 11 Notwithstanding the details shown on landscaping plans docketed to this planning permission, a revised scheme of landscaping shall be submitted to and approved in writing by the Planning Authority prior to any commencement of development on the site. The scheme shall provide details of: the height and slopes of any mounding on or re-contouring of the site including SUDS basin/ponds details; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. Non-thorn shrub species should be located adjacent to pedestrian areas. The scheme shall include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development.

Unless otherwise agreed in writing with the Planning Authority the revised scheme of landscaping shall include for the planting of

- 1no. *Carpinus betulus* 'Frans Fontaine' in shrubs to south of garage at plot 25;
- 1no. *Carpinus betulus* 'Frans Fontaine' in shrubs at plot 36;
- 1no. *Carpinus betulus* 'Frans Fontaine' in shrubs at south of garage at plot 16;
- 1no. *Pyrus calleryana* 'Chanticleer' to the shrub area to the south of garage at plot 11;
- 1no. *Pyrus calleryana* 'Chanticleer' to the shrub area to the north of the garage at plot 17; and
- 5no. *Tilia cordata* 'Greenspire' to the north side of the southern boundary hedge in the area of low maintenance grass seeding as per the site plan.

Unless otherwise agreed in writing with the Planning Authority as well as wetland meadow mix planting, the SUDS basin shall be planted with a large amount of native edge mix planting to its eastern slopes. Planting to the western side of the SUDS basin should be kept as the lower and spine free shrubs of the native edge mix. There should be no *Prunus spinosa*, *Ilex aquifolium*, or *Crataegus monogyna* in the planting areas to the west as they are adjacent to the roadway.

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 completion of the development or

occupation of any house hereby approved, whichever is the sooner. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar species and final size, 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.

- 12 No development shall take place on the site unless and until a management plan for the meadow hereby approved has been submitted to and agreed in writing with the Planning Authority. The management plan shall include details of:

- o The soil specification
- o The seed mix and sowing density
- o Establishment requirements
- o Cutting regime to include height of cut, frequency and time of cuts and removal of arisings and showing details of mown paths to provide recreation access
- o Ongoing annual management requirements of the meadow

Thereafter the meadow shall be managed in accordance with the approved management plan.

Reason:

To ensure the retention and maintenance of landscaping on the site in the interest of amenity.

- 13 The maintenance of all communal landscape areas, and hedges to private front gardens, as defined on the drawing numbered 4462.001 rev D docketed to this planning permission shall be adopted and maintained by a Factor or a Residents Association in accordance with details to be submitted to and approved by the Planning Authority prior to the occupation of any residential units hereby approved.

Reason:

To ensure the retention and maintenance of landscaping on the site in the interest of amenity.

- 14 All the open space meadow shall be available for use prior to the occupation of the last house or flat on the site.

The open space meadow, 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.

- 15 A timetable for the provision of the erection of the boundary enclosures for the gardens of the houses and flats 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.

- 16 Prior to their occupation, the south facing first floor bedroom windows of the houses to be erected along the southern side of the development shall be fitted with acoustic trickle ventilation to ensure compliance with daytime and night-time internal noise levels as specified in Table 4 of BS8233: 2014 "Guidance on sound insulation and noise reduction in buildings". Such glazing shall thereafter be retained or replaced to an equivalent standard unless otherwise approved by the Planning Authority.

Reason:

In the interests of protecting the residential amenity of the occupiers of the houses from noise from the A198.

- 17 Prior to their occupation, the 1.8 metre high walls hereby approved for the south sides of the

garden areas of plots 5, 32, 33 and 36 of the development hereby approved shall be erected in their entirety and in accordance with the details docketed to this approval. The walls shall thereafter remain in place unless otherwise approved by the Planning Authority.

Reason:

In the interests of protecting the residential amenity of the occupiers of the houses from noise from the A198.

- 18 Notwithstanding that which is stated on the drawings docketed to this planning permission a detailed specification and samples of all external finishes of the houses, flats, garages and boundary treatments 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, flats, garages and boundary treatments shall include for natural and not reconstituted stone, render with the use of more than one render colour of a muted colour, natural slates, clay tiles, timber window frames, timber doors and garage doors and cast iron downpipes and for lead, 'falzinc' or other similar material to be used on the dormer cheeks and fronts.

All such materials used in the construction of the houses, flats, garages and boundary treatments 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 and in the interest of safeguarding the character and appearance of the Dirleton Conservation Area.

- 19 The solar panels to be installed in the cottage flats and terraced houses hereby approved shall be installed in a manner that ensures that their upper surfaces are as near flush as possible with the upper surface of the roof slope into which they will be installed and with minimum flashing.

Reason:

To reduce the visual impact of the solar panels in the interest of safeguarding the character and appearance of the Dirleton Conservation Area.

- 20 No development shall commence on the site unless and until there has been submitted to and approved by the Planning Authority in consultation with the Roads Authority a scheme of street lighting for the site. Thereafter the street lighting scheme approved shall be implemented in accordance with the details so approved.

Reason:

In order to preserve the setting of Dirleton Castle.

- 21 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.