

**REPORT TO:** Planning Committee

**MEETING DATE:** 2 May 2023

**BY:** Service Manager – Planning

**SUBJECT:** Further Report of Handling of Planning Application No 20/00939/P –  
Erection of 27 flats and associated works, Land South of St Andrews  
Centre, Bayswell Road, Dunbar

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## **1 PURPOSE**

- 1.1 This application was reported to the Planning Committee on 5<sup>th</sup> October 2021 and it was decided by the Committee that planning permission be granted for the development proposed subject to conditions and the satisfactory conclusion of a Section 75 Agreement designed to secure developer contributions towards education.
- 1.2 The Section 75 Agreement is close to being agreed.
- 1.3 The application is returned to Committee due to the adoption, by Scottish Ministers, on the 13<sup>th</sup> February 2023, of National Planning Framework 4 (NPF4). NPF4 supersedes National Planning Framework 3 and Scottish Planning Policy (SPP) (2014). Together with the adopted East Lothian Local Development Plan 2018 (ELLDP) and its supplementary guidance, it has now become the statutory development plan for East Lothian. The purpose of this report is to provide a further planning assessment of the application against the relevant policies of NPF4 and to make a recommendation to the Planning Committee based on that further assessment.

## **2 RECOMMENDATIONS**

- 2.1 That Planning Committee agree to grant planning permission subject to:
  1. The conditions set out in Appendix E; and
  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 £70,173 towards an increase in the educational capacity and facilities at Dunbar Primary School (John Muir Campus);
    - ii) a financial contribution to the Council of £31,131 towards an increase in the educational capacity and facilities at Dunbar Primary School (Lochend Campus); and
    - iii) a financial contribution to the Council of £26,730 towards an increase in the educational capacity and facilities at Dunbar Grammar School.

- 2.2 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 or some other legal 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 such Agreement the proposed development is unacceptable due to a lack of sufficient school capacity and facilities at Dunbar Primary School (John Muir Campus), Dunbar Primary School (Lochend Campus) and Dunbar Grammar School contrary to Policy 18 of NPF4 and Policy DEL1 of the adopted East Lothian Local Development Plan 2018.
- 2.3 All contributions are based on updated Scottish Futures Trust cost metrics for school buildings and will be subject to indexation in accordance with the BCIS All-in Tender Price from 1<sup>st</sup> April 2021 to the date of payment of the relevant contributions.

### **3 BACKGROUND**

- 3.1 The Planning Committee considered this application at their meeting on 5<sup>th</sup> October 2021 and decided that planning permission be granted for the development proposed subject to conditions and the satisfactory conclusion of a Section 75 Agreement. At the time of writing of this further Report of Handling, work on the drafting of the Section 75 Agreement is ongoing and is close to being concluded. A copy of the Report of Handling for application 20/00939/P, which was considered at Planning Committee on the 5<sup>th</sup> October 2021, is attached as Appendix A. A copy of the Extract from the Minutes of that Meeting is attached as Appendix B.
- 3.2 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that a planning application be determined in accordance with the development plan, unless material considerations indicate otherwise. The Report of Handling considered by the Planning Committee on the 5<sup>th</sup> October 2021 concluded that the proposal was considered to be in accordance with the provisions of the stated relevant development plan policies and there were no material considerations which outweighed the proposal's accordance with the development plan. These material considerations included the 7 written representations received to it, all of which raised objections to the proposed development. A copy of the 7 written representations are attached as Appendix C.
- 3.3 The development plan in place at the time of the Planning Committee's consideration of the application on the 5<sup>th</sup> October 2021 was the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Development Plan (ELLDP) 2018 together with its adopted supplementary guidance. A material consideration was Scottish Planning Policy: June 2014.
- 3.4 Since the adoption, by Scottish Ministers, on the 13th February 2023, of National Planning Framework 4 (NPF4), the development plan is now the adopted National Planning Framework 4 (NPF4) and the adopted East Lothian Local Development Plan 2018 (ELLDP) together with its supplementary guidance.
- 3.5 SPP 2014 has been superseded by NPF4. It no longer represents Scottish Ministers' planning policy and should not therefore form the basis for, or be a consideration to be

taken into account, when determining planning applications. SESplan ceases to have effect and as such is no longer part of the development plan. All references to SPP 2014 and to the South East Scotland Strategic Development Plan (SESplan) in the original Planning Committee report considered on the 5<sup>th</sup> October 2021 are therefore no longer relevant in the consideration of this application.

- 3.6 The assessment of the proposals against the relevant policies and proposals of the adopted ELLDP, and the conclusions of that assessment, remains the same.
- 3.7 This further Report of Handling assesses the proposals against the policies of NPF4 which are now relevant to the determination of this application. The 33 policies of NPF4 are divided into the three overarching themes of Sustainable Places (Policies 1-13), Liveable Places (Policies 14-24) and Productive Places (Policies 25-33). NPF4 is designed to be read and applied as a whole, but in the case of this application Policies 1, 2, 3, 6, 7, 12, 13, 14, 15, 16, 18, 20, 21, 24 and 31 are all of some relevance to its determination.
- 3.8 The applicant has submitted a supporting Planning Statement containing their responses to the contents and requirements of NPF4 as it relates to their proposals and this is attached as Appendix D.

## **PLANNING ASSESSMENT IN RESPECT OF NPF4**

### **Sustainable Places**

- 3.9 Policy 1 of NPF4 states "when considering all development proposals significant weight will be given to the global climate and nature crises". Policy 2 seeks to ensure that new development minimises emissions and adapts to the current and future impacts of climate change. Policy 3 aims to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks and Policy 4 protects the natural environment and protected species.
- 3.10 The application is supported by a Design and Access Statement which among other things sets out the measures to be taken to reduce the carbon emissions from the building and from the completed development which are designed to ensure compliance with the CO2 requirements of the Scottish Building Standards, and to meet the 15% reduction in carbon emissions from Low and Zero Carbon Generating Technologies (LZCGT) as required by the ELLDP. Each of the proposed flats will feature low energy lighting and will be served by an internal Air Source Heat Pump to provide a high efficiency heating system within a high performance building envelope. The flats have been designed to achieve the Building Standards Silver Standard sustainability award and to deliver the highest Energy Performance Certificate (EPC) rating. Electric vehicle charging is to be provided within the site along with information for residents on how any future additional electric vehicle charging points are provided and managed. In respect of biodiversity considerations, the application is supported by a Bat Roost Assessment Survey and it is proposed that bat boxes will be fitted within the roof spaces of the buildings. The proposals include measures for habitat creation to benefit and enhance biodiversity including the planting of 26 new trees of mixed species and hedge planting. The Council have agreed that a condition be imposed if planning permission is to be granted to require that no works shall be

implemented to remove the existing trees on the south and west boundaries of the application site during bird breeding season (March-August inclusive) unless a Species Protection Plan is submitted for the approval of the planning authority prior to the commencement of any development. On these climate change, nature and biodiversity considerations, the proposals comply with Policies 1, 2 and 3 of NPF4.

- 3.11 Policy 6 provides significant protection for forestry, woodland and trees. As explained in the original Report of Handling (Appendix A), a submitted Tree Survey and Arboricultural Impact Assessment identifies the existing south and west boundary walls on the site as physical barriers to root growth resulting in the majority of root growth of the existing trees on those boundaries as being into the site. As such those trees cannot be safely retained alongside development proposed within the application. Policy NH8 of the ELLDP states that development affecting trees, groups of trees or areas of woodland will only be permitted in the particular circumstances listed in the Policy. One of those circumstances is that if in the case of individual trees or groups of trees, their loss is essential to facilitate development that would contribute more to the good planning of the area than would retaining the trees or group of trees. Policy 6 of NPF4 also sets out circumstances where development proposals involving woodland and tree removal will be supported that includes where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal which identifies those public benefits as delivering economic, social and environmental benefits. Policy 6 further states that where woodland is removed compensatory planting will most likely be expected to be delivered. In this instance through this application a total of 27 affordable residential units would be delivered by East Lothian Housing Association in a location close to Dunbar Town Centre. The provision of this affordable housing in such an accessible and central location would enhance the mix of affordable housing available for existing and future residents of Dunbar and would make a valuable contribution to the good planning of the area. In the circumstances of this application the proposals fall within the types of acceptable development listed, consistent with Policy 6 of NPF4.
- 3.11 Policy 7 seeks to protect and enhance historic environment assets and places and states that development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Relevant considerations include the:
- i) architectural and historic character of the area;
  - ii) existing density, built form and layout; and
  - iii) context and siting, quality of design and suitable materials.
- Policy 7 further states that development proposals in conservation areas will ensure that existing natural and built features which contribute to the character of the conservation area and its setting, including structures, boundary walls, railings, trees and hedges are retained.
- 3.12 As set out in the original Report of Handling, existing trees on the south and west boundary of the site cannot be safely retained alongside development proposed within the application. This part of Dunbar Conservation Area is characterised by a variety of buildings of a range of ages, architectural styles and use of finishes. The proposed development is acceptably designed for its place and would not harm the character and appearance of the Conservation Area. The proposals comply with Policy 7 of NPF4.
- 3.13 Policy 12 encourages sustainable waste management. A Waste Management Strategy has been submitted as part of the application to provide details of how onsite refuse storage and collection facilities for the flats proposed would operate. The Council have agreed that a condition be imposed if planning permission is to be granted to require

that onsite refuse storage and collection facilities for the flats will be operated in accordance with the submitted Waste Management Strategy. Swept path analysis drawings submitted by the applicant as part of this application demonstrate that waste servicing vehicles could satisfactorily negotiate the proposed development providing convenient access for the collection of waste. The Council's Waste Services Manager has confirmed that the general collection and management of waste and recycling from the proposed development will be operated by the Council's Waste Services. In all of this the proposal complies with Policy 12 of NPF4.

- 3.14 Policy 13 seeks to facilitate a transition towards more sustainable, lower emissions travel including active travel and public transport. The application site is close to local amenities in Dunbar and to public transport bus stops. The proposals include provision for electric vehicle charging infrastructure and a means to ensure future additional electric vehicle charging points. They also include for cycle storage facilities for the flatted properties, path provision throughout the site and connections to off site paths and traffic calming features. Parking provision is considered by the Council's Roads Services to be acceptable in this location. At their meeting of 5<sup>th</sup> October 2021 the Planning Committee agreed to impose a condition on a grant of planning permission requiring that a Green Travel Plan is submitted to and approved by the Planning Authority having particular regard to provision for walking, cycling and public transport access to and within the site. In all of this the proposals comply with Policy 13 of NPF4.

### **Liveable Places**

- 3.15 Policy 14 supports development proposals that are well designed and consistent with 'the six qualities of successful places' listed in the policy, which are healthy, pleasant, connected, distinctive, sustainable and adaptable. It states that development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported. The proposed development has already been assessed to be an appropriate residential development of the site that would be well designed and integrated into its wider setting. 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 is not incompatible with existing densities of development in the area. The cumulative effect of the proposed flats alongside the existing St Andrews Centre building and the flatted buildings of Garrison Green to the east would not result in an overdevelopment of the site. In all of this, the proposals are not inconsistent with the six qualities of successful places and as such comply with Policy 14 of NPF4.
- 3.16 Policy 15 seeks to encourage, promote and facilitate the creation of connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options. Policy 16 encourages, promotes and facilitates the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities. The 27 flats proposed would be comprised of 24 two-bedroom and 3 one-bedroom flats, all for use as social housing. Dunbar has a wide range of employment, shopping, health and social care, education and other community facilities which are accessible from the proposed development via walking, cycling and by public transport. In addition, the proposals provide a large communal courtyard garden and open play area providing amenity space in addition to each flat

being provided with a private balcony/terrace area. In all of these considerations the proposals are consistent with Policies 15 and 16 of NPF4.

- 3.17 Policy 18 requires development to take into account the capacity and any additional needs for community services and facilities, as part of the infrastructure first approach. This reflects Policy DEL1 of the ELLDP which stipulates that new housing will only be permitted where appropriate provision for infrastructure, required as a consequence of the development, is made. These infrastructure considerations have therefore already been assessed and the Planning Committee, at their meeting of 5th October 2021, have agreed that where applicable conditions will be imposed and also that a Section 75 Agreement designed to secure developer contributions towards educational capacity requires to be concluded prior to any grant of planning permission. The proposals therefore comply with Policy 18 of NPF4.
- 3.18 Policy 20 seeks to protect and enhance blue and green infrastructure and their networks. The proposed development would result in some fragmentation or net loss of green infrastructure through the removal of existing trees. However the Council has agreed that a condition be imposed if planning permission is to be granted to require the submission for planning authority approval and thereafter the implementation of a scheme of landscaping to include compensatory tree and hedge planting ensuring that the overall integrity of the network will be maintained. The proposed development will incorporate new open space and landscaped areas that will respond to local circumstances and will include new and enhanced opportunities for access linked to wider networks. In all of this the proposals comply with Policy 20 of NPF4.
- 3.19 Policy 21 seeks to encourage, promote and facilitate spaces and opportunities for play, recreation and sport. The proposals include provision for inclusive informal open space play areas for a variety of age groups within the site and safe footpath linkages with existing neighbouring play areas and facilities. The proposals comply with Policy 21 of NPF4.
- 3.20 Policy 24 supports the delivery of digital infrastructure. Policy DCN2 of the ELLDP also supports the delivery of digital infrastructure and the applicant has confirmed that their proposals are to have BT Openreach provision to the development with all flats benefitting from Fibre to the Premises (FTTP). The applicant further advises that such strategy will provide the fastest available digital data transmission speeds of up to 1Gbps. The proposals therefore comply with the policy intent of Policy 24.

### **Productive Places**

- 3.21 Policy 31 states that "development proposals that involve a significant change to existing, or the creation of new, public open spaces will make provision for public art. Public art proposals which reflect diversity, culture and creativity will be supported". The proposals the subject of this application include for the creation of new, public open spaces and it would therefore be appropriate for artwork to be incorporated either as an integral part of the overall design or as a related commission. Were planning permission to be granted for the proposed development then the artwork(s) could be secured through the imposition of a planning condition. The applicant agrees that if considered necessary and or/appropriate in this particular location, such provision could be secured through the imposition of a condition on any decision to grant. Subject to this planning control being imposed the proposed development is consistent with Policy 31 of NPF4.

## **CONCLUSION**

- 3.22 Assessment of the application against the relevant policies of NPF4 has required the addition of a condition requiring the provision of public art. All of the other conditions that were agreed by the Planning Committee on the 5<sup>th</sup> October 2021 have been reviewed and no further amendments are required as a result of the assessment of the proposals against NPF4.
- 3.23 In conclusion, and subject to the prior conclusion of a legal agreement and the imposition of the recommended conditions, the proposed development accords with the provisions of NPF4, as well as with the provisions of the ELLDP and its adopted supplementary guidance, and there are no material considerations which outweigh the proposal's accordance with the Development Plan.

## **4 POLICY IMPLICATIONS**

- 4.1 None.

## **5 INTEGRATED IMPACT ASSESSMENT**

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

## **6 RESOURCE IMPLICATIONS**

- 6.1 Financial - None.
- 6.2 Personnel - None.
- 6.3 Other - None.

## **7 BACKGROUND PAPERS**

- 7.1 None.

Appendix A: Report of Handling for application 20/00939/P considered by the Planning Committee on 5<sup>th</sup> October 2021

Appendix B: Extract from the Minutes of the Planning Committee meeting of the 5<sup>th</sup> October 2021.

Appendix C: Copies of the seven written representations received (*n.b. these are available only to Councillors and can be found on the Councillors' shared area*)

Appendix D: The applicant's Planning Statement on NPF4

Appendix E: The recommended heads of terms for the legal agreement and recommended conditions to be imposed for planning permission 20/00939/P.

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<b>DATE</b>	20 <sup>th</sup> April 2023



## Appendix A



**REPORT TO:** Planning Committee  
**MEETING DATE:** Tuesday 5 October 2021  
**BY:** Executive Director of Place  
**SUBJECT:** Application for Planning Permission for Consideration

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*Note - this application was called off the Scheme of Delegation List by Councillor Hampshire for the following reasons: I have concerns about the volume of waste that will be stored at the Entrance to this development and its proximity to the garden of a neighbouring property. I am also concerned that this will also narrow the entrance and the removal of any pavement or safe area for pedestrians to walk at the Entrance of this development. The site lines at the exit are zero and the footpath on Bayswell Road is very busy due to Lauderdale Park and children run across the entrance. The Proposal will also require the removal of a significant number of Important Trees from the Conservation Area. I think members will benefit from a Site Visit.*

Application No.      **20/00939/P**

Proposal              Erection of 27 flats and associated works

Location              **Land South of St Andrews Centre  
Bayswell Road  
Dunbar  
East Lothian**

Applicant             Whiteadder Ltd

Per                     LBA Ltd

**RECOMMENDATION**      Consent Granted

### REPORT OF HANDLING

#### PROPOSAL

The application site is an area of land within a predominantly residential area as defined by Policy RCA1 of the adopted East Lothian Local Development Plan 2018 (ELLDP) and is also within Dunbar Conservation Area. The site has an area of some 0.28 hectares and forms part of the established housing land supply, as defined by Policy HOU1 of the ELLDP.

The application site is on land that previously formed the wider garden ground of the former St Andrews Centre a detached 2-storey building and which is to the north of the application site. That building has planning permission (19/00623/P and 20/01433/P) to be converted into 4 flats. Beyond the former St Andrew Centre building is the residential property of The Manse beyond which is Bayswell Road. To the south the site is bounded by a line of mature trees and a high stone wall with the rear gardens of residential houses beyond. The site is bounded to the west by a line of mature trees and a high stone wall with a long linear single storey commercial garage building beyond.

To the east are the flats known as Garrison Green, and which were the subject of planning permission ref: 13/00394/P which granted permission for 18 flats that land. Those flats are comprised of two 3 storey high pitched roof buildings of contemporary style located to the north and south of that site respectively.

Planning permission is now sought by East Lothian Housing Association for the erection of 27 flats and associated works. The 27 flats proposed would be formed within four 3-storey flatted buildings and would be comprised of 24 two-bedroom and 3 one bedroom flats. All of the proposed flats would be affordable house for use as social housing.

It is proposed that the flatted buildings would be laid out in an irregular U-shape that would form an internal courtyard laid out as amenity garden space. Drawings submitted as part of the application show:

- i) an L-shaped 3-storey flatted block located within the northwest corner of the site aligned east to west providing three 1-bedroom and six 2-bedroom flats;
- ii) a 3-storey flatted block within the northeast corner of the site aligned east to west providing three 2-bedroom flats;
- ii) a 3-storey flatted block to the east of the site aligned north to south providing six 2-bedroom flats; and
- iii) an L-shaped 3-storey flatted block within the southwest corner of the site aligned east to west providing nine 2-bedroom flats.

The proposed flatted buildings would be contemporary in their architectural form and design. The roofs of the buildings would be steeply pitched and gabled and finished in standing seam metal. The external elevation walls would be finished in white coloured render punctuated with areas of standing seam metal cladding displaying a limited use of colours. Proposed aluminium clad timber window frames and access door openings would be finished in anthracite grey and be of a modern design and fenestration providing a vertical emphasis to the main elevations of the buildings. All external rainwater good would be finished in anthracite grey metal.

The existing walls which enclose the south and west boundaries of the site would be retained.

Vehicular access to the site would be via the existing access road taken from Bayswell Road to the northeast of the site that serves the former St Andrews Centre and the existing flatted properties of Garrison Green.

The proposed flatted buildings would be accessed by two communal stairways located within gabled outshoots located to the north and south of the courtyard. Deck access walkways enclosed by metal balustrades would provide access to the 1st and 2nd storey flats within each block. Main access to the ground floor flats would be taken directly from the courtyard.

Thereafter pedestrian access to the courtyard would be located between the flatted buildings at the northeast corner of the site.

Parking areas are proposed within the north and east of the site providing a total of 31 parking spaces to serve the proposed flats.

A cycle store providing secure storage for 27 bicycles would be located to the east of the flatted buildings proposed at the south of the site.

It was originally proposed that bin storage and waste collection facilities for both general waste and for recyclable waste for the proposed 27 flats was to be provided on the east side

of the existing access road into the development.

As an amendment to the application it is now proposed that a new purpose-built block and render waste collection compound would be constructed within the site to the east of the southernmost flatted block. This new bin storage area would provide space for 27 standard 240 litre wheelie bins for use by the occupants of each of the proposed flats. Space for one green recycling box, 1 blue recycling box and 1 food caddy would be provided for each of the proposed flats within this compound.

A Design and Access statement has been submitted in support of the application setting out the site history and its context and detailing the design concept of the proposals.

A Tree Survey and Arboricultural Implication Assessment and a Bat Roost Assessment Survey have also been submitted as a part of the application.

Since the application was first registered further drawings have been submitted providing revised details of: proposed site layout and parking arrangements; large vehicle swept path tracking analysis; proposed electric vehicle charging points; and proposed tree planting.

## **DEVELOPMENT PLAN**

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 Development Plan 2018 (ELLDP).

The purpose of the approved South East Scotland Strategic Development Plan (SESplan) is to set out the strategic planning framework to assist preparation of local development plans. Its policies are generally not relevant for assessing individual planning applications.

Relevant to the determination of the application are Policies CH2 (Development Conservation Areas), DP1 (Landscape Character), DP2 (Design), DP3 (Housing Density), DP7 (Infill, Backland and Garden Ground development), DP8 (Design Standards for New Housing Areas), NH8 (Trees and Development), T1 (Development Locations and Accessibility), T2 (General Transport Impact), W3 (Waste Separation and Collection), HOU3 (Affordable Housing Quota), HOU4 (Affordable Housing Tenure Mix) and DEL1 (Infrastructure and Facilities Provision) of the ELLDP.

Material to the determination of the application are Sections 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and Scottish Planning Policy: Revised December 2020.

One of the main 'Outcomes' of Scottish Planning Policy (SPP) is to create successful, sustainable places by supporting sustainable economic growth and regeneration, and the creation of well-designed, sustainable places. Scottish Planning Policy highlights that new housing developments should be integrated with public and active travel networks, such as footpaths and cycle routes, rather than encouraging dependence on the car.

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 or 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.

A further material consideration is Scottish Government Policy Statement Designing Streets, and Planning Advice Note 67: Housing Quality. They provide an overview of creating places, with street design as a key consideration. They advise on the detail of how to approach the creation of well-designed streets and describe the processes which should be followed in order to achieve the best outcomes. PAN 67 states that the planning process has an essential role to play in ensuring that the design of new housing reflects a full understanding of its context in terms of its physical location and market conditions, reinforces local and Scottish identity, and is integrated into the movement and settlement patterns of the wider area. The creation of good places requires careful attention to detailed aspects of layout and movement. Developers should think about the qualities and the characteristics of places and not consider sites in isolation. New housing should take account of the wider context and be integrated into its wider neighbourhood. The quality of development can be spoilt by poor attention to detail. The development of a quality place requires careful consideration, not only to setting and layout and its setting, but also to detailed design, including finishes and materials. The development should reflect its setting, reflecting local forms of building and materials. The aim should be to have houses looking different without detracting from any sense of unity and coherence for the development or the wider neighbourhood.

Also material to the determination of the application is ELLDP Supplementary Planning Guidance 'Design Standards for New Housing Areas' adopted by the Council in May 2020. The SPG seeks to raise awareness of the unique characteristics and attributes of East Lothian, how these can be used positively to create new places both small scale and large, and the technical aspects of design that are required to deliver great new places.

Also material to the determination of the application is Supplementary Planning Guidance (SPG) on 'Affordable Housing' adopted by the Council in February 2019. The SPG supplements relevant ELLDP policies in relation to the delivery of affordable housing.

## **REPRESENTATIONS**

A total of 7 letters of representation have been received in respect of the application. The main grounds of objection are:

- i) increased traffic and lack of pedestrian footpaths at the existing access from Bayswell Road;
- ii) impact of waste and recycling facilities on neighbouring property;
- iii) the loss of trees on the west side of the site will change character of the conservation;
- iv) the massing and style of the news flats would not relate well to either the historic former manse to the north or to the new housing association flats to the east;
- v) a scheme of almost exclusively single bedded units (23 out of 27) risks creating a ghetto and involves parking problems;
- vi) Garrison Green would become a sea of concrete;

## **COMMUNITY COUNCIL**

Dunbar Community Council have been consulted on the application and support the application but request that consideration be given to the following:

- i) impacts of waste and recycling facilities on neighbouring residential properties;

- ii) additional footpath provision at existing access from Bayswell Road;
- iii) appropriate tree planting in mitigation of trees removed;

## **PLANNING ASSESSMENT**

The application site is within a predominantly residential area as defined by Policy RCA1 of the Local Development Plan. Policy RCA1 does not actively promote the development of land for new build residential development. Its principal purpose is to ensure that the predominantly residential character and amenity of existing housing areas is safeguarded from the adverse impacts of uses other than housing. Policy RCA1 does however state that proposals for new development will be assessed against appropriate local plan policies, which in the case of infill, backland and garden ground development is Policy DP7 of the ELLDP.

By its nature the proposed development amounts to urban infill housing development within the town of Dunbar. The principle of such development is supported by Scottish Planning Policy and Policy DP7 of the adopted East Lothian Local Development Plan 2018.

Policy DP7 states that infill and backland development, including the subdivision of garden ground, will be supported provided the site can accommodate the entire development, the occupants of existing neighbouring houses experience no significant loss of privacy and amenity and occupants of any new house must also enjoy privacy and amenity, and the scale and design of the proposed development will be sympathetic to its surroundings.

Policy DP2 of the ELLDP, amongst other things, requires that all new development must be well designed and integrated into its surroundings.

Policy CH2 of the ELLDP requires that all new development within the Conservation Area be located and designed to preserve or enhance the special architectural or historic character of the Conservation Area. Proposals for new development should accord with the size, proportions, orientation, alignment, density, materials, and boundary treatment of nearby buildings and public and private spaces.

Thereafter, the main determining factor in this case is whether, having regard to national, strategic and local planning policy and guidance and other material considerations, the detail of the proposed redevelopment of the site to 27 flats with associated access and parking is acceptable, with due regard to the potential impact on the character and amenity of the area, including the impact on neighbouring residential properties and the impact on the Conservation Area.

Whilst it is not essential to replicate existing building styles to build successfully in a conservation area and indeed in other locations, both national planning and development plan policy nevertheless state that in designing proposed new buildings developers should think about the qualities and the characteristics of place. The development should reflect its setting and local forms of building and materials. The aim should be to have buildings looking different without detracting from any sense of unity and coherence for the development or the wider neighbourhood.

The existing residential properties in the vicinity of the site and the former St Andrews Centre are of a variety of architectural styles and ages and which range in height. The majority of the buildings in the vicinity are two storeys high but the St Andrews Centre is a higher, more dominant building which has three storeys of accommodation, with its second floor being in the roof space of the building. The flatted development of Garrison Green immediately to the east of the site consists of two 3-storey high modern flatted buildings with walls finished in render and cladding panels. The existing buildings in the vicinity have, variously, walls

finished with stone or render. The majority of the neighbouring buildings have slate finished pitched roofs with some use of pantiles or more modern tiles. To the west of the site is a single storey linear commercial garage building.

In their positions and by virtue of their heights the proposed flatted buildings would be visible from public places. In particular the upper floors of the buildings would be visible in views from the west where they would be seen above the linear single storey commercial garage building that sits adjacent to the west side of the site. Otherwise the proposed development would be well contained in views from the north, south and east where it would be seen in more glimpsed views between the existing buildings adjacent to the site. Although they would be three storeys in height the proposed flatted buildings would be designed in terms of ground levels to have an overall height not dissimilar to the existing St Andrews Centre building and the neighbouring flatted properties of Garrison Green when viewed from outwith the site. Although displaying contemporary design features, the proposed flatted buildings would each be finished in traditional materials including rendered walls and metal rainwater goods that would be similar to the finishes of the existing flatted buildings of Garrison Green. Therefore, in terms of their size, height, proportion, positioning, architectural form and finishes the proposed flatted buildings would sit comfortably in their setting and would not appear incongruous or out of keeping with the architectural form and finish of other neighbouring buildings in the area. Therefore the proposed flatted buildings would not appear overly large or dominating and would not detract from the character and visual amenity of the Conservation Area.

The use of modern materials such as aluminium frames for windows is not normally acceptable for use in a conservation area. However in respect of this proposal the windows and doors on the north, south and west elevations of the flatted buildings would not be readily visible from public places. Therefore the installation of aluminium framed windows would not be discernible and would not have an appreciable effect on the character and appearance of the Dunbar Conservation. Whilst the windows on the first and second floors of the flatted building to be erected on the western part of the site would be visible in public views, these would be long distance views over the existing commercial garage building. In such long distance views and due to the modern style and appearance of the windows and of the flatted building the aluminium framing of them would not be readily discernible. Therefore they would not have an appreciable effect on the character and appearance of the Dunbar Conservation Area.

A condition can reasonably be attached to a grant of planning permission to control the external finishes of the proposed flatted buildings.

In its location to the east of the southernmost flatted block the proposed bin storage compound would not appear unduly prominent or incongruous. It would not harm the integrity nor the setting of the existing neighbouring development of Garrison Green and the adjacent residential properties of Bayswell Road, nor the character and appearance of the Dunbar Conservation Area.

Car parking and cycle parking for the site would be contained between the proposed flatted buildings and the existing buildings of St Andrews Centres and Garrison Green. In such a contained position the extent of hardsurfacing to accommodate the proposed car parking areas, footpaths, and bicycle store would not be readily visible from outwith the site and therefore would not harm the character and appearance of the Dunbar Conservation Area.

The site is capable of accommodating all of the proposed development including satisfactory vehicular and pedestrian access and amenity space. The proposed flatted development would be of a density not incompatible with existing densities of development in the area. The cumulative effect of the proposed flats alongside the existing St Andrews Centre

building and the flatted buildings of Garrison Green to the east would not result in an overdevelopment of the site.

In all of the above considerations the proposed development would safeguard the character and appearance of this part of the Dunbar Conservation Area. It would add architectural interest to the appearance of the area, which is characterised by a variety of buildings of a range of ages, architectural styles and use of finishes. The proposed development is acceptably designed for its place and would not harm the character and appearance of the Conservation Area.

On all of these design considerations the proposed 27 flats and associated works are consistent with Policies CH2, DP1, DP2, DP3, DP5 and DP8 of the ELLDP, Supplementary Planning Guidance 'Design Standards for New Housing Areas', Planning Advice Note 67 and with Scottish Planning Policy with respect to the effect of it on the Dunbar Conservation Area.

In assessing whether or not a proposed new development would result in harmful overlooking and therefore loss of privacy to existing neighbouring residential properties it is the practice of the Council, as Planning Authority to apply the general rule of a 9 metres separation distance between the windows of a proposed new building and the garden boundaries of neighbouring residential properties and an 18 metres separation distance between directly facing windows of the proposed new building and the windows of existing neighbouring residential properties.

Windows and other glazed openings are proposed to be formed on the north, south, east and west elevations of the four flatted buildings proposed. By virtue of their positioning and distance away from neighbouring properties, the windows and other glazed openings to be formed in the north, south and west elevations of the proposed buildings would not lead to harmful overlooking of any neighbouring residential property. At some 6 meters at their closest point the windows which are to be formed within the east elevation of the proposed flatted building to the east of the site would be positioned less than 9 meters from the west gable elevation of the existing flatted building within the housing development of Garrison Green to the east. There are 3 windows on the west elevation of that existing flatted building at ground, first and second storey levels. Each of the windows serves a bathroom/shower room and are obscurely glazed. A condition attached to planning permission (Ref: 13/00394/P) requires that these windows shall continue to be fitted with obscure glazing unless otherwise approved by the Planning Authority. Therefore the proposed development would not have a harmful impact on the privacy and amenity of any neighbouring properties in terms of overlooking.

The proposed buildings would be positioned and orientated so as to not give rise to harmful overlooking of each other.

Given their positioning and orientation the proposed buildings would not give rise to significant harmful loss of sunlight or daylight to any neighbouring residence or garden and would not harmfully overshadow each other.

On the above matters the proposed development is consistent with Policies CH2, DP1, DP2, DP3, DP7 and DP8 of the ELLDP and with Scottish Planning Policy: Revised December 2020.

Policy NH8 of the ELLDP states that there is a strong presumption in favour of protecting East Lothian's woodland resources. Development affecting trees, groups of trees or areas of woodland will only be permitted where:

- a. any tree, group of trees or woodland that makes a significant positive contribution to the setting, amenity of the area has been incorporated into the development through design and layout, and wherever possible such trees and hedges should be incorporated into public open space and not into private gardens or areas; or
- b. (i) in the case of woodland, its loss is essential to facilitate development that would achieve significant and clearly defined additional public benefits in line with the Scottish Governments Policy on Control of Woodland Removal; in particular the loss of Ancient Woodland will not be supported; or (ii) in the case of individual trees or groups of trees, their loss is essential to facilitate development that would contribute more to the good planning of the area than would retaining the trees or group of trees.

The submitted Tree Survey and Arboricultural Impact Assessment identifies the existing south and west boundary walls on the site as physical barriers to root growth resulting in the majority of root growth of the existing trees on those boundaries as being into the site. As such the Tree Survey and Arboricultural Impact Assessment concludes that those trees cannot be safely retained alongside development proposed within the application.

The applicant proposes that the belt of mature trees on the south and west boundaries of the site are removed and new tree planting implemented in mitigation for the loss of existing trees.

**The Council's Landscape Officer** has been consulted on the application and concurs that it would not be feasible to retain the existing trees onsite should planning permission be granted for the proposed development.

Whilst the loss of the trees is unfortunate Policy NH8 does not prevent the loss of trees or groups of trees provided the proposed development responsible for their loss would contribute more to the good planning of the area. In this instance through this application a total of 27 affordable residential units would be delivered by East Lothian Housing Association in a location close to Dunbar Town Centre. The provision of this affordable housing in such an accessible and central location would enhance the mix of affordable housing available for existing and future residents of Dunbar. This could make a valuable contribution to the good planning of the area consistent with Policy NH8 of the adopted East Lothian Local Development Plan 2018.

The Council's Landscape Officer advises that should planning permission be granted with the loss of all of the trees within the site for planning reasons that can be justified within policy NH8, then replacement planting to provide some compensation for the loss of the trees should be carried out on the site. In time, this planting would offer some degree of replacement for the trees to be removed. Therefore a condition should be imposed on any grant of planning permission requiring that prior to the commencement of development a scheme of landscaping be submitted to and approved in writing by the Planning Authority and that such a scheme provides details of tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. Subject to the imposition of that planning control and as the proposed development would contribute more to the good planning of the area than would retaining the trees the proposal is not be contrary to Policy NH8 of the adopted East Lothian Local Development Plan 2018.

Policy W3 of the ELLDP requires that all new development, including residential, should include appropriate provision for waste separation and collection to meet the requirements of the Waste (Scotland) Regulations. Such provisions should include appropriate and well-designed provision for storage of domestic kerbside collection bins and boxes for all scales of residential development, and appropriate access roads and sufficient space for servicing by collection vehicles. It is proposed that a new purpose built timber waste collection compound would be constructed within the site to the east of the southernmost flatted block.



This timber compound would house all the recycling and waste bins of the proposed new flats.

It is proposed that two visitor parking spaces to the east of the site would be demarcated as areas for the presentation and collection of waste and recycling bins on specific days of uplift. The applicant's agent has submitted a management plan providing details of bin storage facilities for each of the residential units and the means by which bins are to be presented for collection and returned to the bin storage facilities on those days.

A condition can reasonably be attached to any grant of planning permission requiring site refuse storage and collection facilities are operated in accordance with that management plan.

**The Council's Waste Services** have been consulted on the application and are satisfied with the proposed waste separation and collection arrangements subject to the presentation of waste/recycling containers at the kerbside for collection. The Council's Roads Services confirm that large waste collection vehicles can safely enter and manoeuvre within the site to service the waste facility of the site.

**The Council's Environmental Health Service Manager** was consulted on the application and has not objected to the application.

**The Council's Contaminated Land Officer** has been consulted and has responded that undocumented areas of made ground may exist on the site and that, given the proposals are for residential development, further information will be required to determine ground conditions and potential contamination issues. He recommends that prior to any site development works being undertaken a suitable Geo-Environmental Assessment is carried out and made available to the Planning Authority for approval. Should such assessment identify a requirement for remedial works, then prior to the site being occupied a Validation Report is required to be submitted. The presence of any previously unsuspected or unforeseen contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority. These recommendations can reasonably be secured by the imposition of a condition on any planning permission granted for the proposed development. Subject to this planning control the contaminated land officer raises no objection to the proposed development.

Vehicular and pedestrian access into the site would be via the existing access from Bayswell Road. **The Council's Roads Services** advise that subject to the provision of traffic speed reduction measures including a raised table pedestrian crossing at the entrance to the site from Bayswell Road and a means of safe pedestrian access to the site that they are satisfied with the proposed arrangements for vehicle and pedestrian site access, car parking and manoeuvring embodied in the site layout.

Roads Services further advise that the provision of two electric vehicle charging points, each capable of charging two vehicles simultaneously, is acceptable and that a Residential Travel Pack be provided to each resident. The Travel Pack should include information on how any future additional electric vehicle charging points are provided and managed, and on local walking, cycling and public transport routes. Signage should also be erected providing information on additional charge point requests.

All of the above requirements can reasonably form the subject of conditions attached to a grant of planning permission.

Subject to the above planning controls the proposed flatted development is consistent with Policies T1 and T2 of the ELLDP.

**The Council's Biodiversity Officer** has been consulted and is satisfied with the findings of a submitted Bat Roost Assessment Survey. She does however advise that proposed tree works are undertaken outwith the bird breeding season (1st March - 31st August inclusive) unless in accordance with a Species Protection Plan, which must be submitted in advance for approval by the Council. The roost assessment included a nesting bird check, however this was undertaken in February which is too early for most breeding birds. This requirement can be secured through a condition attached to a grant of planning permission for the proposed development.

**The Council's Archaeology and Heritage Officer** has been consulted on the application and has made no comment.

**Scottish Water** have been consulted and have no objection to the application.

At its meeting on Tuesday 27th August 2019 the Council approved a motion declaring a Climate Emergency. Thereafter, at its meeting on Tuesday 3rd September 2019 the Council's Planning Committee decided that a condition requiring a developer to submit for the approval of the Planning Authority a report on the actions to be taken to reduce the carbon emissions from the building and from the completed development should be imposed on all applications for planning permission except Section 42 applications, householder applications, design changes, changes of use, non-householder alterations and extensions, or where it is not considered reasonable by the Planning Officer. As this application is for new build development such a condition should be imposed on any planning permission granted for the proposed development.

**East Lothian Council's Strategy and Development Team** have confirmed that the proposed residential units would be provided as affordable housing by East Lothian Housing Association. They are therefore consistent with policies HOU3 and HOU4 of the ELLDP and in line with the Council's Local Housing Strategy and the Supplementary Planning Guidance: 'Affordable Housing'. As the proposed development would be comprised entirely of affordable housing units there would be no requirement for the provision of any additional affordable housing units under the Council's affordable housing policy.

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 Transport Appraisal (TA) provides the evidence base which has informed the Council's draft Developer Contributions Framework (DCF) and has been produced in conjunction with the Local Development Plan TA so that Road Services can assess the cumulative impacts of the Local Development Plan allocations on the Transport Network. **The Council's Asset and Regulatory Manager** has advised that the 27 flats the subject of this application, whilst not part of that transportation modelling, do not require any developer contribution towards transport interventions.

The application site is located within the primary school catchment area of Dunbar Primary School (John Muir Campus), Dunbar Primary School (Lochend Campus) and the secondary school catchment area of Dunbar Grammar School. **The Council's Executive Director (Council Resources)** has been consulted and has considered the implications of the proposal for 27 flats as part of the cumulative impact with other committed developments.

No objection is raised to the proposed 27 flats, subject to the payment of a developer

contribution towards an increase in the educational capacity and facilities of: Dunbar Primary School (John Muir Campus) (£70,173); Dunbar Primary School (Lochend Campus) (£31,131); and Dunbar Grammar School (£26,730).

The payment of financial contributions towards an increase in the educational capacity and facilities of £70,173 at Dunbar Primary School (John Muir Campus), £31,131 at Dunbar Primary School (Lochend Campus) and £26,730 at Dunbar Grammar School can be secured by a legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or some other legal agreement. This approach is consistent with the tests of a planning obligation set out in Planning Circular 3/2012: 'Planning Obligations and Good Neighbour Agreements'.

Therefore, subject to the conclusion of a legal agreement securing those developer contributions, the proposal complies with Proposal ED4 of the adopted East Lothian Local Development Plan 2018. This would also be in compliance with Policy DEL1 (Infrastructure and Facilities Provision) which stipulates that new housing will only be permitted where appropriate provision for infrastructure required as a consequence of the development is made. The applicant has confirmed that they are willing to enter into a Section 75 Planning Obligation or other legal agreement to secure these contributions.

Subject to the conclusion of a legal agreement, the proposal complies with Proposal ED4 and Policies DEL1 and T32 of the adopted East Lothian Local Development Plan 2018.

The decision to grant planning permission is subject to the prior conclusion of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 designed to secure from the applicant a financial contribution to the Council of £70,173 towards an increase in the educational capacity and facilities at Dunbar Primary School (John Muir Campus), a financial contribution to the Council of £31,131 towards an increase in the educational capacity and facilities at Dunbar Primary School (Lochend Campus) and a financial contribution to the Council of £26,730 towards an increase in the educational capacity and facilities at Dunbar Grammar School, as identified by the Council's Executive Director (Council Resources).

In accordance with the Council's policy on time limits for completion of planning agreements the decision also is that in the event of the Section 75 Agreement or some other legal 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 such Agreement the proposed development is unacceptable due to a lack of sufficient school capacity and facilities at Dunbar Primary School (John Muir Campus), Dunbar Primary School (Lochend Campus) and Dunbar Grammar School contrary to Policy DEL1 of the adopted East Lothian Local Development Plan 2018.

## **RECOMMENDATION**

That planning permission be granted subject to the following conditions:

- 1 No development shall take place on site unless and until final site setting out details have been submitted to and approved by the Planning Authority.

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

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

Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing; and  
c. the ridge height of the proposed shown in relation to the finished ground and floor levels on the site.

Reason:

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

- 2 Notwithstanding that which is stated on the drawings docketed to this planning permission a detailed schedule or samples of the external materials and finishes to be used on the buildings hereby approved shall be submitted to and approved in writing by the Planning Authority prior to their use. The external render colours of the buildings shall be in accordance with a co-ordinated scheme with a use of more than one render colour and with a strongly contrasting difference in the colours such that they will not each be of a light colour.

Thereafter the materials and finishes used shall accord with the schedule or samples so approved.

Reason:

To enable the Planning Authority to control the materials, finishes and colours to be used to achieve a development of good quality and appearance in the interest of the visual amenity of the Conservation Area.

- 3 Samples of the materials to be used to surface the hard standing areas in the form of the driveways, parking and turning areas, footpaths and patio areas of the houses hereby approved shall be submitted to and approved in advance in writing by the Planning Authority prior to their use in the development hereby approved, and thereafter the materials used shall accord with the details so approved.

Reason:

In the interest of the character and appearance of the conservation area.

- 4 Prior to the occupation of any of the flats hereby approved the internal access road, footpaths and 27 parking spaces as detailed on docketed drawing no.1804PL002 rev 3 shall have been formed and made available for use and thereafter shall remain available for use unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure the development is accessible and that sufficient parking and circulation space is provided in the interest of road and pedestrian safety.

- 5 Notwithstanding that shown on drawings docketed to this planning permission, a scheme of landscaping shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development which shall include full details of all new tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting within the application site.

The scheme shall include the provision of larger tree species within the tree mix previously proposed for the site, the replacement of species Prunus 'Spire' in the northwest of the site and the installation of soil cells for trees adjacent to carriageway/car parking areas.

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.

Reason

To ensure the implementation of a landscaping scheme to enhance the appearance of the development in the interests of the character and appearance of the Conservation Area

- 6 Prior to the commencement of development, details of the provision of the two new car charging points as shown on Drawing ref 18041PI002 Rev 3 'proposed site plan' and infrastructure for them, and all infrastructure required for future charging points to serve the flats hereby approved, shall be submitted to and approved in writing by the Planning Authority. No use of the vehicle parking spaces shall commence prior to installation in accordance with details so approved of the two new car charging points and infrastructure for them and all infrastructure required for future charging points, unless otherwise approved in writing by the Planning Authority. .

A signage strategy providing details of how any future additional electric vehicle charging points are

provided and managed shall be submitted to and approved in writing by the Planning Authority. No use of the vehicle parking spaces hereby approved shall commence unless the signage is being displayed in accordance with the strategy so approved, unless otherwise approved in writing by the Planning Authority.

Development shall thereafter be carried out in accordance with the details so approved.

Reason:

To minimise the environmental impact of the development and to ensure that the means by which the future provision of electric vehicle charge points is suitably advertised, in the interests of road safety.

- 7 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 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.

The Green Travel Plan shall thereafter be implemented in accordance with the details so approved.

Reason:

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

- 8 Prior to the occupation of any of the flats hereby approved the cycle storage facilities for 27 cycles hereby approved shall have been formed and made available for use. Thereafter, the storage facilities shall be retained in use solely as cycle storage areas.

Reason:

To ensure the provision of adequate 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.

- 9 Onsite refuse storage and collection facilities for the residential units hereby approved will be operated in accordance with the Waste Management Strategy docketed to this planning permission, unless otherwise approved in writing by the Planning Authority.

Reason:

To safeguard residential and visual amenity

- 10 Prior to the commencement of development, a report on the actions to be taken to reduce the Carbon Emissions from the build and from the completed development shall be submitted to and approved in writing by the Planning Authority. This shall include the provision of renewable technology for all new buildings, where feasible and appropriate in design terms, and new car charging points and infrastructure for them, where feasible and appropriate in design terms. The details shall include a timetable for implementation.

Development shall thereafter be carried out in accordance with the report so approved.

Reason:

To minimise the environmental impact of the development.

- 11 Unless otherwise agreed in writing by the Planning Authority through the submission and approval of a Species Protection Plan prior to the commencement of development, no removal of the trees along the south and west boundaries of the site shall take place during bird breeding season (which is March-August inclusive).

Reason:

In the interests of safeguarding biodiversity interests.

- 12 Prior to any site development works a suitable Geo-Environmental Assessment must be carried out, with the Report(s) being made available to the Planning Authority for approval. It should include details of the following:

o A Preliminary Investigation incorporating a Phase I Desk Study (including site reconnaissance, development of a conceptual model and an initial risk assessment);

o A Phase II Ground Investigation (if the Desk Study has determined that further assessment is required), comprising the following:

o A survey of the extent, scale and nature of contamination, and reporting on the appropriate risk assessment(s) carried out with regards to Human Health, the Water Environment and Gas Characteristic Situation as well as an updated conceptual model of the site;

o An appraisal of the remediation methods available and proposal of the preferred option(s). The Desk Study and Ground Investigation must be undertaken by suitably qualified, experienced and competent persons and must be conducted in accordance with the relevant guidance and procedures.

If it is concluded by the Reporting that remediation of the site is not required, then Parts a) and b) of this Condition can be disregarded.

a) Prior to any works beginning on site (and where risks have been identified), a detailed Remediation Statement should be produced that shows the site is to be brought to a condition suitable for the intended use by the removal of unacceptable risks to all relevant and statutory receptors. The Statement should detail all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. It should also ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land following development. The Statement must be submitted to the Planning Authority for approval.

b) Following completion of the measures identified in the approved Remediation Statement, a Validation Report should be submitted that demonstrates the effectiveness of the remediation carried out. It must be approved by the Planning Authority prior to commencement of the new use of the land.

Reason:

To ensure that the site is clear of any contamination found to be present prior to the use of the flats approved.

13 Prior to the occupation of any of the 27 flats hereby approved a scheme of roadworks shall have been completed, to the satisfaction of the Planning Authority, including

i) traffic calming measures to reduce vehicle speeds entering the development from Bayswell Road;

ii) a dropped kerb tactile crossing of the access junction on the pedestrian desire line along the Bayswell Road footway; and

iii) a means of pedestrian priority access into the development from Bayswell Road. Any space shared by pedestrians and vehicles should have a 1.5m 'safeguarded' area to ensure the safety of vulnerable pedestrians.

Prior to the commencement of developments the details of those road works shall be submitted to and approved by the Planning Authority and the roadworks shall be carried out in accordance with those details unless otherwise agreed by the Planning Authority.

Reason:

In the interests of pedestrian and road safety

14 Prior to the commencement of development, a Construction Method Statement (CMS) designed to minimise the impact of construction activity on the safety and amenity of the area shall be submitted to and approved in writing by the Planning Authority. The Construction Method Statement shall include mitigation measures to control noise, dust, construction traffic (including routes to/from site) and shall include proposed hours of construction work and details of temporary measures to be put in place to control surface water drainage during the construction works. Thereafter, the CMS shall be implemented as approved unless otherwise agreed by the Planning Authority.

Reason:

To control the operation of the site during construction in the interest of residential amenity, road safety and environmental protection.

**5. PLANNING APPLICATION NO. 20/00939/P: ERECTION OF 27 FLATS AND ASSOCIATED WORKS AT LAND TO SOUTH OF ST ANDREWS CENTRE, BAYSWELL ROAD, DUNBAR**

A report was submitted in relation to Planning Application No. 20/00939/P. Mr Taylor presented the report, summarising the key points. The proposed decision set out in the report was to grant consent.

Mr Taylor responded to questions. On waste storage Mr Taylor clarified that as part of the revised layout the waste and recycling storage would now be provided within the site to the east of the flatted block. He drew attention to the Waste Management Strategy. Regarding management of this storage area, he advised that this was the responsibility of individual tenants however any issues would be addressed by the registered social landlord. Responding to related queries he advised that the applicant had said that 2 visitor parking spaces would be given over on collection days. Waste Services had not objected to this. He clarified that this would be ensured through signage and formed part of the Waste Management Strategy. He confirmed that pedestrians would have clear access to the site. On traffic calming measures he clarified that the proposed measures would also limit movements out of the site as well as into the site. Ms Haddow added that it was a relatively narrow road but there were no additional concerns from a Roads perspective.

Responding to a query from the Convener, Keith Dingwall, Service Manager for Planning, clarified that there was no policy for replanting trees outwith the site and it would not be competent to impose such a condition. He added however that the applicant could be contacted separately afterwards regarding this.

Jacquie Bell, representing Dunbar Community Council said they were generally supportive but wished to highlight several points and had concerns about the cumulative impact of the development. Bins: careful management of waste storage was needed. Pavement: there were now some safety measures but still no clear pavement for pedestrians. Planting/landscaping: loss of so many mature trees was unfortunate. Ongoing and long term landscaping maintenance was essential. Drainage: local residents regularly experienced problems and it was important from the outset that this was looked at. Dunbar needed housing to rent and the East Lothian Housing Association (ELHA) was a good social landlord. A smaller development here however may have been more appropriate.

The Convener, and Local Member, said that as Ms Bell mentioned the site was larger than perhaps desirable but ELHA said they needed this number of flats to be viable. He made several comments regarding the revised proposal. Waste storage: the revised proposal was better but would still be difficult to manage; a Management Plan needed to be in place and enforced. Traffic/pedestrian access: he welcomed the raised table at the entrance and the area now created for pedestrians to existing houses and to the new development, this was a big improvement. Trees: he accepted why these had to be removed but hoped that as many new trees as possible could be planted. As mentioned earlier ELHA would be contacted regarding replacing lost trees elsewhere in Dunbar. He would be supporting the application.

The Convener moved to the vote on the report recommendation, to grant consent, taken by roll call:

For: 8  
Against: 0  
Abstentions: 0

**Decision**

The Committee agreed to grant planning permission subject to the following conditions:

- 1 No development shall take place on site unless and until final site setting out details have been submitted to and approved by the Planning Authority.

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

- a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings;
- b. finished ground and floor levels of the development relative to existing ground levels of the site and 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 Notwithstanding that which is stated on the drawings docketed to this planning permission a detailed schedule or samples of the external materials and finishes to be used on the buildings hereby approved shall be submitted to and approved in writing by the Planning Authority prior to their use. The external render colours of the buildings shall be in accordance with a co-ordinated scheme with a use of more than one render colour and with a strongly contrasting difference in the colours such that they will not each be of a light colour.

Thereafter the materials and finishes used shall accord with the schedule or samples so approved.

Reason:

To enable the Planning Authority to control the materials, finishes and colours to be used to achieve a development of good quality and appearance in the interest of the visual amenity of the Conservation Area.

- 3 Samples of the materials to be used to surface the hard standing areas in the form of the driveways, parking and turning areas, footpaths and patio areas of the houses hereby approved shall be submitted to and approved in advance in writing by the Planning Authority prior to their use in the development hereby approved, and thereafter the materials used shall accord with the details so approved.

Reason:

In the interest of the character and appearance of the conservation area.

- 4 Prior to the occupation of any of the flats hereby approved the internal access road, footpaths and 27 parking spaces as detailed on docketed drawing no.1804PL002 rev 3 shall have been formed and made available for use and thereafter shall remain available for use unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure the development is accessible and that sufficient parking and circulation space is provided in the interest of road and pedestrian safety.

- 5 Notwithstanding that shown on drawings docketed to this planning permission, a scheme of landscaping shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development which shall include full details of all new tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting within the application site.

The scheme shall include the provision of larger tree species within the tree mix previously proposed for the site, the replacement of species Prunus 'Spire' in the northwest of the site and the installation of soil cells for trees adjacent to carriageway/car parking areas.

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.

Reason

To ensure the implementation of a landscaping scheme to enhance the appearance of the development in the interests of the character and appearance of the Conservation Area

- 6 Prior to the commencement of development, details of the provision of the two new car charging points as shown on Drawing ref 18041PI002 Rev 3 'proposed site plan' and infrastructure for them, and all infrastructure required for future charging points to serve the flats hereby approved, shall be submitted to and approved in writing by the Planning Authority. No use of the vehicle parking spaces shall commence prior to installation in accordance with details so approved of the two new car charging points and infrastructure for them and all infrastructure required for future charging points, unless otherwise approved in writing by the Planning Authority. .

A signage strategy providing details of how any future additional electric vehicle charging points are provided and managed shall be submitted to and approved in writing by the Planning Authority. No use of the vehicle parking spaces hereby approved shall commence unless the signage is being displayed in accordance with the strategy so approved, unless otherwise approved in writing by the Planning Authority.

Development shall thereafter be carried out in accordance with the details so approved.

Reason:

To minimise the environmental impact of the development and o ensure that the means by which the future provision of electric vehicle charge points is suitably advertised, in the interests of road safety.

- 7 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 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.

The Green Travel Plan shall thereafter be implemented in accordance with the details so approved.

Reason:

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

- 8 Prior to the occupation of any of the flats hereby approved the cycle storage facilities for 27 cycles hereby approved shall have been formed and made available for use. Thereafter, the storage facilities shall be retained in use solely as cycle storage areas.

Reason:

To ensure the provision of adequate 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.

- 9 Onsite refuse storage and collection facilities for the residential units hereby approved will be operated in accordance with the Waste Management Strategy docketted to this planning permission, unless otherwise approved in writing by the Planning Authority.

Reason:

To safeguard residential and visual amenity

- 10 Prior to the commencement of development, a report on the actions to be taken to reduce the Carbon Emissions from the build and from the completed development shall be submitted to and approved in writing by the Planning Authority. This shall include the provision of renewable technology for all new buildings, where feasible and appropriate in design terms, and new car charging points and infrastructure for them, where feasible and appropriate in design terms. The details shall include a timetable for implementation.

Development shall thereafter be carried out in accordance with the report so approved.

Reason:

To minimise the environmental impact of the development.

- 11 Unless otherwise agreed in writing by the Planning Authority through the submission and approval of a Species Protection Plan prior to the commencement of development, no removal of the trees along the

south and west boundaries of the site shall take place during bird breeding season (which is March-August inclusive).

Reason:

In the interests of safeguarding biodiversity interests.

- 12 Prior to any site development works a suitable Geo-Environmental Assessment must be carried out, with the Report(s) being made available to the Planning Authority for approval. It should include details of the following:
- o A Preliminary Investigation incorporating a Phase I Desk Study (including site reconnaissance, development of a conceptual model and an initial risk assessment);
  - o A Phase II Ground Investigation (if the Desk Study has determined that further assessment is required), comprising the following:
    - o A survey of the extent, scale and nature of contamination, and reporting on the appropriate risk assessment(s) carried out with regards to Human Health, the Water Environment and Gas Characteristic Situation as well as an updated conceptual model of the site;
    - o An appraisal of the remediation methods available and proposal of the preferred option(s).
- The Desk Study and Ground Investigation must be undertaken by suitably qualified, experienced and competent persons and must be conducted in accordance with the relevant guidance and procedures.

If it is concluded by the Reporting that remediation of the site is not required, then Parts a) and b) of this Condition can be disregarded.

a) Prior to any works beginning on site (and where risks have been identified), a detailed Remediation Statement should be produced that shows the site is to be brought to a condition suitable for the intended use by the removal of unacceptable risks to all relevant and statutory receptors. The Statement should detail all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. It should also ensure that the site will not qualify as contaminated land under Part2A of the Environmental Protection Act 1990 in relation to the intended use of the land following development. The Statement must be submitted to the Planning Authority for approval.

b) Following completion of the measures identified in the approved Remediation Statement, a Validation Report should be submitted that demonstrates the effectiveness of the remediation carried out. It must be approved by the Planning Authority prior to commencement of the new use of the land.

Reason:

To ensure that the site is clear of any contamination found to be present prior to the use of the flats approved.

- 13 Prior to the occupation of any of the 27 flats hereby approved a scheme of roadworks shall have been completed, to the satisfaction of the Planning Authority, including
- i) traffic calming measures to reduce vehicle speeds entering the development from Bayswell Road;
  - ii) a dropped kerb tactile crossing of the access junction on the pedestrian desire line along the Bayswell Road footway; and
  - iii) a means of pedestrian priority access into the development from Bayswell Road. Any space shared by pedestrians and vehicles should have a 1.5m 'safeguarded' area to ensure the safety of vulnerable pedestrians.

Prior to the commencement of developments the details of those road works shall be submitted to and approved by the Planning Authority and the roadworks shall be carried out in accordance with those details unless otherwise agreed by the Planning Authority.

Reason:

In the interests of pedestrian and road safety

- 14 Prior to the commencement of development, a Construction Method Statement (CMS) designed to minimise the impact of construction activity on the safety and amenity of the area shall be submitted to and approved in writing by the Planning Authority. The Construction Method Statement shall include mitigation measures to control noise, dust, construction traffic (including routes to/from site) and shall include proposed hours of construction work and details of temporary measures to be put in place to control surface water drainage during the construction works. Thereafter, the CMS shall be implemented as approved unless otherwise agreed by the Planning Authority.

Reason:

To control the operation of the site during construction in the interest of residential amenity, road safety and environmental protection.

Signed .....

Councillor Norman Hampshire  
Convener of the Planning Committee

## APPENDIX D

### Whiteadder Ltd - Planning Application Ref 20/00939/FUL

### Whiteadder Ltd - Planning Application Ref 20/00939/FUL

#### **Applicant response to East Lothian Council's request for analysis of Planning Application ref 20/00939/P to National Planning Framework 4 (NPF 4)**

The site at 19 Bayswell Road (Planning ref:20/00939/P) supports several of the principles set out in the introduction to NPF 4 Spatial principles and subsequently will meet the tests and requirements set out in NPF 4. The whole document is governed by six overarching principles as set out below and the development of 27 units of social housing meets several of these principles fully, whilst partially meeting remaining policy principles.

NPF 4 states clearly that the Scottish Government will plan future places in line with the following six overarching spatial principles:

1. Just transition. We will empower people to shape their places and ensure the transition to net zero is fair and inclusive.

This development will contribute to the good work in Dunbar of working towards a net zero society through both use of renewable energy and fabric first approach to construction. The provision of high quality, accessible social housing is responding to an almost overwhelming demand for social housing in this location and across Scotland in general.

2. Conserving and recycling assets. We will make productive use of existing buildings, places, infrastructure and services, locking in carbon, minimising waste, and building a circular economy.

This development is ideally located to take advantage of local infrastructure and is capable of integration with the existing urban form as demonstrated by the council committing to grant planning permission on 5 October 2021. Whilst this is not a brownfield site, the site is part of a larger historic landowning. With changes in the way people live, it is impossible to justify use of land in town centres for such low density residential uses. Therefore the development will support the aims of Spatial Principle 2.

3. Local living. We will support local liveability and improve community health and wellbeing by ensuring people can easily access services, greenspace, learning, work and leisure locally.

This site could hardly be more local, as it is located right off the centre of Dunbar with access to all facilities and local public transport within a 5 minute walk, access to a swimming pool, leisure facilities, parks and open space, beaches and a wide range of shops and dining outlets. Dunbar has a fantastic primary and secondary education provision within a 10 minute walk of the site, along with a wide range of informal sporting facilities. Whilst only a 10 minute walk allows access to road and rail lines linking the site to the rest of Scotland and beyond, and generally by locating the new social housing in a truly accessible place within the Dunbar community.

4. Compact urban growth. We will limit urban expansion so we can optimise the use of land to provide services and resources, including carbon storage, flood risk management, blue and green infrastructure and biodiversity.

The location of the site and the density of the development is an ideal way to use a site within the urban area of Dunbar and development of 27 units will certainly take pressure off the already hugely expanded town.

5. Rebalanced development. We will target development to create opportunities for communities and investment in areas of past decline, and manage development sustainably in areas of high demand.

The development of this site will create opportunities for the local community to access high quality social housing, engender investment in the town from construction through to occupation, contributing to the sustainable future of Dunbar

6. Rural revitalisation. We will encourage sustainable development in rural areas, recognising the need to grow and support urban and rural communities together.

Whilst this development is not located in a rural area, Dunbar is set within a rural environment and as such will support the overarching aim to grow a town much valued by those living in its rural surrounds.

The Scottish Government is clear that they want “future places to work for everyone. Rather than compromise or trade-offs between environmental, social and economic objectives”

We believe that this proposed development meets the stated aims of the NPF 4 in that it is a high quality design, provides much needed social housing and is located within a 10 minute walk of those facilities that the majority of people access on a daily basis. The project is sustainable on a fabric first and renewable energy basis and certainly allows residents to choose active travel rather than relying on private transport. The proposed project provides a wider housing choice for local communities whilst adding to the sustainable future of Dunbar.

We believe that this proposed development complies specifically with the following NPF policies:

Policy Ref:	Policy Area	Policy Analysis	Compliance
1	Tackling the climate and nature crises	This proposed development promotes local living and compact urban growth by being located in the centre of Dunbar. It balances some of the edge of town development that has proliferated in the past 20 years and encourages all in society to be able to access high quality low carbon affordable housing	Yes

2	Climate mitigation and adaption	Use of whole building approach to carbon use and installation of renewable energy sources will contribute to the red lion in climate impact. In parallel the location of the development reduces reliance on private transport and promotes active travel now and in the future. The building fabric will meet all current building regulations at the time of construction to ensure a robust building envelope which will mitigate against heat loss, creating a more energy efficient development	Yes
3	Biodiversity	By removing trees that are the end of their natural life and generally in poor condition according to the Tree Study, there is an opportunity to provide high quality replacement planting more appropriate for this location. The diverse planting and landscaping scheme will actively encourage further biodiversity on this site which is currently dominated by large trees and formal grassed areas.	Yes
4	Natural places	This development has no impact on the natural environment.	Yes
5	Soils	This policy is not applicable to the proposed development	N/A
6	Forestry, woodland and trees	By removing trees that are the end of their natural life and generally in poor condition according to the Tree Study, there is an opportunity to provide high quality replacement planting more appropriate for this location	Yes
7	Historic assets and places	Part of the site contained an historic building which has been sensitively and appropriately converted to provide four new private residential units. This proposed development forms part of the wider site proposals and is intended to complement the setting within Dunbar conservation area through a design that is sensitive to the architectural and historic character of the area, the existing density built form and layout; and is of a high quality design that is sited appropriately within the local context of this part of Dunbar The proposal for the Manse is to subdivide the existing building and comply with good practice on appropriate re-use of buildings and making efficient use of land for housing.	Yes
8	Green belts	The site is not located in the Greenbelt	N/A
9	Brownfield, vacant and derelict land and empty buildings	The proposed development is located such that it supports and increase in urban density, has a design that enhances the identity of Dunbar and is fully supportive of compact urban growth, local living, rebalancing development and providing social housing to the whole of society	Yes

Policy Ref:	Policy Area	Policy Analysis	Compliance
10	Coastal development	This proposal will not require any flood or erosion measures and is not located in an undeveloped area	Yes
11	Energy	This proposal is not an “Energy” development, albeit it contains small scale renewable energy generation	N/A
12	Zero waste	In line with current best practise, materials that are detrimental to the environment and which do not contribute to the circular economy will not be used on this development. The proposed timber frame and associated structural elements are all capable of being reused at the life end of the buildings. Household waste will be dealt with by the local authority through their waste collection services and in line with their recycling policies. The development will allow space for safe storage of all waste receptacles in a location that is easily accessible for collection	Yes
13	Sustainable transport	By the very nature of this proposed development’s location, active travel is encouraged. Shops and other facilities such as the library, swimming pool, public park and public transport are all located within a five minute walk of the site. For wider travel, Dunbar has a railway station on the East Coast Main line, making travel by public transport accessible to all, while the local bus network provides access to edge of town super markets and other local town. The proposed development includes a bicycle storage facility in line with ELC’s parking standard requirements. Electric car charging infrastructure will be provided in line with the council’s policies.	Yes
14	Design, quality and place	The proposed development is well designed and consistent with the six qualities of successful places as set out in Annex D of NDP 4, namely, <b>Healthy</b> and safe; <b>Pleasant</b> and attractive, <b>Connected</b> and easy to move around and away from without the use of a car; <b>Distinctive</b> in that the design respects local context whilst being creative; Sustainable by creating housing that allows people to live, work and play in Dunbar; <b>Adaptable</b> , the designs are capable of adaption for other users, particularly less able bodies and elderly users in the future. By ensuring the layouts are designed for people of varying needs, the residential units will provide suitable and adaptable space for a wide range of future occupants and exceeds the standards for amenity and storage set out by the council guidelines. The design recognises the importance of private amenity space and each apartment has a private balconies built in to the layouts. The proposal ensures suitable levels of amenity and privacy are achieved via the central communal courtyard and considered window position and orientation of the flats. The courtyard also promotes a sense of community.	Yes
15	Local living and 20 minute neighbourhoods	The principles of 20 minute neighbourhoods and local living are embodied in the proposed development, all local facilities such as schools, play parks, sports facilities, swimming pool, shops, libraries and public transport are within an easy 20 minute walk of the site. By it’s very nature, the proposed development is affordable and accessible in a just society.	Yes

Policy Ref:	Policy Area	Policy Analysis	Compliance
16	Quality homes	The proposed housing is high quality, affordable, located ideally and albeit intended for social rent through management by East Lothian Housing Association, it contributes to the mix of choice of housing in Dunbar and East Lothian. This proposal is a small scale development within Dunbar and is for less than 50 affordable housing units. It is consistent with relevant policies contained in NPF4, particularly local living and 20 minute neighbourhood principles.	Yes
17	Rural homes	These are not rural homes	N/A
18	Infrastructure first	As previously mentioned, the proposed development is located on the very edge of the town centre and benefits from the infrastructure provision enjoyed by the majority of small towns. As per the previous application, the road network is capable of accommodating the estimated number of vehicles. Similarly during the first phase of development on this site water supply and drainage provision was provided by ELHA to accommodate a future development of 27 flats. We are not aware of only wider restrictions on waste or water supply or on the electricity supply.	Yes
19	Heating and Cooling	Hot water and heating on these flats is intended to be supplied by a combination of solar photovoltaic and air source heat pumps. The materials chosen will ensure the building comply with the most current Scottish Building Regulations which are particularly concerned with carbon reduction and minimising heating requirements. The benefit of well insulated building is that they, as well as retaining heat, reduce the need for mechanical cooling.	Yes
20	Blue and green infrastructure	The proposed development does not fragment or reduce the green or blue infrastructure of Dunbar.	Yes
21	Play, recreation and sport	The current site is a private green space on the edge of Dunbar town centre, there is a large formal park immediately to the West of the site which has extensive children's play areas, slightly further west are a number of sporting facilities including tennis and golf, while to the North is a large green space located next to the local swimming pool and leisure centre. Only a short walk away at Hallhill is a significant leisure facility that includes grass and artificial pitches that accommodate football, rugby and hockey. The design of the proposed development allows for the safe movement of children and informal safe play within the site.	Yes
22	Flood risk and water management	We are not aware of any flood risk or water management issues on this site.	N/A
23	Health and safety	The proposed development encourages active travel by its very location in close proximity to a wide range of retail, leisure and recreational facilities in the centre of Dunbar. We consider the proposed development is a safe space in compliance with Secure by Design principles. The development will be constructed in accordance with Building Standards and British Standards ensuring quality and safety.	Yes



Policy Ref:	Policy Area	Policy Analysis	Compliance
24	Digital infrastructure	Broadband connections to the most current highest speed provided by Openreach will be provided on site. At this point in time we understand that this will be Fibre To The Premises (FTTP) which can provide speeds up to 1Gbs.	Yes
25	Community wealth building	Whilst not directly applicable to economic community building, the proposed development will contain 27 new households all of which are likely to contribute to the local economy through spending in local shops, cafe's and recreational facilities.	Yes
26	Business and industry		N/A
27	City, town, local and commercial centres	The proposed development promotes town centre living, which in turn supports compact urban growth and the 20 minute neighbourhood.	Yes
28	Retail		N/A
29	Rural development		N/A
30	Tourism		N/A
31	Culture and creativity		N/A
32	Aquaculture		N/A
33	Minerals		N/A

## APPENDIX E

### **The recommended heads of terms for the legal agreement and recommended conditions to be imposed for planning permission 20/00939/P**

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 £70,173 towards an increase in the educational capacity and facilities at Dunbar Primary School (John Muir Campus);
  - ii) a financial contribution to the Council of £31,131 towards an increase in the educational capacity and facilities at Dunbar Primary School (Lochend Campus); and
  - iii) a financial contribution to the Council of £26,730 towards an increase in the educational capacity and facilities at Dunbar Grammar School.

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 or some other legal 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 such Agreement the proposed development is unacceptable due to a lack of sufficient school capacity and facilities at Dunbar Primary School (John Muir Campus), Dunbar Primary School (Lochend Campus) and Dunbar Grammar School contrary to Policy 18 of NPF4 and Policy DEL1 of the adopted East Lothian Local Development Plan 2018.

#### CONDITIONS:

- 1 No development shall take place on site unless and until final site setting out details have been submitted to and approved by the Planning Authority.

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

  - a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings;
  - b. finished ground and floor levels of the development relative to existing ground levels of the site and of adjoining land and building(s). The levels shall be shown in relation to an Ordnance Bench Mark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing; and
  - c. the ridge height of the proposed ^IN; 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 Notwithstanding that which is stated on the drawings docketed to this planning permission a detailed schedule or samples of the external materials and finishes to be used on the buildings hereby approved shall be submitted to and approved in writing by the Planning Authority prior to their use. The external render colours of the buildings shall be in accordance with a co-ordinated scheme with a use of more than one render colour and with a strongly contrasting difference in the colours such that they will not each be of a light colour.

Thereafter the materials and finishes used shall accord with the schedule or samples so approved.

Reason:

To enable the Planning Authority to control the materials, finishes and colours to be used to achieve a development of good quality and appearance in the interest of the visual amenity of the Conservation Area.

- 3 Samples of the materials to be used to surface the hard standing areas in the form of the driveways, parking and turning areas, footpaths and patio areas of the houses hereby approved shall be submitted to and approved in advance in writing by the Planning Authority prior to their use in the development hereby approved, and thereafter the materials used shall accord with the details so approved.

Reason:

In the interest of the character and appearance of the conservation area.

- 4 Prior to the occupation of any of the flats hereby approved the internal access road, footpaths and 27 parking spaces as detailed on docketed drawing no.1804PL002 rev 3 shall have been formed and made available for use and thereafter shall remain available for use unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure the development is accessible and that sufficient parking and circulation space is provided in the interest of road and pedestrian safety.

- 5 Notwithstanding that shown on drawings docketed to this planning permission, a scheme of landscaping shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development which shall include full details of all new tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting within the application site.

The scheme shall include the provision of larger tree species within the tree mix previously proposed for the site, the replacement of species Prunus 'Spire' in the northwest of the site and the installation of soil cells for trees adjacent to carriageway/car parking areas.

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.

Reason

To ensure the implementation of a landscaping scheme to enhance the appearance of the development in the interests of the character and appearance of the Conservation Area

- 6 Prior to the commencement of development, details of the provision of the two new car charging points as shown on Drawing ref 18041PI002 Rev 3 'proposed site plan' and infrastructure for them, and all infrastructure required for future charging points to serve the flats hereby approved, shall be submitted to and approved in writing by the Planning Authority. No use of the vehicle parking spaces shall commence prior to installation in accordance with details so approved of the two new car charging points and infrastructure for them and all infrastructure required for future charging points, unless otherwise approved in writing by the Planning Authority. .

A signage strategy providing details of how any future additional electric vehicle charging points are provided and managed shall be submitted to and approved in writing by the Planning Authority. No use of the vehicle parking spaces hereby approved shall commence unless the signage is being displayed in accordance with the strategy so approved, unless otherwise approved in writing by the Planning Authority.

Development shall thereafter be carried out in accordance with the details so approved.

Reason:

To minimise the environmental impact of the development and to ensure that the means by which the future provision of electric vehicle charge points is suitably advertised, in the interests of road safety

- 7 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 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.

The Green Travel Plan shall thereafter be implemented in accordance with the details so approved.

Reason:

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

- 8 Prior to the occupation of any of the flats hereby approved the cycle storage facilities for 27 cycles hereby approved shall have been formed and made available for use. Thereafter, the storage facilities shall be retained in use solely as cycle storage areas.

Reason:

To ensure the provision of adequate 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

- 9 Onsite refuse storage and collection facilities for the residential units hereby approved will be operated in accordance with the Waste Management Strategy docketed to this planning permission, unless otherwise approved in writing by the Planning Authority.

Reason:

To safeguard residential and visual amenity

- 10 Prior to the commencement of development, a report on the actions to be taken to reduce the Carbon Emissions from the build and from the completed development shall be submitted to and approved in writing by the Planning Authority. This shall include the provision of renewable technology for all new buildings, where feasible and appropriate in design terms, and new car charging points and infrastructure for them, where feasible and appropriate in design terms. The details shall include a timetable for implementation.

Development shall thereafter be carried out in accordance with the report so approved.

Reason:

To minimise the environmental impact of the development

- 11 Unless otherwise agreed in writing by the Planning Authority through the submission and approval of a Species Protection Plan prior to the commencement of development, no removal of the trees along the south and west boundaries of the site shall take place during bird breeding season (which is March- August inclusive).

Reason:

In the interests of safeguarding biodiversity interests

- 12 Prior to any site development works a suitable Geo-Environmental Assessment must be carried out, with the Report(s) being made available to the Planning Authority for approval. It should include details of the following:
- o A Preliminary Investigation incorporating a Phase I Desk Study (including site reconnaissance, development of a conceptual model and an initial risk assessment);
  - o A Phase II Ground Investigation (if the Desk Study has determined that further assessment is required), comprising the following:
    - o A survey of the extent, scale and nature of contamination, and reporting on the appropriate risk assessment(s) carried out with regards to Human Health, the Water Environment and Gas Characteristic Situation as well as an updated conceptual model of the site;
  - o An appraisal of the remediation methods available and proposal of the preferred option(s).

The Desk Study and Ground Investigation must be undertaken by suitably qualified, experienced and competent persons and must be conducted in accordance with the relevant guidance and procedures.

If it is concluded by the Reporting that remediation of the site is not required, then Parts a) and b) of this Condition can be disregarded.

a) Prior to any works beginning on site (and where risks have been identified), a detailed Remediation Statement should be produced that shows the site is to be brought to a condition suitable for the intended use by the removal of unacceptable risks to all relevant and statutory receptors. The Statement should detail all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. It should also ensure that the site will not qualify as contaminated land under Part2A of the Environmental Protection Act 1990 in relation to the intended use of the land following development. The Statement must be submitted to the Planning Authority for approval.

b) Following completion of the measures identified in the approved Remediation Statement, a Validation Report should be submitted that demonstrates the effectiveness of the remediation carried out. It must be approved by the Planning Authority prior to commencement of the new use of the land.

Reason:

To ensure that the site is clear of any contamination found to be present prior to the use of the flats approved

- 13 Prior to the occupation of any of the 27 flats hereby approved a scheme of roadworks shall have been completed, to the satisfaction of the Planning Authority, including
- i) traffic calming measures to reduce vehicle speeds entering the development from Bayswell Road;
  - ii) a dropped kerb tactile crossing of the access junction on the pedestrian desire line along the Bayswell Road footway; and
  - iii) a means of pedestrian priority access into the development from Bayswell Road. Any space shared by pedestrians and vehicles should have a 1.5m 'safeguarded' area to ensure the safety of vulnerable pedestrians.

Prior to the commencement of developments the details of those road works shall be submitted to and approved by the Planning Authority and the roadworks shall be carried out in accordance with those details unless otherwise agreed by the Planning Authority.

Reason:

In the interests of pedestrian and road safety

- 14 Prior to the commencement of development, a Construction Method Statement (CMS) designed to minimise the impact of construction activity on the safety and amenity of the area shall be submitted to and approved in writing by the Planning Authority. The Construction Method Statement shall include mitigation measures to control noise, dust, construction traffic (including routes to/from site) and shall include proposed hours of construction work and details of temporary measures to be put in place to control surface water drainage during the construction works. Thereafter, the CMS shall be implemented as approved unless otherwise agreed by the Planning Authority.

Reason:

To control the operation of the site during construction in the interest of residential amenity, road safety and environmental protection

- 15 Unless otherwise agreed in writing by the Planning Authority 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. The details shall include a timetable for the provision of the artwork.

The artwork shall thereafter be provided in accordance with the details so approved.

Reason:

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