

**PLANNING COMMITTEE**

**TUESDAY 1 APRIL 2014**

**PUBLIC DOCUMENT PACK**





**MINUTES OF THE MEETING OF THE  
PLANNING COMMITTEE**

**TUESDAY 25 FEBRUARY 2014  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

**1**

**Committee Members Present:**

Councillor N Hampshire (Convener)  
Councillor S Akhtar  
Councillor D Berry  
Provost L Broun-Lindsay  
Councillor S Brown  
Councillor J Caldwell  
Councillor S Currie  
Councillor T Day  
Councillor A Forrest  
Councillor J Gillies  
Councillor J Goodfellow  
Councillor D Grant  
Councillor W Innes  
Councillor M Libberton  
Councillor F McAllister  
Councillor P MacKenzie  
Councillor P McLennan  
Councillor K McLeod  
Councillor J McMillan  
Councillor J McNeil  
Councillor T Trotter  
Councillor M Veitch  
Councillor J Williamson

**Council Officials Present:**

Ms M Ferguson, Service Manager – Legal Services  
Mr K Dingwall, Principal Planner  
Mr M Greenshields, Transportation Planning Officer  
Mrs A Smith, Committees Officer

**Clerk:**

Ms F Currie, Committees Assistant

**Visitors Present:**

Mr Scott (Scott Hobbs Planning Ltd)

**Apologies:**

None

**Declarations of Interest:**

Councillor Trotter declared an interest as an employee of Persimmon Homes. He was advised that he could remain in the Chamber as this was simply an information-gathering session.

**1. PRE-DETERMINATION HEARING: PLANNING APPLICATION NO. 13/00800/PPM: PLANNING PERMISSION IN PRINCIPLE FOR MIXED USE DEVELOPMENT COMPRISING RESIDENTIAL HOUSES AND FLATS, BUSINESS (CLASS 4) WITH ASSOCIATED DEVELOPMENT AT LAND WEST OF GATESIDE ROAD, HADDINGTON**

Prior to commencement, Morag Ferguson, Service Manager – Legal Services, outlined the new procedures for dealing with a pre-determination hearing. She advised that at this pre-determination hearing Members would hear from registered speakers and may question those speakers but may not debate the merits of the application. The application would then be considered, debated and determined at a meeting of Council, which would take place immediately following this pre-determination hearing.

The Principal Planner, Keith Dingwall, gave Members a brief outline of the development proposal and summaries of the development plan policies and other material considerations, consultation responses and public representations. He stated that the full planning assessment would be provided to Members at the Council meeting.

Mr Scott of Scott Hobbs Planning Ltd., agent for the applicants, informed Members that this application was for a mixed use development featuring innovative design and use of an industrial space. Although the current proposals showed a development of 60 residential and 5 business units, this was indicative only and could be revised to meet potential demand. Extensive consultations had taken place with local groups resulting in only one objection. Subject to the necessary permissions, the applicants envisaged submitting a further, more detailed application in April or May and the first homes could be available for entry as early as September 2014. The applicants' only concern was that condition 2 restricted them to a maximum of 60 residential units. They were therefore seeking an amendment to this condition to allow a maximum of 66 residential units.

Mr Dingwall responded to questions from Members regarding the constraints of the site, the transportation requirements and the arrangements for affordable housing. He also advised Members that the application was for approval in principle only. Although condition 2 specified a maximum of 60 residential units, as was often the case, the final number of units within the development could be revised at a later stage in the process through the submission of a further planning application. The application would seek planning permission for design changes to the approved development including an increase in the number of residential units. There was no need to continue the application at this time.

Members questioned Mr Scott on a number of aspects of the application, particularly the inclusion of a play area/kick-about pitch and the maximum number of homes proposed for the site. He indicated that a play area could be considered and that the site could accommodate a maximum of 76 residential units.

The Convener reiterated that the application would be determined at Council, immediately following this pre-determination hearing.

Signed .....  
Councillor Norman Hampshire  
Convener of the Planning Committee



**MINUTES OF THE MEETING OF THE  
PLANNING COMMITTEE**

**TUESDAY 4 MARCH 2014  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

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**Committee Members Present:**

Councillor N Hampshire (Convener)  
Councillor D Berry  
Provost L Broun-Lindsay  
Councillor S Brown  
Councillor J Caldwell  
Councillor S Currie  
Councillor A Forrest  
Councillor J Gillies  
Councillor J Goodfellow  
Councillor D Grant  
Councillor W Innes  
Councillor P MacKenzie  
Councillor K McLeod  
Councillor J McMillan  
Councillor J McNeil  
Councillor J Williamson

**Other Councillors Present:**

Councillor M Veitch

**Council Officials Present:**

Ms M Ferguson, Service Manager – Legal Services  
Mr I McFarlane, Acting Service Manager – Development Management  
Ms C Molloy, Senior Solicitor  
Mr D Irving, Acting Senior Planner  
Mr G Talac, Transportation Planning Officer  
Ms F Currie, Committees Assistant

**Clerk:**

Ms A Smith

**Visitors Present:**

Item 2 – Mr N Ross, Mr A Hackland, Mrs L Dickinson, Ms K Gilhooly  
Item 3 – Mr N Ross, Mr A Hackland, Mr C Hay, Rev G Stevenson

**Apologies:**

Councillor T Trotter

**Declarations of Interest:**

Councillor Goodfellow declared an interest in item 2. He had submitted representation as a neighbour objecting to this application and would be addressing the Committee as one of the registered speakers. Therefore in accordance with Section 7.15 of the Councillors Code of Conduct he would leave the Chamber after making his statement on this application.

**1. MINUTE OF THE MEETING OF THE PLANNING COMMITTEE OF 4 FEBRUARY 2014**

The minute of the Planning Committee of 4 February 2014 was approved.

**2. PLANNING APPLICATION NO. 13/00945/P: ERECTION OF 7 HOUSES AND ASSOCIATED WORKS AT DIRLETON COURT, NORTH BERWICK**

A report was submitted in relation to Planning Application No. 13/00945/P. Daryth Irving, Acting Senior Planner, presented the report, summarising the key points. The proposed decision set out in the report was to grant consent.

Mr Irving responded to questions regarding site measurements and number of houses in relation to plot size. Iain McFarlane, Acting Service Manager-Development Management, added that the minimum density, as specified in the adopted East Lothian Local Plan 2008 (ELLP), was 30 units per hectare, so the minimum would be 20/25 units for 0.7 hectares.

Mr Ross, of Places for People, agent for the applicant Castle Rock Edinvar Housing Association, informed Members that the existing sheltered housing complex had been completed in 1984. The proposal before Committee was for 7 houses within the existing complex and included 4 houses comprising specialised wheelchair user accommodation. The proposal was supported by the Scottish Government's planning policies.

Mr Hackland, of Hackland and Dore, architects and agent outlined further details of the proposal. He indicated that although there would be the loss of a number of trees most of these were diseased or dying and significant planting of new trees would be carried out. He confirmed there would be 1,000 square metres of open space remaining for use as garden ground. Meetings had taken place with residents and a revised site layout to address access issues had been put forward.

In response to questions from Members Mr McFarlane explained that the housing association was a registered social landlord and there was no right to buy entitlement for these types of properties. Mr Hackland confirmed there was a legal agreement between Castle Rock Edinvar Housing Association and the Scottish Government that restricted the site to affordable housing.

Mrs Dickinson, the elected Dirleton Court tenant representative, spoke against the application. The beautiful gardens at Dirleton Court were one of the reasons many people chose to live here. The gardens were greatly used; many residents enjoyed working in the gardens, which had won awards. Three garden areas in the neighbourhood had already built on; this erosion of green space had to stop. On behalf of the tenants of Dirleton Court she asked Members to refuse the application.

Ms Gilhooly, also a Dirleton Court resident, spoke against the application. Residents currently enjoyed tranquillity and serenity in a beautiful setting. Wildlife was a huge part of residents' life and this proposal would destroy a large part of the garden. The emotional and psychological wellbeing of residents would be affected. The construction works would bring noise and disturbance. Tenants had approached North Berwick Community Council to lodge objection on the basis of destruction of the environment and also lack of maintenance and upgrading of the building. The Community Council then also submitted their objection to this application.

Mr Goodfellow spoke against the application. He made reference to a couple of current planning applications in East Lothian which incorporated green space as required by the design master plans. This area of North Berwick used to have a number of green spaces however, due to subsequent haphazard development, without any master planning, the area had now been totally developed. At the west of the town the only green space left was the back garden of Dirleton Court. He drew attention to the open space requirements as stipulated in the ELLP and stated that as the proposal did not satisfy these requirements it should be rejected.

Mr McFarlane informed the Committee that the open space standards referred to were general needs housing standards; there was no minimum standard for open space for sheltered housing in the ELLP.

*Sederunt - Councillor Goodfellow left the Chamber*

Local Member Councillor Berry stated he had brought this application to Committee as there were a number of issues of concern. The east side of North Berwick was well furnished with green space; the west side was not, it was far denser. There had been considerable infill development in this area, green spaces had disappeared. He commended Dirleton Court; it was an admirable example of a sheltered housing complex. However this proposal for another 7 houses would remove half of the green open space, an amenity that became more important during retirement. This proposal was an overdevelopment and detrimental to the local community. He would not be supporting the recommendation.

Local Member Councillor Day respected the Planning Officers but indicated on this occasion he could not support their recommendation. The development would have a serious impact on the quality of life for Dirleton Court residents, which was enhanced by the landscape, wildlife and green open space. In relation to open space standards he felt the bar should be higher, not lower, for this type of housing. He would not be supporting this application; it was an overdevelopment.

Councillor Currie made reference to the open space standards. He also referred to the views expressed by local members. He reflected on the likely outcome at appeal if Members voted against this development. Although he appreciated the arguments put forward by the objectors there were no reasonable planning grounds to refuse the application. He would be supporting the officer's recommendation to grant consent

Councillor Innes agreed with Councillor Currie. The Committee had heard the arguments from objectors and local members but it was important to distinguish between public open space and private garden ground. This proposal was not an overdevelopment; it was a sensitive way of using the ground and 7 more residents would be able to enjoy the facilities at Dirleton Court. He would be supporting the officer's recommendation to grant consent.

Councillor Grant agreed. To deny this application would also deny 7 new residents the chance to enjoy these surroundings. East Lothian had a rising elderly population, this development would be beneficial. It was not an overdevelopment; it was an infill development. He supported the application.

Provost Broun-Lindsay, whilst commending the objectors for the way they presented their case, stressed that Members could not set aside logic for emotion. There was a need for this kind of housing. He particularly welcomed the accommodation designed for wheelchair users. Referring to earlier comments, he reiterated that this was private green space not public open space. He would, on balance, be supporting the application. Conditions would be put in place to limit the noise/disturbance; he regretted the upset but could see the long term benefits of this proposal.

The Convener brought the discussion to a close. Dirleton Court was a beautiful location and the residents were fortunate to live in such a setting. He felt the addition of 7 more properties was acceptable and would give new residents the opportunity to also enjoy these surroundings. He would be supporting the officer's recommendation.

The Convener moved to the vote on the report recommendation:

For: 13

Against: 3

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 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 Samples of the materials to be used as external finishes of the houses hereby approved and for the hardstanding areas shall be submitted to and approved by the Planning Authority prior to their use in the development. Only those materials approved by the Planning Authority shall be used as the external finishes of the houses and for the hardstanding areas.

Reason:

To ensure that the external finishes are appropriate in the interest of safeguarding the character and appearance of the area.

- 3 Prior to the occupation of any of the houses hereby approved the widened access into the site and the extended car parking area and car parking spaces all as delineated on drawing no. HD895(PL)002 docketed to this planning permission 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:

In the interests of road safety.

- 4 Dropped kerbs shall be provided at either side of the access junction of the site with Dirleton Avenue to provide an adequate pedestrian crossing. Details of the dropped kerbs to be provided shall be submitted to and approved in advance of their provision by the Planning Authority;

Reason:

In the interests of road and pedestrian safety.

- 5 Prior to the occupation of any of the houses hereby approved the bin storage facilities as shown on docketed drawing no. HD895(PL)002 hereby approved shall have been formed and made available for use. Thereafter, the bin storage facilities shall be retained in use as bin storage areas.

Reason:

To ensure the provision of adequate bin storage in the interest of the visual amenity of the locality.

- 6 The houses comprising of 'Block A' and 'Block C' as shown on docketed drawing no. HD895(PL)002 hereby approved shall be occupied only by over 55 years old tenants and any partner or dependent of such a tenant.

Reason:

To control the development of the site to the use proposed and in the interests of the good planning of the area.

- 7 The 7 houses hereby approved shall include all of the following features:

- a. The housing should be provided at ground or first floor level, or in blocks over 2 storeys high served by at least one lift;
- b. Handrails should be provided on both sides of all common access stairs, and on at least one side of all common access areas and passages;
- c. Bathroom doors should be either sliding or capable of opening outwards, and fitted with locks operable from the outside;
- d. Bathroom floors should have a non-slip finish;
- e. Handrails should be fitted beside the WC and bath/shower;
- f. A space heating system must be provided which is capable of maintaining a temperature of 21C when the outside temperature is -1C in the following parts of the house: living area, sleeping area, kitchen, bathroom, hallway;
- g. Light switches arranged to line horizontally with door handles;
- h. Socket outlets fixed at a height of at least 500mm above the floor;
- i. A warden service should be provided;
- j. An emergency call service should be provided connecting each house to a warden system.

Reason:

To control the development of the site to the uses proposed and in the interests of the good planning of the area.

- 8 The westernmost house within Block C the subject of this planning permission shall not be occupied unless and until the window to be installed in its west elevation wall has been fitted with obscure glazing and thereafter that window shall continue to have such glazing.

Reason:

To safeguard the privacy and residential amenity of the neighbouring property to the west.

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as amended by The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 or any subsequent Order amending, revoking or re-enacting that Order, no windows or other openings shall be formed within the west elevation of the westernmost house within Block C other than the window shown on the docketed drawings to be formed within that elevation wall, all unless otherwise approved by the Planning Authority.

Reason:

To safeguard the privacy and residential amenity of the neighbouring property to the west.

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

Reason:

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

- 11 No development shall take place on site until protective fencing is erected in a position to be agreed in advance by the Planning Authority to protect the sycamore tree to be retained at the site vehicular entrance with Dirleton Avenue. The fencing shall comprise 2.3 metres high standard scaffold poles as uprights driven into the ground avoiding tree roots, with 3 standard scaffold poles as horizontal rails (top, middle and bottom), all with weld mesh wired to uprights and rails, all in accordance with Figure 2 of British Standard 5837: 2012 'Trees in Relation to Design, Demolition and Construction - Recommendations'. All weather notices shall be erected on said fencing with words such as "Construction exclusion zone - keep out" and the fencing shall remain in place through to completion of the development.

Within the fenced off area the existing ground level shall neither be raised nor lowered and no materials, temporary buildings, plant, machinery or surface soil shall be placed or stored, no herbicides shall be used, no fires shall be lit and no trenches dug or services laid unless with the prior approval of the Planning Authority and subject to them being excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more left unsevered.

Reason:

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

- 12 In the first planting and seeding season following the last occupation of the 7 houses hereby approved or the completion of the development, whichever is the sooner, the new tree planting indicated on drawing no. HD895(PL)002 docketed to this planning permission, with the exception of the whitebeam, shall have been completed.

Notwithstanding that which is stated on drawing no. HD895(PL)002 the copper beech tree to be removed centrally within the site shall be compensated for by the replacement planting of another beech tree, not a whitebeam, to be planted in a position to be agreed in advance with the Planning Authority and thereafter that beech tree shall be planted in the first planting and seeding season following the last occupation of the 7 houses hereby approved or the completion of the development, whichever is the sooner.

If any of the new trees within a period of five years from the occupation of the last of the 7 new houses or the completion of the development, whichever is the sooner, die, are removed or become seriously damaged or diseased they shall be replaced in the next planting season with others of the same species and of a similar size, unless the Planning Authority gives written consent to any variation.

Reason:

To ensure the provision of replacement tree planting in the interests of the landscape character of the area.

*Sederunt - Councillor Goodfellow returned to the Chamber*

**3a. PLANNING APPLICATION NO. 13/00394/P: ERECTION OF 18 FLATS, PART DEMOLITION OF WALL AND ASSOCIATED WORKS AT ST ANDREWS CENTRE, 9 BAYSWELL ROAD, DUNBAR**

A report was submitted in relation to Planning Application No. 13/00394/P. Mr McFarlane presented the report, summarising the key points. In response to a query raised at the site visit he clarified that the front pitched roof of the north most building faced into the development site, not Bayswell Road. The proposed decision set out in the report was to grant consent.

In response to questions from Members, Mr McFarlane confirmed that planning permission did not override legal property rights.

Mr Ross read a statement on behalf of East Lothian Housing Association. ELHA had purchased the site in 2010 with the sole intention of providing much needed affordable housing in Dunbar. The site had previous planning consents. This proposal was fully supported by the Scottish Government. It met the Council's planning policies. ELHA understood there was an existing legal agreement regarding the access.

Mr Hackland outlined details of the proposal for the 18 flats, comprising 1 and 2 bedroom units. He also gave details of the changes to the application since registration. He referred to the community consultation and to support from Dunbar Community Council for development of this social housing. There would be no loss of daylight or amenity to Parsonspool residents from this development. He reiterated that the existing access from Bayswell Road was the subject of a legal agreement and was the same access point specified in the previously granted application.

In response to queries from Members, Mr McFarlane explained why in this case there was a requirement for a legal agreement restricting the use to affordable housing rather than general needs housing. Mr Ross and Mr Hackland gave details of tree removal/replanting and plot screening and confirmed there would be no access to the flat roof part of the development.

Mr Hay, resident of Bayswell Road, spoke against the application, stating that he was not against development as such but did object to this particular development. This site was within the Dunbar Conservation Area, any development should therefore enhance the area, not cause detriment. Properties in this road were single or 2 storey; this proposal would set a precedent. He raised concerns about the impact on neighbours, loss of daylight, scale and mass and removal of trees. He asked Members to reject the proposal and request the applicant to consider submitting a new application more sympathetic to its setting and the neighbouring properties.

Reverend Stevenson, representing the Trustees of Dunbar Parish Church, spoke against the application. He informed Members that the Trustees were agreeable to the provision of affordable housing on this site however the application before Committee was seriously flawed, particularly in relation to the access arrangements. He outlined the details. He stated that the access road land belonged to Dunbar Parish Church. He raised concerns about unacceptable traffic noise, disruption and potential vehicular danger issues. He asked the Committee to defer this application until all parties had agreed to the access arrangements.

Local Member Councillor Veitch outlined his reasons for bringing this application to Committee. This site was within the Dunbar Conservation Area and therefore required careful consideration. He drew attention to Scottish Planning Policy in relation to development in a Conservation Area. He stated that this development would not preserve the historic nature and scenic area of Dunbar Parish Church. He referred to the strength of opposition from the local community and read out several statements from Bayswell Road residents. This proposal was an overdevelopment, overbearing and out of character for the area. He was not opposed to development on this site but this particular proposal was not the right development. He hoped that Members of the Committee would consider this application very carefully.

Councillor Currie noted that objectors seemed to be in favour of development on this site but not this particular development. The access issue was, as indicated, a legal matter between the developer and the church and not a matter for this Committee. He welcomed this proposal, the provision of 1 and 2 bedroom flats was crucial for East Lothian. He would be supporting the application.

Councillor Innes referred to the site's long planning history. He expressed concerns about Members approving the application and then, for legal reasons, the development not being delivered so he had sympathy with the request for continuation to try and address the access issue. He intended moving an amendment to continue this application to the next Planning Committee.

Morag Ferguson, Service Manager-Legal Services advised Members that the applicant had stated they had the legal rights to take this forward; the objector had stated the opposite view. She further advised that as this issue was not a planning consideration, continuing the application was beyond the Committee's authority.

Provost Broun-Lindsay stated that the Committee had to determine the application today; Members had been advised that the legal issues were not material to the decision. He referred to the planning history of this site, stressing that the principle for housing had already been agreed. There were no planning grounds to refuse this application. He did not think the proposal constituted an overdevelopment or would cause undue overshadowing. He would be supporting this application.

Councillor Goodfellow stated that the number of dwellings proposed in the previous planning applications had been reasonable; he felt this proposal for 18 flats was an overdevelopment of the site and for this reason he could not support the application.

Councillor Grant also referred to the site's planning history and the fact that the principle of development had already been established. This proposal was acceptable and he would be supporting the application.

The Convener brought the discussion to a close. He stressed that the proposed development would create desperately needed affordable housing in Dunbar. As advised, the legal issues had to be dealt with outwith the Committee process. This proposal met all relevant planning policies; it was a good development, in a good location in Dunbar. He would be supporting the application.

The Convener asked for a seconder for Councillor Innes's motion that the matter be continued; Councillor McMillan seconded this. The Convener asked Members to vote on the motion.

For: 5  
Against: 11  
Abstention: 0

The motion therefore fell. The Convener moved to the vote on the report recommendation:

For: 16  
Against: 1  
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 of adjoining land and building(s). The levels shall be shown in relation to an Ordnance Bench Mark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing; and
- c. the ridge height of the proposed buildings shown in relation to the finished ground and floor levels on the site.

Reason:

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

- 2 No development shall take place on site until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping. The scheme shall provide details of: tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting, to include tree planting along the southern and eastern boundaries of the site.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

Reason:

In order to ensure the implementation of a landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area.

- 3 No development shall take place until there has been submitted to and approved in writing by the Planning Authority details of tree protection measures during construction works for all trees to be retained on the land of the application site and adjacent on the southern boundary. The tree protection measures shall accord with BS 5837: 2012 Barriers and Ground Protection and 6.3 Site Monitoring, including the use of protective fencing and a method statement for construction works within tree root protection zones and use of cellular confinement systems where required.

Reason:

In the interests of protecting trees which contribute to the character and amenity of the area and the Conservation Area.

- 4 Prior to the occupation of any of the flats hereby approved the vehicular and pedestrian access and parking arrangements as shown on drawing no. HD935(PL)002 Revision C docketed to this planning permission shall have been formed and made available for use and thereafter shall be maintained as such unless otherwise approved by the Planning Authority.

If the gates at the pedestrian access are to be retained they shall be adjusted to ensure that they are capable of opening only into the site to ensure no obstruction to the public footway on the south side of Bayswell Road.

Reason: In the interests of road and pedestrian safety.

- 5 The repositioned gate pier denoted in drawing no. HD935(PL)002 Revision C docketed to this planning permission shall be reconstructed in its new position using the existing stone of the gate pier, which shall be laid and pointed to match that existing gate pier, unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of preserving the character and visual amenity of the Conservation Area.

- 6 Prior to their use on the development hereby approved, details and samples of all external materials and finishes to be used on the development shall be submitted to and approved in writing by the Planning Authority and thereafter the external materials and samples used shall accord with the details and samples so approved. These shall include the render, slates, timber

window framing, brick, grey cladding panels, rainwater goods, boundary treatments and all hard surfaces.

Reason:

In the interests of the final appearance of the development and of the character and appearance of the Conservation Area.

- 7 The windows to be formed in the east and west elevations of the southernmost flatted building and in the east elevation of the northernmost flatted building hereby approved shall be fitted with obscure glazing prior to any occupation of the buildings hereby approved and thereafter these windows shall continue to be fitted with obscure glazing unless otherwise approved by the Planning Authority.

Reason:

To safeguard the privacy and residential amenity of the neighbouring properties to the east and west.

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

Reason:

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

- 9 Prior to the commencement of development of any of the flats hereby approved details of cycle storage facilities and their siting within the site shall be submitted to and approved by the Planning Authority. Thereafter the cycle storage facilities approved shall have been formed and made available for use prior to the occupation of any of the flats hereby approved. Thereafter, the cycle storage facilities shall be retained in use as cycle storage facilities.

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.

- 10 Prior to the occupation of any of the flats hereby approved the new boundary treatments for the west boundary of the site hereby approved shall be erected in their entirety.

Reason:

To protect the privacy and amenity of the future occupants of the flats.

**3b. PLANNING APPLICATION NO. 13/00394/CAC: DEMOLITION OF GATES AT ST ANDREWS CENTRE, 9 BAYSWELL ROAD, DUNBAR**

A report was submitted in relation to Planning Application No. 13/00394/CAC. The proposed decision set out in the report was to grant consent.

**Decision**

The Committee agreed to grant Conservation Area Consent subject to the following condition:

- 1 The works to implement this conservation area consent shall begin before the expiration of 3 years from the date of this grant of conservation area consent.

Reason:

Pursuant to Section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

Signed .....

Councillor Norman Hampshire  
Convener of the Planning Committee

**REPORT TO:** Planning Committee  
**MEETING DATE:** Tuesday 1 April 2014  
**BY:** Depute Chief Executive (Partnership and Services for Communities)  
**SUBJECT:** Application for Planning Permission for Consideration

**2**

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Application No. **12/00924/PPM**

Proposal Renewal of planning permission in principle 09/00222/OUT for a proposed mixed use development incorporating residential uses; education uses; library; retail (class 1); office units (class 2); restaurant (class 3); business units (class 4); storage and distribution (class 6); trade counter units; residential institution - nursing home (class 8) non - residential institution - day centre (class 10); hot food takeaways; playing fields; open space; allotments; drainage arrangements and all associated infrastructural access; landscaping and site development works on land lying predominantly to the south and east of Wallyford but also including the Strawberry Corner garden centre; the entire length of Salters Road from the interchange with the A1 to the Wallyford Toll roundabout where traffic calming and environmental improvements are proposed; and Inchview Road where road realignment and alterations are proposed in association with the proposed development

Location **Land To South, East And West  
Wallyford  
East Lothian**

Applicant East Lothian Developments Limited

Per Derek Scott Planning

RECOMMENDATION Consent Granted

#### PLANNING ASSESSMENT

As a statutory requirement of major development type proposals this development proposal was the subject of a Proposal of Application Notice (Ref: 12/00006/PAN) and thus of community consultation prior to this application for planning permission in principle being made to the Council.

As an outcome of that and as a statutory requirement for dealing with major development

type applications a pre-application consultation report is submitted with this application. The report informs that 11 people attended the pre-application public exhibition, which was held at Wallyford Community Centre, and that those attendees made a number of suggestions regarding the proposals. The development for which planning permission in principle is now sought is of the same character as that which was the subject of the community engagement undertaken through the statutory pre-application consultation of the proposal.

On 30 November 2009 planning permission in principle (Ref: 09/00222/OUT) was granted for a mixed use development on some 86 hectares of predominantly agricultural land to the east, south and southwest of Wallyford. The site included Wallyford Community Woodland, the public roads of Salters Road and Inchview Road, and the area of open space that is immediately to the southeast of Wallyford Community Centre.

Planning permission in principle is now sought for the renewal of planning permission in principle 09/00222/OUT. This application for the renewal is a valid application, as when it was made to the Council on 26 November 2012 a commencement had not been made to the development approved by the grant of planning permission in principle 09/00222/OUT and also the three-year time period for the submission of matters specified in conditions had not expired. Furthermore, the principles of development remain the same as that approved by the grant of planning permission in principle 09/00222/OUT.

The application site is predominantly bounded to the north and west by agricultural land and by the northern part of Wallyford, to the south by the A1 trunk road, and otherwise to the east and to the south by agricultural land. The neighbouring agricultural land forms part of the Edinburgh Green Belt.

The elements of the proposed mixed use development include residential development, a new school, a library, shops, office units, a restaurant, business units, general industrial units, storage and distributions units, trade counter units, a residential institution, a non-residential institution, hot food takeaways, playing fields, open space, allotments, landscaping and associated infrastructure provision.

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 the proposed development falls within the category of a Schedule 2 Development, being one that may require the submission of an Environmental Impact Assessment (EIA). In this case the application was not originally accompanied by an environmental statement. Moreover the development in question had not been the subject of a screening opinion or screening direction at the time the application was submitted. In such circumstances it is a statutory requirement for the Council to adopt a screening opinion following submission of the planning application. Schedule 3 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 sets out the selection criteria for screening whether a Schedule 2 development requires an EIA. On 22 January 2013 the Council issued a formal screening opinion to the applicants.

The screening opinion concluded that it is East Lothian Council's view that the proposed development is likely to have a significant effect on the environment such that consideration of environmental information is required before any grant of planning permission in principle. It was therefore the opinion of East Lothian Council as Planning Authority that there was a requirement for the proposed mixed use development to be the subject of an EIA.

In a scoping opinion subsequently issued on the 08 February 2013, the Council advised

the applicant that the EIA should consist of the environmental statement originally submitted with planning application 09/00222/OUT together with a supplementary environmental statement providing updated assessments in respect of transport, noise and vibration, air quality, cultural heritage and archaeology.

A supplementary environmental statement containing those assessments together with a copy of the original environmental statement was submitted to the Council on the 02 December 2013. The supplementary environmental statement also contains a copy of the masterplan that accompanied previous planning application 09/00222/OUT.

The application is also supported by a masterplan report. It provides a contextual analysis of the site, an explanation of the development requirements, and a design solution for the site. The design solution addresses issues of principle concerning design concept, access, including pedestrian and cycle access, landscape framework and public open space provision, and design strategy and aims in respect of the different components of the proposed mixed use development.

A total of seven written representation have been received in respect of this application. Of these three make objection to the proposed development and one expresses support for it. The other three written representations do not state whether they support or object to the proposals.

One of the objections is made on behalf of Ashfield Commercial Properties Ltd. They contend that the transport assessment submitted with previous planning application 09/00222/OUT was flawed, and that the traffic impacts of the proposed development were not properly addressed. In particular, they contend that road improvement will be required at the Dolphinstone junction and at the Old Craighall junction of the A1 trunk road to accommodate traffic generated by the proposed development and that developer contributions towards those road improvements should be secured.

The other two objections raise concerns that the “village” of Wallyford would cease to be a village, and that the proposed realignment and alteration of Inchview Road would reduce the number of available parking spaces and would therefore affect existing residents.

The written representation supporting the planning application is made on the grounds that it is simply an extension of a long debated previous application. This was supported before and the representor can see every reason why the improvements proposed should still be supported in their entirety.

One of the other representors questions whether the area can sustain the proposed business units, distributions units and trade counter units. Another representor is concerned that they will be living next to a building site for years to come with all the dirt, noise, traffic and danger to children from extra traffic.

The other representation is from Network Rail, who raise no objection to the principle of the proposed development. They do however provide general advice on how the development should be designed and constructed to ensure that it does not impact on the use of the main east coast rail line. A copy of the letter from Network Rail has been passed onto the applicant for their attention.

A copy of each written representation is contained in a shared electronic folder to which all Members of the Council have access.

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.

At the time when previous planning application 09/00222/OUT was determined by the Council and also at the time when this planning application was submitted, the development plan consisted of the approved Edinburgh and the Lothians Structure Plan 2015 and the adopted East Lothian Local Plan 2008. On 27 June 2013, Scottish Ministers approved SESplan, the strategic development plan for Edinburgh and South-east Scotland. From that date, the 2015 structure plan is of no effect.

The development plan is now the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Plan 2008.

The majority of the application site is covered by Proposal H7 (Land to the south, east and southwest of Wallyford: Housing and mixed use development) of the adopted East Lothian Local Plan 2008. Proposal H7 allocates the land for a mixed use development of 1000 houses, social, educational and community facilities, open space, and associated infrastructure. In addition to meeting the housing land requirements of the Edinburgh and the Lothians Structure Plan 2015, Proposal H7 is intended to promote environmental, social and community regeneration within Wallyford. Proposal H7 requires therefore that the new facilities for such regeneration must be located such that they are well-integrated with and accessible to the existing community as well as serving the areas of new development. It also requires that the proposals must result in a significant improvement in traffic conditions within Wallyford, particularly along Salters Road.

Proposal H7 requires the Council to prepare a Development Framework addressing the development requirements of the site and defining the extent and location of the various land uses. It will then be the responsibility of the developer to submit for approval a Masterplan consistent with this Framework and with the local plan's development policies. The Masterplan should be submitted prior to or as part of an application for outline or detailed planning permission. A flood risk assessment must also be submitted with any outline or detailed planning permission. Additionally Proposal H7 requires that there be developer contributions for all necessary infrastructure, education and community facilities arising as a consequence of this development.

Proposal H7 reflects the requirements of Policy H2 (Development Frameworks) of the adopted East Lothian Local Plan 2008, which states that development proposals for strategic housing sites must conform to the relevant Development Framework prepared by East Lothian Council in consultation with the development industry, statutory consultees and other material interests. Masterplans for the entire allocated area that comply with the relevant Development Framework and with other local plan policies should be submitted prior to or as part of an application for planning permission.

A Development Framework for the site was approved by the Council at a meeting of Cabinet on the 10 March 2009. It sets out the land uses expected for the site and how the Council requires the site to be developed in terms of infrastructure and design. The Development Framework is an important material consideration in the determination of this application for planning permission in principle.

The land of the application site that is the subject of Proposal H7 is also covered by Policy DP5 (Major Development Sites) of the adopted East Lothian Local Plan 2008. Policy DP5 requires the submission of a masterplan for all of it and an accompanying supporting statement. Policy DP5 sets out the minimum information that must be contained within the masterplan.

The site covered by Proposal H7 of the adopted East Lothian Local Plan 2008 includes the site of the existing Wallyford Primary School, which is owned by East Lothian Council. However that school site does not form part of the site of this planning permission in principle application. The masterplan submitted with the application does not therefore cover all of the Proposal H7 site.

The proposed mixed use development includes for a new school, which in time is intended to replace the existing Wallyford Primary School. There are at this time no proposals for the future development and use of the existing Wallyford Primary School site, once it is no longer in educational use. Consequently it is reasonable for the Council to accept that the submitted masterplan need not include proposals for that part of the allocated site.

The principle of the mixed use development of the application site in the manner proposed is established by the allocation of that land for such development by Proposal H7 of the adopted East Lothian Local Plan 2008.

When previous planning application 09/00222/OUT was determined, it was accepted by the Council that Proposal H7 was consistent with Policy HOU3 (Strategic Housing Allocations) of the approved Edinburgh and the Lothians Structure Plan 2015, which required the East Lothian Local Plan to allocate sufficient land for approximately 1000 residential units at Wallyford.

Through their detailed master planning of this site, the applicant has established that the site is capable of accommodating more than 1000 residential units. The masterplan submitted with the application defines how a total of 1242 residential units could be accommodated on the site.

The Council's Depute Chief Executive (Resources and People Services) advises that the impact on education capacity is assessed on the basis of the 1050 residential units applied for, therefore to ensure that there is sufficient education capacity no more than 1050 residential units should be erected on the site. Moreover, to restrict the scale of development to that identified in the applicant's update to the Transport Assessment and to minimise interference with the safety and free flow of traffic on the trunk road, Transport Scotland also recommend that no more than 1050 residential units should be erected on the site. Accordingly, and if the Planning Committee are of a mind to grant planning permission in principle for the renewal of planning permission in principle 09/00222/OUT then the residential development component of it should be limited to 1050 units. The applicant is agreeable to a limit of 1050 residential units. This limit is consistent with the limit of 1050 residential units set by condition 6 of planning permission in principle 09/00222/OUT.

Section 59 of the Town and Country Planning (Scotland) Act 1997 relates to the duration of planning permission in principle. Planning permission in principle is planning permission subject to a condition that the development in question will not be begun until certain matters have been approved by the planning authority. The Act dictates that applications for the approval required before development can be begun must be made within 3 years from the grant of planning permission in principle. It does however provide that the planning authority can direct that different time periods apply in relation to the 3 year period for making an application for approval.

In this case, the proposed development will take a number of years to develop. Moreover, it may well take more than 3 years for the making of applications for approval for all matters for all areas of the application site. Thus it would be prudent for the Planning Authority to direct in this case that the standard 3 year time limit should not

apply and to further direct that applications for approval required before development can be begun must be made within 8 years from the grant of planning permission in principle.

What is proposed in principle for the development of the application site would be a sympathetic extension of Wallyford with due regard to its urban traditions and its existing built form. The principles of development include for a wide range of house types and sizes in order to cater for varying housing needs. Minimum densities are given for specific parts of the site. Together they set a minimum density of 30.7 houses per hectare across the entire site, which is in accordance with the minimum density requirement of 30 houses per hectare stipulated in the approved Development Framework. It is also stipulated in the Development Framework that 25% of the proposed housing component of the site's development has to be affordable housing. This is accepted in the masterplan report and with the stated principles of development of the affordable housing being: (i) a concentration close to the new local centre where there would be good access to public transport and civic amenities, (ii) otherwise in dispersed pockets of approximately 30-60 units located throughout the masterplan area, and (iii) with no distinction to be made in urban design or architectural terms between the affordable and private housing.

The approved Development Framework requires that a new mixed use local centre should form part of the proposed mixed use development. The Development Framework states that the new local centre should contain new employment and leisure opportunities, a new local library, and a new single all through primary school. It must be located at the core of the expanded settlement to be highly accessible to all.

The masterplan indicates a new local centre to be located between the southern end of Inchview Road and the new distributor road, which would run through the site from the southwest end of Salters Road to the A199 road to the east. The range of uses proposed for the new local centre includes a new school, a new public library, retail uses, restaurants, hot food takeaways, office units and housing. This is consistent with the requirements of the Development Framework.

According to the masterplan the retail use of the new local centre would include two small supermarkets each with a 1265 sq m gross floor space, and two small convenience goods units, one with a floor space of 67 sq m and the other of 134 sq m, all giving a total convenience floor space of 2731 sq m (gross). Additionally, there would be in the new local centre, provision for 603 sq m (gross) comparison floor space, comprising six small units - three at 67 sq m and three at 134 sq m and 1005 sq m of floor space for uses within Class 2 (financial, professional and other services) Class 3 (restaurants/cafes) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 and two units of 134 sq m each for use as hot food takeaways. The new local centre as designated in the masterplan would thereby include a total of 17 units offering a total of 4339 sq m floor space to be provided in separate buildings with varying modular floor plate sizes. The principle of development of this is consistent with the approved Development Framework.

Included within the supplementary environmental statement is a Retail Impact Assessment Update, which assesses the capacity for and the likely retail impact of the proposed shops and two supermarkets against current retail planning policy and in light of the latest population, expenditure and turnover statistics. The Council's Policy and Projects Manager accepts the findings of the applicants Retail Impact Assessment Update and advises that the proposed shops and two supermarkets would not adversely affect the vitality and viability of Musselburgh town centre, or of other town centres.

The approved Development Framework stipulates the requirement for the provision of two community sports pitches and changing accommodation.

Included in the masterplan are two community sports pitches, a four changing room facility for them and a site for allotments, all to be located on land to the south of the new local centre. Those community uses would be accessed directly off the new distributor road, which would be located immediately to the north of them. These community uses and the locations indicated for them in the masterplan are consistent with the requirements of the approved Development Framework. The provision of the two community sports pitches, four changing room facility and allotment site can be secured by an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the Council securing this appropriate developer contribution the principle of these elements of the development is consistent with the approved Developer Framework.

Sportscotland, as a consultee on this planning application, welcome the proposed provision of two community sports pitches.

The approved Development Framework also stipulates a required enhancement of the existing facilities at Wallyford Park and states that this should be a developer responsibility. In his consultation response on the previous planning application 09/00222/OUT, the Council's Healthy Living Manager recommended that there should be a developer contribution of £34,403.67 for the upgrading of the existing facilities at Wallyford Park. The Planning Committee resolved to grant planning permission in principle 09/00222/OUT subject to the prior conclusion of a legal agreement to secure this financial contribution amongst other matters.

The Council's Service Manager for Sport, Countryside & Leisure has been consulted on the proposal the subject of this current planning application (Ref: 12/00924/PPM). He confirms that the Council have recently upgraded the existing facilities at Wallyford Park. These upgrading works include the provision of a second full size football pitch and works to the pavilion in order to have 4 functioning changing rooms rather than only 2 that were previously operating. Consequently he advises that it is no longer necessary for the developer to make a financial contribution towards such upgrading works.

An upgrading of the Wallyford Community Woodland is set out in the report that supports the masterplan. The Community Woodland has an area of approximately 10 hectares and occupies the central part of the land between the southern edge of Wallyford and the A1 trunk road. If planning permission in principle is to be granted for the development the requirement for the developer to submit details of the upgrading of the Community Woodland and a timetable for implementation should be made a condition of it. Additionally, the applicant confirms a willingness to transfer the title of the Community Woodland site to the Council at no cost. The applicant is also willing to provide a commuted sum for its future maintenance for a 10 year period. The commuted sum would also cover maintenance for a 10 year period of the two proposed community sports pitches and the open space that is immediately adjacent to it. The effect of these arrangements would be to bring the central part of the application site into public control for use and maintenance as a public park in a manner that would retain and further develop the open space aspect of the existing Community Woodland and enable a formal recreational use of the land concerned.

An agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 can secure the transfer of ownership of the land and the financial contribution towards

maintenance of it and the two proposed community sports pitches and the open space that is immediately adjacent to it.

The Masterplan indicates how other areas of formal and informal open space could be located throughout the site. The Service Manager for Sport, Countryside & Leisure is satisfied with both the size and location of those areas of open space.

The Policy and Projects Manager advises that the outline landscape proposals for the site correspond with the landscape advice set out within the approved Development Framework.

Proposal H7 of the adopted East Lothian Local Plan 2008 requires that development of the site must result in a significant improvement in traffic conditions within Wallyford, particularly along Salters Road. This is also a stated requirement of the approved Development Framework.

A detailed scheme of environmental and traffic calming improvements to Salters Road was promoted through the drawings and report that accompanied previous planning application 09/00222/OUT and were part of the traffic impact assessment of the proposed development made in the applicant's original Traffic Assessment. The detailed scheme of environmental and traffic calming improvements to Salters Road remain part of the proposal that is the subject of this planning application.

Included within the supplementary environmental statement is an update to the Transport Assessment, which contains an assessment of the accuracy of the original base date on traffic flow, taking account of changes in the road network since the original survey and modelling was carried out.

The main findings of the update to the Traffic Assessment are that:

1. With the proposed development in place along with traffic calming on Salters Road there would be a significant reduction in through traffic. The implementation of traffic calming measures on Salters Road should also help to lower vehicle speeds; and
2. The capacity of the local road network, including the A1/A6094 Salters Road and A1/A199 Dolphingstone Interchanges, would be sufficient to accommodate traffic generated by the proposed development.

The Council's Transportation service has undertaken a full evaluation of the Update to the Traffic Assessment and following extensive discussion with the applicant and their traffic consultants, accepts the findings of it. They are satisfied that the scheme of improvements and traffic calming proposed for Salters Road would be successful in delivering significant and acceptable improvement in traffic conditions on Salters Road and thus within Wallyford. Therefore Transportation confirm that they have no objection to the principle of the proposed development of the application site subject to the imposition of conditions on a grant of planning permission in principle to ensure that appropriate off site road improvement works are undertaken, that various identified road safety measures are undertaken, that an appropriate amount of car parking be provided within the new local centre, that a Green Travel Plan be submitted, and that construction traffic movements be controlled.

The approved Development Framework also requires the applicant to examine the possibility of using Inchview Road as an access for buses entering and exiting the new local centre, although it makes clear that general unrestricted access for other vehicles will not be permitted on Inchview Road as it is traffic calmed and narrow at its southern

end. On this basis, the applicant has examined using Inchview Road and has concluded that it would be the most suitable route for buses to access the new local centre. To enable this, a detailed scheme of improvements to Inchview Road is promoted through the drawings and report that accompanies the applicant's masterplan. Moreover, the drawings show how a bus gate would be installed at the southern end of Inchview Road to ensure that only buses could access the new local centre from Inchview Road. The advice received from the Council's Transportation service is that such arrangements for bus access only from Inchview Road to the new local centre is acceptable. A bus route through the site should also be provided.

Transport Scotland do not object to the principles of the proposed development, although they recommend that prior to the commencement of development: a) proposals for the alteration and re-activation of the existing traffic signal installation at the A1/A6094 junction have been approved in writing by the Planning Authority; b) the proposed scheme of traffic calming for Salter's Road has been completed; and c) revised signal timing plans for the existing traffic signal installation at the A1/A199 junction should be submitted to and approved by the Planning Authority. These matters can be controlled through a conditional grant of planning permission in principle.

On all of the foregoing transportation considerations the principles of the proposed development are consistent with Policies T1 and T2 of the adopted East Lothian Local Plan 2008.

Transport Scotland also advise that they have concern in regard to the development impact on the junction of the A1 trunk road and the A720 trunk road (i.e. the Old Craighall Junction south of Musselburgh, at the western end of East Lothian). In this regard they have sought a contribution from the developer towards mitigation of this perceived impact. Transport Scotland advise that they have entered into an agreement with the applicant under Section 48 of the Roads (Scotland) Act to secure a financial contribution. On this basis, Transport Scotland raise no objection to the impact of the development on the Old Craighall junction.

A material consideration in the determination of previous planning application 09/00222/OUT was the scheduled ancient monument of the cropmark site at Wallyford Toll, located on part of the northern edge of the application site. Condition 12 of planning permission in principle 09/00222/OUT requires the erection of a protective fence around the scheduled ancient monument.

In their consultation response on the proposal that is the subject of this planning application (Ref: 12/00924/PPM), Historic Scotland advise that the cropmark site at Wallyford Toll has been descheduled. As that part of the site is no longer a scheduled ancient monument, it is no longer necessary to impose a condition requiring the erection of a protective fence.

The application site is within the inventory boundary of the Battle of Pinkie. The Battle of Pinkie is included within the Inventory of Historic Battlefields.

Historic Scotland raise no objection to the principles of the proposed development, being satisfied that it would not have an unacceptable impact on the site of the Battle of Pinkie.

The Council's Archaeology Officer advises that archaeological assessment already undertaken has identified the potential for artefacts associated with the Battle of Pinkie to be present within the site as well as two areas of significant archaeological remains, which will need further investigation. Accordingly he recommends that a programme of archaeological works should be carried out by a professional archaeologist to evaluate

the application site for any potential archaeological remains. This can be controlled through a conditional grant of planning permission in principle. This approach is consistent with Scottish Planning Policy: February 2010, Planning Advice Note (PAN) 2/2011: Planning and Archaeology and with Policy ENV7 of the adopted East Lothian Local Plan 2008.

The application site includes Salters Road and part of the A199 road. It lies immediately to the north of the A1 trunk road. Included within the supplementary environmental statement is an update to the original noise report, which assesses any changes to the site noise environment, including noise from those identified roads. The update takes account of changes in legislation and proposes mitigation measures to attenuate noise levels to acceptable standards. The Council's Principal Environmental Protection Officer has confirmed that subject to the construction of the noise attenuation barriers specified in the applicant's noise update, he has no objection to the principles of the proposed development. These mitigation measures include a 2 metres high fence atop an earth bund being provided immediately to the north of the A1 trunk road. He does however recommend that the proposed development should be designed so that the 'good standard' indoor levels from Table 5 of BS 8233 Sound Insulation and Noise Reduction for Buildings – Code of Practice are met inside the proposed houses. This control can be exercised by a condition imposed on a grant of planning permission in principle for the proposed development of the site. This condition should require details of all proposed noise mitigation measures and a timetable for their implementation in the course of the development.

The Principal Environmental Protection Officer raises concerns that noise from Wallyford Industrial Estate may have a harmful impact on the privacy or amenity of the new housing. He therefore recommends that the impact of noise from the industrial site is assessed and, if necessary, suitable mitigation measures be incorporated into the development design. No such recommendation was made by the Council's then Senior Environmental and Consumer Services Manager in his consultation response on previous planning application 09/00222/OUT. As is indicatively show on the masterplan, the proposed housing would be located considerably further away from the Industrial Estate than existing housing, some of which is located immediately adjacent to the Industrial Estate. Whilst the Principal Environmental Protection Officer advises that he is aware of previous complaints from local residents regarding industrial operations, he does not provide any details of any unacceptable noise emissions from any of the industrial units. In view of all of this, it would not be reasonable to now require the applicant to undertake a noise assessment of the existing Industrial Estate.

The Principal Environmental Protection Officer further recommends that suitable barriers should be provided to ensure that noise levels in both the front and rear gardens of the houses within the eastern part of the site do not exceed 55 dB (A).

The applicant's noise update advises that noise levels of 65 dB (A) would be acceptable in those front gardens. They advise that the noise levels within the rear gardens of those houses would be 55 dB (A), which BS 8233 Sound Insulation and Noise Reduction for Buildings – Code of Practice advises is a 'reasonable' standard.

BS 8233 Sound Insulation and Noise Reduction for Buildings – Code of Practice advises that for dwellings, the main criteria are reasonable resting/sleeping conditions in bedrooms and good listening conditions in other rooms. As stated above, a condition can be imposed to ensure that all houses, including those within the eastern part of the site, are designed so that the 'good standard' indoor levels from Table 5 of BS 8233 are met inside the proposed houses. Whilst it may be the case that noise levels in the front gardens of those houses exceed 55 dB (A), the Principal Environmental Protection

Officer is satisfied that noise levels in the rear gardens of those houses would not exceed 55 dB (A). It is within those rear gardens where residents would be most likely to relax and enjoy their homes. Given this, it would be unreasonable to require the applicant to provide suitable barriers to ensure that noise levels in the front gardens of the houses within the eastern part of the site do not exceed 55 dB (A).

To address comments from the Council's Environmental Protection Officer (Contaminated Land) in respect of contaminated land, a condition can be imposed on a grant of planning permission in principle for the proposed development requiring a contaminated land investigation be undertaken prior to the commencement of any development.

The requirement for the erection of a new school within the new local centre is established through the approved Development Framework. The principle of the provision of this new school is set out in the applicant's masterplan. The site of the proposed school lies on land in the ownership of the applicant. The applicant is willing to provide the land to ensure the delivery of the new school. This matter can be controlled by an agreement under the provisions of Section 75 of the Town and Country Planning (Scotland) Act 1997.

The Depute Chief Executive (Resources and People Services) advises that the cumulative effect of all the housing development proposed in the Wallyford area will be to generate pupil numbers that cannot be accommodated at the existing nursery school, primary school and the catchment secondary school. A projection of school rolls based on the number of houses likely to be brought forward by the proposed housing developments in the Wallyford area concludes that total house numbers and completion rates on the development site should be controlled to the 1050 houses applied for within the application site, with the annual rate of completion of those houses also being controlled. This can be exercised by conditions imposed on a grant of planning permission in principle for the proposed development of the site.

The Depute Chief Executive (Resources and People Services) further advises of the need for developer contributions of £8,233,666 towards the cost of building the new primary school and £2,175,945 towards the provision of additional accommodation at Musselburgh Grammar School, or, should the Council's current review of secondary school provision in the Musselburgh catchment result in the implementation of an alternative strategy, towards any subsequently redefined provision of secondary education within the Musselburgh secondary catchment area. Thus there should be a total developer contribution towards education provision of £10,409,611 (£9,914 per unit). Such developer contributions can be secured by an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. The basis of this is consistent with the test of reasonableness of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the Council securing the appropriate developer contribution the proposal is consistent with Policy INF3 of the adopted East Lothian Local Plan 2008, which stipulates that new housing will only be permitted where the developer makes appropriate provision for infrastructure required as a consequence of their development. The applicant's agent has confirmed in writing that his client is willing to enter into such a Section 75 Agreement.

The approved Development Framework states that there is a developer contribution requirement to provide a new public library to meet needs arising as a result of this development. In her consultation response on the previous planning application 09/00222/OUT, the Council's Principal Libraries Officer advised of the need for a developer contribution of £870,674.70 towards the provision of a new library, including furniture and fittings but excluding stock. The Planning Committee resolved to grant

planning permission in principle 09/00222/OUT subject to the prior conclusion of a legal agreement to secure this financial contribution amongst other matters.

The Council's Service Manager for Customer Services has been consulted on the proposal the subject of this current planning application (Ref: 12/00924/PPM). She confirms that the current library in Wallyford is mainly used by children rather than adults. The new primary school would include within it a school library, which would be used by local children. This would be designed to be accessible by the local community, and so the option of community use of the school library can be explored. In light of this and having carefully reviewed the matter, the Council's Service Manager for Customer Services advises that it is no longer necessary for the developer to make a financial contribution in respect of providing a new public library.

The Council's Economic Development & Strategic Investment Manager advises that in accordance with the Council's affordable housing policy, 25% of the 1050 houses should be affordable housing units, i.e. a total of 263 affordable housing units. They should be provided on site or if it can be demonstrated to the Council that this, or the off-site provision of 263 affordable units is not practicable, a commuted sum payment should be made to the Council in lieu of such an on or off-site provision. The terms for the provision of this affordable housing requirement should be the subject of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the Council securing the affordable housing requirement the proposal is consistent with Policy H4 of the adopted East Lothian Local Plan 2008. The applicant's agent has confirmed in writing that his client is willing to enter into such a Section 75 Agreement.

The proposed development by its scale and prominent public location would have a significant impact on the local environment and thus in accordance with the requirements of Policy DP17 of the adopted East Lothian Local Plan 2008 it should incorporate artwork either as an integral part of the overall design or as a related commission. This can be secured by a condition on a grant of planning permission in principle for the proposed development.

SEPA advise that provision of an integrated sustainable urban drainage scheme (SUDs) must be agreed for surface water drainage arrangements based on CIRIA's SUDS manual. SEPA confirm that they are satisfied with the drainage proposals.

Scottish Water raise no objection to the principles of the proposed development. They advise of their statutory requirements for the servicing of the development. A copy of their comments has been forwarded to the applicant.

In view of the extensive coal mining activity that has previously been carried out on the site, the Coal Authority is pleased to note that the original Environmental Statement considers the need to ensure ground conditions were afforded due consideration. They raise no objection to the principles of the proposed development.

## RECOMMENDATION

It is recommended that planning permission be granted subject to:

1. A direction to substitute the period of 3 years referred to in Section 59(2)(a)(i) and (3) of the Town and Country Planning (Scotland) Act 1997 (as amended) with a period of 8 years.

2. The undernoted conditions.

3. The satisfactory conclusion of an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997, or some other legal agreement designed to:

(i) Secure from the applicant the provision of two community sports pitches, a four changing room facility and an allotment site;

(ii) Secure from the applicant the transfer to the Council, at no cost, of ownership of the Wallyford Community Woodland;

(iii) Secure from the applicant the provision of a commuted sum for the future maintenance of Wallyford Community Woodland for a 10 year period. The commuted sum shall also be sufficient to cover maintenance for a 10 year period of the two proposed community sports pitches and the open space that is immediately adjacent to it.

(iv) Secure from the applicant a financial contribution to the Council of £8,233,666 towards the provision of the new primary school and £2,175,945 towards additional secondary school accommodation at Musselburgh Grammar School or any subsequently redefined provision of secondary education within the Musselburgh secondary catchment area;

(v) Secure the provision of 263 affordable housing units within the application site or if it can be demonstrated to the Council that this, or the off-site provision of 263 affordable units is not practicable, to secure from the applicants a commuted sum payment to the Council in lieu of such an on or off-site provision;

4. That in accordance with the Council's policy on time limits for completion of planning agreements it is recommended that the decision should also be that in the event of the Section 75 Agreement not having been executed by the applicant, the landowner and any other relevant party within six months of the decision taken on this application, the application shall then be refused for the reason that without the developer contributions to be secured by the Agreement the proposed development is unacceptable due to insufficient future maintenance and ownership arrangements for, as relevant, Wallyford Community Woodland and the two proposed community sports pitches and the open space that is immediately adjacent to it, an insufficient provision of community sports pitches, related changing facilities and allotments, a lack of sufficient primary and secondary school capacity, and the lack of provision of affordable housing, contrary to the Council's Development Framework for the development that is titled Wallyford Settlement Expansion & Regeneration and, as applicable Policies INF3 and H4 of the adopted East Lothian Local Plan 2008.

- 1 The submission for approval of matters specified in conditions of this grant of planning permission in principle shall include details of the siting, design and external appearance of all the dwellings and other buildings, the means of access to them, the means of any enclosure of the boundaries of the site and the landscaping of the site and those details shall generally accord with the Indicative Master Plan and Masterplan Document docketed to this planning permission in principle, and shall address the following requirements:
- a. The provision within the application site of recycling facilities.
  - b. Other than in exceptional circumstances where the layout or particular building type does not permit, houses and flats shall be orientated to face the street.
  - c. Notwithstanding that shown in the Indicative Master Plan docketed to this planning permission in principle there shall be no integral garages, unless it can be justified as an exceptional design feature, or where the house and garage would not be on a primary street frontage;
  - d. The detailed design of the layout shall otherwise accord with the principles set out in the Council's Design Standards for New Housing Areas and with Designing Streets;
  - e. The external finishes of the residential units shall be in accordance with a coordinated scheme of materials and colours that shall respect the layout of the development and shall promote render as the predominant finish to the walls of the residential units.
  - f. Notwithstanding the details shown in the Indicative Site Master Plan referred to above, there shall be a separation distance of at least a 9 metres between the windows of a proposed new building and the garden boundaries of neighbouring residential properties; and a separation distance of at least 18 metres between directly facing windows of a proposed new building and the windows of existing or proposed neighbouring residential properties.
  - g. Details of the play area(s), including the equipment to be provided within it and a timetable for installation, shall be submitted to and approved in advance by the Planning Authority. The play area(s) shall be installed in accordance with the details so approved.
  - h. Parking for the residential and primary school components of the development hereby approved shall be provided at a rate as set out in the East Lothian Council's "Standards for Development Roads- Part 5 Parking Standards".
  - i. All access roads shall conform to East Lothian Council's "Standards for Development Roads" in relation to roads layout and construction, footways and footpaths, parking layout and number, street lighting and traffic calming measures.
  - j. Cycle parking shall be included at a rate of 1 space per flat. The parking shall be in the form of 1 locker per flat or communal provisions in the form of a lockable room or shed.
  - k. The provision of a vehicular access from the new distributor road to the site of the residential institution/ non-residential institution unit/ retirement homes use hereby approved.
  - l. The provision of pedestrian crossing points on Fa'side Avenue South to link the proposed new footpath behind the existing tree line to the existing footpath on the northern side of Fa'side Avenue South.
  - m. The provision of a 2 metres wide footway on the southern side of the A6094 road between the northern end of the existing footpath link that runs between between Fa'side Crescent/ Fa'side Avenue South and the A6094 road, and a point approximately 60 metres to the west of the new roundabout access on the north-western edge of the site, delineated as the 'Salters Road Access' on docketed drawing no. 08018 (00) 256.
  - n. The provision of a minimum of 135 parking spaces provided within the new local centre for non-residential use.
  - o. The provision of a 1.2 metre high wall along the northern boundary of the site.

Reason:

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

development and of the wider environment and in the interests of road safety.

- 2 The details to be submitted pursuant to condition 1 shall include a revised phasing plan. The revised phasing plan shall show the site being built out in an east to west direction with no housing being constructed within the west part of the site unless and until the distributor road has been completed. The revised phasing plan shall also accord with the following requirements:

(i) The traffic calming and environmental improvement works to be undertaken on Salter's Road must be completed prior to the commencement of development, unless otherwise approved by the Planning Authority following consultation with Transport Scotland.

(ii) Any improvements to the Wallyford and Dolphingstone interchanges as outlined in the transportation assessment to be undertaken prior to the commencement of development, unless otherwise approved by the Planning Authority following consultation with Transport Scotland.

(iii) Pedestrian links between each phase of development and the existing settlement to be provided prior to the occupation of the first dwelling house in each phase unless otherwise agreed with the local planning authority.

(iv) The supermarket(s) and local centre units must be complete and ready for letting by occupation of the 675th residential unit unless otherwise agreed with the local planning authority.

(v) The proposed school shall be completed and available for use prior to the occupation of the 300th house unless otherwise agreed with the local planning authority.

(vi) The distributor road shall be completed in its entirety within a period of two years from the date on which the 300th house is occupied.

(vii) No more than 600 units shall be accessed from the proposed eastern access junction at Strawberry Corner prior to the distributor road being completed and open to vehicular traffic.

(viii) The sports pitches, changing accommodation and allotments to be completed by occupation of the 675th residential unit unless otherwise agreed with the local planning authority.

(ix) The bus layover and passenger waiting facilities to be completed and available for use by occupation of the 675th residential unit unless otherwise agreed with the local planning authority.

(x) Improvements to the community woodland to be completed by occupation of the 675th residential unit or occupancy of the new primary school, whichever is first, unless otherwise agreed with the Planning Authority.

(xi) The eastern section of the distributor road between the Strawberry Corner access junction and the new primary school shall be finished to an adoptable standard with final surfacing prior to the first opening of the new primary school.

The phasing of the development of the site shall be carried out in strict accordance with the phasing plan so approved, unless otherwise approved in writing in advance by the Planning Authority.

Reason:

To enable the Planning Authority to control the development of the site in the interests of the good planning of the site.

- 3 The development of the site shall conform with the minimum density requirements established for the identified development areas shown on docketed drawing no. 08018(00), as well as generally complying with the range of house types and sizes shown on the same drawing.

Reason:

To ensure compliance with the provisions of the development plan.

- 4 No more than 1050 residential units shall be erected on the site.

Reason:

To ensure that there is sufficient education capacity, to restrict the scale of development to that identified in the applicant's update to the Transport Assessment and to minimise interference with the safety and free flow of traffic on the trunk road.

- 5 Housing completions in any one year (with a year being defined as being from 1st April to 31st March the following year) shall not exceed the following completion rates:

Year 1- 120 residential units  
Year 2- 120 residential units  
Year 3- 120 residential units  
Year 4- 150 residential units  
Year 5- 150 residential units  
Year 6- 150 residential units

Year 7- 150 residential units  
Year 8- 90 residential units

If less than the specified number of residential units are completed in any one year then those shall be completed instead at Year 9 or beyond and not added to the subsequent Year.

Reason:

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

- 6 Unless otherwise approved in writing in advance by the Planning Authority, the uses and unit sizes of the commercial units within the new local centre shall accord with the Local Centre table that is docketed to this planning permission in principle.

No more than 2731 square metres (gross) of the total gross floor space of the commercial units shall be used for convenience retail and no more than 603 square metres (gross) of the total gross floor space of the commercial units shall be used for comparison retail.

Reason:

In order to retain control over the format of retail and other commercial development in the interests of the vitality and viability of the new local centre.

- 7 No development shall take place until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping. The scheme shall provide details of : the height and slopes of any mounding on or recontouring of, the site; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. The scheme shall include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

Reason:

In order to ensure the implementation of a landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area.

- 8 Prior to the commencement of development a long term landscape and habitat management plan shall be submitted to and approved in writing by the Planning Authority.

Reason:

To maximise the ecological potential of the proposed development.

- 9 Prior to the commencement of development a woodland management plan for the community woodland shall be submitted to and approved in writing by the Planning Authority. The plan shall further the value of the resource for biodiversity as well as people, and shall include the following measures:

- \* Formalisation and lighting of key footpaths to adoptable standard. These will give access to the new local centre and school;
- \* Provision of cycleways where required;
- \* Informal surfacing of secondary paths;
- \* Provision of additional lighting and seating in appropriate locations; and
- \* Enhancement of the existing viewing area and clearing at the summit of the woodland.

The plan shall cover a 15 year period, to be split into 5 year periods, and shall include a timetable for implementation.

The requirements of the woodland management plan shall thereafter be carried out in accordance with the details so approved.

Reason:

To maximise the ecological potential of the proposed development.

- 10 A Green Travel Plan shall be submitted to and approved by the Planning Authority prior to the first use of any component of the mixed use development. The Green Travel Plan shall have particular regard to provision for walking, cycling and public transport access to and within the site, and will include a timetable for its implementation, details of the measures to be provided, the system of management, monitoring, review, reporting and duration of the Plan.

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 mixed use development.

- 11 Prior to the commencement of development the findings of an independent road safety audit of the traffic calming and other environmental improvements of Salters Road shown on docketed drawing nos. 0645-LE-201 Rev B, 0645-LE-202 Rev B, 0645-LE-203 Rev B, 0645-LE-204 Rev A, and 0645-LE-205 Rev A shall be submitted to and approved in writing by the Planning Authority.

The traffic calming and other environmental improvements of Salters Road shall thereafter be fully undertaken in accordance with docketed drawing nos. 0645-LE-201 Rev B, 0645-LE-202 Rev B, 0645-LE-203 Rev B, 0645-LE-204 Rev A, and 0645-LE-205 Rev A and the approved findings of the independent road safety audit prior to the first occupation of any of the houses hereby approved.

Reason:

In the interests of road safety.

- 12 Prior to the commencement of development the findings of an independent road safety audit of the design of the environmental improvements of Inchview Road shown on docketed drawing no. 0645-LE-207 Rev A shall be submitted to and approved in writing by the Planning Authority.

Prior to the first occupation of the 675th house or occupancy of the new primary school, whichever is sooner, the environmental improvement of Inchview Road shall be fully carried out in accordance with docketed drawing no. 0645-LE-207 Rev A and the approved findings of the independent road safety audit.

Reason:

In the interests of road safety.

- 13 Unless otherwise approved in writing by the Planning Authority, the following transportation requirements shall have been undertaken prior to the occupation of the 675th residential unit or the occupation of the new school, whichever is the soonest:

a. A footpath, which shall include street lighting and which shall be made up to an adoptable standard, shall be formed through the community woodland in an east to west axis in the position that is indicatively shown on the masterplan docketed to this planning permission in principle.

Reason:

In the interests of road safety.

- 14 Prior to the commencement of development the findings of an independent road safety audit of the traffic calming and other environmental improvements of the new distributor road shown on docketed drawing nos. 0645-LE-101 Rev B, 0645-LE-102 Rev B, 0645-LE-103 Rev B, and 0645-LE-104 Rev B shall be submitted to and approved in writing by the Planning Authority. The audit shall include all access junctions, bus stops, raised tables, and signalised junctions/ crossing points. It shall include details of safe crossing locations for pedestrians travelling to and from the new Town Centre in a north to south direction.

The traffic calming and other environmental improvements of the new distributor road shall thereafter be fully undertaken in accordance with docketed drawing nos. 0645-LE-101 Rev B, 0645-LE-102 Rev B, 0645-LE-103 Rev B, and 0645-LE-104 Rev B and the approved findings of the independent road safety audit prior to the whole of the new distributor road being opened to vehicular traffic.

Reason:

In the interests of road safety.

- 15 A monitoring program of traffic flows on Salters Road and the new distributor road shall be put in

place to ensure that the deflection measures are operating to the satisfaction of the Planning Authority. Traffic count surveys shall be completed on occupancy of the 175th unit, the 450th unit, the 675th unit, and on completion of the development. The findings of the traffic count surveys shall be submitted to the Planning Authority within a period of two months from the date of the traffic count, unless otherwise approved in writing by the Planning Authority.

Reason:

In the interest of road safety.

- 16 No development shall take place until there has been submitted to and approved in writing by the Planning Authority full details of the bus gate, including a timetable for its installation and proposals for its future maintenance, that is to be installed between Inchview Road and the new local centre. The bus gate shall thereafter be installed in accordance with the details so approved.

Reason:

In the interests of road safety.

- 17 No development shall take place until the applicant has submitted to and approved in advance a signage strategy for the application site. The strategy shall identify and promote key pedestrian, cycle and vehicle routes to and from the new local centre from both the existing settlement of Wallyford and from the other components of the mixed use development hereby approved.

Reason:

In the interests of encouraging sustainable travel patterns in respect of the mixed use development.

- 18 A Construction Method Statement to minimise the impact of construction activity on the amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic and shall include hours of construction work. It shall also address the temporary measures proposed to deal with surface water run off during construction in accordance with the requirements of the Water Environment (Controlled Activities) (Scotland) Regulations 2005 and General Binding Rules. The Construction Method Statement shall also make recommendations in respect of how pedestrians and school children can safely access the new school during construction works. These recommendations shall include the eastern section of the distributor road and footpaths from the new Strawberry Corner access being finished to an adoptable standard with final surfacing prior to the opening of the new school.

The recommendations of the Construction Method Statement shall be implemented prior to the commencement of development.

Reason:

To minimise the impact of construction activity in the interests of the amenity of the area.

- 19 The details to be submitted pursuant to condition 1 above shall include full details of all noise mitigation measures. These shall be based on the mitigation measures identified in the docketed Noise and Vibration report and shall be designed so that the 'good standard' indoor levels from Table 5 of BS 8233 Sound Insulation and Noise Reduction for Buildings- Code of Practice are met inside the proposed residential units. The mitigation measures shall include the erection of an acoustic barrier along the southern boundary of the site. The details to be submitted shall also include a timetable for the implementation of all of the proposed noise mitigation measures.

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

Reason:

To ensure an appropriate level of acoustic screening in the interests of the amenity of the future occupants of the site.

- 20 Development shall not begin until a scheme to deal with contamination on the site has been submitted to and approved in writing by the Planning Authority. The scheme, which shall include a detailed gas survey (long term monitoring) and a detailed groundwater monitoring exercise, shall contain details of the proposals to deal with contamination to include:

- 1 the nature, extent and type(s) of contamination on the site,
- 2 measures to treat/remove contamination to ensure the site is fit for the use proposed,
- 3 measures to deal with contamination during construction works,
- 4 condition of the site on completion of decontamination measures.

Before any of the buildings are occupied the measures to decontaminate the site shall be fully implemented as approved by the Planning Authority.

Reason:

To ensure that the site is clear of contamination prior to the occupation of any of the buildings.

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

a. the existing 30 miles per hour speed limit has been extended along the frontage of the site on the A199 road from the existing 30 mph limit at Wallyford Toll, up to the eastern side of the proposed new access at Strawberry Corner; and

b. the existing 30 miles per hour speed limit has been extended along the frontage of the site on Salter's Road from the existing 30 mph limit at Fa'Side Crescent, up to the western side of the proposed new access on the A6094 road.

Details of the proposed extension to the existing 30 miles per hour speed limit shall be submitted for approval by the Planning Authority. These measures shall be implemented in accordance with the details as approved by the Planning Authority.

Reason:

In the interests of road safety.

22 The proposed eastern and western vehicle site accesses shall be designed in accordance with the Design Manual for Roads and Bridges, Volume 6. An independent road safety audit shall be undertaken (and submitted to the Planning Authority for approval) for the final design drawings of the those two site accesses.

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

Reason:

In the interests of road and pedestrian safety.

23 There shall be no commencement of development unless and until:

a) proposals for the alteration and re-activation of the existing traffic signal installation at the A1/A6094 junction have been approved in writing with the Planning Authority, in consultation with Transport Scotland; and

b) revised signal timing plans for the existing traffic signal installation at the A1/A199 junction have been submitted and approved in writing with the Planning Authority, in consultation with Transport Scotland.

The details to be submitted shall include a timetable for their implementation.

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

Reason:

To mitigate the adverse impact of the development on the safe and efficient operation of the trunk road.

24 No development shall take place until the applicant has, through the employ of an archaeologist or archaeological organisation, secured the implementation of a programme of archaeological work on the site of the proposed development in accordance with a written scheme of investigation which the applicant will submit to and have approved in advance by the Planning Authority.

Reason:

To facilitate an acceptable archaeological investigation of the site.

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

Reason:

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

26 Surface water from the application site shall be treated in accordance with the principles of the SUDS Manual (C697), which was published by CIRIA in March 2007.

Reason:

To ensure that the drainage scheme complies with best SUDS practice to protect nearby watercourses and groundwater.

*Please note that the remainder of pages relating to this item have been removed as they contain personal information (for example - names and addresses of people that have made representation)*



**REPORT TO:** Planning Committee  
**MEETING DATE:** Tuesday 1 April 2014  
**BY:** Depute Chief Executive  
(Partnerships and Community Services)  
**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 reason: This application is proposing to develop the whole site for housing and that is contrary to proposal H10 of the adopted East Lothian Local Plan 2008. I would therefore ask that this application is brought before the Planning Committee for their determination.*

Application No. **13/00719/P**  
Proposal Erection of 17 houses, garages and associated works  
Location **Land At Station Road  
Dunbar  
East Lothian**  
Applicant Dundas Estates  
Per EMA Architecture and Design Limited  
RECOMMENDATION Consent Granted

#### PLANNING ASSESSMENT

The application site is a 1.02 hectares irregularly shaped field that is located on the western side of Station Road, Dunbar. The land of the application site slopes down gently from north to south. It is bounded to the north by a length of Countess Road, beyond which is Dunbar Town Centre, to the east by Station Road, to the south by Dunbar Railway Station, and to the west and northwest by the residential properties of Ashfield House and Ashfield Cottage. The site is within the Dunbar Conservation Area.

There are a number of listed buildings in the locality, including; Dunbar Parish Church (Category A listed), Dunbar Station Lodge (Category B listed), and Dunbar Railway Station (Category B listed).

In November 2010 planning permission in principle (Ref: 10/00246/PP) was granted for the erection of a 60 bed nursing home and care housing for the elderly on the application site. Planning permission in principle 10/00246/PP lapsed on the 30 November 2013 without it having been implemented.

Planning permission is now sought for the erection of 17 houses, garages and associated works on the application site.

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan, unless material considerations indicate otherwise.

The development plan is the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Plan 2008.

Relevant to the determination of the application is Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Proposal H10 (Station Road Field, Dunbar) and Policies ENV1 (Residential Character and Amenity), ENV3 (Listed Buildings), ENV4 (Development Within Conservation Areas), INF3 (Infrastructure and Facilities Provision), H4 (Affordable Housing), DP1 (Landscape and Streetscape Character), DP2 (Design), DP14 (Trees on or adjacent to Development Sites), DP17 (Art Works- Per Cent for Art), DP20 (Pedestrians and Cyclists), DP22 (Private Parking) and T2 (General Transport Impact) of the adopted East Lothian Local Plan 2008.

Material to the determination of the application are Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the Scottish Government's policy on development affecting a listed building and development within a conservation area given in Scottish Planning Policy: February 2010.

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

Scottish Planning Policy echoes the statutory requirements of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that a planning authority must have regard to the desirability of preserving or enhancing the character or appearance of a conservation area in exercising its responsibilities in the determination of any application for planning permission for development affecting a conservation area. It is stated in Scottish Planning Policy that proposed development that would have a neutral affect upon the character or appearance of a conservation area (i.e. does no harm) should be treated as one which preserves that character or appearance. The design, materials, scale and siting of new development within a conservation area should be appropriate to the character of the conservation area.

Also material to the determination of the application are the representations received from the public.

There are a total of 3 written representations, one of which makes objection to the proposed development and the other two which support the proposed development.

The written objection is from the Architectural Heritage Society of Scotland (AHSS). They object to the application on the grounds that the inward-looking and uninspired housing development would be a foreign and undigested lump within the Dunbar Conservation Area. They are concerned that the proposal is premature, and suggest that the Council should first prepare a development brief for the site. They also suggest that a pedestrian right of way should be provided at the southern end of the site to provide a direct link

between the railway station and the underpass that is to the southwest of the site.

One of the other representations supports the proposal as it is in a sustainable location with good public transport links. It is suggested that higher density housing could be provided, and a car club could be developed within the site itself. Access to the development needs to be very carefully considered as the entrance crosses a main pedestrian route to school. Consideration should also be given to the provision of a pedestrian gate at the southeast corner of the site.

The other representation supports the principle of additional housing close to the heart of Dunbar and within easy walking distance. Concerns are however raised that the proposal would alter the character of the Conservation Area, that specimen trees may be removed to facilitate the proposed development, and that a new access to the site is not helpful given that traffic at this point is often increasing speed. The representation also questions the sustainability of the development and the unnecessary number of parking spaces that are proposed.

Dunbar Community Council advise that they are not against the use of the site for housing in principle. They are however saddened that the nursing home and care housing for the elderly approved by planning permission in principle 10/00246/PP is not proceeding. Some concern is expressed that too many houses are being proposed. In this regard the Community Council suggest that the two centrally positioned houses should be deleted to increase the size of the proposed area of open space.

Network Rail, a statutory consultee on this planning application, raise no objection to the principle of the proposed development. They do however provide general advice on how the development should be designed and constructed to ensure that it does not impact on the use of the main east coast rail line. A copy of the letter from Network Rail has been passed onto the applicant for their attention.

The application site is covered by Proposal H10 of the adopted East Lothian Local Plan 2008. Proposal H10 allocates the site for a mixed development of housing and car parking.

The principle of the proposed development of houses on part of the site is consistent with Proposal H10 of the adopted East Lothian Local Plan 2008.

As well as for a housing development, Proposal H10 also allocates the site for car parking. The pre-text to Proposal H10 states that the car parking would be suitable for both the railway station, to ease congestion on Countess Road, and for the town centre where there is an identified need for parking to the south of the town centre.

The development of the site for which planning permission is sought does not include for the provision of the development of a car park. Rather, it is proposed that all of the site would be developed for 17 houses. Thus the proposed development of all of the site for 17 houses is contrary to Proposal H10 of the adopted East Lothian Local Plan 2008.

Notwithstanding this, it is necessary to consider whether there are material considerations in this case that outweigh this element of development plan policy.

In granting planning permission in principle for the development of all of the application site for a 60 bed nursing home and care housing for the elderly it was accepted by the Council, as Planning Authority, that none of the land of the site was required to be retained as a site for car parking.

In taking that decision, the Council accepted that there has been an important change in circumstance since the East Lothian Local Plan was adopted in October 2008.

In October 2008 Network Express East Coast and Network Rail applied to the Council for a Certificate of Lawfulness (Ref: 08/00875/CLD) for a proposed use and development of an area of land that is immediately to the north of the existing car park of Dunbar Railway Station. The purpose of the application was to establish whether or not the proposed use and development of that land for a car park would be permitted development under the relevant Class of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (i.e. whether the proposed use and development of the land for a car park is lawful for planning purposes).

The applicant claimed that development of the land for a surface level car park containing a total of 57 spaces with lighting and CCTV units and the use of an existing vehicular access to it from Station Road with minor modifications, including the use of the existing drainage and boundary enclosures would be permitted development under Class 34 (Railway and light railway undertakings) of Part 13 (Development by Statutory Undertakers) of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992.

In December 2008 the Council decided that the area of land is railway operational land and that it is within the operational and occupational land of Dunbar Railway Station. A Certificate of Lawfulness was issued as the proposed use and development of the land to form a surface level car park with lighting and CCTV units and the use of an existing entrance with minor modifications, including the use of the existing drainage and boundary enclosures, falls within the provisions of Class 34 of Part 13 of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended).

The surface level car park has not yet been formed. However the Council's Transportation service is satisfied that if formed, it would be of a sufficient size and in a suitable location to adequately provide car parking for both the railway station and for the town centre. Together with the existing station car park, Transportation advise that this land could accommodate a total of 110 car parking spaces and a bus interchange. Accordingly, they are satisfied that due to such alternative provision it is no longer necessary for a car park to be formed on part of the land of the application site. They, therefore, raise no objection in principle to part of the application site being developed for houses instead of for a car park.

On this consideration, the Council's Policy and Projects Manager also raises no objection to the principle of all of the site being developed for 17 houses, instead of part of the site being developed for a car park.

The site is situated in an area of predominantly residential use, as defined by Policy ENV1 of the adopted East Lothian Local Plan 2008. Although the principal purpose of Policy ENV1 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 it does state that proposals for new development will be assessed against appropriate local plan policies. The residential development of all of the site for 17 houses would be compatible with the predominantly residential use, character and amenity of the area. The principle of the development is not inconsistent with Policy ENV1 of the adopted East Lothian Local Plan 2008.

On all of these considerations the principle of part of the application site being developed for houses instead of for a car park is an acceptable departure from Proposal H10 of the

adopted East Lothian Local Plan 2008.

The details submitted with the application show 17 detached houses laid out within the application site around a landscaped public area that would occupy a central position within the application site. The houses are all to be two storeys in height. 11 of the 17 houses would be served by detached double garages. The remainder of the proposed houses would have integral double garages. The existing trees along the eastern boundary of the application site are to be largely retained and protected, although some limited removal of existing trees is proposed. The existing stone walls that enclose the eastern and southern boundaries of the site would be retained. It is also proposed to sub-divide the rear gardens of the 17 houses with 1.8 metre high timber fences.

The proposed houses are to be finished with cream or stone coloured rendered walls with good quality reconstituted or natural stone base courses and window cills and bands. The roofs of the houses are to be clad in natural slate. Rainwater goods are to be of UPVC construction and finished in a black colour.

The 17 houses are to be accessed from Countess Road at a point immediately to the west of its junction with Station Road with an internal access road being formed within the application site.

In their positions and due to the elevated nature of the site, the proposed houses and detached garages would, in part, be visible from public places in the locality of the site, including from Abbey Road, Station Road, Countess Road and the platform of Dunbar railway station. They would however be well contained within the site, which is enclosed on some of its boundaries by high stone walls and additionally along its eastern boundary by an existing belt of mature trees, and elsewhere by the residential properties immediately to the west and northwest of the site. In this regard, the proposed houses and garages would sit comfortably in their house plots, would not harmfully disrupt the density and pattern of layout of the houses of the surrounding area, and would not be harmful to the character and appearance of this part of the Conservation Area.

By their height and proportions the proposed houses and garages would be in keeping with the residential character of the area and the architectural character and appearance of this part of the Dunbar Conservation Area. The proposed houses are each similarly designed with some traditional architectural features, including pitched roofs clad in natural slate, rendered walls, timber framed windows of a sash and case style and stone window bands. The proposed houses are generally of a design sympathetic to their surroundings. To give a variety to the appearance of the development and its visual relationship with the existing buildings to the north, east and west it would be reasonable to require that the wet dash rendered walls of the buildings be painted in a co-ordinated scheme of different colours. This requirement could be imposed by a condition attached to the grant of detailed planning permission for the development. Subject to the imposition of this planning control, the proposed houses would not harm the character and appearance of the Conservation Area and the setting of the nearby listed buildings.

The proposed associated works, including the erection of garages and the formation of a vehicular access would not, subject to control being exercised over the materials to be used, harm the character and appearance of the Conservation Area.

The application site is physically capable of accommodating the entire development, including satisfactory vehicular and pedestrian access and car parking, without resulting in an overdevelopment of it or increasing the density of development such that the established character of the area is harmfully altered.

The proposed 17 houses would be so sited, oriented and screened such as not to harm the privacy and amenity of the neighbouring residential properties through overlooking or overshadowing.

The proposed 17 houses would be laid out in such a way as to give an acceptable standard of residential amenity to their future occupants.

The proposed development is consistent with Policy 1B of the approved South East Scotland Strategic Development Plan (SEsplan), Policies ENV3, ENV4, DP1 and DP2 of the adopted East Lothian Local Plan 2008 and with Scottish Planning Policy: February 2010.

The belt of mature trees along the eastern edge of the site is important to the landscape character of the Dunbar Conservation Area. A tree survey and arboricultural implication study has been submitted with the application, which concludes that most of those mature trees could be retained. The Council's Policy and Projects Manager concurs with the findings of the report, and is satisfied with how the applicant proposes to safeguard the trees to be retained during construction works. He recommends that additional tree planting should be provided along the eastern edge of the site, to strengthen the existing tree belt. The additional tree planting recommended by the Policy and Projects Manager can reasonably be secured by a conditional grant of planning permission for the proposed development. The proposed development does not conflict with Policy DP14 of the adopted East Lothian Local Plan 2008.

The Council's Biodiversity Officer raises no objection to the proposed development, advising that the application site consists of a relatively species poor pasture, offering only limited habitat value.

The application site being adjacent to Dunbar Railway Station is next to the main east coast rail line. The applicant has submitted a noise and vibration assessment, which assesses the levels of railway noise and vibration and their likely impact on the proposed 17 houses. The assessment concludes that railway noise and vibration would not adversely affect the amenity of residents of the proposed 17 houses. The Council's Principal Environmental Protection Officer has considered the noise and vibration assessment, and confirms that he agrees with the conclusion of it and does not consider it necessary to impose any measures to mitigate the impact of noise or vibration from the railway.

The Council's Transportation service are satisfied that the proposed 17 houses could be safely accessed and that sufficient on-site car parking could be provided. They recommend that dropped kerbs should be provided at the site junction with Countess Road to ensure a safe means of access for pedestrians. Transportation also recommend that gates to dwellings should open inwards into the property and that the proposed driveways should be hard formed over the first 2 metres to prevent loose materials entering the public road. They further recommend that the driveway should each have a minimum visibility splay of at least 2 metres by 20 metres in both directions so that no obstruction lies within it above a height of 1.05 metres measured from the adjacent carriageway surface. These matters can be controlled through the imposition of a condition on a grant of planning permission for the proposed development.

The Transportation service recommends that a construction method statement should be submitted to and approved in advance by the Planning Authority. The construction method statement should seek to minimise the impact of construction traffic movement and activity on the local road network. On a wider consideration it should also seek to minimise the impact of construction traffic movement and activity on the amenity of the

area. It should recommend mitigation measures to control noise, dust, construction traffic and shall include hours of construction work.

The Transportation service also recommend that wheel washing facilities must be provided and maintained during the period of construction of the site.

The submission of a construction method statement and the provision of wheel washing facilities can be secured through a conditional grant of planning permission for the proposed development.

With the imposition of conditions to cover the recommendations of the Transportation service the proposed development would accord with Policies T2, DP20 and DP22 of the adopted East Lothian Local Plan 2008.

The Council's Waste Services Manager raises no objection to the proposed development.

The proposed development by its scale and prominent public location would have a significant impact on the local environment and thus in accordance with the requirements of Policy DP17 of the adopted East Lothian Local Plan 2008 it should incorporate artwork either as an integral part of the overall design or as a related commission. This can be secured by means of a condition on the grant of planning permission for the proposed development.

The Scottish Environment Protection Agency raise no objection to the proposed development.

Scottish Water were consulted on this planning application but provided no comments on it.

The application site is within the inventory boundary of the Battle of Dunbar II. The Battle of Dunbar II is included within the Inventory of Historic Battlefields.

Historic Scotland raise no objection to the proposed 17 houses, being satisfied that they would not harm the Battle of Dunbar II site.

It is stated in Scottish Planning Policy: February 2010 that archaeological sites and monuments are an important finite and non-renewable resource and should be protected and preserved in situ wherever feasible. The presence and potential presence of archaeological assets should be considered by planning authorities when making decisions on planning applications. Where preservation in situ is not possible planning authorities should through the use of conditions or a legal agreement ensure that developers undertake appropriate excavation, recording, analysis, publication and archiving before and/or during development. If archaeological discoveries are made during any development, a professional archaeologist should be given access to inspect and record them. Planning Advice Note 42: Archaeology similarly advises.

The Council's Heritage Officer advises that the application site lies within an area regarded as having a good potential for archaeological remains to be present. Accordingly she recommends that a programme of archaeological works should be carried out by a professional archaeologist to evaluate the site for any potential archaeological remains. This can be secured through a condition attached to a grant of planning permission for the proposed development. This approach is consistent with Scottish Planning Policy: February 2010, Planning Advice Note (PAN) 2/2011: Planning and Archaeology and with Policy ENV7 of the adopted East Lothian Local Plan 2008.

The Council's Executive Director (Support Services) informs that the application site is located within the primary school catchment area of Dunbar Primary School and the secondary school catchment area of Dunbar Grammar School. He confirms that Dunbar Primary School (P1-3) has capacity to accommodate pupils that might arise from occupation of the proposed 17 houses. However, there would be insufficient capacity at both Dunbar Primary School (P4-7) and Dunbar Grammar School to accommodate pupils that might arise from occupation of the proposed houses. Thus he objects to the application on the grounds of lack of permanent capacity at those schools. However, he would withdraw that objection provided the applicant makes a financial contribution to the Council of £86,870 (£5,110 per unit) towards the provision of additional school accommodation at Dunbar Primary School (P4-7) and Dunbar Grammar School.

This can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the payment of the required contribution towards educational accommodation the proposal is consistent with Policy INF3 of the adopted East Lothian Local Plan 2008, which stipulates that new housing will only be permitted where appropriate provision for infrastructure required as a consequence of the development is made. This will include funding necessary school capacity.

The Council's Economic Development & Strategic Investment Manager advises that in accordance with the Council's affordable housing policy, 25% of the proposed 17 houses should be affordable housing units, i.e. a total of 4 affordable housing units. They should be provided on site or if it can be demonstrated to the Council that this, or the off-site provision of 4 affordable units is not practicable, a commuted sum payment should be made to the Council in lieu of such an on or off-site provision. The terms for the provision of this affordable housing requirement should be the subject of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the Council securing the affordable housing requirement the proposal is consistent with Policy H4 of the adopted East Lothian Local Plan 2008.

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:

(i) secure from the applicant a financial contribution to the Council of £86,870 (£5,110 per unit) towards the provision of additional school accommodation at Dunbar Primary School (P4-7) and Dunbar Grammar School, as identified by the Council's Executive Director (Support Services); and

(ii) secure the provision of 4 affordable housing units within the application site or if it can be demonstrated to the Council that this, or the off-site provision of 4 affordable units is not practicable, to secure from the applicant a commuted sum payment to the Council in lieu of such an on or off-site provision.

In accordance with the Council's policy on time limits for completion of planning agreements the decision should also be that in the event of the Section 75 Agreement not having been executed by the applicant, the landowner and any other relevant party within six months of the decision taken on this application, the application shall then be refused for the reason that:

(i) without the required developer contribution for the provision of additional school accommodation at Dunbar Primary School (P4-7) and Dunbar Grammar School and agreement on the terms of provision of the required amount of affordable housing being secured by an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 the proposed development of 17 houses is unacceptable due to a lack of sufficient school capacity at Dunbar Primary School (P4-7) and Dunbar Grammar School and a lack of provision of affordable housing, contrary to Policies INF3 and H4 of the adopted East Lothian Local Plan 2008.

#### CONDITIONS:

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

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

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

Reason:

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

- 2 No development shall take place until the applicant has, through the employ of an archaeologist or archaeological organisation, secured the implementation of a programme of archaeological work on the site of the proposed development in accordance with a written scheme of investigation which the applicant will submit to and have approved in advance by the Planning Authority.

Reason:

To facilitate an acceptable archaeological investigation of the site.

- 3 No development shall take place until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping. The scheme shall provide details of : the height and slopes of any mounding on or recontouring of, the site; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. The details shall include the provision of additional/ replacement trees within the belt of trees located along the eastern edge of the site. The scheme shall include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

Reason:

In order to ensure the implementation of a landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area.

- 4 Notwithstanding that which is stated on the drawings docketed to this planning permission, a detailed specification of all external finishes of the houses and garages of the proposed development shall be submitted to and approved by the Planning Authority prior to the use of the finishes in the development. The detailed specification shall show the basecourse, cills and window surrounds being constructed in natural stone, and not reconstituted stone. The external finishes of the houses and flats shall be in accordance with a co-ordinated scheme of materials and colours that shall be submitted to and approved in advance by the Planning Authority. This co-ordinated scheme shall in detail promote wet dash render as the predominant finish to the walls of the houses

and garages, with a use of more than one render colour and with a strongly contrasting difference in the colours such that they will not each be of a light colour. All such materials used in the construction of the houses and garages shall conform to the details so approved.

Reason:

To ensure the development is of a satisfactory appearance in the interest of the character and appearance of the Dunbar Conservation Area.

5

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

Reason:

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

6

The development hereby approved shall be carried out in strict accordance with the following transportation requirements:

1. Dropped kerbs shall be provided at the crossing points at the junction with the existing public road to provide suitable safe for people accessing and egressing the site. Details of the dropped kerbs to be provided shall be submitted to and approved in advance of their provision by the Planning Authority;

2. Gates to dwellings shall open into the property;

3. The driveways shall be hard formed over the first 2 metres to prevent loose materials entering the public road; and

4. The driveways shall have a minimum visibility splay of at least 2 metres by 20 metres in both directions so that no obstruction lies within it above a height of 1.05 metres measured from the adjacent carriageway surface.

Reason:

In the interests of road and pedestrian safety.

7

A Construction Method Statement to minimise the impact of construction activity on the amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic and shall include hours of construction work.

The recommendations of the Construction Method Statement shall be implemented prior to the commencement of development.

Reason:

To minimise the impact of construction activity in the interests of the amenity of the area.

8

No work shall be carried out on the site unless and until an effective vehicle wheel washing facility has been installed in accordance with details to be submitted to and approved by the Planning Authority prior to its installation. Such facility shall be retained in working order and used such that no vehicle shall leave the site carrying earth and mud in their wheels in such a quantity which causes a nuisance or hazard on the road system in the locality.

Reason:

In the interests of road safety.

*Please note that the remainder of pages relating to this item have been removed as they contain personal information (for example - names and addresses of people that have made representation)*