

**REPORT TO:** Planning Committee

**MEETING DATE:** Tuesday 2 June 2015

**BY:** Depute Chief Executive  
(Partnerships and Community Services)

**SUBJECT:** Application for Planning Permission for Consideration

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Application No. **14/00089/PM**

Proposal Erection of 257 houses, 119 flats, commercial and community buildings and associated works

Location **Letham Mains  
Haddington  
East Lothian**

Applicant CALA Management Ltd

Per Holder Planning

RECOMMENDATION Consent Granted

#### PLANNING ASSESSMENT

As the area of the application site is greater than 2 hectares and the proposed development is for more than 50 houses, the development proposed in this application is, under the provisions of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, defined as a major development and thus it cannot be decided through the Council's Scheme of Delegation. The application is therefore brought before the Planning Committee for a decision.

As a statutory requirement of major development type proposals this development proposal was the subject of a Proposal of Application Notice (Ref: 11/00004/PAN) and thus of community consultation prior to this application for planning permission being made to the Council. The community consultation undertaken was also at the same time undertaken in respect of a wider scheme of housing, a school and other development of land at Letham Mains, Haddington.

As an outcome of that and as a statutory requirement for dealing with major development type applications a pre-application consultation report is submitted with this application. The report informs that some 188 people attended the pre-application public exhibition, which was held over a two day period at the Corn Exchange, Haddington, and that those attendees made a number of queries and suggestions regarding the proposals. Amendments have been made to the proposal following the community consultation.

The development for which planning permission is now sought is however of the same character as that which was the subject of the community engagement undertaken through the statutory pre-application consultation of the proposal.

This application relates to some 43 hectares of agricultural land at Letham Mains, on the western edge of Haddington. The agricultural land is allocated for a mixed use development of 750 houses, social and community facilities and associated infrastructure by Proposal H3 (Letham Mains) of the adopted East Lothian Local Plan 2008. It is also allocated for a new primary school by Proposal ED3 (Letham Primary School, Haddington) of the adopted East Lothian Local Plan 2008.

The allocated site is irregularly shaped. The land slopes down from north to south. It is bounded to the north by the B6471 road, beyond which are existing residential properties, a field, and the land of the former Gateside Commerce Park.

In January 2015 planning permission (Ref: 14/00219/PM) was granted for the erection on the former Commerce Park site of 112 houses, business/ light industrial units (Class 4 use) and a pub/ restaurant. The commerce buildings have recently been demolished. Development of the 112 houses, business/ light industrial units (Class 4 use) and a pub/ restaurant has not yet commenced.

In November 2014 planning permission in principle 13/00800/PPM was granted for a residential and business development of the field that is on the northern side of the B6471 road, to the north of the allocated site. Approval of matters specified in conditions of planning permission in principle 13/00800/PPM (Refs: 14/00940/AMC and 14/00941/AMC) have since been granted for the erection of a total of 60 houses on the part of the field approved for housing development. Additionally in April 2015 the Council resolved to grant planning permission (Ref: 14/00904/P) for the erection of a further 19 houses on the part of the field approved for housing development, subject to the prior conclusion of a legal agreement to secure education and affordable housing contributions. That legal agreement has not yet been concluded and therefore planning permission 14/00904/P has not yet been granted. In March 2015 approval of matters specified in conditions of planning permission in principle 13/00800/PPM (Ref: 15/00204/AMM) was sought for the erection of business units on the part of the field approved for business development. The application has not yet been registered as it was found to be invalid on receipt.

To the east the allocated site is bounded by the St Laurence House Burn and a section of the Letham Burn, beyond which are residential properties. The allocated site is bounded to the south by agricultural land and by a length of Pencaitland Road.

In March 2014, following an appeal to the Scottish Ministers, planning permission in principle (Ref: 13/00071/PPM) was granted for the principle of the residential development of some 6.7 hectares of land at Dovecot Farm, to the south of Pencaitland Road. In September 2014 approval of matters specified in conditions of planning permission in principle 13/00071/PPM (Ref: 14/00731/AMM) was sought for the erection of 109 houses and 4 flats on that land. A cross-referenced report on that application is at this time also presented to the Planning Committee.

The allocated site is partly bounded to the west by a belt of trees and beyond that by a shared access drive serving the properties of Letham House, East Cottage, Little Letham and West Letham. Letham House is listed as being of special architectural or historic interest (Category B). The allocated site is otherwise bounded to the west by agricultural land.

A Scheduled Ancient Monument, known as Spottiswoode, enclosure 145m SSW of, occupies the northeast part of the allocated site.

A residential property known as Gateside Cottage is located on part of the northern end of the allocated site.

In July 2013 planning permission (Ref: 13/00519/PM) was sought for the erection of 385 houses and 48 flats on the western part of the allocated site. In July 2014 planning permission (Ref: 14/00534/PCL) was sought for the erection of a primary school and associated works on the central part of the allocated site. Cross-referenced reports on planning applications 13/00519/PM and 14/00534/PCL are at this time also presented to the Planning Committee.

Planning permission is sought through this application for the erection of 257 houses and 119 flats, a public square and for associated infrastructure including roads and footpaths, open space, and landscaping on the eastern part of the allocated site.

The proposed development would be comprised of 167 detached houses, 30 semi-detached houses, 46 terraced houses, 14 town houses and 119 flats. The majority of residential units would be two storeys in height. However three of the proposed houses would be bungalows, the town houses would be two storeys in height with accommodation in the roofspace and some of the flatted buildings would be three storeys in height. 66 of the proposed residential units are being promoted as affordable housing.

The application site has an area of 23.1 hectares. It is essentially dissected into a northern part and a southern part by the Letham Burn, which flows through the centre of the site.

The northern part of the application site would be accessed from the B6471 road by way of 3 new access junctions. A total of 268 residential units would be located within the northern part of the site. A public square is proposed at the western edge of the northern part of the site. Immediately to the north of the public square would be a flatted building. The flatted building would contain four retail units on the ground floor and a total of 10 flats above. A service yard, recycling area and car park would be located immediately to the north of the proposed building. The Spottiswoode, enclosure 145m SSW of, Scheduled Ancient Monument is proposed as an area of informal open space, with a network of footpaths formed around it. A SUDS pond would be formed in the southeast corner of the northern part of the site.

A linear park is proposed along the central part of the site, on either side of the Letham Burn. The linear park would include a play area and footpaths along the northern and southern sides of the Burn.

The southern part of the application site would be accessed from Pencaitland Road by way of a new roundabout junction. A total of 108 residential units would be located within the southern part of the site. The eastern end of the southern part of the application site would consist of open space, which would include a full size football pitch and a single storey changing pavilion. A 10 metres wide landscape strip would be formed along most of the southern edge of the application site.

When the application was first submitted, planning permission was sought for the erection of 258 houses and 119 flats on the site. The agent has since clarified that this was incorrect and that planning permission is in fact sought for the erection of 257 houses and 119 flats. The application description has duly been amended to reflect this

change.

A revised site layout plan has also been submitted, which shows changes to the proposed parking layout.

The application is supported by a Masterplan Document, a Design and Access Statement, a Flood Risk Assessment, an Outline Written Scheme of Investigation for Archaeological Works, a Tree Survey, a Ground Investigation Report, an Ecology Report, a Drainage, SUDS and Surface Water Management Strategy, and a Transport Assessment.

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 the proposed development of the allocated lands of Letham Mains falls within the category of a Schedule 2 Development, being one that may require the submission of an Environmental Impact Assessment (EIA). Schedule 3 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 sets out the selection criteria for screening whether a Schedule 2 development requires an EIA. On 30 August 2011 the Council issued a formal screening opinion to the applicant. The screening opinion concludes that it is East Lothian Council's view that the proposed development is not likely to have a significant effect on the environment such that consideration of environmental information is required before any grant of planning permission. It is therefore the opinion of East Lothian Council as Planning Authority that there is no requirement for the proposed development to be the subject of an EIA. This includes the proposed erection of a primary school within the allocated 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.

Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Proposal H3 (Letham Mains) and Policies H1 (Housing Quality and Design), H2 (Development Frameworks), H4 (Affordable Housing), ENV7 (Scheduled Monuments and Archaeological Sites), DP1 (Landscape and Streetscape Character), DP2 (Design), DP4 (Design Statements), DP5 (Major Development Sites), DP17 (Art Works- Percent for Art), DP18 (Transport Assessments and Travel Plans), DP20 (Pedestrians and Cyclists), DP22 (Private Parking), DP24 (Home Zones), C1 (Minimum Open Space Standard for New General Needs Housing Development), C2 (Play Space Provision in New General Needs Housing Development), T1 (Development Location and Accessibility), T2 (General Transport Impact) and INF3 (Infrastructure and Facilities Provision) of the adopted East Lothian Local Plan 2008 are relevant to the determination of the application.

A material consideration in the determination of this application is the supplementary planning guidance of "Design Standards for New Housing Areas", which was approved by the Council on 10th March 2008. This guidance requires that a more flexible approach be taken in road layout and design for proposed housing developments and sets core design requirements for the creation of new urban structures that will support Home Zone development as well as establishing design requirements for the layout of and space between buildings. Developers must provide adequate information to the satisfaction of the Council to demonstrate the merits of their design.

Also material is the Scottish Government Policy Statement entitled “Designing Streets”. It provides an overview of creating places, with street design as a key consideration. It advises on the detail of how to approach the creation of well-designed streets and describes the processes which should be followed in order to achieve the best outcomes.

A further material consideration is the Development Framework for Letham Mains, which was approved by the Council at a meeting of Cabinet on the 18 January 2011. It sets out how the Council requires the site to be developed in terms of its land use, design and infrastructure requirements.

A total of 11 written representations have been received in respect of this planning application. Of these, 7 make objection to the proposed development. The other 4 written representations do not state whether they object to or support the proposed development. One of the objections is from Haddington and District Amenity Society. Another objection is from agents acting on behalf of Hallam Land Management, who were granted planning permission in principle (Ref: 13/00071/PPM) for the residential development of land at Dovecot Farm, to the south of the application site.

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

The main grounds of objection are summarised as follows:

- \* Design of the proposed development could have a detrimental effect on the site and its setting;
- \* Water run-off from the development may give an increased risk of flooding;
- \* Loss of privacy and amenity;
- \* The amount of houses now proposed is unacceptable, as it will have a detrimental impact on the environment, traffic, utilities, schools and other social services;
- \* Traffic generated will result in noise, congestion and safety issues;
- \* Housing design fails to respond to local vernacular and there is a predominance of detached house types;
- \* Proposed SUDS ponds are a very poor design solution for such facilities;
- \* Connectivity of the development with adjacent developments is poor;
- \* Proposed development will blot out views to the south from West Road; and
- \* The plan submitted with the neighbour notification appears to show the eastern boundary of the application site passing through the objector’s property and through the parkland to the east of the St Laurence House Burn.

The agent acting on behalf of the applicant has confirmed in writing that the objector’s property and the parkland to the east of the St Laurence House Burn do not form part of the application site.

The main issues raised in the written representations are:

- \* Proposal does not provide a suitable access arrangement for the committed residential development at Dovecot Farm;
- \* Heavy traffic should not use the narrow lane that connects the Gladsmuir and Pencaitland Roads; and
- \* Construction activity could have a significant impact on the area.

Haddington Community Council raise two concerns with the proposal. Firstly, there is no details of the primary school and the Community Council question whether the area set aside would be big enough to cope with the extra houses already in the pre-planning

phase. Secondly the Community Council advise that the two proposed SUDS ponds are an accident waiting to happen, as there are statistics galore for people drowning in open bodies of water.

The Community Council consultation response was written prior to planning application 14/00534/PCL being submitted in respect of the proposed school at Letham Mains. The Community Council are aware of that proposal and raise no objection to it. The Council's Education Service, who submitted application 14/00534/PCL, are satisfied that the site is large enough to accommodate the pupils that will arise from the residential units proposed in applications 13/00519/PM and 14/00089/PM.

Health and safety issues associated with SUDS ponds are covered by legislation other than planning legislation.

The land of the application site and the lands of applications 13/00519/PM and 14/00534/PCL are together covered by Proposal H3 (Letham Mains) of the adopted East Lothian Local Plan 2008. Proposal H3 defines all of the land as being a strategic housing site and allocates it for a mixed use development of 750 houses, social and community facilities and associated infrastructure.

Local Plan Proposal H3 requires the Council to prepare a Development Framework addressing the development requirements of the site. Proposal H3 states that 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 prior to or as part of an application for planning permission. Proposal H3 stipulates that developer contributions are required for all necessary infrastructure, education and community facilities arising as a consequence of this development. It further stipulates that the developer must undertake a flood risk assessment.

Proposal H3 reflects the requirements of Policy H2 of the adopted East Lothian Local Plan 2008. The first of these requirements is that development proposals for strategic housing sites must conform to the relevant Development Framework and the second is that Masterplans for the allocated lands must comply with the relevant Development Framework and with other local plan policies. A Masterplan should be submitted prior to or as part of an application for planning permission to develop a strategic housing site.

A Development Framework for the allocated lands of Letham Mains was approved by the Council on the 18 January 2011. It sets out how the Council requires the site to be developed in terms of its land use, design and infrastructure requirements.

The land of this application is also covered by Policy DP5 of the adopted East Lothian Local Plan 2008. As the site is part of a strategic housing site defined and allocated for residential development by Proposal H3, Policy DP5 requires the submission of a Masterplan for the entire allocated site and an accompanying supporting statement. Policy DP5 sets out the minimum information that must be contained within the Masterplan submission.

A single Masterplan has been submitted in respect of this application. Additionally Masterplans have been submitted in respect of applications 13/00519/PM and 14/00534/PCL. Together they form a Masterplan for the entire allocated site. Moreover, an accompanying Masterplan Document, which covers all of the allocated lands of Letham Mains, has been submitted with this application. The submitted Masterplans and accompanying Masterplan Document are compliant with the purpose and integrity of Policy DP5 of the adopted East Lothian Local Plan 2008.

Consistent with Policy DP4 of the adopted East Lothian Local Plan 2008, a design statement has been submitted with the planning application. It provides a contextual analysis of the site and sets out design solutions for the development. The design solutions address matters of layout, design, landscape and access in respect of the proposed development.

Proposal H3 allocates the land at Letham Mains for a development of approximately 750 houses.

Through their detailed masterplanning of the lands of Proposal H3, the applicant, together with the applicants for application 13/00519/PM, have established that in total it is capable of accommodating more than the approximately 750 houses that the Local Plan allows for the site. The Masterplans submitted with the applications show how a total of 809 residential units would be accommodated on all of the lands of Proposal H3.

The Council's approved Development Framework for Letham Mains states that for the Council to give consideration to the principle of any such further development within the allocated site, then, in the case of residential development, it must first be satisfied (i) that the additional dwellings can be justified by a demonstrable housing land requirement; (ii) that this site is an appropriate location to contribute to the requirement; and (iii) that the additional dwellings released would make an early and effective contribution to that requirement. The Council must also be satisfied that, for all uses, related infrastructure requirements can be provided to its satisfaction and at any future applicant's expense, and that the impacts of any such further development will be acceptable.

At its Cabinet meeting of 10 December 2013, the Council agreed that East Lothian has a shortfall in its effective housing land supply. There is therefore a demonstrable housing land requirement for the additional 59 residential units now proposed for the allocated lands of Letham Mains. As the approved Local Plan acknowledges, the allocated site has good access onto the A1 trunk road and good pedestrian linkages into the existing community. The site is therefore in an appropriate location to contribute towards meeting the shortfall in effective housing land supply. The additional 59 residential units would be a component of two housing developments that should be capable of being subject of an early site start. Through the assessment of this application it has been demonstrated that infrastructure requirements can be satisfactorily provided and, where relevant, at the applicant's expense. The impact of the additional 59 residential units would be acceptable, with due regard to the character and appearance of the area, privacy and amenity of neighbouring land uses including residential properties, and in all other regards including the impact on the local and trunk road network.

On this basis the additional 59 residential units that are in part the subject of this application and in part the subject of application 13/00519/PM meet the criteria set out in the approved Development Framework for Letham Mains and are therefore considered acceptable.

The approved Development Framework stipulates that the housing development of the allocated lands of Proposal H3 should provide an integrated mixed community that includes new focal areas, open spaces and centres of activity for residents as well as a full range and choice of new dwellings.

What is proposed for the development of the land the subject of this planning application would be a sympathetic extension of Haddington with due regard to the existing built form of the area and the housing proposed to the north and south of the allocated site. The proposed residential layout is broadly consistent with the requirements of the approved Development Framework for the site. It would be compatible with the form and

layout of housing development proposed in application 13/00519/PM and the new school proposed in application 14/00534/PCL. As a whole, and consistent with the requirements of the approved Development Framework, the proposed development would provide an integrated mixed community that includes new focal areas, open spaces and centres of activity for residents as well as a full range and choice of new dwellings.

A new local centre is proposed. This would contain a public square, located immediately to the east of the school proposed in application 14/00534/PCL. Immediately to the north of the public square would be a flatted building containing four retail units on the ground floor and a total of 10 flats above. Consistent with the requirements of the approved Development Framework, each unit would vary in size between 76 square metres and 171 square metres. The units have been designed to allow them to be capable of subdivision, merger and change of use. The proposed local centre would provide a focal point for the development and help reduce travel demand and associated emissions.

The approved Development Framework stipulates that the agreed masterplan should include a delivery schedule that establishes the phasing and timing programme for the proposed development. It should include the phasing and timing for the provision of education capacity, the local centre, the transportation works including completion of the new link and loop roads, footpaths and cycleways and Safer Routes to School. This should also apply to the provision of drainage infrastructure, recreational facilities, landscaping and open space.

An "Indicative Phasing Strategy" has been submitted as part of the Masterplan document. The Strategy illustrates how development could be split into 6 phases. Small scale indicative drawings are shown for each phase.

The proposed Phasing Strategy is unacceptable, as it would not ensure that the key components of development, such as the provision of education capacity, the local centre, transportation works, landscaping and open space would be provided at the appropriate time. A condition should therefore be imposed requiring revised Phasing Plans to be submitted to and approved by the Planning Authority prior to the commencement of development.

One of the principal objectives of the Council's approved Design Standards for New Housing Areas is to reduce the visual dominance of the car in the streetscape of new housing developments. The applicant is proposing to plant beech hedges along the front boundaries of the front gardens of the houses where they front onto roads within the development site. To some degree, this would serve to reduce the visual dominance of the car in the streetscape within the development. Many of the 258 houses are to be large detached two storey buildings set within their own private gardens. Notwithstanding this, there would be a full range and choice of dwelling types and sizes in both market and affordable tenures. These would include detached, semi-detached, terraced and town houses as well as flatted properties. The use of a range of house types would give a complimentary variation of architectural form to the development, which coupled with the orientation and layout of the buildings, would give a degree of variety of appearance to the development. Consistent with the requirements of the Development Framework, the proposed buildings would be no taller than three storeys in height. Three storey buildings have been positioned to emphasise focal points such as key junctions and the public square. The proposed houses, flats and garages would not appear unduly prominent or intrusive in their surroundings and would not harm the character and appearance of this part of Haddington.

The walls of the proposed houses and flats would be predominantly finished in render. It is proposed that the walls would be either white or cream in colour. The use of these light



colours is at odds with the approved Development Framework, which states that whole groups of buildings should not be all of the same colour. Instead a range of colours taken from a contemporary palette of colours must be used. Colours should take reference from traditional colours and tones used in Haddington. A condition can be imposed on the grant of planning permission to require the submission of a scheme of final finishes with a palette of colour of materials for the houses and flatted buildings, which has due regard to the finishes of other residential properties in Haddington. The condition should also allow for some use of reconstituted stone, providing it is limited to a distinctively complete feature of the houses and flatted building and respectful of their design integrity.

The site is capable of accommodating all of the proposed development including vehicular and pedestrian access and amenity space without being an overdevelopment of it. The proposed development would not be of a density incompatible with existing densities of development to the north and east of the site. The development of this site in the manner proposed would continue the urban edge of the western part of Haddington, reinforcing the existing built form and architectural character and appearance of the area.

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

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

In the interests of safeguarding the amenity of the future occupiers of the proposed flats it should be made a condition of the grant of planning permission for the proposed development that bin storage facilities for the proposed flats be formed prior to the occupation of those residential units.

The Council's Environmental Protection Manager initially raised concern that noise associated with use of the sports pitch and use of the primary school may result in a loss of amenity to occupiers of the proposed housing. In response to this, the applicant submitted a noise assessment report. The report concludes that predicted noise levels to both the proposed housing and existing nearby houses would all be below the recommended World Health Organisation outdoor noise level of 55dB LAeq (16 hour). The Environmental Protection Manager accepts the findings of the submitted noise report and advises that no mitigation measures are necessary to protect existing or future occupiers of residential properties from the proposed school and sports pitch.

The Environmental Protection Manager recommends that a Construction Method Statement to minimise the impact of construction activity on the amenity of the area should be submitted to and approved by the Planning Authority. This can be secured by a conditional grant of planning permission for the proposed development.

The Council's contaminated land officer recommends that a soil gas survey to determine the current levels of gas emissions from the site should be submitted to and approved by the Planning Authority. The survey should if necessary design suitable measures to protect the occupiers of proposed dwellinghouses from the migration of these gases. This can be secured by a conditional grant of planning permission for the proposed development.

The Council's landscape project officer raises no objection to the proposed development, although she has recommended that the following changes should be made to the

proposed layout:

- \* the northern boundary for the house on plot 153 should be realigned such that it aligns with the north elevation of that house. The realigned boundary should be enclosed by a 1.8 metres high stone wall;
- \* hedge planting with trees behind it should be provided immediately to the north of the property on plot 153;
- \* a 1.1 metre high stone wall should be erected at either side of the junction between the B6471 road and the northern end of the road serving the site for the new primary school. A feature tree should also be planted between the junction and each of the new sections of 1.1 metres high stone wall;
- \* The northern boundaries of the northernmost houses and flats should be enclosed either by hedging or stone walling;
- \* The northern boundary of the parking court between plots 160 and 161 should be enclosed by hedging;
- \* windows should be included within the east gable wall of the flats on plots 169, 170 and 171;
- \* large species trees should be planted on either side of the junction that is to the east of plots 169, 170 and 171;
- \* the landscape buffer proposed for the southern edge of the site should include hedges and small groups of tree planting; and
- \* boulevard tree planting should be provided on both sides of the distributor road that extends north-westwards from the proposed roundabout access.

On the matter of landscaping, a 5.0 metres wide landscape belt should be provided to the northeast of Gateside Cottage, in order to protect the privacy and amenity of that property.

All of the above landscape and layout matters could reasonably be secured by a condition imposed on the grant of planning permission for the proposed development.

The landscape project officer further recommends that a scheme of landscaping should be submitted to and approved by the Planning Authority. This can be secured through a conditional grant of planning permission.

On all of these foregoing findings on matters of design, layout, landscaping and amenity the proposals are consistent with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), Policies H2, DP1 and DP2 of the adopted East Lothian Local Plan 2008, the Council's "Design Standards for New Housing Areas", the Scottish Government Policy Statement entitled "Designing Streets" and with the approved development framework for Letham Mains, Haddington.

Consistent with the requirements of the approved Development Framework, there would be no development of the Scheduled Ancient Monument known as Spottiswoode, enclosure 145m SSW of. Rather it is proposed that this area be retained as open space in the form of a wildflower meadow with a mown edge and mown paths. The scheduled ancient monument would not be directly impacted upon by the proposed development

and would not have its setting adversely affected. Historic Scotland raise no objection to the proposed development, advising that the scheme has been designed to minimise the impact on the monument. Notwithstanding this, they recommend that i) the scheduled monument should be demarcated and fenced off during the construction phase of the development; ii) the preservation of the scheduled monument within open grass should be secured in a future management scheme; and iii) there should be no tree or shrub planting within the scheduled area or within 20 metres of the scheduled monument boundary. These requirements can be secured by a conditional grant of planning permission for the proposed development. Subject to the imposition of the recommended condition, the proposed development is consistent with Policy ENV7 of the adopted East Lothian Local Plan 2008.

The Council's Archaeology/ Heritage Officer advises that the application site is within an area of known prehistoric and medieval remains. 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. This approach is consistent with Scottish Planning Policy: June 2014, Planning Advice Note (PAN) 2/2011: Planning and Archaeology and with Policy ENV7 of the adopted East Lothian Local Plan 2008.

The Council's biodiversity officer raises no objection to the proposed development, being satisfied that no notable habitats will be affected by the development. He does however recommend that an otter and water vole survey should be undertaken prior to the commencement of development. If the survey establishes otter or water vole features in close proximity to the proposed development then appropriate mitigation measures must be put in place. He further recommends that details of the design and future management of the linear park, which should be designed to incorporate the needs of water voles, should be submitted to and approved in advance by the Planning Authority. These recommendations can be secured through a conditional grant of planning permission.

The biodiversity officer further recommends that the area of the linear park needs to be protected during construction works, except where works are specifically associated with the watercourse, e.g. bridge construction. Such a requirement would be unreasonable, as the applicant would not then be able to carry out works associated with the formation of the linear park itself. Instead, it would be possible to require the applicant to submit details of how they intend to protect the habitat of the Letham Burn. This can be secured through a conditional grant of planning permission.

The Council's Road Services do not object to the proposed development, although they make the following transportation recommendations:

- \* A detailed swept path assessment should be undertaken for all of the access roads within the housing development. This should include the access junctions onto the B6471 and the A6093. It should also be noted that pedestrian safeguards should not form any part of the manoeuvring space for the Design Vehicle. The Design Vehicle to be used in the detailed swept path assessment should be 2.5 metres wide, and should have a 6.1 metre wheelbase within an overall vehicle length of 10 metres;
- \* Bus shelters and bus stops should be provided within the site;
- \* 1 secure cycle storage space should be provided per flat;
- \* Traffic signals should be provided on West Road. The signals should be linked to each

other and the future Sainsbury's access junction to allow the efficient operation and management of the localised road corridor along the B6471;

\* A footway/cycleway should be provided along the southern side of the B6471 road linking the application site to the Park Lane junction with West Road. This should also extend westwards to the proposed Sainsbury's (toucan) signalised crossing to provide a continuous link. The footway/ cycleway should be formed in accordance with the findings of the Safety Audit docketed to this planning permission;

\* A Quality audit to include visibility splays and removal of parking within these should be undertaken for the application site. This should include a risk assessment;

\* The distributor road (linking the A6093 road to the B6471) and its access junction with the A6093 road (including the required path connection eastwards to the Letham Burn Bridge on the A6093) must be provided and open to vehicular traffic, including members of the public, prior to the occupation of any houses south of Letham Burn. These should be formed in accordance with a Safety Audit that should be undertaken for those works;

\* The proposed path running parallel to and crossing Letham Burn connecting to the south eastern corner of the site onto the A6093 Pencaitland Road, should be formed and made available for use in accordance with a timetable to be agreed in advance;

\* Cul-De-Sac's that are to form prospectively adoptable public roads should normally have a minimum carriageway width of 5.5 metres, this can be reduced to 4.8 metres provided the vehicle tracking demonstrates the Design vehicle can physically manoeuvre;

\* Within the housing areas a "pedestrian safeguard" is required, on at least one side, for prospectively adoptable public roads;

\* For all access junctions onto the distributor road linking the A6093 road to the B6471, minimum visibility splays of 2.5 metres by 43 metres are required, no obstruction shall lie within the splay above a height of 1.05 metres measured from the adjacent carriageway surface (including parking bays);

\* For all the crossings of the Letham Burn (both pedestrian/cycle and vehicular) details, including structural, are required;

\* Single driveways should be at least 6 metres long and be at least 3.0 metres wide;

\* Double driveways should be at least 6 metres long and be at least 5 metres wide. Double length driveway should be at least 11 metres long and 3 metres wide;

\* The pedestrian crossing to the east of the proposed public square should consist of a zebra crossing or other suitable alternative;

\* A Construction Management Plan is required. Construction access to the southern part of the site will not be permitted via the Knox Place junction via West Road. All access should be from West Road and with dilapidation surveys given the level of construction. A Construction Method Statement to minimise the impact of construction activity on the amenity of the area should be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement should recommend mitigation measures to control noise, dust, construction traffic and should include hours of construction work and delivery routes. This should also include the phasing of the development and restrictions that may be required particularly for those

travelling to existing and/or proposed schools;

\* A Green Travel Plan is required; and

\* Vehicle wheel washing is required during the construction phase of the development.

Details of the above transportation requirements, including a timetable for their implementation, should be submitted to and approved in advance by the Planning Authority.

Road Services further advise that it would be possible in transportation terms to access the approved Dovecot development (Ref: 13/00071/PPM) from the roundabout access proposed in this application.

With the imposition of conditions to cover the recommendations of Road Services the proposal does not conflict with Policies T1, T2, DP20 and DP22 of the adopted East Lothian Local Plan 2008.

Transport Scotland 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.

The approved development framework requires that there should be path connections in and from the site to those paths in the surroundings to encourage walking and cycling in, from and to the expansion.

The applicant accepts the Council's Access Officer's requirement for a total developer contribution for both proposed developments of £71,100 (a contribution of £33,093.06 in respect of application 14/00089/PM and a contribution of £38,008.74 in respect of application 13/00519/PM) towards upgrading works to the path network in the vicinity of Letham Mains. These upgrading works would include the erection of a replacement bridge across the St Laurence House Burn. This contribution would have to be made prior to occupancy of the first house. The financial contribution of £71,100 from the proposed development 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.

The Council's Access Officer is generally satisfied with the network of paths that are proposed within the application site. She does however recommend that a footway and cycleway should be formed along the southern edge of the application site, on the northern side of Pencaitland Road. This should be formed prior to the occupation of any residential unit to the south of Letham Burn. She further recommends that a footpath should be formed within the site to connect to the replacement bridge that is to be erected across the St Laurence House Burn. These recommendations could reasonably be secured by a condition imposed on a grant of planning permission for the proposed development.

The Council's Waste Services Manager initially raised concerns over the layout of the proposed development, including the location of the proposed bin store/ recycling point.

The Council's Road Services advise that in principle there is no reason why refuse lorries could not satisfactorily manoeuvre through the proposed housing development. They are also satisfied that in principle refuse lorries should be able to service the proposed bin store/ recycling point. The detailed swept path assessment recommended by Road Services will establish whether or not any minor changes are required to the layout to ensure refuse lorries can satisfactorily manoeuvre through the proposed housing development.

The requirement for the erection of a new school within the allocated lands of Letham Mains is established through the approved Development Framework. 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.

Both the application site and the site the subject of separate application 13/00519/PM are within the school catchments of Letham Primary School and Knox Academy. The Depute Chief Executive (Resources and People Services) advises of the need for a total developer contribution for both proposed developments of £9,225,154 towards the cost associated with the primary school provision for Letham Mains, and £1,579,500 towards the provision of additional accommodation at Knox Academy; a total developer contribution of £10,804,654. Thus in the case of this planning application, the Depute Chief Executive (Resources and People Services) advises of the need for a total pro-rata developer contribution of £10,804,654 (£13,355.57 per unit). Such a developer contribution 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. The Depute Chief Executive (Resources and People Services) recommends that a restriction would need to be placed on the annual completion rates arising from the proposed development and that proposed in planning application 13/00519/PM. Moreover he recommends that no more than 300 residential units should be occupied within the allocated Letham Mains site unless and until the school approved by the grant of planning permission 14/00534/PCL has been completed and is made available for use. These recommended restrictions can be secured through conditions attached to a grant of planning permission for the proposed development. Subject to the imposition of the recommended conditions and 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 and that such provision must be phased in line with the new development required.

To satisfy the demand for pitch sports that will arise as a result of development of Letham Mains, the approved Development Framework requires the provision on the Letham Mains land of a new playing field and related two team changing accommodation. The approved Development Framework stipulates that the provision of the new playing field and related changing accommodation has to be funded by the applicant.

The playing field and two team changing accommodation are shown in the site layout plan as forming part of a larger area of open space. Details of the playing field should be submitted to and approved by the Planning Authority in advance of its formation. This could reasonably be secured by a condition imposed on a grant of planning permission for the proposed development. The need for the playing field and two team changing accommodation arises as a direct result of the housing proposed in both planning applications 13/00519/PM and 14/00089/PM. Consequently its delivery 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.

In terms of the future ownership and maintenance of the playing field and changing pavilion, the applicant proposed that they would transfer ownership of the playing field and changing facility to the Council once they have been completed, with the Council paying the applicant the value of them as determined by the District Valuer. They also proposed that no contribution would be given by them in respect of future maintenance.

The Council's Service Manager for Sport, Countryside & Leisure does not accept this proposal. He advises that the ownership of the playing field and changing pavilion should be transferred to the Council, at no cost and that the applicant should make a financial contribution to the Council of £101,832.88 towards their future maintenance.

In this regard the need for the playing field and changing pavilion arises as a direct consequence of the housing proposed in applications 13/00519/PM and 14/00089/PM. It would not therefore be reasonable for the Council to then be expected to pay the applicant the value of them. Moreover, the applicant's proposal that no contribution be given by them in respect of future maintenance is contrary to Policy C1 of the adopted East Lothian Local Plan 2008, which states that arrangements must be in place for management and maintenance of open space to the satisfaction of the Council.

In light of this, the applicant has advised that they will pass the playing field and changing pavilion to the Factor who will be responsible for its future maintenance. The Council's Service Manager for Sport, Countryside & Leisure The Council's Landscape and Countryside Manager is agreeable to this, although he is of the view that it would have been preferable if the ownership of the playing field and changing pavilion had been transferred to the Council.

The approved Development Framework states that a number of the Aubigny Sports Centre's facilities are at capacity at present and will not be able to adequately meet the additional demand generated by the Letham Mains development. Consequently it states that there is a requirement for the developer to make a contribution towards the expansion of this facility to secure increased capacity in the crèche, bodyworks and dance studio and associated works. It further advises that details of this developer contribution require to be agreed with the Council's Community Services Department. In his consultation response, the Council's Service Manager for Sport, Countryside & Leisure advises of the need for a developer contribution of £524,800 towards the expansion of the Aubigny Sports Centre. This financial contribution can be secured by a legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other legal Agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the securing of this developer contribution the proposed development is consistent with Policy INF3 of the adopted East Lothian Local Plan 2008 and the approved Development Framework.

The Council's Economic Development & Strategic Investment Manager advises that in accordance with the Council's affordable housing policy, 17% of the 376 residential units should be affordable housing units, i.e. a total of 64 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 64 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 Council's Economic Development & Strategic Investment Manager further advises that she is

satisfied with the proposed affordable house types and sizes, and their location within the application site. 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.

The proposals for drainage, SUDS and surface water management have been amended following concerns raised by the Scottish Environment Protection Agency. They raise no objection to the revised proposals, being satisfied that the proposed development would not result in an unacceptable flood risk.

Scottish Water were consulted on this planning application but have not provided any comments on it.

## RECOMMENDATION

It is recommended that planning permission be granted subject to:

1. The undernoted conditions.

2. The satisfactory conclusion of an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997, or some other legal agreement designed to secure from the applicant and from the applicant the subject of separate planning application 13/00519/PM:

(i) A financial contribution to the Council of £71,100 towards upgrading works to the path network in the vicinity of Letham Mains. This contribution shall be made prior to occupancy of the first house.

(ii) The transfer to the Council, at no cost, of ownership of the site for the school that is approved by planning permission 14/00534/PCL. The site for the school shall be serviced and shall be transferred to the Council within 9 months of commencement of either of the developments the subject of planning permission 13/00519/PM or planning permission 14/00089/PM;

(iii) A financial contribution to the Council of £9,225,154 towards the primary school provision and £1,579,500 towards additional secondary school accommodation at Knox Academy;

(iv) The provision of the sports pitch and the two changing room facility hereby approved;

(v) A financial contribution to the Council of £524,800 towards the expansion of the Aubigny Sports Centre; and



(vi) The provision of 138 affordable housing units within the application site or if it can be demonstrated to the Council that this, or the off-site provision of 138 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.

3. That in accordance with the Council's policy on time limits for completion of planning agreements it is recommended that the decision should also be that in the event of the Section 75 Agreement not having been executed by the applicant, the landowner and any other relevant party within six months of the decision taken on this application, the application shall then be refused for the reason that without the developer contributions to be secured by the Agreement the proposed development is unacceptable due to: an inadequate path network in the vicinity of Letham Mains, an insufficient provision of sports facilities, a community sports pitch and related changing facilities; 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 Letham Mains, Haddington and, as applicable Policies INF3 and H4 of the adopted East Lothian Local Plan 2008.

- 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 The docketed phasing plan is not hereby approved. Instead, and prior to the commencement of development, a revised phasing plan shall be submitted to and approved in advance by the Planning Authority. The revised phasing plan shall accord with the following requirements:

(i) The footway/ cycleway required by condition 19v) above shall be formed and made available for use prior to the occupation of any of the residential units hereby approved;

(ii) The pedestrian crossing required by condition 19xvii) above shall be provided and made available for use prior to the school approved by planning permission 14/00534/PCL being open to pupils;

(iii) a timescale for the formation of the path running parallel to and crossing Letham Burn connecting to the south eastern corner of the site onto the A6093 Pencaitland Road; and

(iv) the access road between the B6471 road and the northern end of the site for the proposed primary school shall be formed and made available for use in the first phase of development.

The phasing of the development of the site shall be carried out in strict accordance with the revised 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.

The phasing of the development of the site shall be carried out in strict accordance with the revised 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.

- In relation to the required footway/cycleway to be provided along the southern side of the B6471 road linking the application site to the Park Lane junction with West Road (this to extend westwards to the proposed Sainsbury's (toucan) signalised crossing to provide a continuous link). The principle has been agreed but not worked through to a finalised design. This needs to be in place prior to the occupation of any houses.

- The provision of a controlled crossing over the distributor road (linking the A6093 road to the B6471) shall be in place/use prior to the school being open to the pupils.

- The provision of the pedestrian crossing to the east of the proposed public square shall consist of a zebra crossing or other suitable alternative, this shall be in place/use prior to the school being open to the pupils.

- The distributor road (linking the A6093 road to the B6471) and its access junction with the A6093 road (including the required path connection eastwards to the Letham Burn Bridge on the A6093) must be provided and open to vehicular traffic, including members of the public, prior to the occupation of any houses south of Letham Burn.

- The proposed path running parallel to and crossing Letham Burn connecting to the south eastern corner of the site onto the A6093 Pencaitland Road, shall be formed and made available for use in accordance with a timetable to be agreed in advance - from the proposed phasing plan (included in the current Masterplan) this should be provided at the end of phase 1 or prior to commencement of Phase 2 (this is currently proposed in Phase 2 but this may be at the end!).

- 3 Notwithstanding that which is stated on the drawings docketed to this planning permission, a detailed specification of all external finishes of the houses and flats 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 external finishes of the houses and flats shall be in accordance with a co-ordinated scheme of materials and colours that shall be submitted to and approved in advance by the Planning Authority. This co-ordinated scheme shall in detail promote render as the predominant finish to the walls of the houses and flats, with a use of more than one render colour and with a strongly contrasting difference in the colours such that they will not each be of a light colour. The render colours shall have due regard to the finishes of other residential properties in Haddington. However, some use of reconstituted stone would be acceptable providing it is limited to a distinctively complete feature of the houses and flats and respectful of their design integrity. All such materials used in the construction of the houses and flats shall conform to the details so approved.

Reason:

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

- 4 Prior to the commencement of development details of the bin storage facilities for the flatted properties shall be submitted to and approved in advance by the Planning Authority. Prior to the occupation of any of the flats the bin storage facilities shall have been formed in accordance with the approved details and made available for use. Thereafter, the storage facilities shall be retained in use solely 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 locality.

- 5 Development shall not commence until the findings of a soil gas survey have been submitted to and approved by the Planning Authority. The survey shall be undertaken to determine the current levels of gas emissions from the site. The findings shall contain details of any necessary mitigation measures to protect the occupiers of the proposed buildings from the migration of these gases.

Before any of the buildings are occupied any necessary mitigation measures shall be fully implemented as approved by the Planning Authority.

The presence of any previously unsuspected or unforeseen contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority. At this stage, further investigations may have to be carried out to determine if any additional remedial

measures are required.

Reason:

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

- 6 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.

- 7 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.

- 8 Housing completions on the application site in any one year (with a year being defined as being from 1st April to 31st March the following year) shall not exceed the following completion rates, unless otherwise approved in writing by the Planning Authority:

Year 1- 05 residential units  
Year 2- 60 residential units  
Year 3- 75 residential units  
Year 4- 74 residential units  
Year 5- 75 residential units  
Year 6- 70 residential units  
Year 7- 17 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 8 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.

- 9 No more than 300 residential units shall be occupied within the allocated Letham Mains site unless and until the school approved by the grant of planning permission 14/00534/PCL has been completed and is made available for use.

Reason:

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

- 10 Prior to the commencement of development, a revised site layout plan shall be submitted to and approved by the Planning Authority. The revised site layout plan shall comply with the following requirements:

\* the northern boundary for the house on plot 153 shall be realigned such that it aligns with the north elevation of that house. The realigned boundary shall be enclosed by a 1.8 metres high stone wall;

\* a 1.1 metre high stone wall shall be erected at either side of the junction between the B6471 road and the northern end of the road serving the site for the new primary school.

\* the northern boundaries of the northernmost houses and flats shall be enclosed either by hedging or stone walling;

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

Reason:

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

11 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 comply with the following requirements:

\* a feature tree shall be planted between the junction and both of the new sections of 1.1 metres high stone wall required by condition 10 above;

\* the northern boundary of the parking court between plots 160 and 161 shall be enclosed solely by hedging;

\* large species trees shall be planted on either side of the junction that is to the east of plots 169, 170 and 171;

\* the landscape buffer proposed for the southern edge of the site shall include hedges and small groups of tree planting;

\* boulevard tree planting shall be provided on both sides of the distributor road that extends north-westwards from the proposed roundabout access.

\* a 5.0 metres wide landscape belt shall be provided to the northeast of Gateside Cottage; and

\* hedge planting with trees behind it shall be provided immediately to the north of the property on plot 153.

The scheme shall also 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.

12 Notwithstanding the drawings docketed to this planning permission, the east gable wall of the flats on plots 169, 170 and 171 shall not be a blank gable. It shall instead include windows within it. Prior to the commencement of development, a drawing showing compliance with the requirements of this condition shall be submitted to and approved in writing by the Planning Authority.

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

Reason:

To add visual interest to the visually prominent east gable wall of the flatted building, in the interests of the character and appearance of the area.

13 No development shall take place on site until the Scheduled Ancient Monument, known as Spottiswoode, enclosure 145m SSW of, has been protected by a fence, to be approved in writing by the Planning Authority, erected around the scheduled ancient monument at a distance as may be agreed in writing by the Planning Authority. Within the area so fenced off the existing ground level shall neither be raised or lowered and no materials, temporary buildings, plant, machinery or surface soil shall be placed or stored and no fires shall be lit thereon without the prior written approval of the Planning Authority. The fence shall remain in place during construction works. On the completion of construction works the fence shall be removed from the application site.

Reason:

To ensure the retention and maintenance of the Scheduled Ancient Monument, known as Spottiswoode, enclosure 145m SSW of.

14 Prior to the occupation of any of the houses or flats hereby approved, a scheme for the future management of the Scheduled Ancient Monument, known as Spottiswoode, enclosure 145m SSW of, shall be submitted to and approved in writing by the Planning Authority. The scheme shall

comply with the following requirements:

- \* The Scheduled Ancient Monument should be preserved in open grass; and
- \* There should be no shrub or tree planting within the scheduled area or within 20 metres of the scheduled monument boundary.

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

Reason:

To ensure the future retention and maintenance of the Scheduled Ancient Monument, known as Spottiswoode, enclosure 145m SSW of.

15 Prior to the commencement of development:

a) an otter and water vole survey shall be carried out along the Letham Burn and the St Laurence House Burn; and

b) details of the findings of the survey, and of any necessary mitigation measures, shall be submitted to and approved by the Planning Authority.

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

Reason:

In the interests of the ecology of the area.

16 Prior to the commencement of development details of the linear park, included its proposed design and future management, shall be submitted to and approved by the Planning Authority. The submitted details shall incorporate the needs of water voles.

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

Reason:

In the interests of the ecology of the area.

17 The areas of open space hereby approved, including the public square, football pitch and changing pavillion shall be maintained and retained for community use.

Reason:

In the interests of the amenity of the future occupants of the development hereby approved.

18 Prior to the commencement of development, full details of the finalised SUDS scheme shall be submitted to and approved in writing by the Planning Authority, following consultation with SEPA. Development shall thereafter be carried out in accordance with the details so approved.

Reason:

To ensure adequate protection of the water environment from surface water run-off.

19 Prior to the commencement of development, details, including a timetable for their implementation, showing compliance with the following transportation requirements shall be submitted to and approved in writing in advance by the Planning Authority.

i) A detailed swept path assessment shall be undertaken for all of the access roads within the housing development. This shall include the access junctions onto the B6471 and the A6093. It should also be noted that pedestrian safeguards should not form any part of the manoeuvring space for the Design Vehicle. The Design Vehicle to be used in the detailed swept path assessment shall be 2.5 metres wide, and shall have a 6.1 metre wheelbase within an overall vehicle length of 10 metres;

ii) Bus shelters and bus stops shall be provided within the site;

iii) 1 secure cycle storage space shall be provided per flat;

iv) Traffic signals shall be provided on West Road (the B6471). The signals shall be linked to each other and the future Sainsbury's access junction to allow the efficient operation and management of the localised road corridor along the B6471;

v) A footway/cycleway shall be provided along the southern side of the B6471 road linking the

application site to the Park Lane junction with West Road. This shall also extend westwards to the proposed Sainsbury's (toucan) signalised crossing to provide a continuous link. The footway/cycleway shall be formed in accordance with the findings of the Safety Audit docketed to this planning permission;

vi) A footway/cycleway shall be provided along the northern side of the A6093 road over the entire southern frontage of the application site;

vii) A footpath shall be formed within the site to connect to the existing footbridge over the St Laurence House Burn near to its confluence with the Letham Burn;

viii) A Quality audit to include visibility splays and removal of parking within these shall be undertaken for the application site. This shall include a risk assessment;

ix) The distributor road (linking the A6093 road to the B6471) and its access junction with the A6093 road (including the required path connection eastwards to the Letham Burn Bridge on the A6093) shall be provided and open to vehicular traffic, including members of the public, prior to the occupation of any houses south of Letham Burn. These shall be formed in accordance with a Safety Audit that shall be undertaken for those works;

x) The proposed path running parallel to and crossing Letham Burn connecting to the south eastern corner of the site onto the A6093 Pencaitland Road, shall be formed and made available for use in accordance with a timetable to be agreed in advance;

xi) Cul-De-Sac's that are to form prospectively adoptable public roads shall normally have a minimum carriageway width of 5.5 metres, this can be reduced to 4.8 metres provided the vehicle tracking demonstrates the Design vehicle can physically manoeuvre;

xii) Within the housing areas a pedestrian safeguard is required, on at least one side, for prospectively adoptable public roads;

xiii) For all access junctions onto the distributor road linking the A6093 road to the B6471, minimum visibility splays of 2.5 metres by 43 metres are required, no obstruction shall lie within the splay above a height of 1.05 metres measured from the adjacent carriageway surface (including parking bays);

xiv) For all the crossings of the Letham Burn (both pedestrian/cycle and vehicular) details, including structural, are required;

xv) Single driveways shall be at least 6 metres long and be at least 3.0 metres wide;

xvi) Double driveways shall be at least 6 metres long and be at least 5 metres wide. Double length driveway shall be at least 11 metres long and 3 metres wide;

xvii) The pedestrian crossing to the east of the proposed public square shall consist of a zebra crossing or other suitable alternative; and

xviii) For all the crossings of the Letham Burn (both pedestrian/cycle and vehicular) details, including structural, are required;

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

Reason:

In the interests of road and pedestrian safety.

- 20 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.

- 21 A Travel Plan shall be submitted to and approved by the Planning Authority prior to the occupation of any of the residential units hereby approved. The Travel Plan shall have particular regard to

provision for walking, cycling and public transport access to and within the site, and will include a timetable for its implementation, details of the measures to be provided, the system of management, monitoring, review, reporting and duration of the Plan.

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

Reason:

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

- 22 A Construction Management Plan 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 Management Plan shall recommend mitigation measures to control noise, dust, construction traffic and shall include hours of construction work and delivery routes. It shall confirm that construction access to the site shall not be permitted via the Knox Place junction via West Road. All construction access shall instead be taken directly from West Road. The Management Plan shall also include the phasing of the development and restrictions that may be required, particularly for those travelling to existing and/or proposed schools. It shall also include details of how the habitat of the Letham Burn will be protected during the construction phase of the development.

The recommendations of the Construction Method Statement shall be implemented prior to the commencement of development. Development shall thereafter be undertaken in accordance with the details so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

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

- 23 Prior to the commencement of development, a programme for monitoring the condition of the section of the public road of West Road (the B6471) between the Oak Tree roundabout and the application site, prior to and immediately following the completion of the housing development, shall be submitted to and approved in writing by the Planning Authority. Thereafter the approved programme of monitoring shall be implemented. Any remedial works shown by the monitoring as arising from the construction of the development, shall be undertaken by the applicant within 3 months of the completion of the final monitoring undertaken, unless an alternative means of securing the works is approved in writing by the Planning Authority.

Reason:

To ensure that damage to the public road network resulting from the construction of the housing development is rectified.