

**REPORT TO:** Planning Committee

**MEETING DATE:** Tuesday 19 April 2016

**BY:** Depute Chief Executive (Partnership and Services for Communities)

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

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Application No. **15/00760/PPM**

Proposal Planning permission in principle for residential development with associated infrastructure and landscaping

Location **Former Fire Service Training School  
Main Street  
Gullane  
East Lothian  
EH31 2HG**

Applicant Scottish Fire and Rescue Service

Per Barton Willmore

RECOMMENDATION Consent Granted

#### PLANNING ASSESSMENT

As the area of the application site is greater than 2 hectares and the principle of 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 for major development proposals this development proposal was the subject of a Proposal of Application Notice (Ref: 15/00003/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 some 120 people attended the pre-application public exhibition, which was held at the Gullane Village Hall on 27 May 2015, and that those attendees

made a number of queries and 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.

The application site comprises the whole of the former Scottish Fire Service Training School (SFSTS) on the south side of Main Street, Gullane. It is made up of a number of different buildings of differing architectural form. The principal building on the site is a substantial four storey building of traditional form and design which is of architectural merit, known as Henderson House. It fronts onto Main Street. To the east and south of this principal building are other more modern buildings including accommodation blocks, a garage and workshop complex, a gymnasium and a training centre, which are built around a courtyard complex.

The site is covered by Policy INF4 of the adopted East Lothian Local Plan 2008. Policy INF4 states that the necessary training activities undertaken at the SFSTS are recognised. The Council will ensure that any adverse environmental impacts are minimised, within the statutory powers available to it. The Council will also have regard to the impact of development proposals in adjoining areas on the legitimate operational requirements of the SFSTS.

The applicant's supporting statement informs that the establishment of the Scottish Fire and Rescue Service in April 2013 brought together the collective skills and experience from across Scotland's previous eight fire and rescue services. In light of this national restructuring and against a backdrop of reduced budgets, the Scottish Fire and Rescue Service is rationalising its estate across the country.

The former Scottish Fire Service Training School in Gullane ceased operation in March 2015 as part of that restructuring, with training now delivered at facilities in a single centralised location in Cambuslang. Given this, the Scottish Fire and Rescue Service seeks planning permission to redevelop the site to better enable a capital receipt from the sale of it.

The site is bounded to the east by the C111 public road with residential properties beyond, to the south by both a telephone exchange and the residential properties of Garleton Court, to the west by the public road of Muirfield Drive and to the north by Main Street.

Planning permission in principle is sought through this application for a residential development of the application site with associated infrastructure and landscaping.

An indicative masterplan has been submitted with the application indicating how some 125 residential units could be accommodated on the application site including for the retention of Henderson House, converted into flats, with the remainder of the buildings on the site removed to make way for new residential units.

It is also indicated that a SUDS pond be accommodated on the southern part of the site and how an area of recreational open space could be accommodated centrally within the site. It is also indicated how footpath linkages from the site onto the C111 public road to the east and Garleton Court to the south could be formed and how landscape planting could be retained and enhanced.

The indicative masterplan indicates that access to the site could be taken from Main Street and Muirfield Drive and how an existing access into the site from Muirfield Drive could also be used.

Since the application was registered a revised indicative masterplan has been received indicating open space and SUDS areas and showing some road widening to the internal access roads.

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 the proposed development falls within the category of a Schedule 2 Development, being one that may require the submission of an Environmental Impact Assessment (EIA). Schedule 3 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 sets out the selection criteria for screening whether a Schedule 2 development requires an EIA. On 2 February 2016 the Council issued a formal screening opinion to the applicant. The screening opinion concludes that it is East Lothian Council's view that the proposed development is not likely to have a significant effect on the environment such that consideration of environmental information is required before any grant of planning permission in principle. It is therefore the opinion of East Lothian Council as Planning Authority that there is no requirement for the proposed housing development to be the subject of an EIA.

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

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

Policy 5 (Housing Land) and 6 (Housing Land Flexibility) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies, DP1 (Landscape and Streetscape Character), DP13 (Biodiversity and Development Sites), DP14 (Trees on or Adjacent to Development Sites), DP17 (Art Works-Percent for Art), DP20 (Pedestrians and Cyclists), INF3 (Infrastructure and Facilities Provision), INF4 (The Scottish Fire Service Training School, Gullane), H4 (Affordable Housing), C1 (Minimum Open Space Standard for New General Needs Housing Development), C2 (Play Space Provision in new General Needs Housing Development), T1 (Development Location and Accessibility) and T2 (General Transport Impact) of the adopted East Lothian Local Plan 2008 are relevant to the determination of the application.

Also material to the determination of the application is Scottish Planning Policy: June 2014.

One of the main Outcomes of Scottish Planning Policy is to create a successful, sustainable place by supporting sustainable economic growth and regeneration, and the creation of well-designed, sustainable places.

This is reflected in paragraph 25 of Scottish Planning Policy in which it is stated that the Scottish Government's commitment to the concept of sustainable development is reflected in Scottish Planning Policy's Purpose. It is also reflected in the continued support for the five guiding principles set out in the UK's shared framework for sustainable development. Achieving a sustainable economy, promoting good governance and using sound science responsibly are essential to the creation and maintenance of a strong, healthy and just society capable of living within environmental limits.

The principle in delivering this through the Development Management function is contained in paragraph 33 of Scottish Planning Policy in which it is stated that where

relevant policies in a development plan are out of date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration. Decision-makers should also take into account any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies in Scottish Planning Policy. The same principle should be applied where a development plan is more than five years old.

Paragraph 34 states that where a plan is under review, it may be appropriate in some circumstances to consider whether granting planning permission would prejudice the emerging plan. Such circumstances are only likely to apply where the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new developments that are central to the emerging plan. Prematurity will be more relevant as a consideration the closer the plan is to adoption or approval.

Paragraph 110 of Scottish Planning Policy states that the planning system should identify a generous supply of land for each housing market area within the plan area to support the achievement of the housing land requirement across all tenures, maintaining at least a 5 year supply of effective housing land at all times.

SESplan Policy 6 states that each planning authority in the SESplan area shall maintain a five years effective housing land supply at all times. The scale of this supply shall derive from the housing requirements for each Local Development Plan area identified through the supplementary guidance provided for by SESplan Policy 5. For this purpose planning authorities may grant planning permission for the earlier development of sites which are allocated or phased for a later period in the Local Development Plan.

At its Cabinet meeting of 10 December 2013, the Council agreed that at that time East Lothian had a shortfall in its effective housing land supply.

On 17 November 2015 the Council approved its Draft Proposed Local Development Plan, subject to amendment and to the carrying out of further technical work, including cumulative assessment of requirements for developer contributions in respect of education provision, community facilities and transportation. The approval, as amended, was of the spatial strategy, sites and policies of the draft Proposed Plan.

Further to this the Council approved (February 2016) a revised Housing Land Supply: Interim Planning Guidance which acknowledged the continuing housing land supply shortage and set out the consideration of sites supported by the approved Draft Proposed Local Development Plan (as amended).

Material to the determination of the application are the written representations to the proposals. Twelve written objections and 4 written representations have been received. Copies of the written objections and representations are contained in a shared electronic folder to which all Members of the Committee have had access. Two of the written representations take the form of petitions, one having 30 signatories and the other having 17 signatories.

The main grounds of objection are that in respect of the proposed development:

- \* it would lead to additional traffic generation that would be too much for the local road network to cope with resulting in a road and pedestrian safety hazard;

- \* a footpath link with Garleton Court should be located elsewhere as it would reduce open space and lead to a road and pedestrian safety hazard;
- \* it would lead to a loss of privacy and daylight to neighbouring residential properties;
- \* it would result in the loss of trees;
- \* it would lead to flooding and drainage problems;
- \* it would harmfully impact on school and healthcare capacity; and
- \* it would impact on house prices.

The written representations state that the proposed development would have an impact on schools, the road network, that Henderson House should be put to commercial use, that the site should include social housing and raise matters of drainage, flooding and impact on trees.

The impact of a proposed development on house prices is not a material consideration in the determination of an application for planning permission.

Gullane Area Community Council, as a consultee on the application, advises that it is encouraged to note the proposed retention of the structure of the former hotel building and not to provide access to the site from the road to West Fenton It is, however, very concerned about the proposed vehicular access from Muirfield Drive as this is used as a main access to the primary school and provides the only vehicular access to a significant number of residential properties. The Community Council advises that it would be essential that during the construction period unobstructed vehicular and pedestrian access to all the properties served by Muirfield Drive should be maintained at all times and that both during the construction period and after completion of the development stringent conditions should be imposed to ensure the safety of pedestrians, including significant numbers of school children.

The Community Council further advises its disappointment that there is no provision for any small business facilities within the development, that state provision should be made for affordable housing and that a high standard of design should be achieved.

The primary material consideration in the determination of this application is whether or not the principle of the proposed development accords with national, strategic and local plan policies, proposals and other planning guidance and, if not, whether there are material considerations that outweigh any conflict with those policies and guidance.

The land of the site is identified as Proposal NK6 of the Draft Proposed Plan approved by Council on 17 November 2015. As such, in respect of the provisions of Paragraph 34 of SPP, the proposal could not be considered to prejudice the emerging Plan.

Following the Council's approval of the Draft Proposed Plan (subject to amendment, further technical work and cumulative assessment of developer contributions), and the revised Interim Planning Guidance, where an application for planning permission or planning permission in principle is for a site of that draft Proposed Plan (as amended), support is given for the residential or other potential of the site as relevant. This support remains subject to appraisal of the site in terms of technical considerations and any constraints, including infrastructure capacity constraints. Assessment will include consideration of developer contributions in respect of impacts, including cumulative impacts, on education, transportation, community facilities and other essential

infrastructure.

In that the site now under consideration is housing site Proposal NK6 of the approved draft Proposed Plan, the Council recognises its potential for residential development. It is therefore appropriate to determine this application with due consideration of that recognised residential potential, subject to the above considerations and assessments.

Also, in being a site of the draft Proposed Plan it is an integral part of the group of sites which the Council recognises as having the potential to meet, cumulatively, the SPP and SESplan requirements of an effective five year housing land supply.

Thus the site being identified site NK6 of the approved draft Proposed Plan is a material consideration to be weighed against the considerations of national, strategic and local planning policy.

As the site is brownfield land within an existing settlement, the relevant provisions of SESplan Policy and the Interim Planning Guidance on greenfield land do not apply.

Site NK6 of the draft Proposed Plan is an identified housing site. Although specifically allocated for housing, Proposal NK6 of the draft Proposed Plan states the site is additionally suitable for some employment or tourism uses.

A supporting Planning Statement has been submitted with the application. In this statement the applicant's agents advise they considered the potential for employment and tourism use on the site but have concluded they are neither practical nor viable based on their experience of similar sites in comparable locations across Scotland and based on their understanding of the employment market in East Lothian and the tourism industry in the region.

In terms of employment use the supporting Planning Statement advises as follows. There are no agglomeration benefits to locating in Gullane or economies of scale to benefit from. The site is also not located in close proximity to the strategic transport network and to a significant extent the site's geographic location was one of the main reasons for its closure in the first place. There is a low labour pool within Gullane to draw from with a small total population of 2,568. The latest employment figures for Gullane are based on the 2011 census, at that point unemployment in Gullane stood at 2.6% compared to a Scottish average at the time of 4.8%. Importantly, the approved South East Scotland Strategic Development Plan states that employment development in East Lothian should be focused around the Economic Corridor that stretches from Musselburgh to Dunbar in the east. Gullane falls significantly outside of this area and away from the strategic road network. SESPlan also identifies intensification in current employment locations as a more effective method of achieving employment development. Furthermore, due to the high level of oversupply of existing office accommodation within East Lothian, with low levels of demand, weak take up, little prospect of rental growth and poor investor sentiment, commercial occupier interest is not envisaged.

In terms of tourism use, the supporting Planning Statement advises further that hotel potential in Gullane is limited, stating 75% of visitors to East Lothian visit only for day trips and hotel stays in the area have declined significantly since 2009/10 from 1,750,000 visits to 1,500,000 in 2013/14. It is also noted in the 2012 'Employment Opportunities in the Public Sector Submission from East Lothian Council to the Scottish Government Finance Committee' that hotel development in East Lothian should be focused on resort style hotels (such as Archerfield which is located 1.5km east of Gullane). Resort style hotels provide a luxury facility and offer a wide range of facilities and activities such as

spas and swimming pools. Whilst some resorts operate on a seasonal basis, the majority now try to operate all year round. They tend to be larger than standard hotels and provide larger numbers of rooms (Gleneagles 232 rooms, St Andrews 209 rooms). The Henderson House building is simply not large enough, nor does it provide the range of onsite facilities to meet the criteria of a resort style hotel or have the potential to be developed as such and is likely to be unviable. Notably there are already 3 hotels in Gullane (Greywalls, the Mallard Hotel and The Golf Inn Hotel) providing some 55 bedrooms, along with 6 B&Bs. Archerfield Hotel, just outside Gullane, towards North Berwick, provides a range of tourist accommodation and thus additional hotel space does not seem likely to be viable. Hotel occupancy is seasonal and notably lower in both villages and seaside towns when compared with cities. In terms of hotel occupancy information it is highly unlikely that an additional hotel in Gullane would be in significant demand.

In summary the supporting Planning Statement concludes that the application site is not physically capable of accommodating all of circa 100 residential properties, dedicated employment use and a hotel, stating that with a focus on resort style hotels, the implications are that the whole site would potentially be required for such a use.

The Council's Business Development Team Leader advises that based on the fit with the strategic aims and objectives of the Economic Development Strategy 2012-22 of local job creation and to be the best place in Scotland to set up and grow a business, proposals for the site should include the development of new employment land and that further exploration and analysis of potential tourism development opportunities should be undertaken.

However, Proposal NK6 of the draft Proposed Plan only states that the site is suitable for some employment and tourism uses, as an addition to its allocation for housing use. It does not allocate the site for employment and tourism use nor does it stipulate any employment or tourism use must be provided on the site. Therefore the Business Development Team Leader's advice must be considered in the context that there is no planning allocation or policy in place with sufficient materiality to require provision of some employment and/or tourism use of the site. Proposal NK6 does however support the principle and indeed allocates the site for residential use.

The application site is covered by Policy INF4 of the adopted East Lothian Local Plan 2008. Policy INF4 states that the necessary training activities undertaken at the Scottish Fire Service Training School are recognised and that the Council will ensure that any adverse environmental impacts are minimised, within the statutory powers available to it.

It should be noted that the purpose of Policy INF4 is to ensure that any environmental impacts that arise due to firefighting training are minimised within what is predominantly a residential area, whilst also having regard to the impact of development proposals in adjoining areas to ensure that they would not unreasonably constrain the legitimate operational requirements of the Training School. It does not safeguard the site for continued fire service use. Therefore the principle of an alternative use for the site is not contrary Policy INF4 of the adopted East Lothian Local Plan 2008. Moreover, as the site is now redundant to its owners the Scottish Fire Service since March 2015, the site has been vacated and has lain empty since. The Scottish Fire and Rescue Service have confirmed they are seeking to redevelop the site for an alternative use.

The site is within a predominantly residential area, being surrounded by residential properties which are within an area defined by Policy ENV1 of the adopted East Lothian Local Plan 2008 as being of predominantly residential character and amenity. A residential development of the application site would ensure that the predominantly

residential character and amenity of the area is safeguarded and it would be compatible with the surrounding existing residential use of the area.

In terms of a proposed residential development of the site, it is noted that:

- the retention and redevelopment of Henderson House would preserve the significant part of the existing urban form of this part of Gullane and such use would be compatible with surrounding residential properties;
- the site is close to existing local bus services;
- local facilities within the settlement, including shops, a school and a medical facility are all within walking distance of the site;
- vehicular and pedestrian access is provided directly from Main Street to the north and Muirfield Drive to the west with potential for further pedestrian linkages to the wider area;
- the site is in single ownership and suffers no physical constraint which would prevent or inhibit its development.

Moreover a residential development of the application site must also be considered in relation to the Council's previous recognition of a shortfall in the effective housing land supply in East Lothian.

In respect of SESplan Policy 6, approval of the draft Proposed Plan results in the approval in general principle of sites with the potential to provide an effective five year housing land supply. The selection of sites included a site assessment process.

The potential of residential development of the site is therefore supported by the approved, amended draft Proposed Plan such as to contribute to the effective five year housing land supply and help meet that requirement of SPP and SESplan Policy 6.

The determination of the application therefore falls to a consideration of the technical merits of the proposal and its assessment in relation to requirements including, where identified, cumulative requirements for developer contributions for essential infrastructure.

If planning permission in principle were to be granted, the details of the siting, design and external appearance of the proposed residential units, the landscaping of the site and the means of access to the proposed development would require the subsequent approval of the Planning Authority. Through the subsequent determination of such details in relation to Scottish Government Policy of Designing Streets and the Council's Urban Design Standards for New Housing Areas, and the Council's policies and practices in respect of residential amenity, planning control would be exercised to ensure that the built form of the development would be fully acceptable, with due regard to the need to safeguard the character and appearance of the site and of the area.

In respect of open space and play provision, the Council's Principal Amenity Officer advises that the area of open space indicatively shown to be provided would be set out in such a way as to provide a sufficient area of open space for informal recreation for a proposed development of 125 residential units, consistent with Policy C1 of the adopted East Lothian Local Plan 2008.

On the above considerations, including the conversion of the existing building, the applicant demonstrates that the site has capacity for development of up to 125 housing units in a layout of appropriate urban design qualities and with an appropriate provision of open space.

Regarding formal play provision, the Principal Amenity Officer advises that it would be



more beneficial to enhance the existing play area at Recreation Park, which is on the west side of Muirfield Terrace a short distance to the southwest of the application site, with additional facilities rather than provide a new facility within the application site. The applicants have confirmed in writing that they are willing to contribute a sum of £45,000 as the amount agreed with the Council's Principal Amenity Officer for enhancement of the existing play area at Recreation Park. This contribution can be secured by a legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other legal Agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the Council securing this appropriate developer contribution the proposed development is consistent with Policy C2 of the adopted East Lothian Local Plan 2008.

The Council's Road Services raise no objection to the application, being satisfied that traffic likely to be generated by the proposed development could be satisfactorily accommodated on the local road network and thus it would not result in a road or pedestrian safety hazard.

Roads Services recommend that:

- \* an uncontrolled pedestrian crossing point be formed on Muirfield Drive to provide a suitable safe pedestrian link to provide connectivity and access to Gullane Primary School from the proposed development;
- \* a continuous 2 metre wide footway be provided on the east side of Muirfield Drive along the entire length of the site frontage;
- \* a continuous 2 metre wide footway be provided on the west side of the C111 public road from its junction with the A198 (Main Street) to the pedestrian access link into West Fenton Gait;
- \* raised table junctions be formed at the vehicular access junctions from the site with Muirfield Drive;
- \* parking for the proposed residential units be provided at a rate as set out in the East Lothian Council Standards for Development Roads – Part 5 Parking Standards;
- \* all access roads conform to East Lothian Council Standards for Development Roads in relation to roads layout and construction, footways & footpaths, parking layout and number, street lighting and traffic calming measures;
- \* vehicle accesses to private parking areas (i.e. other than driveways) be via a reinforced footway crossing and have a minimum width of 5.5 metres over the first 10 metres to enable adequate two way movement of vehicles;
- \* driveways having minimum dimensions of 6 metres by 2.5 metres and double driveways having minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 metres length. Pedestrian ramps to houses may encroach by up to 300mm on the width (but not the length) provided they are no greater than 150mm in height above the adjacent driveway surface;
- \* within residential private parking areas the minimum dimensions of a single parking space being 2.5 metres by 5 metres and all visitor parking spaces within these areas being clearly marked for visitors with the remaining private parking spaces allocated to individual dwellings;

\* cycle parking 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;

\* a Green Travel Plan (GTP) be submitted and approved in consultation with Road Services. It should have particular regard to provision for walking, cycling and public transport access to and within the site, and will identify the measures to be provided, the system of management, monitoring, review, reporting and duration of the plan;

\* a Construction Method Statement to minimise the impact of construction activity on the public road network be submitted to and approved by the Planning Authority prior to the commencement of development. It should recommend mitigation measures to control construction traffic and include hours of construction work; and

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

With the use of conditions to cover these recommendations of Road Services, the principles of the proposed development of the site for residential use do not conflict with Policies DP20, T1 and T2 of the adopted East Lothian Local Plan 2008.

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

In respect of landscape matters the Council's Policy and Projects team is satisfied that the proposed landscape planting shown on the indicative masterplan would provide an acceptable landscape setting for the proposed development. However the Policy and Projects team does advise that the location of elements of the proposed built development as shown on the indicative masterplan could result in the loss of mature trees on the site which have significant visual amenity value. As these trees are of significant amenity value it is recommended that they should be retained where possible. Therefore development on the site must be carried out in accordance with British Standard BS5837 2012 "Trees in relation to design, demolition and construction ~ Recommendations' sections 4, 5, 6, 7 and 8. This can be made a condition of any grant of planning permission in principle, subject to which it complies with Policy DP14 of the adopted East Lothian Local Plan 2008.

The Council's Environmental Health service raises no objection to the proposals. It does, however, advise that there is the possibility of contamination of the site. Consequently Environmental Health recommends that a comprehensive contaminated land investigation be carried out. This can be secured by a condition of grant of planning permission in principle for the proposed development, subject to which the proposed development would be acceptable in principle on this matter.

Due to the characteristics of the area and the presence of the buildings as good habitats for bats, it is entirely possible that bats could be present on the site. Because of this the Council's Biodiversity Officer recommends that a bat survey should be carried out to establish the extent of presence of this protected species. He advises that any mitigation measures required by the surveys should be agreed prior to any works commencing on the site. This can be secured through a condition imposed on the grant of planning permission. Subject to this planning control the proposed development does not conflict with Policy DP13 of the adopted East Lothian Local Plan 2008.

The Scottish Environment Protection Agency (SEPA) raises no objection to the principle of the proposed development on the grounds of potential flood risk. In terms of surface water drainage SEPA have appraised the applicant's submitted drainage statement and

is satisfied that the applicant is providing the required level of treatment for a development of this size and that there is sufficient space within the development to accommodate a SUDS system onsite. SEPA therefore raise no objection to the application on the grounds of surface water drainage subject to the imposition of a condition on a grant of planning permission in principle that full details of the finalised SUDS scheme is submitted to and approved in advance by the Planning Authority prior to the commencement of development.

The Council's Manager - Structures, Flooding and Street Lighting is also satisfied that the proposed development could be carried out without unacceptable risk of flooding.

Scottish Water has made no comment on the application.

Policy INF3 of the adopted East Lothian Local Plan 2008 stipulates that new housing will only be permitted where appropriate provision for infrastructure required as a consequence of the development is made. This includes funding necessary school capacity.

The Council's Depute Chief Executive, Resources and People Services informs that the application site is located within the school catchment areas of Gullane Primary School and its pre-school, and North Berwick High School.

He advises that Gullane Primary School and its pre-school and North Berwick High School do not have sufficient capacity to accommodate children that could arise from the proposed development. 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 £72,266.50 towards the provision of additional school accommodation at Gullane pre-school (£578.12 per unit), £779,296.25 towards the provision of additional school accommodation at Gullane Primary School (£6,234.37 per unit) and a contribution of £991,666.25 (£7,933.33 per unit) towards the provision of additional school accommodation at North Berwick High School.

The required payment of a financial contribution of a total of £1,843,229 towards the provision of additional accommodation at Gullane Primary School and its pre-school and North Berwick High School can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the payment of the required contribution towards educational accommodation the proposal is consistent with Policy INF3 of the adopted East Lothian Local Plan 2008, which stipulates that new housing will only be permitted where appropriate provision for infrastructure required as a consequence of the development is made. This will include funding necessary school capacity. The applicant confirms in writing that they are willing to enter into such an agreement.

The Council's Economic Development & Strategic Investment Manager advises that a grant of planning permission in principle would require to be subject to provision of 25% of all housing units to be developed as affordable housing. They should be provided on site or, if it can be demonstrated to the Council that this, or the off-site provision of the required 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 could be the subject of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning

Obligations and Good Neighbour Agreements. Subject to the Council securing the affordable housing requirement, which the applicant confirms they are willing to do, the proposal would be consistent with Policy H4 of the adopted East Lothian Local Plan 2008.

Given the scale of the proposed development, if planning permission in principle were to be granted it would be appropriate for artwork to be incorporated either as an integral part of the overall design of it or as a related commission to be located on the site or in an approved alternative location. This could be achieved by means of a condition on a grant of planning permission in principle, subject to which the proposals would be consistent with the requirements of Policy DP17 of the adopted East Lothian Local Plan 2008.

In the context of the site being land of the site of Proposal NK6 of the approved Draft Proposed Local Development Plan as amended, and in that its impacts in respect of amenity and technical considerations are acceptable in themselves or can be mitigated through the appropriate use of planning conditions and agreements and the submission of detailed plans in respect of those conditions, the balance of the material considerations of this case support the proposals. In this it is consistent with Scottish Planning Policy: June 2014 and SESplan Policy 6. It does not conflict with Policy INF4 of the adopted East Lothian Local Plan 2008.

## RECOMMENDATION

It is recommended that planning permission in principle be granted subject to:

1. The undernoted conditions.

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

(i) secure from the applicant a financial contribution to the Council of £1,843,229 (£14,745.83 per residential unit) towards the provision of additional capacity at Gullane Pre-School, Gullane Primary School and North Berwick High School;

(ii) secure from the applicant the provision of 25% of the final approved number of residential units within the application site as affordable residential units or if it can be demonstrated to the Council that this, or the off-site provision of 25% of the final approved number of residential units as 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; and

(iii) secure from the applicant a financial contribution to the Council of £45,000 for the provision of additional play equipment and/or for some other enhancement of the play area at Recreation Park, Muirfield Terrace, Gullane.

3. That in accordance with the Council's policy on time limits for completion of planning agreements it is recommended that the decision should also be that in the event of the Section 75 Agreement not having been executed by the applicant, the landowner and any other relevant party within six months of the decision taken on this application, the application shall then be refused for the reason that without the developer contributions to be secured by the Agreement the proposed development is unacceptable due to a lack of sufficient school capacity at Gullane Pre-School, Gullane Primary School and North Berwick High School, a lack of provision of affordable housing and a lack of formal play provision, contrary to, as applicable, Policies INF3, H4 and C2 of the adopted East

CONDITIONS:

- 1 The submission for approval of matters specified in conditions of this grant of planning permission in principle in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended) shall include details of the siting, design and external appearance of the residential units, the means of access to them, the means of any enclosure of the boundaries of the site and the landscaping of the site. Those details shall generally comply with the Indicative Masterplan docketed to this planning permission in principle, but additionally shall comply with the following design requirements:
  - a. The residential units shall be predominantly two storeys in height and no higher than three storeys in height and the external finish to their walls shall be predominantly rendered and coloured in accordance with a co-ordinated colour scheme that respects the layout of the development;
  - b. Other than in exceptional circumstances where the layout or particular building type does not permit, the residential units shall be orientated to face the street;
  - c. 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. Notwithstanding that shown in the Indicative Masterplan docketed to this planning permission in principle, there shall be at least a 9 metres separation distance between the windows of a proposed new building and the garden boundaries of neighbouring residential properties and an 18 metres separation distance between directly facing windows of the proposed new building and the windows of existing or proposed neighbouring residential properties;
  - f. parking for the residential development hereby approved shall be provided at a rate as set out in the East Lothian Council Standards for Development Roads- Part 5 Parking Standards;
  - g. all access roads shall conform to East Lothian Council Standards for Development Roads and Design Standards for New Housing Areas in relation to roads layout and construction, footways and footpaths, parking layout and number, street lighting and traffic calming measures;
  - h. driveways shall have minimum dimensions of 6 metres by 2.5 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 metres length. Pedestrian ramps to houses may encroach by up to 300mm on the width (but not the length) provided they are no greater than 150mm in height above the adjacent driveway surface;
  - i. within residential private parking areas the minimum dimensions of a single parking space shall be 2.5 metres by 5.0 metres. All visitor parking spaces within these areas shall be clearly marked for visitors with the remaining private parking spaces allocated to individual dwellings;
  - j. vehicle accesses to private parking areas (i.e. other than driveways) shall be via a reinforced footway crossing and have a minimum width of 5.5 metres over the first 10 metres to enable adequate two way movement of vehicles;
  - k. cycle parking 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;
  - l. the proposed development shall be carried out in strict accordance with British Standard BS5837\_2012 "Trees in relation to design, demolition and construction ~ Recommendations' sections 4, 5, 6, 7 and 8 and an arboricultural survey demonstrating this shall be submitted with application(s) for approval of matters specified in conditions.

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 No more than 125 residential units are approved by this grant of planning permission in principle. Unless otherwise agreed in writing with the Planning Authority the annual completion rates shall be

those set out by the applicant, i.e. 43 in year 2016/2017, 30 in year 2017/2018, 22 in year 2018/2019, and 30 in year 2019/2020 and any slippage in any single year shall revert to year 2020/2021 or beyond, and not be added to the subsequent year.

Reason:

- 3 To ensure sufficient education capacity can be provided for the pupil product of the development. 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 be generally based on the landscape proposals shown in principle on the docketed Indicative Masterplan and shall otherwise fully accord with requirements of Condition 11 above.

It shall also 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 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 ten years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

Reason:

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

Reason:

- 5 In the interests of ensuring sustainable travel patterns in respect of the development. A Construction Method Statement to minimise the impact of construction activity on the amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control construction traffic and shall include hours of construction work and details of wheel washing facilities to be provided. Wheel washing facilities must be provided and maintained in working order during the period of operation of the site. All vehicles must use the wheel washing facilities to prevent deleterious materials being carried onto the public road on vehicle tyres.

Reason:

- 6 To minimise the impact of construction activity in the interests of the amenity of the area. Prior to the occupation of any of the residential units hereby approved:
- a. an uncontrolled pedestrian crossing point shall be formed on Muirfield Drive to provide a suitable safe pedestrian link to provide connectivity and access to Gullane Primary School from the proposed development;
  - b. a continuous 2 metre wide footway shall be provided on the east side of Muirfield Drive along the entire length of the site frontage;
  - c. a continuous 2 metre wide footway shall be provided on the west side of the C111 public road from its junction with the A198 (Main Street) to the pedestrian access link into West Fenton Gait; and
  - d. raised table junctions shall be formed at the vehicular access junctions from the site with Muirfield Drive;

Details of the new uncontrolled pedestrian crossing point, continuous 2 metre wide footways on the east side of Muirfield Drive and west side of the C111 public road and the raised table junctions shall be submitted to and approved in advance by the Planning Authority. Development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road safety.

- 7 The discharge of 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.

Details of the proposed integrated sustainable urban drainage scheme (SUDS) for the application site shall be submitted to and approved in writing by the Planning Authority following consultation with the Scottish Environment Protection Agency and such detail shall provide for two levels of treatment.

The integrated sustainable urban drainage scheme (SUDS) for the application site shall thereafter be fully implemented in accordance with the details so approved.

Reason:

To ensure the provision of a satisfactory sustainable urban drainage scheme for the application site.

- 8 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. Any such remedial measures shall be fully implemented prior to the occupation of any of the residential units, unless otherwise approved in writing by the Planning Authority.

Reason

To ensure that the site is clear of contamination prior to the occupation of the residential units.

- 9 Prior to the commencement of development the applicant, through the employ of a licensed bat worker or suitably experienced ecologist shall undertake a bat survey of all of the buildings the subject of this application in accordance with a survey plan to be submitted to and approved in advance by the Planning Authority. The survey should be carried out in accordance with recognised guidelines for example those produced by The Bat Conservation Trust: Bat Surveys - Good Practice Guidelines, 2007, or guidelines from another recognised ecological organisation.

A copy of the survey report shall be submitted to the Planning Authority within a period of one month following the date of completion of the survey, for approval by the Planning Authority.

The bat survey shall make recommendations about any existence or possibility of bats roosting on site, any measures that need to be implemented to mitigate against the loss of bat roosts and a timescale for the implementation of any mitigation measures. Within the approved timescales the measures to mitigate against the loss of bat roosts shall be fully implemented in accordance with the details so approved. Once implemented, those measures to mitigate against the loss of bat roosts shall be permanently retained unless with the prior approval of the Planning Authority. Mitigation may include installation of bat boxes, recommendations on landscaping and other measures.

Reason:

In the interests of nature conservation.

- 10 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.