

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

Application No. **15/00966/AMM**

Proposal Approval of matters specified in conditions of planning permission in principle 14/00632/PPM - Erection of 120 houses, 20 flats and associated works

Location **Ferrygate Farm
Dirleton Road
North Berwick
East Lothian
EH39 5DJ**

Applicant Miller Homes

Per HolderPlanning

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

Although this application is for the approval of matters specified in conditions of planning permission in principle 14/00632/PPM it has to be determined as a major development type application because the area of the application site is greater than 2 hectares and the number of dwellings detailed is greater than 50. Accordingly the application cannot be decided through the Council's Scheme of Delegation. It is therefore brought before the Planning Committee for a decision.

This application relates to some 7.6 hectares of agricultural land located immediately to the west of North Berwick. It has a broadly rectangular footprint and forms part of a larger field.

The site is bounded to the north by a length of Dirleton Road (the A198 road), a petrol filling station and garage, a small landscaped area and a number of houses. It is bounded to the east by a single track lane, known as Gasworks Lane, and beyond by

houses and gardens and by agricultural land. It is bounded to the south by agricultural land and to the west by a tree belt, beyond which is agricultural land.

In July 2014 planning permission in principle 14/00632/PPM was sought for a residential development of the application site. In December 2014 planning permission in principle 14/00632/PPM was refused by East Lothian Council. An appeal (Ref: PPA-210-2047) against that decision was subsequently made to the Scottish Government's Directorate for Planning and Environmental Appeals. In November 2015, following the conclusion of a legal agreement to secure education, school crossing patrol and affordable housing contributions, the appeal was allowed and planning permission in principle 14/00632/PPM was granted.

Approval of matters specified in conditions of planning permission in principle 14/00632/PPM is now sought for the erection of 120 houses, 20 flats and associated works on the application site.

Of the 120 houses, 99 would be detached, 8 semi-detached and 13 terraced. In terms of size, 15 of the proposed 120 houses would contain 2 bedrooms, 11 would contain 3 bedrooms, 59 would contain 4 bedrooms, and 35 would contain 5 bedrooms. The flats would each contain 1 bedroom.

The submitted details also include for the internal access roads, parking courts, landscaped open space, a play area and structural planting.

Vehicular access to the 120 houses and 20 flats would be taken from Dirleton Road by way of a new access junction to be formed some 30 metres to the west of the petrol filling station and garage on Dirleton Road.

A new area of woodland would be planted along the western edge of the site, which, together with the existing woodland belt immediately to the west of the site, would create a woodland strip with its width varying between 12 metres and 35 metres. An area of public open space, which would contain an equipped play area, would be formed centrally within the site. A SUDS shallow meadow basin would be formed within the northwest part of the site.

The application is supported by a Design Statement. The Statement sets out the design principles and concepts that have been applied to the development. It also provides a summary of how the conditions of planning permission in principle 14/00632/PPM have been met.

Subsequent to the registration of this application, further drawings have been submitted showing i) revised proposals for the proposed play area; ii) revised details for the house proposed for plot 105; iii) revised landscape proposals; and iv) further details of the remote footpath that would provide a pedestrian link between the site and the existing public footway network on Williamstone Court. Additionally a Tree Survey, a tree protection plan, and further drainage information have been submitted.

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 08 May 2012 the Council issued a formal screening opinion to the agent for the applicant. The screening opinion concludes that it is East Lothian Council's view that a housing

development of the site is not likely to have a significant effect on the environment such that consideration of environmental information is required before any grant of planning permission. It is therefore the opinion of East Lothian Council as Planning Authority that there is no requirement for the proposed housing development to be the subject of an EIA.

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

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

Relevant to the determination of the application is Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies H1 (Housing Quality and Design), DP1 (Landscape and Streetscape Character), DP2 (Design), DP12 (Trees on or Adjacent to Development Sites), C1 (Minimum Open Space Standard for new General Needs Housing Development), C2 (Play Space Provision in new General Needs Housing Development), T2 (General Transport Impact), DP20 (Pedestrians and Cyclists), DP22 (Private Parking) and DP24 (Home Zones) of the adopted East Lothian Local Plan 2008.

A material consideration is the supplementary planning guidance of "Design Standards for New Housing Areas" 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 to the determination of this application 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.

Five written representations have been received in respect of this application, one of which raises objection to the proposed development. The other four representations do not state whether they support or object to the proposals. One of the written representations is submitted on behalf of the Westerdunes Park Proprietors Association.

A copy of the written representations 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:

- * Proposed development falls outwith the current Development Plan; and
- * Impact on services and infrastructure within North Berwick;

The main issues raised in the four written representations are summarised as follows:

- * The boundary planting proposals are unsatisfactory and could shade out the objector's garden and photo-voltaic panels;

- * Loss of private view;
- * Reduction in the value of the objector's property;
- * Significant loss of privacy through overlooking and loss of daylight;
- * Significant light pollution;
- * Existing residents will be subject to considerable noise and disturbance during the construction period;
- * Increased risk of flooding;
- * Objector's hedge should be retained; and
- * A physical traffic calming measure, such as a roundabout or traffic lights, should be installed at the new site access in order to reduce the speed of vehicles heading westwards along Dirleton Road.

Additionally the Westerdunes Park Proprietors Association request that their concerns regarding potential flooding of the Eel Burn, which runs through the estate and under several properties, as a consequence of surface drainage from the proposed development be considered as part of the determination of this application.

The grounds of objection concerning loss of private view and reduction in the value of the objector's property are not material considerations in the determination of a planning application.

North Berwick Community Council, a consultee, do not object to the detailed proposals. They do however raise concern over the boundary planting proposals and the possible shading of existing gardens that may result. As the speed of cars coming along Dirleton Road is significant, the Community Council advise that the safe traffic egress from the new housing entrance could be assisted if this junction was in a 30 miles per hour zone.

Notwithstanding the concern of the objector, by the grant of planning permission in principle 14/00632/PPM, approval has been given for the principle of the erection of 140 residential units on the application site. There can therefore be no objection in principle to the erection of the 140 residential units now proposed.

Therefore, in the determination of this application the Council, as Planning Authority, can only concern itself with the siting, design and external appearance of the development and the landscaping of and means of access to the site. In this regard the detailed proposals have to be considered against relevant development plan policy and the illustrative masterplan and conditions attached to planning permission in principle 14/00632/PPM.

The proposed residential development would form an extension to the western edge of North Berwick and would not be out of keeping with the character of the settlement and local area.

Paragraph 2.6 of the "Design Standards for New Housing Areas", approved by the Council on 10th March 2008, states that new housing development must create a hierarchical, permeable and interconnected street layout that complements and should extend the surrounding street pattern. Such layouts spread vehicle traffic evenly through

a site and to the surroundings, help prevent localised traffic congestion, and encourage walking and cycling. Proposed street layouts must maximise connections within the site and to surrounding streets, and ensure the movement requirements of the development strategy are met. By the design and arrangement of street types, street layouts must influence vehicle drivers preferred route choice to ensure the tertiary streets between residential blocks are less busy. In paragraph 2.9 it is stated that Home Zones must be introduced to new development as part of a hierarchical, permeable and interconnected street layout.

The houses and associated areas of ground, in their proposed groupings, orientations, and layout would be consistent with the principles of 'Home Zones' as set out in the Council's Design Standards for New Housing Areas and with the Scottish Government Policy Statement entitled "Designing Streets". The proposed layout of roads, pathways and parking spaces would also generally be consistent with those principles.

The details now submitted for approval are for a scheme of development comprising a mix of detached, semi-detached and terraced houses (14 types of residential units) and 20 flats, with all of the flats and houses being two storeys in height. The houses and flats would be finished predominantly with rendered walls and their pitched roofs would be clad with either pantiles or dark grey concrete tiles.

The proposed mix of house types is broadly consistent with the mix of house types indicatively shown on the illustrative masterplan docketed to planning permission in principle 14/00632/PPM. The proposed houses and flats, due to their positioning on the application site and by virtue of their height, size and scale, and architectural design would satisfactorily integrate into their surroundings and would not appear as prominent or intrusive features. In this respect, the design of the house proposed for plot 105, that being the plot closest to the site access from Dirleton Road, has been amended following concerns raised by planning officers. The amendments, which consist of a hipped roof instead of a gabled roof and the addition of four windows in the north facing side elevation of the house, would reduce the visual impact of the house and add visual interest to the development. The other components of the proposed development would not be harmful to the character and appearance of the area.

The proposed housing development would provide an attractive residential environment for future residents of the proposed houses and flats. The houses and flats are shown to be laid out in such a way that adheres to the normally accepted privacy and amenity criteria on overlooking and overshadowing, whilst affording the future occupants of the houses and flats an appropriate level of privacy and residential amenity. Notwithstanding this, it is proposed to enclose some of the rear boundaries by a 1.2 metres high fence or wall. This would not be high enough to provide sufficient privacy to occupants of the proposed residential units. Such boundaries should be amended to 1.8 metres in height. This can be secured by the imposition of a condition of the approval of matters specified in conditions for the proposed housing development.

The application site is capable of accommodating all of the houses and flats without being an overdevelopment of the site and without being incompatible with the density of existing housing development in the area.

The proposed development has been amended in light of comments received from the Council's Landscape Project Officer. The revised proposals have:

* Omitted the proposed hedge to the east side of the entrance road and added some feature trees to the open space to the east of the entrance to include 2 Beech trees, 1 Holm oak tree and 1 Scots pine tree;

- * Relocated the southern boundary fence line to the north side of the hedge line, amended the hedge to be a mixed native hedge and located the trees within the hedge line;
- * Added 2 street trees within the street that runs north to south to the western end of the development and 2 trees within the southernmost street;
- * Amended the street tree species to be a mix of *Acer campestre* 'Elsrijk' and *Carpinus betulus* 'Frans Fontaine', with the row of Horse Chestnuts to the frontage of the houses to the east side of the central open space changed to *Carpinus betulus* 'Frans Fontaine';
- * Included additional species of large trees within the open space that runs north to south through the centre of the site;
- * Amended the species of trees within the orchard to include apples, plums and pear trees;
- * Omitted the tree planting previously proposed to the south of the houses on Dirleton Road;
- * Included whin dust paths through the woodland to the west of the site;
- * Had a tree survey carried out for the mature trees at Wild Acre which are protected by Tree Preservation Order number 39, which has accurately plotted these trees and identified their root protection areas in accordance with BS5837:2012 'Trees in relation to design, demolition and construction'.

The Landscape Project Officer raises no objection to the details of the development now proposed, being satisfied that her earlier comments have been fully addressed. She does however recommend that measures are put in place to protect existing trees during the construction period. This can be secured by the imposition of a condition of the approval of matters specified in conditions for the proposed housing development.

The Council's Environmental Protection Manager raises no objection to the proposed development, being satisfied that the occupants of the proposed residential units would benefit from a satisfactory level of privacy and residential amenity. He does not raise concerns that existing residents would be subject to significant light pollution, as one of the representors suggests.

The matter of noise and disturbance during the construction period was considered in the determination of previous application 14/00632/PPM. Condition 8 of planning permission in principle 14/00632/PPM requires 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 prior to the commencement of development. The statement should recommend mitigation measures to control noise, dust, construction traffic and should include hours of construction work.

On all of these foregoing findings on matters of design, layout, landscaping and amenity, and subject to the imposition of conditions, the proposed development is consistent with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), Policies H1, DP1, DP2 and DP24 of the adopted East Lothian Local Plan 2008, the Council's Design Standards for New Housing Areas and the Scottish Government Policy Statement entitled "Designing Streets".

The proposed site layout now includes a centrally located area of open space, consistent with the illustrative masterplan docketed to planning permission in principle 14/00632/PPM. The Council's Principal Amenity Officer is satisfied with both the size and location of the proposed area of open space. On this consideration the proposed development is consistent with Policy C1 of the adopted East Lothian Local Plan 2008.

The area of open space would contain an equipped play area. The proposed size and location of the play area is consistent with the illustrative masterplan docketed to planning permission in principle 14/00632/PPM. Details of the play equipment proposed for the play area were submitted with this application. The Council's Principal Amenity Officer originally raised concerns regarding the proposed equipment, which he considered would be limited in range and not challenging for children between 8 and 12 years of age. The proposed play equipment has subsequently been amended to take into account the concerns of the Principal Amenity Officer. He is now satisfied with the range of equipment proposed and advises that it will provide a reasonable challenge for older children. On this consideration the proposed development is consistent with Policy C2 of the adopted East Lothian Local Plan 2008.

The principles of the means of accessing of the proposed housing are already decided by the grant of planning permission in principle illustrative masterplan docketed to planning permission in principle 14/00632/PPM. These are that vehicular access to the site should be taken from Dirleton Road via a new access to be formed some 30 metres to the west of the petrol filling station and garage on Dirleton Road.

The submitted details for accessing the proposed 140 residential units are in accordance with these principles established by the grant of planning permission in principle 14/00632/PPM. In this regard, it is worth noting that the Reporter appointed to determine the appeal did not consider that it was necessary for the site access with Dirleton Road to include a physical traffic calming measure, such as a roundabout or traffic lights.

The Council's Road Services raise no objection to the submitted details, being satisfied that the proposed development would not result in unacceptable traffic congestion, including on Dirleton Road. They advise that the proposed means of access and amount and location of parking within the site are all acceptable, although they do make recommendations on the standards of provision.

They recommend that:

- (i) vehicle access's to private parking areas (i.e. other than driveways) should 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;
- (ii) cycle parking should be included at a rate of 1 space per flat. The parking should be in the form of 1 locker per flat or communal provisions in the form of a lockable room or shed; and
- (iii) wheel washing facilities are provided during the construction phase of the housing development.

All of these requirements can reasonably be made conditions of the approval of matters specified in conditions for the proposed housing development.

Condition 3f(ii) of planning permission in principle 14/00632/PPM requires the provision of a remote footpath leading to Williamstone Court to connect into the existing public footway network on Williamstone Court. Consistent with the requirements of condition 3f

(ii), such a remote footpath has been proposed. The remote footpath is to be of an adoptable standard with street lighting provided.

On these foregoing transportation and other access considerations the proposed residential development is consistent with Policies T2, DP20 and DP22 of the adopted East Lothian Local Plan 2008.

The Council's Waste Services Manager raises no objection to the details of the 140 residential units now proposed, advising that the proposed flats should be allocated communal containers. A copy of his consultation response has been forwarded onto the applicant for their information.

The mechanism of a financial contribution towards additional educational provision in North Berwick for a housing development of 140 residential units has already been secured through the grant of planning permission in principle 14/00632/PPM.

The mechanism of the provision within the residential development of 25% affordable housing (i.e. 35 units of the proposed 140 units) is already secured through the grant of planning permission in principle 14/00632/PPM.

The Council's Housing Strategy and Development service raise no objection to the details of the 140 residential units now proposed.

Scottish Water were consulted on the planning application but have not commented on it.

The matter of site drainage was considered through the determination of previous application 14/00632/PPM. Condition 10 requires that details of the proposed integrated sustainable urban drainage scheme (SUDS) for the site should be submitted in writing for the approval of the Planning Authority, following consultation with SEPA. Details of the proposed integrated sustainable urban drainage scheme (SUDS) for the site have not been submitted with the application. Instead, the applicant advises in their Design Statement that details of the SUDS scheme are to be prepared, following consultation with SEPA, by the project engineers for the approval of the Planning Authority.

The Council's Team Manager for Structures, Flooding & Street Lighting raises no objection to the proposals, being satisfied that details of the proposed integrated sustainable urban drainage scheme (SUDS) are to be submitted to and approved by the Planning Authority in writing. He further advises that, the revised preliminary drainage layout drawing (Drawing No. E10578-2001A) shows the SUDS pond outfall draining to a soakaway on the site and not to the Eel Burn. This, he advises, should address the concerns of the Westerdunes Park Proprietors Association.

The Scottish Environment Protection Agency raise no objection to the details of the 140 units now proposed, although they recommend that the discharge of surface water to the water environment should be in accordance with the principles of the SUDS Manual (C753) published by CIRIA. This can reasonably be made a condition of the approval of matters specified in conditions for the proposed housing development.

RECOMMENDATION

That approval of matters specified in conditions for the proposed housing development be granted subject to the following conditions:

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

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

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

Reason:

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

- 2 The external finishes of the houses 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, with a use of more than one render colour and with a strongly contrasting difference in the colours such that they will not each be of a light colour. All such materials used in the construction of the houses 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.

- 3 Notwithstanding that shown on the drawings docketed to this approval, the boundary enclosures shown on those drawings are not hereby approved. Instead, and prior to the commencement of development, revised details of all boundary enclosures to be erected on the application site, and the timescales for their provision, shall be submitted to and approved in advance by the Planning Authority. Those details shall show 1.8 metre high enclosures around rear gardens of the houses hereby approved.

Development shall thereafter be carried out in full accordance with the details so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure the satisfactory provision of the boundary enclosures in the interest of safeguarding the visual amenity of the area and to safeguard the privacy and amenity of residential properties nearby.

- 4 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.

- 5 Prior to the commencement of development, details showing compliance with the following transportation requirements shall be submitted to and approved in writing in advance by the Planning Authority.

(i) vehicle access's to private parking areas (i.e. other than driveways) shall be via a reinforced footway crossing and shall have a minimum width of 5.5 metres over the first 10 metres to enable adequate two way movement of vehicles; and

(ii) cycle parking shall be included at a rate of 1 space per flat. The parking shall be in the form of 1 locker per flat or communal provisions in the form of a lockable room or shed;

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

Reasons:

In the interests of road and pedestrian safety.

- 6 The discharge of surface water to the water environment shall be in accordance with the principles of the SUDS Manual (C753) published by CIRIA.

Reason:

In the interests of the local water environment.

- 7 No development shall take place on site until temporary protective fencing in accordance with Figure 2 of British Standard 5837_2012 "Trees in relation to design, demolition and construction" and as detailed on drawing 'Tree Protection Plan' numbered '1842/07' has been installed, approved and confirmed in writing by the Planning Authority. The fencing must be fixed in situ, erected prior to site start and retained on site and intact through to completion of development. The position of this fencing must be as indicated on the drawing 'Tree Protection Plan' numbered '1842/07', shall be positioned outwith the Root Protection Area (RPA) as defined by BS5837:2012 for all trees and approved in writing by the Planning Authority.

All weather notices shall be erected on said fencing with words such as "Construction exclusion zone - Keep out". Within the fenced off areas the existing ground level shall neither be raised nor lowered, no materials, temporary buildings, plant, machinery or surface soil shall be placed or stored and no herbicides shall be used. Planning of site operations should take sufficient account of wide loads, tall loads and plant with booms, jibs and counterweights (including drilling rigs), in order that they can operate without coming into contact with retained trees. Any materials whose accidental spillage would cause damage to a tree shall be stored and handled well away from the outer edge of its RPA. Fires on sites should be avoided if possible. Where they are unavoidable, they should not be lit in a position where heat could affect foliage or branches. The potential size of a fire and the wind direction should be taken into account when determining its location and it should be attended at all times until safe enough to leave.

Reason:

To ensure the retention of existing trees, in the interests of the visual amenity of the area.