

REPORT TO: Planning Committee

MEETING DATE: Tuesday 7 February 2017

BY: Depute Chief Executive
(Partnerships and Community Services)

SUBJECT: Application for Planning Permission for Consideration

Application No. **16/00633/AMM**

Proposal Approval of matters specified in conditions of planning permission in principle 12/00553/PPM - Erection of 78 houses, 12 flats and associated works

Location **Land Adjacent Beveridge Row
Belhaven
Dunbar
East Lothian**

Applicant CALA Management & Trustees Of D.V.Rennie & J.Rennie Trust

Per EMA Architecture & Design

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

Although this application is for the approval of matters specified in conditions of planning permission in principle 12/00553/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 6.10 hectares of agricultural land located immediately to the west of Belhaven, Dunbar and some 220 metres to the east of West Barns. The site is roughly rectangular in shape. To the north of it is the row of houses of Edinburgh Road, Belhaven beyond which is the A1087 public road (Edinburgh Road) and the Belhaven Caravan Park and, further still, the coast. To the east of it is the row of houses of Beveridge Row, Belhaven, with Belhaven Brewery and Belhaven Hospital beyond. To the south of it is the East Coast Main Line railway with agricultural land beyond and to the west is agricultural land and three residential properties located within that countryside land. Further to the west is part of the eastern edge of West Barns.

In July 2012 planning permission in principle 12/00553/PPM was sought for a residential development of the application site. In January 2013 the applicants appealed to the Scottish Government's Directorate for Planning and Environmental Appeals against the failure of East Lothian Council to issue a decision on the planning permission in principle application within the prescribed period of 4 months. In April 2014 following the conclusion of a legal agreement to secure education, off site pedestrian links and affordable housing provisions, the appeal was allowed and planning permission in principle 12/00553/PPM was granted.

Approval of matters specified in conditions of planning permission in principle 12/00553/PPM is now sought for the erection of 78 houses, 12 flats and associated works on the application site.

Of the 78 houses, 67 would be detached and 11 would be terraced. In terms of size, 11 of the 78 proposed houses would contain 3 bedrooms, 18 would contain 4 bedrooms, 31 are described as having 4 bedrooms + 1 study, 3 would contain 5 bedrooms and 5 are described as having 5 bedrooms + 1 study. The 12 flats would each contain 2 bedrooms.

The submitted details also include for the internal access roads, garages, parking courts, boundary treatments, landscaped open space, a play area, SUDS and associated works.

Vehicular, pedestrian and cycle access to the 78 houses and 12 flats would be taken from Edinburgh Road by way of a new access junction to be formed near to the northwest corner of the site. A pedestrian and cycle access would also be formed between the southeast corner of the site with Beveridge Row. This access would also serve as an emergency vehicular access. A separate pedestrian and cycle path would be formed at a point further north along the eastern boundary of the site to allow access to Beveridge Row for pedestrians and cyclists.

The boundaries of the site would be landscaped with new hedge and tree planting and areas of open space formed along the full length of the western boundary of the site and the full length of the southern boundary of the site. A 'Village Green' area of open space would be formed close to the centre of the site and a smaller area of open space would be formed to the south of the 'Village Green'. A SUDS basin would be formed close to the western boundary of the site and would be grassed and planted with wildflowers. A pumping station would be formed to the north of the proposed SUDS basin. It is indicated that an equipped play would be formed to the south of the proposed SUDS basin although details of the proposed play equipment have not been submitted with this application.

The application is supported by a Design and Access Statement. The Statement sets out the design principles and concepts that have been applied to the development. It also sets out the non-statutory community consultation which the applicant undertook prior to submitting this application.

The application is also supported by a 'Report on Railway Sound' and an 'Archaeological Evaluation Data Structure Report'.

Subsequent to the registration of this application, further drawings have been submitted showing i) revised proposals for the layout of the houses and garages proposed on plots 1-3 of the development; (ii) an alternative house type for the houses proposed on plots 12 and 16 of the development; (iii) revised landscaping proposals and boundary treatment proposals; iv) additional sectional details through the site and

details on site levels and v) revised internal road and footpath details. Additionally a Flood Risk Assessment and further drainage information, a Tree Survey, a tree protection plan, a landscape maintenance specification and a statement on the size and mix of housing proposed 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 3rd 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), DP15 (Sustainable Urban Drainage Systems), DP16 (Flooding), 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.

Six written representations have been received in respect of this application, all of which raise objection to the proposed development.

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:

- * The site is subject to flooding and the proposed development will potentially make this worse;
- * Increased traffic on Beveridge Row would be dangerous;
- * There is no indication on the plan as to whether the access road on the south-east corner of the site is completely closed off to cars. Use of this access would add to an already heavy traffic usage on a narrow dangerous road;
- * The application drawings do not accurately define the footprint of an objectors property on Beveridge Row;
- * This stretch of Edinburgh Road is susceptible to traffic accidents and this proposal, with the proposal for access on to Edinburgh Road will make this worse;
- * There are already problems with speeding traffic on this stretch of Edinburgh Road which makes it difficult for residents on Edinburgh Road to use their drives;
- * The proposed junction on to Edinburgh Road will add to traffic problems and instead a roundabout at this junction would make egress from the proposed development safer and would slow down the traffic on Edinburgh Road;
- * Traffic calming and a safe crossing should be provided on Edinburgh Road;
- * Proposals for surface water drainage will cause great disruption to traffic and inconvenience to residents;
- * Proposals for foul drainage are unacceptable and inadequate;
- * The proposed development will visually merge the village of Belhaven with West Barns;
- * Concerns that the area of housing has been extended westwards contrary to the original proposals indicated in the planning permission in principle application;
- * Concerns from a neighbouring resident that their private access drive may be used by contractor's vehicles if the site is to be developed; and
- * Impact on services and infrastructure within the area.

The concerns raised by a neighbouring resident relating to potential use of their private drive by contractors is a legal matter and not a material planning consideration in the determination of this planning application.

Dunbar Community Council, a consultee, have raised concerns relating to flooding and drainage issues (in particular that the site is prone to pluvial and coastal flooding, a number of the proposed houses are to be sited on the areas of the site most prone to flooding which could have implications for future residents obtaining property insurance, the SUDS pond proposed is not sufficient to allow the volume of water that may build up at the site to drain away naturally, the lack of information on pumping

stations, it is not known what affect changing landform will have on drainage, existing sewer provision is inadequate and may not have sufficient capacity to deal with the flow of waste from a further 90 properties and capacity concerns relating to Beltonford Water Treatment Plant); transport issues (concerns that the applicant has not submitted a Transport Assessment or Travel Plan and that the proposed access on to Edinburgh Road would be unsafe, there is a potential for increased traffic flow on Beveridge Row which would also be unsafe and there would be inadequate provision for pedestrians); concerns relation to lack of play provision for this size of development; the siting of the proposed affordable housing; pressures on infrastructure; the fact that a Habitat Survey has not been submitted and that vernacular design is not reflected in the proposals for the residential development.

West Barns Community Council have also been consulted on the detailed proposals and they have raised similar concerns to those raised by Dunbar Community Council. In summary their concerns relate to flooding and drainage, sewerage capacity, transportation concerns, the impact the proposals will have on West Barns Primary School and Dunbar Grammar, the design of the proposed houses and flats, the proposed development would lead to the loss of the West Barns community identity as it merges into Belhaven/Dunbar, limited provision for children's play at the site and impacts of health provision in the area.

Notwithstanding the concern raised in representations and by West Barns Community Council, by the grant of planning permission in principle 12/00553/PPM, approval has been given for the principle of the erection of 90 residential units on the application site. There can therefore be no objection in principle to the erection of the 90 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, the landscaping of and means of access to the site and the means of any enclosure of the boundaries of 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 12/00553/PPM.

The proposed residential development would form an extension to the western edge of Dunbar 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, flats 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 and terraced houses (13 types of residential units) and 12 flats, with all of the flats and houses being two storeys in height. The applicants have provided a statement detailing why they have chosen the range of house types proposed. They state the total number of units proposed accords with the planning permission in principle granted for the site and that the mix includes a range of sizes and types from 2 bed cottage flats to 5 bed family homes with 25% of the proposed houses on the site being 2 or 3 bed properties. Whilst there are a large proportion of detached houses, the layout reflects the surrounding area, which is generally characterised by detached houses set within relatively large gardens.

The houses and flats would be finished predominantly with rendered walls and smaller areas of reconstituted stone and their pitched roofs would be clad with concrete tiles (the colour(s) of which are unspecified in this application). A condition can be imposed to require the submission of a scheme of final finishes with a palette of colours for the houses and flats, which has due regard to the finishes of other residential properties in the locality. Subject to the imposition of this condition, the proposed houses and flats would not cause any incongruous change to the architectural harmony, integrity and character of this part of Belhaven, Dunbar.

The indicative details submitted with planning permission in principle application 12/00553/PPM didn't illustrate house types. The indicative details did illustrate two different options for the layout of the site. Both of these options illustrated a primary access into the site from Edinburgh Road with secondary or pedestrian accesses from Beveridge Row and both showed a primary street 'looping' round the site with secondary courtyard and cul-de-sac accesses off it. Both options illustrated landscaped open space to the south and west sides of the site although there were variations in the detail and extent of open space between the two options. The main difference between the two options was in the treatment of the north west corner and the western edge of the site with the first option illustrating the residential development extending up to the northern (Edinburgh Road) frontage of the site and the second option illustrating a SUDS pond instead of residential development at this northern end and a wider strip of open space along the western side of the site than indicated in the first option (which illustrated a narrower strip but included a central area of open space instead). Although other illustrative details docketed to planning permission in principle 12/00553/PPM detail only the second option, the planning permission in principle granted does not approve one concept over the other.

The detailed layout proposed through this approval of matters application follows more closely the first option illustrated in the planning permission in principle application, which is with residential development extending up to the northern part of the site, areas of open space along the western and southern sides of the site and a central area of open space. The proposed layout is therefore broadly consistent with the first layout shown in the concept masterplan option analysis docketed to planning permission in principle 12/00553/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 layout of the three houses proposed for plots 1-3, those being the plots closest to the site access and closest to Edinburgh Road, have been amended following concerns raised by planning officers to ensure that they are brought closer to each other to create a curved terrace effect and to reposition the northernmost house back into the site further away from

Edinburgh Road and thereby increase the landscaping opportunities along this boundary in order to reduce the visual impact of these three houses 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. With the exception of the houses to be positioned on house plots 12 and 16 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. The houses to be positioned on house plots 12 and 16 would have first floor windows on their south and side elevations (serving bathrooms and a bedroom in each house) which could, if clear glazed, lead to harmful overlooking of either existing neighbouring properties or other proposed houses to be positioned to the south of them. A condition can be imposed on an approval of matters specified in conditions for the proposed housing development to ensure that these first floor windows are obscurely glazed.

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.

Drainage and flooding matters were discussed at the hearing into planning permission in principle application 12/00553/PPM as part of the site is shown on the Scottish Environment Protection Agency's Indicative flood map to be liable to flooding. The Reporter in his determination of that application took account of the facts that SEPA didn't recommend refusal of the planning permission in principle application, that Scottish Water did not comment on the application and that flooding and drainage issues were not matters that the Council argued were a basis for refusal of that application. He agreed with the applicant's flooding engineers that there is no unmanageable flood risk and that foul and surface water drainage solutions are possible. He saw no reason why these matters should preclude development and he therefore concluded that these matters could be suitably dealt with subject to conditions being imposed on a grant of planning permission in principle for the residential development of the site to ensure that details of existing and proposed site levels and details of a SUDS scheme be submitted to and approved by the Planning Authority, following consultation with the Scottish Environment Protection Agency and Scottish Water. Details of a SUDS scheme have been submitted with this application.

Scottish Water have been consulted on this application but have not commented on it.

The Scottish Environment Protection Agency (SEPA) originally objected to the proposed development on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy. In particular their objection related to the applicant's proposal to form an access and a number of properties in the lowest part of the site which is prone to flooding from surface water runoff. This area is the northernmost part of the site adjacent to Edinburgh Road which is identified in SEPA Flood Maps as being at a potential risk of flooding and which is prone to ponded water lying on it. SEPA raised concern that the applicant's proposals to erect houses and garages on this northernmost part of the site with minimum finished floor levels of 4.15mAOD for a house and 3.7mAOD for a garage would lead to this part of the development being at a significant risk of flooding and could increase the risk of flooding to adjacent property and to the A1087 public road. SEPA advised they would consider reviewing their objection to the proposed development if the site layout was

revised to remove built development and land raising from areas currently lying below 4.3m AOD, if minimum finished floor levels are to be set no lower than 4.74m AOD and if further consideration is given to the location of the SUDS basin and the use of cut-off drains to reduce the risk of surface waters from the development site discharging into the grounds of existing properties bounding the site.

In response to SEPA's objection to the application, the applicant's carried out a revised flood risk assessment and submitted a report to SEPA addressing their objections. Having reviewed the additional information submitted by the applicant, SEPA withdrew their objection to the proposed development with regard to flood risk provided the finished floor levels of the buildings to be erected on the site are set no lower than 4.74m AOD.

However, subsequent to SEPA withdrawing their objection the Council's Team Manager for Structures, Flooding & Street Lighting raised concerns that there was some evidence of a culvert located under the site which had not been investigated as part of the applicant's flood risk assessment. As SEPA had been unaware of this culvert when making their previous comments this new information was brought to their attention and as a result they re-instated their objection to the proposals due to a lack of information on flood risk and recommended that the applicant investigate and report on the risk from this culvert.

The applicant's subsequently provided additional information regarding the culvert that is located under the site. Information was also submitted on the location of the field drain network on the site. The applicant now proposes that the drainage pipe adjacent to the western boundary of the site is replaced on a like for like basis. A new field drain is proposed to be installed along the south boundary of the proposed development to intercept surface water entering the site from the south and this will link to the replacement pipe along the western edge of the development.

The Council's Team Manager for Structures, Flooding & Street Lighting also identified that a historic plan from August 1971 shows a culvert running through the site of the proposed development. This is identified as a 12 inch drain pipe conveying drainage water from the A1 trunk road. In light of this information the applicant's have advised that they will revise their flood risk assessment to include the findings of an investigation into this 300mm pipe under the site. They also advise that the pipe will be intercepted and will be re-routed if required to the west of the proposed built development. SEPA have confirmed that they are satisfied that the existing drain is to be the subject of further investigation and that this solution is achievable. They strongly advise that this drainage route should be kept outwith any house plots so that it does not become the responsibility of individual homeowners and will remain accessible with ease for future inspection and maintenance.

SEPA, having assessed all of the revised information submitted, have confirmed that they withdraw their previous objections to the proposals with regard to flood risk subject to the following conditions being attached to any consent granted.

- Finished floor levels should be set no lower than 4.74 m AOD.
- The existing 300mm culvert shall be further investigated and included in an updated Flood Risk Assessment.
- The 300 mm drain shall be replaced on a like for like basis and rerouted if required so that it is located to the west of the proposed housing and is outwith all house plots, and
- A new drain shall be installed to the south of the proposed built development which will link to a replacement drain along the western edge of the application site as

indicated on drawing FIELD01 "Existing and proposed field drain layout".

The Council's Team Manager for Structures, Flooding & Street Lighting also confirms he no longer objects to the proposals subject to the conditions recommended by SEPA being imposed.

The above recommended conditions can reasonably be imposed on the approval of matters specified in conditions for the proposed housing development.

This application also details provision of a pumping station to the north of the proposed SUDS but no details of the cabinets or other equipment to be formed within this area have been submitted. The prior approval of the details of the equipment to be installed can be controlled through a condition imposed on a grant of planning permission for the proposed development.

The raising of land levels and finished floor levels of the houses to ensure finished floor levels should be set no lower than 4.74mAOD will only apply to the northernmost part of the site which sits at a lower level than the remainder of the site. Overall this would not involve a significant change in levels over the site as a whole and would apply to only a small number of the total number of houses to be built on the site. It would not result in the houses and other built development on this northern most part of the site appearing as overly prominent or intrusive in their setting or appearing harmful to the character and appearance of the area.

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

- * Provided more detail on both existing and proposed levels throughout the site and details of sections through the site;
- *Amended the boundary treatments to front garden areas to include more hedges;
- *Amended details on the siting of tree planting throughout the site;
- * Provided a detailed method statement for the proposed seeding and maintenance of landscaped areas; and
- * Provided a tree survey and arboricultural constraints plan to address the treatment of trees growing in the south west corner of the site;

The Landscape Project Officer does not object to the details of the development now proposed, but she does require that conditions be imposed on a grant of planning permission to ensure that full site setting out details, tree maintenance, landscaping, tree protection measures and arboricultural monitoring are submitted to and approved by the planning authority. These measures can be secured by the imposition of conditions on the approval of matters specified in conditions for the proposed housing development.

Network Rail raises no objection to the details of the proposed residential development. They offer advisory comments on matters of drainage, security fencing, planting and proximity of building and engineering works to the East Coast Main Line railway. These comments have been forwarded to the applicant and they are aware of Network Rail's requirements. The applicants have amended their landscaping proposals in line with Network Rail's planting recommendations to ensure that where trees/shrubs are to be planted adjacent to the railway boundary these should be

positioned at a minimum distance from the boundary which is greater than their predicted mature height in order to prevent leaf fall on the railway.

The matter of potential rail traffic noise affecting residents of the proposed development was considered in the determination of the planning permission in principle application 12/00553/PPM. Condition 4 of that planning permission in principle requires that a noise consultants report to include an assessment of (i) noise from the use of the main east coast rail line and of any impact of such noise on the housing development of the site; and (ii) any mitigation measures considered necessary to achieve satisfactory internal and external noise levels for the occupiers of a residential development of the site should be submitted to and approved by the Planning Authority prior to the commencement of development. The required noise consultants report has been submitted with this planning application and having considered that report the Council's Environmental Health Officer confirms he agrees with the findings of the report which are that the railway sound levels will not have a harmful impact on the amenity of the residents of the proposed residential development and that no mitigation measures are required. The Council's Environmental Health Manager therefore 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.

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".

As previously detailed, the proposed site layout includes areas of open space along the western and southern sides of the site and two more centrally located areas of open space. The area of open space proposed along the western side of the site would include space for an equipped play area. The Council's Principle Amenity Officer has not commented on this application. Notwithstanding this, the size and locations of the areas of open space proposed are consistent with the first option illustrated in the concept masterplan docketed to planning permission in principle application 12/00553/PPM and are consistent with Policy C1 of the adopted East Lothian Local Plan 2008.

The details submitted with this application show that the area of open space to be formed along the western side of the site would contain an equipped play area although the details of the equipment proposed to be installed in this play area have not been included in this application. A condition can be imposed on the approval of matters specified in conditions for the proposed housing development to ensure that details of the equipment to be installed in the play area are to be agreed by the planning authority in advance of any development of the site. Subject to such planning control the proposed development is consistent with Policy C2 of the adopted East Lothian Local Plan 2008.

In the consideration of planning permission in principle application 12/00553/PPM the Council's Biodiversity Officer raised no objection to the principle of housing development of the application site. Both he and the Reporter appointed by the Scottish Ministers to determine the planning permission in principle application were satisfied that the site has limited wildlife value, with no habitats on site. Neither of them required a Habitat Survey to be carried out nor did they consider any conditions relating to biodiversity to be necessary on a grant of planning permission in principle for

the residential development of the site. The Council's Biodiversity Officer has made no comments on this application for the approval of matters specified in the conditions of planning permission in principle 12/00553/PPM.

Condition 5 of planning permission in principle 12/00553/PPM requires that no residential unit shall be occupied unless and until details of artwork to be provided on the site or at an alternative location away from the site have been submitted to and approved by the Planning Authority. The applicant has submitted sketch details of a proposed sculpture incorporating wave shapes and fish to be provided on the site but final details including dimensions, materials and location of the sculpture have not been submitted with this application for the approval of matters. This condition therefore still applies and this matter cannot therefore be approved through the determination of this application for the approval of matters specified in conditions.

The principles of the means of accessing the proposed residential development are already decided by the grant of planning permission in principle 12/00553/PPM. These are that vehicular and pedestrian access to the site should be taken from Edinburgh Road via a new access to be formed near to the northwest corner of the site with emergency access/secondary pedestrian links being formed between the site and Beveridge Row. The mechanism of a financial contribution for off site pedestrian links has already been secured through the grant of planning permission in principle 12/00553/PPM.

The submitted details for accessing the proposed 90 residential units are in accordance with these principles established by the grant of planning permission in principle 12/00553/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 Edinburgh Road to include a physical traffic calming measure, such as a roundabout or traffic lights nor did he consider the proposal would lead to unacceptable congestion outside West Barns Primary School or consider that the use of Beveridge Row and the lane that continues from it to be an attractive alternative route to most facilities.

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 Edinburgh 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:

1. The proposed accesses junction onto the A1087 shall be a priority junction designed in accordance with the Design Manual for Roads and Bridges, Volume 6. Details to be submitted for approval;
2. An independent road safety audit shall be undertaken for the proposed access junction onto the A1087. Details to be submitted for approval;
3. Raised tables shall be constructed at all road junctions within the site as illustrated on drawings submitted with this application;
4. A swept path analysis of the internal road layout should be completed to ensure that refuse and delivery vehicles can manoeuvre safely within the development;
5. Vehicle access's 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.

6. Driveways shall have minimum dimensions of 6 metres by 3 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 m 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.

7. Within residential private parking areas the minimum dimensions of a single parking space shall be 2.5 metres by 5 metres. All visitor parking spaces within these areas shall be clearly marked for visitors with the remaining private parking spaces allocated to individual dwellings.

8. 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;

Condition 1(g) of planning permission in principle 12/00553/PPM requires the provision of a continuous footpath link along the south side of the A1087 to connect to the existing pedestrian network at West Barns. Consistent with the requirements of condition 1(g), the Council's Road Services also recommend that:

1. A continuous 2 metre wide footway shall be provided along the southern verge of the A1087 to connect into the existing footway network in West Barns. Details to be submitted for approval;

2. A continuous 2 metre wide footway shall be provided along the southern verge of the A1087 to connect into the existing footway network in Dunbar. This shall include the site frontage and also along the Southern verge of the A1087 between Beveridge Row and Brewery Lane. Details to be submitted for approval;

3. The emergency access / pedestrian cycle link should be extended to tie into the existing footway that leads under the East Coast Mainline on Beveridge Row. Details to be submitted for approval;

4. The footpath that access and egresses onto Beveridge Row between the 2 existing houses does not link into an existing footway. Pedestrian safety barriers shall therefore be installed at the Beveridge Row end of the footpath to stop pedestrians walking or cycling directly onto a live carriageway. Details to be submitted for approval ;

5. The Bus stop to the west of the new access road on the A1087 shall need to be relocated to allow the new footway to West Barns to be constructed. If a relocation is not possible then the stop may need changed to a cantilever style stop. Details to be submitted for approval;

6. A dropped kerb crossing shall be required over the A1087 so that pedestrians using buggies etc can cross the road to get access to bus stops and walking to beach. There is an existing hole in the wall on the North Side of the A1087 and it could be placed in close proximity to this. Details to be submitted for approval;

Additionally the Council's Road Services recommend that:

1. No part of the development shall be occupied until a Green Travel Plan (GTP) has been submitted and approved by the planning authority in consultation with the

Transportation Division. The GTP shall have particular regard to provision for walking, cycling and public transport access to the site, and will identify the measures to be provided, the system of management, monitoring, review, reporting and duration of the plan.

2. A Construction Method Statement to minimise the impact of construction activity on the public road network 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.

3. 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.

Another condition should be imposed on the approval requiring that the emergency access shown on the docketed site layout drawings shall, at the time of its completion, have installed across it a means of allowing for its use by emergency vehicles but not by any other vehicles in accordance with details of such means to be submitted to and approved in advance by the Planning Authority. Thereafter the means of such restricted vehicle access should be retained in place unless otherwise approved by the Planning Authority. This would prevent the emergency access being used as a through route by other vehicles between the housing development hereby approved and Beveridge Row.

A swept path analysis of the internal road layout has been submitted by the applicant to demonstrate that refuse vehicles can manoeuvre safely within the development. The Council's Waste Services Manager raises no objection to the details of the 90 residential units now proposed, advising that all individual containers should be presented by the residents of the development on to the main access roads throughout the development as the Council's Waste Service Vehicles will not reverse into the smaller cul-de-sac areas within the development. A copy of his consultation response has been forwarded onto the applicant's agent along with the Council's Planning Guidance on Waste. There is therefore no requirement to impose a condition requiring a swept path analysis to be submitted.

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.

Condition 6 of planning permission in principle 12/00553/PPM requires that no development shall take place on the site until a scheme of archaeological evaluation has been submitted to and approved in writing by the planning authority and that the approved scheme shall be implemented unless otherwise agreed in writing by the planning authority. The applicant has submitted with this application an Archaeological Investigation Data Structure Report and the Council's Heritage Officer having assessed the findings of the report confirms that the requirements of condition 6 of planning permission in principle 12/00553/PPM have been satisfied that and that no further archaeological conditions are required to be imposed.

In his determination of planning permission in principle application 12/00553/PPM the Reporter appointed by The Scottish Ministers advised that he would be surprised if a residential development of up to 90 houses would have a significant impact on the

provision of essential services in the town the size of Dunbar. He advised that it is the responsibility of service providers to meet the needs of the local population and he was not aware of any objections from such providers. Neither have there been any objections from such providers to this current application for the approval of matters specified in the grant of planning permission in principle application 12/00553/PPM.

The mechanism of a financial contribution towards additional educational provision at Dunbar Grammar School and West Barns Primary School for a housing development of 90 residential units has already been secured through the grant of planning permission in principle 12/00553/PPM.

The mechanism of the provision within the residential development of 25% affordable housing units (i.e. 23 units of the proposed 90 units) is already secured through the grant of planning permission in principle 12/00553/PPM.

The Council's Economic Development and Strategic Investment service raise no objection to the details of the 23 affordable housing units now proposed.

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 buildings shown in relation to the finished ground and floor levels on the site.

The above mentioned details shall show the finished floor levels of the houses, flats and garages to be erected on the site to be set at a minimum of 4.74m AOD and such levels shall be maintained unless otherwise approved by the Planning Authority in consultation with the Scottish Environment Protection Agency.

Reason:

To enable the Planning Authority to control the development of the site in the interests of the amenity of the area and in the interest of the prevention of flood risk.

- 2 No development shall take place on the site unless and until the following details have been submitted to and approved by the Planning Authority in consultation with the Scottish Environment Protection Agency:

- o Details of an investigation into the existing 300mm culvert located under the site to be included within an updated Flood Risk Assessment.
- o Details of replacement of the existing 300 mm drain, which shall include for it being replaced on a like for like basis and rerouted if required so that it is located to the west of the proposed housing and is outwith all house plots
- o Provision of a new drain to be installed to the south of the proposed built development which will link to a replacement drain along the western edge of the application site as indicated on drawing FIELD01 "Existing and proposed field drain layout" docketed to this approval of matters specified in conditions.

Development shall thereafter be carried out in full accordance with the details so approved, unless

otherwise approved in writing by the Planning Authority.

Reason:

In the interest of the prevention of flood risk.

- 3 No development shall take place on the site unless and until details of the play equipment, the surfacing and the enclosures of the play area to be provided on the site and a timetable for their implementation are submitted to and approved in advance by the Planning Authority and the play area shall be installed in accordance with the details so approved

Reason:

To ensure the provision of adequate play provision within the development.

- 4 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. 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.

- 5 Notwithstanding the drawings docketed to this approval, the first floor windows/glazed doors to be installed in the east side elevation and in the southernmost elevation of the house to be erected on plot 16 of the development hereby approved and the first floor windows/glazed doors to be installed in the west side elevation and in the southernmost elevation of the house to be erected on plot 12 of the development hereby approved shall all be obscurely glazed in accordance with a sample of the obscure glazing to be submitted to and approved by the Planning Authority in advance of its use on these houses. The obscure glazing of those windows/glazed doors shall accord with the sample so approved and thereafter they shall remain obscurely glazed unless otherwise approved by the Planning Authority.

Reason:

In order to safeguard the privacy and amenity of adjoining residential properties.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended by Part 1 of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011), or of any subsequent Order amending, revoking or re-enacting the 1992 Order, no windows or other glazed openings, other than those hereby approved which are to be obscurely glazed in accordance with the condition above shall be formed at first floor level within the east side elevation or the southernmost elevation of the house to be erected on plot 16 of the development hereby approved or at first floor level within the west side elevation or the southernmost elevation of the house to be erected on plot 12 of the development hereby approved unless otherwise approved by the Planning Authority.

Reason:

To safeguard the privacy and residential amenity of the adjoining residential properties.

- 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 No development shall take place on the pumping station unless and until details of all structures, equipment and enclosures to be erected in and around it have been submitted to and approved by the Planning Authority. Development shall thereafter be carried out in strict accordance with the details so approved.

Reason:

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

- 9 Notwithstanding that shown on the drawings docketed to this approval, the boundary enclosures for the front garden areas of the houses and flats hereby approved and for the enclosure of communal area shall be as detailed on drawing no. 12-01d 'Landscape Proposals' and the rear gardens of the houses shall be enclosed by 1.8 metre high enclosures in accordance with details, including timescales for their provision, which shall be submitted to and approved in advance by the Planning Authority.

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.

- 10 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.

- 11 Prior to the commencement of development a construction method statement shall be submitted to and approved in writing by the planning authority. This shall recommend mitigation measures to control construction traffic and shall include hours of construction work.

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

Reason:

To ensure that the method of construction is designed to take account the interests of road safety.

- 12 Prior to the occupation of any residential unit a Green Travel Plan (GTP) shall be submitted to and approved by the Planning Authority in consultation with the Roads Authority. The GTP shall have particular regard to provision for walking, cycling and public transport access to the site, and will identify the measures to be provided, the system of management, monitoring, review, reporting and duration of the plan.

The GTP 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.

- 13 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) The proposed accesses junction onto the A1087 shall be a priority junction designed in accordance with the Design Manual for Roads and Bridges, Volume 6. Details to be submitted for approval;

(ii) An independent road safety audit shall be undertaken for the proposed access junction onto the A1087. Details to be submitted for approval;

(iii) Raised tables shall be constructed at all road junctions within the site as Illustrated on Drawing No: 16104(PL)001D;

(iv) Vehicle access's 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.

(v) Driveways shall have minimum dimensions of 6 metres by 3 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 m 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.

(vi) Within residential private parking areas the minimum dimensions of a single parking space shall be 2.5 metres by 5 metres. All visitor parking spaces within these areas shall be clearly marked for visitors with the remaining private parking spaces allocated to individual dwellings.

(vii) 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.

14 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 continuous 2 metre wide footway shall be provided along the southern verge of the A1087 to connect into the existing footway network in West Barns.

(ii) A continuous 2 metre wide footway shall be provided along the southern verge of the A1087 to connect into the existing footway network in Dunbar. This shall include the site frontage and also along the Southern verge of the A1087 between Beveridge Row and Brewery Lane.

(iii) The emergency access / pedestrian cycle link should be extended to tie into the existing footway that leads under the East Coast Mainline on Beveridge Row.

(iv) Pedestrian safety barriers shall be installed at the Beveridge Row end of the footpath between the 2 existing houses as indicated on drawings docketed to this approval of matters specified in conditions to stop pedestrians walking or cycling directly onto a live carriageway.

(v) The Bus stop to the west of the new access road on the A1087 shall be relocated to allow the new footway to West Barns to be constructed. If a relocation is not possible then the bus stop shall be changed to a cantilever style stop with details to be submitted for approval;

(vi) A dropped kerb crossing shall be required over the A1087 so that pedestrians using buggies etc can cross the road to get access to bus stops and walking to beach. There is an existing hole in the wall on the North Side of the A1087 and it could be placed in close proximity to this.

Reason:

In the interests of road and pedestrian safety.

15 Notwithstanding the landscaping details hereby approved, no development shall take place until there has been submitted to and approved in writing by the Planning Authority a comprehensive scheme of landscaping which 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 shall be submitted. The scheme shall include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development, proposals for additional planting of native or naturalised species in informal clusters. It shall include for some large scale landscape trees planted at approximately 10 metre intervals along the western boundary of the site.

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

Reason:

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

- 16 The maintenance of all communal landscape areas shall be adopted by a Factor or a Residents Association in accordance with details to be submitted to and approved by the Planning Authority prior to the occupation of any residential units hereby approved. The following details shall also be submitted to and approved by the Planning Authority prior to the occupation of any residential unit hereby approved:

A detailed landscape specification and a revised communal landscape plan clearly detailing all communal areas to be maintained by a Factor or Residents Association.

Thereafter, all landscaping approved for the communal areas shall be retained and shall not be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority.

Reason:

To ensure the retention and maintenance of communal landscaping on the site in the interest of amenity.

- 17 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 in a revised Tree Protection Plan to be submitted to and approved in advance by the Planning Authority 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.

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.

- 18 The emergency access shown on the docketed site layout drawings shall, at the time of its completion, have installed across it a means of allowing for its use by emergency vehicles but not by any other vehicles in accordance with details of such means to be submitted to and approved in advance by the Planning Authority. Thereafter the means of such restricted vehicle access shall be retained in place unless otherwise approved by the Planning Authority.

Reason:

To prevent the emergency access being used as a through route by other vehicles between the housing development hereby approved and Beveridge Row.