

REPORT TO: Planning Committee

MEETING DATE: Tuesday 6 March 2018

BY: Depute Chief Executive
(Partnerships and Community Services)

SUBJECT: Application for Planning Permission for Consideration

Application No. **18/00055/PM**

Proposal Removal of condition 5f of planning permission 16/00552/PM to remove the requirement for a footpath along the southern side of the A198 to link in with the existing footway network from the A198

Location **Land To The West Of Aberlady
Aberlady
East Lothian**

Applicant Cruden Homes (East) Ltd

Per EMA Architecture And Design

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

The application site is an area of some 6 hectares of agricultural land located immediately at the west of Aberlady, with northern boundaries to the A198 and houses of The Pleasance and Elcho Terrace with agricultural land and Craigielaw golf course beyond, an eastern boundary to Kirk Road with houses beyond and a curving southern and western boundary abutting agricultural land.

Planning permission 16/00552/PM was granted in December 2017 for the erection of 87 houses, 20 flats and associated works on the application site. Planning permission 16/00552/PM was granted subject to the imposition of a number of conditions. Of those, Condition 5f states:

"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 and thereafter shall be completed and brought into use in accordance with a phasing plan approved in writing in advance by the Planning Authority:

f) A continuous 2 metre footway shall be provided along the southern side of the A198 to

link in with the existing footway network from the A198 / The Pleasance junction towards Aberlady.

Reasons:

In the interests of road and pedestrian safety."

Planning permission is now sought for the removal of condition 5f of planning permission 16/00552/PM, which, as set out above, requires the provision of a footpath along the south side of the A198 to link in with the existing footway network from the A198 / The Pleasance junction towards Aberlady.

The applicant has submitted a supporting statement with the application. This advises that the applicant has progressed with a Roads Construction Consent (RCC) application with a draft approval issued by East Lothian Council. As part of this RCC application the proposal to provide a new crossing point over the A198 road and associated dropped kerbs has been accepted by the Council's Road Services. This layout will allow a safe crossing point over to the existing footpath on the north side of the A198 and importantly will retain the rural nature of the A198 and character associated with the entrance to the village. Additionally the applicant advises that the proposed layout consented for the site through the granting of planning permission 16/00552/PM has been based on a network of footpaths that will allow safe movement through the site, to the surrounding village and safe routes to the adjacent Aberlady Primary School can be found through the site without having to return to the main road. This footpath network was a key consideration in the discussion regarding the requirement to not create a new footpath to the south of the A198 as more direct and safer routes can be found from within the consented development.

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.

There are no policies of the approved South East Scotland Strategic Development Plan (SESplan) that are relevant to the determination of the application.

Policies T1 (Development Location and Accessibility) and T2 (General Transport Impact) of the adopted East Lothian Local Plan are relevant to the determination of this application.

Two letters of public representation have been received objecting to the application. The grounds of objection are:

- * the footpath is important on the A198 and there is no reason why it should be removed;

- * the footpath should be a mandatory requirement to grant permission for the housing development. The proposed footpath provides a safe route for children, adults and the elderly to/from the NW section of the development to the park, bus stop and school. Without this path the aforementioned people will need to cross the already busy A198 in two places. This particular stretch of road regularly has cars travelling well above the 30mph limit as they enter /exit the village boundaries and the addition of 100+ households with the development will only increase the number of cars.

The requirement for the provision of a continuous 2 metre footway along the southern

side of the A198 to link in with the existing footway network from the A198 / The Pleasance junction towards Aberlady arose from the original consultation on planning application 16/00552/PM from the Council's Road Services. This was required to ensure that there was a safe means of pedestrian access between the housing site and the centre of the village.

Since that time, the applicant has further developed their access proposals. As part of their RCC application, the applicant's recently submitted RCC application includes a new crossing point over the A198 road with dropped kerbs. This layout would enable future residents to access the north side of the A198, from where a continuous footway provides access to Aberlady.

The Council's Road Services raise no objection to the application for the removal of the requirement for a footpath along the southern side of the A198, noting that a new crossing is to be provided to allow pedestrians to access the northern side of the A198. Moreover they advise that a more suitable alternative route from the housing development to the primary school and to the shops exists along The Pleasance. Accordingly the Council's Roads Services raise no objection to the application being satisfied that there would be no adverse impact on pedestrian or road safety.

The proposed removal of condition 5f of planning permission 16/00552/PM to remove the requirement for a footpath along the southern side of the A198 is consistent with Policies T1 and T2 of the adopted East Lothian Local Plan 2008.

A revised version of Planning Series Circular 3/2013 (Development Management Procedures) was published by the Scottish Government in September 2015. Annex I of the Circular gives guidance on applications for planning permission under section 42 of the Town and Country Planning (Scotland) Act 1997, as amended. The application that is the subject of this report is made under section 42 of the Act. Annex I states that "Planning authorities should attach to the new permission all of those conditions from the previous permission, where it is intended these should apply and ensure (where appropriate) that permission is granted subject to the conclusion of any appropriate planning obligation". Therefore, planning permission should be granted subject to the applied for removal of condition 5f and subject to all of those conditions from planning permission 16/00552/PM, where it is intended these should apply. In this case, the conditions which should continue to apply are 1, 2, 3, 4, 5a, 5b, 5c, 5d, 5e, 5g, 5h, 5i, 5j, 5k, 5l, 5m, 5n, 5o, 5p, 5q, 5r, 5s, 6, 7, 8, 9, 10, and 11.

RECOMMENDATION

That planning permission 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.

Reason:

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

- 2 Prior to the commencement of development a further Tree Survey and Arboricultural Constraints Assessment, including details of protection and mitigation measures shall be carried out for the trees at the junction of the A198 and The Pleasance and the junction of Elcho Terrace and Kirk Road.

The development hereby approved shall be carried out in strict accordance with a tree protection and mitigation plan that shall set out the protection and mitigation measures for the site as set out in the Tree Survey and Arboricultural Constraints Assessment docketed to this planning permission and that approved in writing by the Planning Authority as part of this condition.

Reason:

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

- 3 No development shall take place until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping. The scheme shall include for:

Continuous hedge planting around the southwestern boundary of the site;

Hedge planting at the Kirk Road frontage;

Tree and hedge planting between the proposed houses to the south of existing houses at Elcho Terrace and The Pleasance;

Planting to the frontages of houses with integral garages to screen parking driveways;

Planting of native species trees of a variety of mixed species and with a sufficient number of large species;

It shall also provide details of: the height and slopes of any mounding on or recontouring of, the site; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. The scheme shall also include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with a phasing plan to be submitted with the scheme of landscaping and any trees or plants which within a period of ten years from planting 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 and to improve the biodiversity value of the area.

- 4 No development shall take place until the applicant has, through the employ of an archaeologist or archaeological organisation, secured the implementation of a programme of archaeological work (Trial Trench Evaluation (5%)) on the site of the proposed development in accordance with a written scheme of investigation which the applicant will submit to and have approved in advance by the Planning Authority.

Reason:

To facilitate an acceptable archaeological investigation of the site.

- 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 and thereafter shall be completed and brought into use in accordance with a phasing plan approved in writing in advance by the Planning Authority:

a) The proposed accesses onto both the A198 and Kirk Road shall be designed in accordance with the Design Manual for Roads and Bridges, Volume 6;

b) The existing footway along the A198 providing access to the bus stop on the western side of the A198 / The Pleasance junction shall be widened to 2metres;

- c) The existing bus stop flag on the Edinburgh bound carriageway to the west of the A198 / The Pleasance junction shall be upgraded to include a shelter;
- d) The existing bus stop flag on the North Berwick bound carriageway to the east of the A198 / The Pleasance junction shall be upgraded to include a shelter;
- e) Dropped kerb crossing points shall be provided in close proximity to the A198 / The Pleasance junction to allow pedestrians to cross the road to the north side of the A198 to access walkways and bus stops;
- g) Raised Table traffic calming shall be constructed at the 2 priority junctions with Kirk Road;
- h) The Section of Kirk Road on the Southern boundary of the village linking the proposed site to the A6137 Haddington Road is narrow and not suitable for the increase in 2 way traffic that shall be generated by the site. 3 vehicle passing places shall therefore be required to allow vehicles to pass one another without having to drive on the road verge;
- i) The internal carriageway through the site in front of plots 11, 12, 23, 24,57 and 58 shall have a 2 metre wide footway on either side of the carriageway;
- j) The remote footpath through the park area adjacent to the SUDS pond shall be constructed to an adoptable standard including street lighting;
- k) The new roads junctions within the site shall have traffic calming measures to reduce vehicle speeds along the route in order to promote road safety. This shall include raised tables at junctions and crossing points with appropriate speed bumps at other locations;
- l) Parking for the proposed residential elements of the development shall be provided at a rate as set out in the East Lothian Council Standards for Development Roads - Part 5 Parking Standards;
- m) All access roads shall conform to ELC Standards for Development Roads in relation to roads layout and construction, footways & footpaths, parking layout and number, street lighting and traffic calming measures;
- n) Vehicle accesses to private parking areas (i.e. other than driveways) shall be via a reinforced footway crossing and have a minimum width of 5.5 metres over the first 10 metres to enable adequate two way movement of vehicles;
- o) Driveways shall have minimum dimensions of 6 metres by 2.5 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 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;
- p) 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;
- q) No part of the development shall be occupied until a Residential Green Travel Plan (GTP) has been submitted and approved by the planning authority in consultation with Road Services. The GTP shall have particular regard to provision for walking, cycling and public transport access to and within the site, and will identify the measures to be provided, the system of management, monitoring, review, reporting and duration of the plan;
- r) A Construction Method Statement to minimise the impact of construction activity on the amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic and shall include hours of construction work; and
- s) A detailed condition survey of the construction access route from the The Pleasance shall be jointly undertaken by the developer and East Lothian Council Road Services prior to commencement of the development. During the period of construction of the site a similar joint inspection shall be carried out to assess the condition of the route on the first anniversary of the commencement of the development and each subsequent anniversary thereafter. Any damage identified during the inspections as a result of construction activities shall be repaired or resurfaced by the applicant in compliance with the Council's specifications and requirements at no cost to the council as roads authority.

Reason:
In the interests of road and pedestrian safety.

- 6 Prior to the commencement of development further details of the SUDS scheme shall be submitted for the approval of the Planning Authority:

demonstrating that the site has a neutral impact on runoff rates from the development site; and providing details of the SUDS Outfall Pipe Design and route.

Thereafter the SUDS system shall be constructed in accordance with the details so approved.

Reason:
In the interests of drainage and flood risk management.

- 7 Unless otherwise approved in writing by the Planning Authority, the external finishes of the development shall be as shown on the Materials Plan and elevation drawings docketed to planning permission 16/00552/PM. Prior to the use of them on the development samples of all materials and finishes shall be submitted for the approval of the Planning Authority and thereafter the materials and finishes used on the development shall be as so approved.

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

- 8 The number of residential units to be completed on the site each year shall be as follows unless otherwise approved in writing in advance by the Planning Authority:

Year 1 - 46 residential units
Year 2 - 34 residential units
Year 3 - 27 residential units

Should any completions be fewer per year than given above then the difference shall be added to the end of the 3 year phasing period and not to the year following on.

Reason:
To enable the Planning Authority to control the development of the site in the interests of the good planning of the site and to ensure that there is sufficient education provision.

- 9 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.

- 10 Prior to the occupation of the last house or flat hereby approved, the proposed access roads, parking spaces, and footpaths shall have been constructed on site in accordance with the docketed drawings.

Those areas of land shall not thereafter be used for any other purpose than for accessing and for the parking of vehicles in connection with the residential use of the houses and flats and shall not be adapted or used for other purposes without the prior written approval of the Planning Authority.

Reason:
To ensure that adequate and satisfactory provision is made for access and parking in the interests of road safety.

- 11 No residential unit shall be occupied unless and until details of artwork to be provided on the application site or at an alternative location away from the site have been submitted to and approved by the Planning Authority. The details shall include a timetable for the provision of the artwork. The artwork shall thereafter be provided in accordance with the details so approved.

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