

PLANNING COMMITTEE

4 SEPTEMBER 2018

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**MINUTES OF THE MEETING OF THE
PLANNING COMMITTEE**

**TUESDAY 21 AUGUST 2018
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

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Committee Members Present:

Councillor N Hampshire (Convener)
Councillor L Bruce
Councillor J Findlay
Councillor A Forrest
Councillor N Gilbert
Councillor S Kempson
Councillor C McGinn
Councillor K McLeod
Councillor J McMillan
Councillor F O'Donnell
Councillor B Small

Council Officials Present:

Mr K Dingwall, Team Manager – Planning Delivery
Ms S Smith, Team Manager – Economic Development
Ms E Taylor, Planner
Mr K Graham, Solicitor
Ms M Haddow, Transportation Planning Officer
Mr G McLeod, Transportation Planning Officer
Ms P Bristow, Communications Officer
Mr J Allan, Planning Technician

Clerk:

Ms A Smith

Visitors Present/Addressing the Committee:

Item 2 – Mr J Watt
Item 3 – Mr C Church, Ms S Wilson
Item 5 – Mr F Sheerin, Mrs J Jemmett

Apologies:

Councillor S Currie

Declarations of Interest:

None

1. MINUTES FOR APPROVAL – PLANNING COMMITTEE 26 JUNE 2018

The minutes of the meeting of the Planning Committee of 26 June 2018 were approved.

2. PLANNING APPLICATION NO.16/00671/PPM: PLANNING PERMISSION IN PRINCIPLE FOR MIXED USE OF DEVELOPMENT CONSISTING OF RESIDENTIAL AND COMMERCIAL USE WITH ASSOCIATED DRAINAGE INFRASTRUCTURE, ROADS AND LANDSCAPING WORKS AT LAND TO NORTH OF HADDINGTON ROAD, KINGSLAW, TRANENT

A report was submitted in relation to Planning Application No. 16/00671/PPM. Keith Dingwall, Team Manager – Planning Delivery, presented the report, summarising the key points. The report recommendation was for refusal of the application.

Mr Dingwall, along with Graeme McLeod, Transportation Planning Officer and Susan Smith, Team Manager – Economic Development, responded to questions from Members. Mr McLeod confirmed that a transport assessment of the local road network had been done with the conclusion that the road should perform adequately in relation to traffic likely to be generated by the proposed development.

Ms Smith responded to questions about the market demand for business units in East Lothian, outlining the requirements depending on the size of the units. In relation to the District Valuer's comments about phased development potential, she advised that in the longer term this could take over ten years approximately.

Mr Dingwall responded to several queries. He confirmed that the last houses built for rent had been in Balfour Square, around ten years ago; since then council housing had been provided at Steading View and there would likely be a considerable number of affordable houses within the large-scale allocation at Windygoul South. He clarified the proposed access/egress to the development site. In relation to the lack of response from Scottish Water Mr Dingwall said that many local authorities had a lack of response and this issue had been taken forward. The Convener added that local authority representatives had met with Scottish Water; their position was that they were duty bound to facilitate a development that was going forward, to find an appropriate solution. As regards the applicant's lack of sight of the Council's consultation responses, Mr Dingwall stated that applicants were generally informed of the financial position outlined in these responses, as agreement was sought from the applicant; occasionally this may not happen due to certain circumstances. He also confirmed that the Council was able to demonstrate a 6.17 years supply of effective housing land, adding that the Reporter had supported this supply figure.

Jason Watt of Barratt Homes, the applicant, informed Members that at the outset of the planning process they had been encouraged by the Council to submit a mixed-use development application. The Development Viability Report submitted contained an in depth analysis, which concluded that the site was not best placed for business use; it was unsustainable. He refuted the Council's argument on 'abnormal' costs, outlining the cost of the various works required. He took issue with the approach taken by the District Valuer. The site was not suitable for business use in its entirety; a mixed-use development was more appropriate and more practical. He outlined the timeline should the application be approved.

Mr Watt responded to questions from Councillors McMillan and Small. He gave further details of the problems in developing the site in a 'piecemeal' fashion. He confirmed that discussions had been ongoing with the vendor since early 2016. He stated that the Planning Authority, at pre-application meetings, had encouraged the mixed-use application.

Local Member Councillor McGinn expressed concerns about the increased traffic that would be generated by this proposal and also concerns about access to the site. There was an ongoing issue regarding traffic in that area. As a local member, he had a responsibility to the Tranent community to increase employment opportunities for young people. He would be supporting the officer's recommendation for refusal of the application.

Local Member Councillor McLeod stated that this proposed development was an opportunity to build a local connection; it would be close enough to the town centre for residents to walk to the shops and the other facilities. He expressed concerns about losing a local connection in relation to new developments at the other side of Tranent. He would be going against the officer's recommendation and supporting the application.

Councillor Small stated that Members should be cognisant of comments by the Council's Economic Development and Strategic Investment (EDSI) service; employment generation needed to be given the opportunity to develop. He also agreed with the District Valuer's assessment. He would be supporting the officer's recommendation for refusal.

Councillor McMillan also supported the comments expressed by EDSI. He referred to the need for wider economic growth; there were major developments across the county, there would be a greater emerging need for business units. The average number of jobs in the county had to be increased. He would be supporting the officer's recommendation.

The Convener acknowledged the points put forward by the applicant. He felt however, that it would be wrong at present to allow this site to be approved for residential use; he also referred to EDSI's comments. He would be supporting the officer's recommendation.

He moved to the vote on the report recommendation (for refusal):

For: 9
Against: 2
Abstentions: 0

Decision

The Committee agreed to refuse planning permission for the following reasons:

- 1 The proposed housing development would result in the loss of employment land that is part of the established employment land supply of Tranent, to the detriment of East Lothian's economy, contrary to Policy 2 of the approved South East Scotland Strategic Development Plan (SESplan), Proposal BUS11 and Policy BUS1 of the adopted East Lothian Local Plan 2008, Proposal TT6 and Policy EMP1 of the proposed East Lothian Local Development Plan and Scottish Planning Policy: June 2014.
- 2 If approved the proposed housing development would set an undesirable precedent for the development of new housing on land elsewhere in East Lothian that is allocated for employment use, the cumulative effect of which would be the depletion of Council's supply of established land for employment use to the detriment of the economy of East Lothian.
3. **PLANNING APPLICATION NO.18/00218/PM: ERECTION OF 82 RESIDENTIAL UNITS, WITH ASSOCIATED ROADS, INFRASTRUCTURE AND OPEN SPACE AS CHANGES TO THE SCHEME OF DEVELOPMENT 13/00519/PM AT LAND AT LETHAM MAINS, HADDINGTON**

A report was submitted in relation to Planning Application No. 18/00218/PM. Emma Taylor, Planner, presented the report, summarising the key points. The report recommendation was to grant consent.

Councillor McMillan referred to Condition 6 (Construction Management Plan) and Condition 7 (Travel Plan) asking how these plans would be taken forward to ensure that constituents'

concerns were taken on board; issues had been raised with local members about dust caused by construction traffic. Mr Dingwall advised that if there were breaches to the recommendations of the Construction Method Statement then these should be brought forward for investigation. The Travel Plan, which had to be approved by the Planning Authority prior to any occupation of the residential units, would be implemented in accordance with the details so approved.

Charles Church, of Mactaggart and Mickel Homes Ltd., the applicant, outlined the nature of the proposal, clarifying that the number of houses would not change but rather the positioning and orientation. He stated that in respect of the 22 affordable houses discussions had commenced with the Council's Housing Service. In response to comments about dust issues he stated that a third party contractor had carried out the earth works; the dust had not been properly managed and the three site developers had taken action against this contractor to ensure that this would not happen again.

Susan Wilson, also representing the applicant, gave Members further information on the design elements of the proposal, detailing the number and type of units.

In response to Councillor Small's question, Ms Wilson said there would be 4 cottage flats and 1 bungalow with wheelchair access within the affordable housing units. Mr Church, responding to a query from Councillor McMillan about possible financial benefit to the local community from the penalty applied to the third party contractor, indicated that this would be given consideration.

Local Member Councillor Small was supportive of Councillor McMillan's comments. He welcomed the type of housing proposed and would be supporting the report recommendation.

The Convener welcomed the proposal. He moved to the vote on the report recommendation (to grant consent):

For: 11
Against: 0
Abstentions: 0

Decision

The Committee agreed to grant planning permission 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 Notwithstanding that which is stated on the drawings docketed to this planning permission, a detailed specification of all external finishes of the houses and flats of the proposed development shall be submitted to and approved by the Planning Authority prior to the use of the finishes in the development.

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

Reason:

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

- 3 Housing completions on the application site and otherwise on the site of planning permissions 13/00519/PM and 14/00089/PM in any one year (with a year being defined as being from 1st April to 31st March the following year) shall not cumulatively exceed the following completion rates, unless otherwise approved in writing by the Planning Authority:

Year 1 (2017/18) - 0 houses
Year 2 (2018/19) - 52 houses
Year 3 (2019/20) - 98 houses
Year 4 (2020/21) - 107 houses
Year 5 (2021/22) - 84 houses
Year 6 (2022/23) - 82 houses
Year 7 (2023/24) - 10 houses

If less than the specified number of residential units are completed in any one year then those shall be completed instead at Year 8 or beyond and not added to the subsequent Year.

Reason:

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

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

Reason:

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

- 5 Landscaping of the site shall be carried out in accordance with that shown on the site plan drawing ref 18-102(PL)01E.docketed to this planning permission.

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 interest

- 6 A Construction Management Plan to minimise the impact of construction activity on the amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Management Plan shall recommend mitigation measures to control noise, dust, construction traffic and shall include hours of construction work and delivery routes. It shall confirm that construction access to the site shall not be permitted via the Knox Place junction via West Road. All construction access shall instead be taken directly from West Road. The Management Plan shall also include the phasing of the development and restrictions that may be required, particularly for those

travelling to existing and/or proposed schools. It shall also include details of how the habitat of the Letham Burn will be protected during the construction phase of the development. The recommendations of the Construction Method Statement shall be implemented prior to the commencement of development. Development shall thereafter be undertaken in accordance with the details so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

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

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

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

Reason:

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

- 8 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.

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

Reason:

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

- 10 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.

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

Reason:

To facilitate an acceptable archaeological investigation of the site.

4. PLANNING APPLICATION NO.18/00431/PM: RENEWAL OF PLANNING PERMISSION 15/00022/PM - CONSTRUCTION AND OPERATION OF A LEACHATE TREATMENT PLANT (LTP) COMPRISING A SERIES OF STORAGE AND TREATMENT TANKS WITHIN A SURFACED AND BUNDED COMPOUND, TOGETHER WITH LAGOONS, REED BEDS AND ANCILLARY PLANT AND INFRASTRUCTURE AT DUNBAR LANDFILL SITE, INNERWICK, DUNBAR

A report was submitted in relation to Planning Application No. 18/00431/PM. Mr Dingwall presented the report, summarising the key points. The report recommendation was to grant consent.

The Convener, a local member, stated that this was a major landfill site and the proposal would mean that the leachate could be treated on site, which would be a huge improvement to the process. He would be supporting the report recommendation.

Local Member Councillor Kempson agreed with those comments. She would also be supporting the report recommendation to grant consent.

Councillor McMillan also agreed; he too would be supporting the report recommendation.

The Convener moved to the vote on the report recommendation (to grant consent):

For: 11

Against: 0

Abstentions: 0

Decision

The Committee agreed to grant planning permission 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 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 capacity of the leachate treatment plant hereby approved shall not exceed 36,500 tonnes per annum.

Reason:

To restrict the capacity of the plant to that applied for, in the interests of the amenity of the area and road safety.

- 3 A schedule of materials and finishes and samples of such finishes for all components of the development, including ground surfaces and boundary enclosures shall be submitted to and approved by the Planning Authority prior to the material and finishes being used in the development. The materials and finishes used in the development shall accord with the schedule and samples of them so approved.

Reason:

To enable the Planning Authority to control the materials, finishes and colour to be used to achieve a development of good quality and appearance in the interest of the visual amenity of the area.

- 4 During construction works advanced warning signs shall at all times be displayed on the public road to inform public road users of construction traffic in the vicinity. Prior to their display, details of the proposed signs and their locations shall be submitted to and approved in writing by the Planning Authority and the signs shall thereafter be displayed in accordance with the details so approved.

Reason:

In the interests of road safety.

- 5 Prior to the commencement of the development of the leachate treatment plant hereby approved tree protection fencing shall be erected and retained in place until such time as the DIRICKX and chain link fencing also hereby approved are erected. Prior to the installation of tree protection fencing, details of the proposed tree protection fencing and its location shall be submitted and approved in writing by the

Planning Authority and the tree protection fencing shall thereafter be installed in accordance with the details so approved.

Reason:

To ensure the retention and maintenance of the trees on and adjacent to the site which are an important landscape feature of the area.

5. PLANNING APPLICATION NO.18/00636/P: ERECTION OF HOUSE AND GARAGE AND ASSOCIATED WORKS AT GARDEN GROUND OF KILORAN, ORMISTON

A report was submitted in relation to Planning Application No. 18/00636/P. Mr Dingwall presented the report, summarising the key points. The proposed decision set out in the report was for refusal of the application. He informed Members that the Planning Authority would be keen to work with the applicant to try to find an appropriate solution.

In response to questions from Councillor Small about an extension to the current property instead, as mentioned, Mr Dingwall advised that this would normally be within the domestic curtilage of the property. He outlined several possibilities.

Responding to Councillor Gilbert's query, Mr Dingwall clarified that the formation of an access to the road needed planning permission in its own right so could not be a condition of this application.

Fraser Sheerin, of Architectural Building & Design Consultants Ltd., agent for the applicant, outlined the nature of the proposal. He stated that the proposal represented an opportunity for infill development within a plot of a size to accommodate such a development. He stressed that given the unique set of circumstances in relation to the care required for Mr Jemmett approval of the application was requested.

Janet Jemmett, the applicant, provided further information regarding the reasons for the application. She informed Members that they had lived at the property for many years and her husband wished to stay in his home. She added that the road was not private; it belonged to the Council.

In response to a question from Councillor Bruce, Mr Sheerin said that in hindsight a Coal Mining Risk Assessment report should have been requested. Mrs Jemmett stated that a full structural survey had been requested at the time of purchase and they had been told that there was no underlying mining activity.

Local Member Councillor McMillan stated that this application highlighted an issue regarding policy, demographics and the particular problems associated with rural living. Both the Council and NHS had policies designed to help people stay at home, as they aged. He referred to page 44 of the report, which said the proposal would set an undesirable precedent; in his view supporting a family and creating a residence for the purpose outlined was not setting an undesirable precedent. There were questions regarding policies in relation to these issues. He was pleased to note that Mr Dingwall would be keen to work with the family. He was still undecided; there were wider issues to be considered.

Local Member Councillor Small agreed with many of Councillor McMillan's comments; there was a wider policy issue here that needed to be looked at. However, the Committee had to operate within current policies. He had a great deal of sympathy for the family and their situation. The neighbour also needed to be taken into consideration. He was also pleased that Mr Dingwall would be working with the family to try to find an appropriate solution. He would be supporting the report recommendation for refusal.

Councillor McLeod supported comments expressed by Councillor McMillan. He would be opposing the officer’s recommendation and supporting the application.

Councillor O’Donnell referred to the officer’s report, which clearly stated that the health condition of the applicant was not a material planning consideration. She did have considerable sympathy for the family’s situation and there may, as indicated by Councillor McMillan, be a need to have a further look at this policy. She would be supporting the officer’s recommendation for refusal.

The Convener stressed that Policy DC1 protected the countryside; if a decision were taken to go against this policy it would pose a risk to future applications as such a decision would weaken the policy. He supported the officer’s recommendation.

He moved to the vote on the report recommendation (for refusal):

For: 7
Against: 4
Abstentions: 0

Decision

The Committee agreed to refuse planning permission for the following reasons:

- 1 No case has been made for the proposed house to meet an agriculture, horticulture or forestry need. Without such a justification the proposal is contrary to Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan), Policy DC1 (Development in the Countryside and Undeveloped Coast) of the adopted East Lothian Local Plan 2008 and Government policy guidance regarding the control of new housing development in the countryside expounded in Scottish Planning Policy: June 2014.
- 2 If approved the proposal would set an undesirable precedent for the development of new houses in the countryside, the cumulative effect of which would result in a detrimental impact on the rural character of the open countryside in East Lothian.
- 3 The proposed vehicle access to serve the proposed house from the private road onto the A6093 is not suitable for increased traffic and would be to the detriment of road safety contrary to Policy T2 of the adopted East Lothian Local Plan 2008.
- 4 The site is within a Coal Authority Development High Risk Area and a Coal Mining Risk Assessment Report has not been submitted by the applicant. Consequently the applicant has failed to demonstrate that the proposed house could be safely developed in what is a Coal Authority Development High Risk Area.

Signed

Councillor Norman Hampshire
Convener of the Planning Committee

REPORT TO: Planning Committee
MEETING DATE: Tuesday 4 September 2018
BY: Depute Chief Executive
(Partnerships and Community Services)
SUBJECT: Application for Planning Permission for Consideration

2

Application No. **18/00016/PM**
Proposal Erection of 32 houses, 4 flats and associated works
Location **Land At Castlemains Farm Off Station Road
Dirleton
East Lothian**
Applicant Queensberry Properties
Per APT Planning and Development Ltd
RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

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

As a statutory requirement for major development proposals this development proposal was the subject of a Proposal of Application Notice (Ref: 17/00010/PAN) and thus of community consultation prior to this application for planning permission being made to the Council.

As an outcome of that and as a statutory requirement for dealing with major development type applications a pre-application consultation report is submitted with this application. The report informs that some 45 people attended the pre-application community consultation event, which was held at the Open Arms Hotel, Dirleton on Thursday 7th September 2017, and that those attendees made a number of queries and suggestions regarding the proposals. The PAC report informs that 8 completed feedback forms were received following the consultation event alongside letters from both the Village Association and a group called Dirleton is Special. The report also

informs that a separate presentation to members of the Dirleton Village Association (DVA) (and members of the public) on the 30th August and a number of more informal follow up meetings where updated plans and layouts have been tabled and discussed with representatives of the DVA have taken place. The development for which planning permission is now sought is of the same character as that which was the subject of the community engagement undertaken through the statutory pre-application consultation of the proposal.

The application site is an area of agricultural land in the East Lothian countryside, located on the south eastern side of Dirleton. It is some 3.99 hectares in area and is roughly triangular in shape with its narrowest part at its eastern end. The site rises slightly in gradient towards the south. The land of the application site is defined by Policy DC1 of the adopted East Lothian Local Plan 2008 as being part of the countryside of East Lothian and is not allocated in that Plan for housing development. The northern half of the application site is allocated housing site NK11 as allocated by the Proposed East Lothian Local Development Plan (ELLDP).

The application site comprises almost the whole of an arable field but excludes the westernmost end of the field (a strip of some 35 metres in width along the full western end of the field). The site is bounded to the south by the A198 public road (the Dirleton bypass) and beyond that by agricultural land. It is bounded to the east by the public road of Station Road which connects to the A198 at its southern end and to the Main Road in Dirleton at its northern end and beyond Station Road by a mature tree belt and the residential property of Braeside. The site is bounded to the north by the public road, footpaths, grassed and landscaped amenity spaces and the residential properties of Castlemains Place, to the eastern end of Castlemains Place by two business units which are currently vacant and to the northwest by the residential properties of Fidra Avenue and the residential property of Springfield. The site is bounded along the full length of its west side by the some 35 metres width of the field which does not form part of the application site and beyond that by the farm buildings and farmhouse of Castlemains Farm and by a wind turbine on that site and beyond that by Dirleton Castle and its grounds.

The site is within Dirleton Conservation Area. Dirleton Castle is a scheduled monument (Ref SM90096). Dirleton Castle, the Castle Dovecot and the Castle Gate are listed as being of special architectural or historic interest (Category A), and the grounds of Dirleton Castle and the land around it (including Castlemains Farm Cottages) are designated a Designed Landscape. The houses of Fidra Avenue to the north east of the site are listed as being of special architectural or historic interest (Category B).

Planning permission is sought through this application for the erection on the northern half of the application site of 32 houses, 4 flats and associated works. Since the registration of the application, a number of amendments have been made to the application resulting in the submission of revised site layout plans, amendments to road design, cycle and bin storage provision, landscaping plans, SUDS details and amendments to house design. The revisions include a slight repositioning of the 8 house plots at the western end of the site southwards by a maximum of 3.5 metres at the very westernmost end, the reduction in ridge heights of two house types, design changes to incorporate dormer windows to another house type, small changes to materials to be used on the terraced house and cottage flat house types, revisions to the proposed tree planting within the site and revisions to the design of the SUDS basin.

The development site layout plan shows how the proposed 32 houses and 4 flats would be accommodated on the northern half of the site along with associated access roads and footpaths, parking areas, landscaping, open space and a SUDS detention basin. The development would be concentrated on the northern half of the site (consisting of some 1.99 hectares of the overall 3.99 hectares of the application site) with the southern half being left undeveloped and instead being planted as a grass and wild flower meadow which is to be used as informal open space associated with the proposed housing development.

The residential units would comprise a mix of 18 detached, 8 semi-detached and 6 terraced houses and two buildings described in this application as 'cottage flats' which would each contain two flats. The detached and semi-detached houses would be 1 and ½ storeys (i.e. their upper storey would be mostly above eaves height although in the case of these houses part of the upper storey would also be below the eaves of the buildings). The terraced houses and cottage flats would also contain two floors of accommodation although in the case of these buildings less of the upper floor would be above eaves height and therefore these buildings can more accurately be described as 1 and ¾ storey buildings.

In terms of size of accommodation, of the proposed 32 houses 12 would contain 3 bedrooms, 17 would contain 4 bedrooms and 3 would contain 5 bedrooms. The 4 flats would be contained within 2, two storey flatted buildings, with all of the flats having 2 bedrooms.

The 4 flats and 6 terraced houses would be affordable housing units. These would be grouped together on the easternmost part of the site. The remaining 26 houses would be private houses for sale. The private houses would comprise of 7 different house types arranged around two streets, one facing northwards towards Castlemains Place and one facing southwards towards the southern part of the site, and a courtyard which would be formed at the western part of the site.

Vehicular, pedestrian and cycle access to the site would be taken by way of a new access into the site from Station Road to the east of the site which vehicular access would then form a loop road through the site with the western end of the road forming a cul-de-sac. Pedestrian footpaths are also proposed at two points on the north boundary of the site. It is proposed to form a SUDS detention basin at the eastern end of the site on the south side of the proposed vehicular access and to landscape this as well as carrying out tree and hedge planting and other landscaping along the boundaries of the proposed residential development as well as meadow planting on the southern half of the site.

The application is also supported by a Heritage Statement, a Transport Statement, an Extended Phase 1 Habitat Survey, a Noise Assessment, a Drainage Assessment, a Design and Access Statement (Masterplan) and a Landscape and Visual Appraisal.

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 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 2017 sets out the selection criteria for screening whether a Schedule 2 development requires an EIA. On 7th February 2018 the Council issued a formal screening opinion to the applicant's agent. The screening opinion concludes that it is East Lothian Council's view that the proposed development is not likely to have a significant effect on the environment such that consideration of environmental information is required before any grant of

planning permission. It is therefore the opinion of East Lothian Council as Planning Authority that there is no requirement for the proposed 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.

Policies 1B (The Spatial Strategy: Development Principles), 5 (Housing Land) and 7 (Maintaining a Five Year Housing Land Supply) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies DC1 (Development in the Countryside and Undeveloped Coast), DP1 (Landscape and Streetscape Character), DP2 (Design), DP4 (Design Statements), DP13 (Biodiversity and Development Sites), DP14 (Trees on or Adjacent to Development Sites), DP15 (Sustainable Urban Drainage Systems), DP16 (Flooding), DP17 (Art Works-Percent for Art), DP18 (Transport Assessments and Travel Plans), DP19 (Transport Infrastructure Standards – Development Roads, Pedestrian, Cycle and Public Transport Facilities), DP20 (Pedestrians and Cyclists), DP22 (Private Parking), DP24 (Home Zones), ENV3 (Listed Buildings), ENV4 (Development within Conservation Areas), ENV7 (Scheduled Monuments and Archaeological Sites), ENV8 (Gardens and Designed Landscapes), INF3 (Infrastructure and Facilities Provision), H1 (Housing Quality and Design), H4 (Affordable Housing), C1 (Minimum Open Space Standard for New General Needs Housing Development), C2 (Play Space Provision in new General Needs Housing Development), T1 (Development Location and Accessibility) and T2 (General Transport Impact) of the adopted East Lothian Local Plan 2008 are relevant to the determination of the application.

The Proposed East Lothian Local Development Plan was submitted to Scottish Ministers for Examination in 2017 and the Reporters' Examination Report was issued on 14 March 2018. The East Lothian Local Development Plan (ELLDP) was thereafter modified following the Examination. At their meeting on 29 May 2018, the Council approved the ELLDP as the Local Development Plan the Council intends to adopt. The ELLDP reflects the most recent planning view of the Council and is a material consideration in the determination of applications.

Relevant ELLDP Policies and Proposals are PROP NK11: Castlemains, Dirleton, DP1: Landscape Character, DP2: Design, DP3: Housing Density, DP4: Major Development Sites, DP8: Design Standards for New Housing Areas, DP9: Development Briefs, HOU3: Affordable Housing Quota, HOU4: Affordable Housing Tenure Mix, PROP ED7: North Berwick Cluster Education Proposals, OS3: Minimum Open Space Standard for New General Needs Housing, PROP T9: Safeguarding of Land for Station Car Parks - Musselburgh, Longniddry, Drem, PROP T10: Safeguarding of Land for Platform Lengthening - Musselburgh, Prestonpans, Longniddry, Drem and Dunbar, PROP T15: Old Craighall Junction Improvements, PROP T17: A1 Interchange Improvements, PROP T21: Musselburgh Urban Traffic Control System, PROP T27: Tranent Town Centre One-Way System, PROP T28: Junction Improvement at Elphinstone Road and Edinburgh Road, W3: Waste Separation and Collection, NH5: Biodiversity and Geodiversity Interests, including Nationally Protected Species, NH7: Protecting Soils, NH10: Sustainable Drainage Systems, NH11: Flood Risk, NH13: Noise, T1: Development Location and Accessibility, T2: General Traffic Impacts, T32: Transport Infrastructure Delivery Fund, DC8: Countryside Around Towns, CH1: Listed Buildings, CH2: Development Affecting Conservation Areas, CH4: Scheduled

Monuments and Archaeology Sites, CH6: Gardens and Designed Landscapes and DEL1: Infrastructure and Facilities Provision.

Material to the determination of the application are Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and Scottish Planning Policy: June 2014.

Scottish Planning Policy echoes the statutory requirements of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that in considering whether to grant planning permission for development which affects a listed building or its setting a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Scottish Planning Policy echoes the statutory requirements of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that a planning authority must have regard to the desirability of preserving or enhancing the character or appearance of a conservation area in exercising its responsibilities in the determination of any application for planning permission for development affecting a conservation area. It is stated in Scottish Planning Policy that proposed development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character and appearance of the conservation area should be treated as preserving its character and appearance.

Also material is Scottish Government's policies on development affecting archaeological sites and monuments and on designed landscapes. It is stated in the Historic Environment Scotland Policy Statement June 2016 and Scottish Planning Policy: June 2014 that scheduled monuments are of national importance and that they should be preserved in situ and within an appropriate setting. Where works requiring planning permission would affect a scheduled monument, the protection of the monument and the integrity of its setting are material considerations in the determination of whether or not planning permission should be granted for the proposed development. Scottish Planning Policy notes that planning authorities should protect and, where appropriate, seek to enhance gardens and designed landscapes included in the Inventory of Gardens and Designed Landscapes.

Also material to the determination of the application is Scottish Government Advice given in Planning Advice Note 67: Housing Quality and the supplementary planning guidance of "Design Standards for New Housing Areas" approved by the Council on 10 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.

Planning Advice Note 67 explains how Designing Places should be applied to new housing. In PAN 67 it is stated that the planning process has an essential role to play in ensuring that: (i) the design of new housing reflects a full understanding of its context - in terms of both its physical location and market conditions, (ii) the design of new housing reinforces local and Scottish identity, and (iii) new housing is integrated into the movement and settlement patterns of the wider area. The creation of good places requires careful attention to detailed aspects of layout and movement. Developers should think about the qualities and the characteristics of places and not consider sites

in isolation. New housing should take account of the wider context and be integrated into its wider neighbourhood. The quality of development can be spoilt by poor attention to detail. The development of a quality place requires careful consideration, not only to setting and layout and its setting, but also to detailed design, including finishes and materials. The development should reflect its setting, reflecting local forms of building and materials. The aim should be to have houses looking different without detracting from any sense of unity and coherence for the development or the wider neighbourhood.

Also material to the determination of the application are the written representations received to it. A total of 72 written representations have been received, 71 of which raise objections to the proposals and 1 of which supports the proposals. Copies of the written representations are contained in a shared electronic folder to which all Members of the Committee have access.

The grounds of support are that affordable housing is badly needed in this area and this development offers 10 affordable housing units; the infrastructure of Dirleton can cope with this size of development and consideration has been given to house size and form.

The majority of objections to the proposals are from individual residents of Dirleton and the surrounding area. Objections have also been received from The Association for the Protection of Rural Scotland (APRS) and the Dirleton Village Association (DVA).

The APRS's grounds of objection are that (i) the design of the proposed houses is too modern and suburban, they will not add to a 'sense of place' or reflect the character of this historic village but instead will dilute the historic nature of Dirleton's architecture and therefore do not accord with the Local Plan; (ii) the number of units proposed on the site and the layout and landscaping required would irreparably damage the setting of Dirleton, destroying the important edges that define the village and separate it from the surrounding countryside; and (iii) the proposed development will harm the setting of Dirleton Castle. The APRS advise that they wholeheartedly commend the 'Dirleton Expects' document produced by the Dirleton Village Association (DVA) to East Lothian Council. They consider it to be an excellent document and a model of its kind and advise the findings of it should be taken fully into consideration when assessing the merits of this planning application.

The DVA advise they object to the proposals on behalf of its membership of 165. They advise that 2 members do not wish to object. The DVA have submitted a detailed letter of objection along with a document titled "Dirleton Expects More" which has been prepared by DVA Members and sets out in text, plans, photos and illustrations the DVAs concerns and objections to the proposals of this application. The document also sets out, as a response to the community consultation undertaken as part of this proposal, and again in text, plans, photos and illustrations, how the DVA considers the site could be better developed along with their own conservation study of Dirleton Conservation Area.

A full copy of the DVAs detailed letter of objection along with their "Dirleton Expects more" document is contained in the shared electronic folder to which all Members of the Committee have access. Their main grounds of objection are summarised below:

- * The proposal will have an adverse impact on the setting of the castle;
- * The proposal will have an adverse impact on the views from the castle and the Designed Landscape;

- * The proposed mitigation in the form of the planting of a single row of trees on the sensitive western edge of the site is insufficient;
- * The proposal will have an adverse effect on the views to the castle from the bypass road;
- * Object to the boundary tree planting mitigation proposed along the southern boundary and agree with HES's requirement for the retention of the open view of the castle from the bypass;
- * The proposal will have an adverse impact on the special architectural, landscape, and historic qualities of the Dirleton Conservation Area and will not preserve or enhance its character and appearance;
- * The proposal will adversely impact on the countryside setting of the settlement and misses the opportunity to improve upon the south-eastern section of the edge of the village;
- * Object to the outward facing house layout along the southern edge and consider the development should be inward instead of outward facing;
- * The southern view is of poor quality and is not a site asset;
- * The layout is dominated by roads;
- * The affordable housing courtyard is urban;
- * The Planning Authority has been misinterpreting the word 'open' as used in the Conservation Statement in its pre-application consultations with Queensberry, and object to it being used to support a continuous hard built south-facing southern edge to the village;
- * The housing density used is typical of an urban not a rural development;
- * The design does not integrate and connect the proposals with its surroundings;
- * No village green has been included, as required by the Proposed LDP site brief;
- * Linkages to the surrounding areas are not maximised as required by the site brief. Footpath and cycle links to the village centre via Castlemains Place are indicated on the application drawings as 'to be installed later';
- * Object to architectural design including the heights being above 1 storey in height along the southern and western boundaries, the height of the affordable flats being 2 storeys, the use of steep roof pitches which also increases the overall ridge heights, the elevation detailing, the mixture of materials all within a single building, base coursing being introduced, the fenestration details, non-traditional dormer and porch shapes, no chimneys being included in the proposed house design, the use of verandahs in the house designs, the use of reconstituted stone, the use of bright white render, the use of modern types of roof tiles;
- * Objections relating to street character, gardens, boundary treatments and outdoor space including the use of high, white harled back garden walls with red copes, coloured concrete block paviour, open plan, suburban-style front gardens and public realm shrub planting;

* Objections relating to noise and in particular the impact traffic noise from the bypass would have on the residents of the proposed development and the impact any noise mitigation impacts such as close-boarded fencing would have on views to the castle;

* Objections relating to the proposed public open space along the bypass including objections to the proposed public use of such an inhospitable space which will be dominated by constant noise from the bypass and will be overlooked by both passing vehicles and the proposed houses, the grassland proposed will not screen the proposed houses from bypass traffic, the space would be dangerous for children to use due to the proximity of fast moving traffic, the extensive wild flower areas are difficult to maintain and manage in the long term without very specialist knowledge, the hedge type is not typical of the surrounding fields, many species proposed to be planted are too exotic rather than native to the area;

* Objections relating to the SUDS area including questioning the need for a detention basin rather than a simple swale type soakaway/wetland feature and objections to materials proposed to be used;

* Objections relating to off-site impacts and transport, in particular the impact on train station car parks including Drem, North Berwick, Longniddry and Prestonpans which are already at full capacity early in the day; and

* The proposed development would not meet the presumption in favour of sustainable development principles set out in NPF3 and Scottish Planning Policy 2014

The DVA conclude their detailed letter of objection by asking the planning authority to reject this application, to give less weight to this site and proceed cautiously, waiting until the site is considered as part of the examination of representations, asking that the Council commissions an independent expert to produce a conservation area appraisal and a design guide before further applications are considered and that a reduction in the allocated house numbers to 10 affordable homes along the Castlemains Place road be considered at the examination of representations stage.

Many of the same or similar objections to those raised by the DVA are also raised in individual letters of objection submitted. The additional main grounds of objection raised in individual letters of objection are that:

* By having the potential to have an adverse effect on a scheduled monument or the integrity of its setting it would be contrary to the current Local Plan, the Local Development Plan, Scottish Planning Policy and National Planning Acts;

* The size, scale, high density, road infrastructure and generic appearance are not appropriate for a small rural village of only some 400 inhabitants;

* The number of properties proposed will add considerably to the traffic in and out of the village. Entering and exiting the village has already been made worse and more difficult and dangerous by the additional traffic created by the excessive number of development in North Berwick. Any additional traffic calming measures would make the village even more suburban;

* It bears no resemblance to the Development Brief that was put together by East Lothian Council and Historic Environment Scotland for the site;

* No childrens play area is proposed;

- * Any variation of the Brief should be a wide-ranging exercise involving a full consideration of the Conservation Area status of the location by the Council, SNH and HES;
- * If this application is allowed, in a Conservation Area, and in such a sensitive and exposed location as Castlemains Place, then it will give a clear precedent to every other developer of every other site in the County to bring forward proposals which maximise profit before place-making, with the expectation that the Council will grant them for dogmatic or ideological reasons (ie maintaining a 5 year housing land supply) which have nothing to do with good planning law and practice or that is best for the locality;
- * If the application is granted it will make a mockery of the planning process;
- * The allocation of the site in the proposed LDP is subject to representations and as such the fact of allocation should not carry weight, particularly when the Applicant has failed to meet the requirements for the allocation ie observance of the Design Brief;
- * This will result in the loss of habitat for wildlife;
- * Affordable smaller housing is required in this area. However, this development is mainly composed of large and probably expensive homes;
- * Vehicular and pedestrian access from Station Road would be unsafe. This will encourage more traffic to use this already dangerous entrance/exit to/from the Dirleton By-pass. The access to the site is off Station Road and dangerously close to the junction with the bypass (A198). It is already difficult to use this junction because of the speed of traffic on the bypass;
- * If there was an accident or obstruction at the turnoff from the bypass there is no way out for the new residents of the proposed development as there is no other road in or out of the proposed development. There should be another route in/out from the estate at Castlemains Place for cars with a path for pedestrians directly from the estate into the village;
- * The Council's grounds for refusal of planning applications for a residential development site at Foreshot Terrace in Dirleton, and upheld by the Scottish Government at appeal, are just as applicable to the Castlemains Place site;
- * The proposed access from Station Road contravenes the findings of the Main Issues Report into the LDP;
- * Traffic counts carried out by the applicant weren't carried out at the peak time of the year;
- * The Transport Statement fails to mention how full the car parks at North Berwick or Drem railway stations are before 8.00am, refers to businesses in Dirleton which are no longer open or have changed in use and doesn't accurately document all of the accidents that have happened at the junction of Station Road and the A198 in recent years;
- * The Transport Statement submitted with this application has not been updated since the previous application made by CALA 1.5 years ago, there is no Road Safety Audit in place and access is not per the development brief;

- * If development is consented consideration should be given to stopping up Station Road (south) or making this section one way (travelling north) and promoting the use of access via the eastern A198/Main Road junction.
- * Recommendations made in the Transport Statement would increase the risk of accidents and would further sub-urbanise a rural conservation village;
- * The section of Station Road between Castlemains Place and the A198 is narrow in width and two way car traffic on this stretch is only possible with care. This will be worsened by the proposed development and vehicle tracking drawings showing how a refuse vehicle will deal with this have not been submitted;
- * The proposed access appears to be too close to the junction of Station Road and the A198 making vehicle manoeuvres from the A198 into Station Road and then into the development awkward;
- * Lack of village facilities or work opportunities to serve all these houses. This implies more cars and more pollution;
- * The village voices and those of the Dirleton Village Association are being ignored;
- * There is little substantive change in the present application from the previously presented and withdrawn application;
- * It would be a very cramped development with no significant community space;
- * The LDP allocation is for “circa 30 houses” and yet this is 36 units, an increase of 20%;
- * The height and positioning of the houses proposed along the northern part of the site will have a harmful impact on the privacy and amenity of the houses of Castlemains Place;
- * The proposed line of trees will screen the houses but only after 20 years and it is likely that they will block the light of the residents of the proposed houses;
- * Drainage works will cause disruption to visitors to the area and to movements of agricultural machinery;
- * In the interests of biodiversity, a SUDS pond would be preferable to a basin;
- * Consideration will need to be given to the historic surface water drains (cundies) that cross the development site and pass under Castlemains Place;
- * Would result in the loss of Class 2 prime agricultural land;
- * East Lothian’s push for new housing must be a two pronged approach with a more joined up pro-active approach to enable and assist commercial development to create jobs for these new residents;
- * Health, education and car parking provision at local train stations are not equipped to cope with the influx of residents that this and other new housing developments in the area will bring;
- * This proposal brings nothing to Dirleton Village in terms of additional amenities, this

should be a prerequisite of any housing development to Dirleton village;

* There are a lack of amenities in Dirleton to support these houses. New residents will have to go to North Berwick or Gullane for amenities and services in these towns are already under strain;

* Planning conditions to deal with working hours, dust control and road maintenance during the construction phase should be imposed;

* The proposed development of the site could lead to the loss of biodiversity; and

* The proposals will obscure views from existing houses.

The loss of a private view as a consequence of a development is not a material consideration in the determination of a planning application.

A number of objectors state that they support the submission of the objection by the Dirleton Village Association and consider the DVA scheme is preferable to the one of this application.

In addition to the objections summarised above The DVA state in their letter of objection that they proposed their alternative 'best possible mitigation' layout for 30 houses (as detailed in their "Dirleton Expects More" document to the developer at the public consultation stage, but were informed publicly by them that the planning officers were not willing to accept the inward-facing approach to mitigation tested in "Dirleton Expects More".

The Scottish Government's objective for the carrying out of pre-application community consultation between developers and communities is for communities to be better informed about major and national development proposals and to have an opportunity to contribute their views to the prospective applicant (not the planning authority) before a formal planning application is submitted to the planning authority. This helps to: improve the quality of planning applications; mitigate negative impacts where possible; address misunderstandings; and to air and to address where practicable any community issues. While engagement should be meaningful, the prospective applicant is not obliged to take on board community views, or directly reflect them in any subsequent application. However, that is a decision for the prospective applicant and not a matter for the planning authority to get involved in at the pre-application community consultation stage contrary to the statements made in the DVAs representation. Pre-application community consultation does not take away the need for, and right of, individuals and communities to express formal views to the planning authority during the planning application process itself.

The applicants and their consultants have considered the views expressed by the DVA and have made observations on those views in their Design and Access Statement (Masterplan) document advising that many of the observations contained with the DVAs documents have been adopted as part of their design development process and setting out their reasons why they have taken a different design approach to some of the points expressed by the DVA.

In response to objections made by the DVA and other objectors that the planning authority should wait until the site is considered as part of the examination of representations it should be noted (as previously stated in this report) that since the submission of those public objections to this planning application the Scottish Government's Reporters' have issued their Examination Report on the LDP (on 14 March 2018) and the East Lothian Local Development Plan (ELLDP) was thereafter

modified following the Examination. At their meeting on 29 May 2018, the Council approved the ELLDP as the Local Development Plan it intends to adopt.

It should also be noted that the examination report produced by the Scottish Government's Reporters proposed only one modification to the wording of the Housing Proposal for Castlemains in the LDP which was to amend the end of the final sentence of the pre-ambles to PROP NK11 to read "including the retention of views to and from Dirleton Castle instead of just "views to Dirleton Castle" as it had previously read. No other modifications to this site at Castlemains were required by the Scottish Government's Reporters.

Gullane Area Community Council (representing Aberlady, Dirleton, Drem and Gullane), as a consultee on the application, objects to the proposed development advising that they consider that the DVA's comments on the application fairly represent the views of the community and that they concur fully with their observations and objections.

The primary material consideration in the determination of this application is whether or not the principle and the detail of the proposed development accords with development plan policy and other supplementary planning guidance and if not, whether there are material considerations that outweigh any conflict with the development plan and other supplementary planning guidance.

The land of the application site is defined as countryside by Policy DC1 (Development in the Countryside and Undeveloped Coast) of the adopted East Lothian Local Plan 2008.

Policy DC1 gives a presumption against new housing in the countryside other than where it has an operational requirement relating to an appropriate countryside business and requires loss of prime agricultural land be minimised. However, the countryside designation of the land of the site must be weighed against the fact that the northern part of the site is allocated housing site (NK11: Castlemains, Dirleton) in the East Lothian Local Development Plan (ELLDP).

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

This is reflected in paragraph 25 of Scottish Planning Policy (SPP) in which it is stated that the Scottish Government's commitment to the concept of sustainable development is reflected in Scottish Planning Policy's Purpose. The current SPP introduces a presumption in favour of development that contributes to sustainable development, the aim being to achieve the right development in the right place and not to allow development at any cost. SPP makes it clear that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. However, paragraph 33 states that where relevant policies in a development plan are out of date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration and the same principle should be applied where a development plan is more than five years old.

At this time the adopted East Lothian Local Plan is more than five years old.

Policy 7 of the SESplan states that sites for greenfield housing development may be granted planning permission to maintain a five years' effective housing land supply, subject to satisfying three criteria. These are that the development will be in keeping with the character of the settlement and local area, the development will not undermine green belt objectives; and any additional infrastructure required as a result of the development is either committed or to be funded by the developer. In this case the site is not part of the greenbelt.

The site is in the control of a housebuilder who is seeking a grant of planning permission to enable future development of it. There is no evidence to suggest that the site cannot be developed in the short term. Subject to assessment of the scale and character of the proposal and the developer agreeing to any required developer contributions, the site must therefore be considered effective and capable of contributing to the housing land supply in the short term.

In respect of prime agricultural land, the release of greenfield land for development will often result in loss of prime agricultural land. It requires to be considered whether the proposed density of development, taken in conjunction with the provision of green space for the development and the area, is such that it can be considered that the loss of prime agricultural land would be minimised.

In terms of land use Scottish Planning Policy states that where it is necessary to use good quality land for development, the layout and design should minimise the amount of such land that is required. Development on prime agricultural land may be permitted where it is essential as a component of the settlement strategy or necessary to meet an established need.

Part 5(d) of Policy DC1 states that proposed development must minimise the loss of prime agricultural land. This is not the same as stating that there must be no loss of prime agricultural land. Rather, if prime agricultural land has to be developed, the amount of such land taken out of agricultural use must be the least possible.

In this case, Proposal NK11 of the ELLDP allocates the northern half of the site for a residential development of circa 30 homes and thus the Council recognises its potential for residential development for circa 30 homes. As stated earlier in this report the ELLDP has been approved by Council as the Development Plan it intends to adopt having been examined by Scottish Ministers and thereafter modified. The examination report produced by the Scottish Government's Reporters was published on the 14th March 2018 and did not propose any modifications to this site of Castlemains, Dirleton.

Proposal NK11 states that a comprehensive masterplan for the entire allocated site that conforms to the relevant Development Brief will be required. Any development here is subject to the mitigation of any development related impacts, including on a proportionate basis for any cumulative impacts with other proposals including on the transport network and on education and community facilities as appropriate. A draft Development Brief has been written for site NK11 that has been approved by the Council for consultation and is intended for adoption as supplementary planning guidance.

Housing site NK11 of the Proposed Local Development Plan is one which represents the Council's settled view of where new development should occur as an essential component of its settlement strategy to meet the SESplan housing land requirement. Moreover given the small size of the site at some 3.99 hectares which includes for adequate provision of open space, it is considered that the proposed development would, given its nature, minimise the loss of prime agricultural land.

Therefore a residential development of the site would contribute to the effective five year housing land supply requirement of SPP and SESplan Policy 7, thereby outweighing the considerations of Policy DC1 of the adopted East Lothian Local Plan 2008. As regards the further considerations of SESplan Policy 7, the site is outwith the Green Belt and the consideration in the Proposed Plan is that it is an appropriate extension of Dirleton of a suitable scale.

It is thereafter necessary to consider whether, with regard to national, strategic and local planning policy and guidance and other material considerations, the detailed design and layout of the proposed development is acceptable with due regard to its potential impact on the setting of the Scheduled Monument of Dirleton Castle, on the Designed Landscape of Dirleton Castle, on the setting of other listed buildings within the vicinity of the site, on the character and appearance of the Conservation Area as well as its impact on infrastructure and facilities provision, on the amenity of existing residential properties and on existing landscape and biodiversity interests.

As stated above, Proposal NK11 states that a comprehensive masterplan for the entire allocated site that conforms to the relevant Development Brief will be required. Any development here is subject to the mitigation of any development related impacts, including on a proportionate basis for any cumulative impacts with other proposals including on the transport network and on education and community facilities as appropriate.

A draft Development Brief has been written for site NK11 that has been approved by the Council for consultation and is intended for adoption as supplementary planning guidance. The Development Briefs prepared in association with the ELLDP supplement policy in the East Lothian Local Plan and, once adopted, can be a material consideration in the determination of planning applications. They are a set of guiding principles, and indicative design, to be followed, where possible.

The Development Brief for site NK11 is not yet adopted and therefore carries little weight as a material consideration. Nevertheless it is worth noting that many, although not all, of the guiding principles set out in it have been met in the detail of this application including vehicular access being provided from Station Road, the existing hawthorn hedgerow along Station Road and hedging that encloses the north boundary of the site being retained, hedging and specimen trees being provided to the southern edge of the housing development to frame the built form, part of the south-western portion of the site being left as open space and views across the site to Dirleton Castle from the A198 being retained. Other guiding principles of the Development Brief which have not been met in full include buildings being no higher than 1.5 storey in height or the suggestion that an area of open space could be formed in the northwest corner of the site. However as the Development Brief is in draft form and not yet adopted it cannot afford much weight as a material consideration in the determination of this application. Instead the proposals should be considered against the relevant Development Plan policies and other material considerations.

The Dirleton Conservation Area Character Statement describes Dirleton Conservation Area as comprising the whole of the very picturesque village with its buildings grouped around a series of open greens. The village grew up around the Castle, with the original castle-village being to the east. The Castle is now appreciated for its scenic qualities and fine open views over the surrounding area and is a popular visitor attraction. The Character Statement describes most buildings in the village as being low density and small scale, although there are exceptions which are landmark buildings. To the east end of Dirleton buildings are also low density, generally single storey and a mix of stone and whitewashed walls. It is to this end of Dirleton that the

application site lies.

The Design and Access Statement (Masterplan) submitted with this application sets out the applicants design concept for the site. It states that they seek to enhance the outward appearance of Dirleton along its southern boundary, providing a new defensible edge to the village. It states that key views to the eastern elevation of Dirleton Castle, beyond Castlemains farmhouse, have been identified and preserved from the eastern approach along the A198, a landscaped buffer has been incorporated along the western boundary (the 35 metres strip of the allocated housing site not included within this application site) providing breathing space between the proposed development and Castlemains Farm. The applicants state the design concept envisages four main components to the proposed development and they describe them as the following:

1. The Steading Cluster – 1 and $\frac{3}{4}$ storey affordable units arranged around a shared garden space and united within a perimeter of masonry walls – the ‘Walled Garden’. The Steading Cluster would terminate the view west from Station Road junction at this gateway location.
2. The Southern View – conceived as a series of gabled elevations linked by masonry walls in keeping with the form and scale of Dirleton exemplars – this street elevation, overlooking a landscaped amenity area and buffer strip – will form a presentation edge to the village.
3. Castlemains Lane – here 1 and $\frac{1}{2}$ storey units arranged along a shared surface lane beyond a landscaped buffer strip, echo the form and scale of the buildings aligned along Castlemains Place.
4. The Courtyard Cluster – a grouping of family homes arranged in a courtyard with garage blocks and adjoining boundary walls to create an enclosed exclusive setting to this quiet corner of the site.

The Design and Access Statement advises the design approach has been to take inspiration from the surrounding Dirleton context in terms of its form, height and scale but also to add a contemporary approach to the design. The new housing is designed to complement the existing – employing a palette of locally distinctive materials, appropriate scale and massing, and incorporating setbacks from the site boundary.

The Design and Access Statement is designed to be read in conjunction with the Landscape and Visual Appraisal and Heritage Statement documents also submitted with this application. The Landscape and Visual Appraisal undertakes an evaluation of the landscape and visual effects of the residential development proposed describing the potential effects of the proposed development on landscape and visual receptors as well as addressing specific matters regarding the relationship to the existing village and views to and from Dirleton Castle. The Heritage Statement assesses the likely impacts on cultural heritage by the proposed development including on the Conservation Area, listed buildings and on the multiple historic environment designations of Dirleton Castle.

Historic Environment Scotland (HES) have been consulted on the application and have advised that while they acknowledge the development will have an impact on the setting of the Scheduled Monument of Dirleton Castle, Dovecot and Gardens and the Dirleton Castle Designed Landscape, they consider the proposals have mitigated that impact to a level that does not raise issues of national significance and they therefore do not object to this application.

HES acknowledge that the proposed development will not be visible in views towards the castle and gardens from much of the village e.g. the Village Green. They recognise

that the development will be visible from some parts of the upper levels of the Castle and state that from these locations, the new housing will read as a continuation or extension of the mass of existing housing extending southwards. They add that the development will also be visible from the eastern side of the castle grounds and designed landscape, particularly from the access path between the Dovecot and the drawbridge entrance to the castle where it will increase the sense of enclosure of the castle grounds by the village on the eastern side. When viewed from the south and east towards Dirleton Castle, HES are content that the roof levels of the houses will lie below the castle and as a result they will not challenge it for dominance within its setting. They add that the design of the development means that it maintains a degree of separation between the castle, the farm buildings and the village when viewed from this southern and eastern arc. HES considers that as the landscape planting at the south-eastern corner of the development matures, views towards the castle from the east will become increasingly obscured along a small section of this arc of view. Although not objecting to the proposed development and the associated landscaping proposed, HES nevertheless considers the potential impact of the development could be mitigated further through an amendment to the planting design along the western and southern edges of the residential development proposed and through the provision of a suitable design for the street lighting scheme.

In response to these comments the applicants have amended their scheme of landscaping along the western edge of the site to replace previously proposed lime and alder with smaller tree species (cherry and birch) and have reduced the number of trees proposed along the southern boundary of the western part of the residential development. Nevertheless, in order to control the details of a final scheme of planting a condition can be imposed on a grant of planning permission to ensure that the final scheme of landscaping is approved by the planning authority. Likewise, a condition can be imposed on a grant of planning permission to ensure the finalised street lighting design mitigates impacts on the setting of the castle and gardens.

On matters of unscheduled archaeology The Council's Archaeology/Heritage Officer advises that an assessment of the proposed development indicates that there is a potential impact upon the buried archaeology of the area. He recommends that a Programme of Archaeological Works (Archaeological Evaluation by Trial Trench), to mitigate the direct impacts of the proposed development upon the Historic Environment is required. This can be secured through a condition attached to any grant of planning permission for the proposed development. This approach is consistent with Scottish Planning Policy: June 2014, Planning Advice Note 2/2011: Planning and Archaeology, with Policy ENV7 of the adopted East Lothian Local Plan 2008 and with Policy CH4 of the ELLDP.

It is the case that any development of this site will have an impact on views towards and away from Dirleton Castle. However it has been demonstrated through the application drawings and associated documents submitted with this application that the way the development is proposed to be laid out, including setting the proposed development northwards of the boundary of the allocated site at the western end of the site and some 35 metres eastwards from the western boundary of the allocated site and by virtue of the building design, heights and positioning of buildings that the proposed development would have an impact on the setting of Dirleton Castle but that impact would not be to such a degree that it would harm the setting of Dirleton Castle as a Category A listed building or as a scheduled monument nor would it have a harmful impact on its Designed Landscape.

Nor would it have a harmful impact on the setting of other listed buildings within the vicinity of the site all of which are separated from the site by intervening land and

buildings. Due to this the proposed development would not have a harmfully prominent or imposing visual relationship with the listed buildings, would not harm the setting of them and thus would allow them to remain the focus of their setting.

On these heritage considerations the proposed development is not contrary to Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), Policies ENV3, ENV7 or ENV8 of the adopted East Lothian Local Plan 2008, to Policies CH1, CH4 or CH6 of the ELLDP or to Scottish Planning Policy June 2014.

In respect of its impact on the Conservation Area, there would be very limited views of the proposed development from the historic core of the Conservation Area. The 'fine open views over the surrounding area' from the top of the castle keep noted in the Conservation Area Character Statement would be altered as would other views from the castle and its grounds however the main views of the development would be from the south and the east where it would be seen in relation to less traditional or slightly more recent elements of the Conservation Area such as the properties of Castlemains Place and the buildings of Castlemains Farm, many of which are modern, utilitarian agricultural sheds.

The houses at the western end of Castlemains Place have their rear gardens facing towards the application site whereas the houses along the remainder of Castlemains Place front southwards towards the application site. The layout of the houses proposed will respect this pattern by being laid out in such a way that the houses to be erected at the western end of the site will have back gardens closest to the back gardens of the houses of Castlemains Place and this part of the development site will otherwise have its houses facing inwards into a courtyard setting. The northern row of houses proposed in the middle part of the site (described by the applicant as Castlemains Lane) would, by virtue of their positioning and their orientation facing towards the houses of the adjoining part of Castlemains Place and by their semi-detached form, sit comfortably with the pattern of development in Castlemains Place. The southern row of houses proposed in the middle part of the site would face southwards towards the A198, as that part of Castlemains Place already does, and in a similar manner to the orientation of the housing on the west side of Dirleton Castle at Gylers Road. The proposed terraced houses and cottage flats on the eastern part of the site would be of a different character but would again be designed appropriately in accordance with development around them.

The range of house types proposed would give a variation of architectural form to the development, which coupled with the orientation and layout of the buildings, would give a degree or variety of appearance to the development.

The design of two of the house types proposed has been amended since this application was registered to lower the overall height of these house types. Nevertheless the houses proposed would still have a higher ridge height than the low 1 and 1 and a ½ storey houses of Castlemains Place. However, due to their layout and positioning on the site and by virtue of them being set back on the northern part of the site, which generally has a lower ground level than the southern part of the site, and when considered in the wider context within which they would be viewed which includes the modern agricultural buildings of Castlemains Farm and mature tree planted areas at the eastern and western sides of the site, the heights of the proposed houses would not have be harmful to the character and appearance of this part of the Dirleton Conservation Area.

The architecture of the proposed houses and flats is of a traditional pitched roof form. Although contemporary features are incorporated into the house and flat designs such

as modern styled windows, dark grey coloured window frames, flat roofed dormers and in the case of the terraced houses and cottage flats, solar panels, these contemporary features would sit comfortably with the otherwise traditional design elements of the houses and flats proposed and would not be harmful to the character and appearance of this part of the Conservation Area. It is however important to ensure that the materials to be used on the houses and flats and on their associated garages and boundary treatments reflect the high quality of the prevailing traditional materials in the village as listed in the Conservation Area Character Statement. A condition can be imposed on a grant of planning permission to ensure that natural materials, such as natural stone, slate and clay tiles and cast iron gutters are used rather than reconstituted stone, concrete roof tiles and upvc gutters and that the colour or colours of render to be used are muted colours (not white) which would help to integrate the proposed development into its landscape setting. This would ensure that the character and appearance of the Conservation Area is preserved.

Subject to the imposition of such a condition controlling materials, in respect of their architectural form including their size, height and the design and layout of them and in respect of their materials, the proposed houses and flats and their associated garages and boundary treatments would integrate and sit comfortably with the built architectural form and layout around them and, coupled with appropriate landscaping of the site, would not have a harmful impact on the Dirleton Conservation Area.

Whilst it would bring change to this part of the village it would be well designed and integrated into its landscape and village setting and would be an appropriate residential development of the site. On this consideration the proposed development is not contrary to Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), Policy ENV4 of the adopted East Lothian Local Plan 2008, Policy CH2 of the ELLDP or to Scottish Planning Policy June 2014.

One of the principal objectives of the Council's approved Design Standards for New Housing Areas is to reduce the visual dominance of the car in the streetscape of new housing developments. The applicant has addressed this principle throughout the development by use of in-curtilage parking to the side of houses, or the use of courtyard parking. This would serve to reduce the visual dominance of the car in these streetscapes. In this and in the design principles of the street layout the proposals generally respond to the requirements of the Design Standards.

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

The site is capable of accommodating all of the proposed development including vehicular and pedestrian access and amenity space without being an overdevelopment of it. The pattern and density of the proposed development would not be at odds with the existing patterns and densities of housing and other development within the village of Dirleton.

Regarding formal play provision, the Principal Amenity Officer advises that it would be more beneficial to enhance the existing community play facility on Castle Green with

enhanced facilities within its existing footprint rather than provide a new facility within the application site. He advises that a contribution of £549 per residential unit, which would equate to a total contribution of £19,764 at 2018 rates, should be secured from the applicant for the enhancement of the existing Castle Green playpark. This contribution can be secured by a legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other legal Agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the Council securing this appropriate developer contribution the proposal is consistent with Policy C2 of the adopted East Lothian Local Plan 2008. The applicants have confirmed in writing that they are willing to enter into such an agreement.

In respect of open space, it is proposed that the southern half of the application site would remain undeveloped and instead would be landscaped as 'meadowland' for informal recreational space. This southern half of the site is outwith the allocation of Proposal NK11 and is instead to be designated as 'Countryside Around Towns' by Policy DC8: Countryside Around Towns in the Proposed ELLDP.

The Council's Landscape and Countryside Biodiversity and Access Officers, as well as the Council's Landscape Projects Officer are supportive of the principle of the applicant's proposal to plant this area as a wild flower meadow subject to a management plan being submitted to and approved by the Planning Authority for the soil specification, the seed mix and sowing density, establishment requirements, the cutting regime to include height of cut, frequency and time of cuts and removal or arisings and ongoing annual management requirements. The Council's Biodiversity Officer advises that if planted appropriately, the landscaping of this land could potentially allow for biodiversity gain and provide good wildlife benefits. The Council's Landscape Projects Officer advises that the meadow should have mown paths through out it to provide recreation access. Subject to the imposition of a condition requiring agreement of a management plan for the meadow area, defining the seed mix that will be used and the management arrangements that will be in place annually once the seed mix has been sown, the meadow to be provided on the southern part of the application site would provide sufficient areas of open space for informal recreation for the proposed development, consistent with Policy C1 of the adopted East Lothian Local Plan 2008 and Policy OS3 of the ELLDP.

In terms of generic wildlife interest, the Council's Biodiversity Officer raises no objection to the application, satisfied the proposal would not have a harmful impact on existing wildlife. Accordingly the proposals do not conflict with Policy DP13 of the adopted East Lothian Local Plan 2008.

In respect of other areas of landscaping within the site the Council's Landscape Projects Officer is generally content with the proposals to provide a hedge to the south of the development area to the north of the meadow and for it to be a mixed hawthorn and hazel hedge, which ties in with other rural hedges within the area. The hedges to the front gardens of the row of houses facing south are proposed to be beech and this is also supported as is shrub planting proposed in other garden areas. The Landscape Projects Officer makes recommendations for further tree planting at various points throughout the site and therefore conditions can be imposed on a grant of planning permission to ensure that a scheme of landscaping for the site is submitted for the approval of the planning authority as well as for tree and hedge protection.

The Council's Landscape Projects Officer has also provided comments on the design and landscaping of the SUDS basin proposed for the site. The layout of the SUDS has been amended during the course of this application in order to widen and shorten it so

as to lessen its impact on the development. Subject to the amendments being carried out to the proposed planting scheme of the SUDS basin, a matter which can be dealt with by condition of a grant of planning permission, the Landscape Projects Officer is content with the design and positioning of the SUDS basin which would be screened from the public road of Station Road by the retained hedgerow along this eastern edge of the development.

Subject to the aforementioned landscape conditions the landscaping of the site would soften and serve to integrate the proposed development into its landscape setting, breaking up the massing of the proposed development and ensuring a visually attractive approach into Dirleton, with the proposed houses and flats visible but not appearing prominent or intrusive in their landscape setting. On this consideration the proposed development is consistent with Policies DP1 and DP14 of the adopted east Lothian Local Plan 2008 and Policy DP1 of the ELLDP.

A noise assessment has been submitted to assess noise impacts on the future residents of the proposed development, particularly in relation to predicted noise from road traffic using the A198 Dirleton Bypass located to the south of the site. The Council's Environmental Health Manager, having considered the noise assessment submitted is satisfied that the proposed development can be satisfactorily mitigated from road traffic provided that any rear gardens on the southern edge of the proposed residential development are enclosed with 1.8 metres high close boarded fencing or other solid boundary treatment of a similar height and provided that first floor bedroom windows of properties on the southern boundary of the proposed development facing the A198 are provided with acoustic trickle ventilation. The majority of the residential properties on the southern edge of the proposed development would have their front gardens facing the A198 but where rear gardens are to be formed along this southern edge, 1.8 metre high walls are proposed to enclose these rear gardens as well as tree planting beyond them and the walls proposed would meet the requirements of the Environmental Health Manager. Therefore, the potential noise impacts from the A198 road on residential amenity can be satisfactorily addressed if a condition is attached requiring the erection of the boundary enclosures already proposed along the southern boundary of the site and for the windows of first floor bedrooms of properties on the southern boundary facing the A198 to be provided with acoustic trickle ventilation. The Council's Environmental Health Manager otherwise raises no objection to the proposed development, satisfied that it would not result in harm to the amenity of any neighbouring land use. Subject to this control the proposed development would comply with Policy NH13 of the ELLDP.

On all of these foregoing findings on matters of design, layout, open space, landscaping and amenity, and subject to the imposition of conditions, the proposed development is not inconsistent with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan) or Policies C1, C2, DC1, DP1, DP2, DP14, DP20, DP24 and H1 of the adopted East Lothian Local Plan 2008, the Council's Design Standards for New Housing Areas or the Scottish Government Policy Statement entitled "Designing Streets" or with Policies DP1, DP2, DP3, DP8, OS3, NH5 and NH7 of the ELLDP.

Consideration must then be given to the potential impact of the proposed development on the infrastructure of the area.

The Council's Road Services have considered the Transport Statement submitted with the application and raise no objection to the proposed development, being satisfied that it would be accessed safely from Station Road and would not lead to a road or pedestrian safety hazard. They are satisfied that the proposed means of access and

amount and location of parking within the site are generally acceptable and that traffic likely to be generated by the proposed development could be satisfactorily accommodated on the local road network without harm to road or pedestrian safety.

Roads Services additionally recommend that:

- * the existing 30 miles per hour (mph) speed limit on Station Road be extended southwards to the junction with the A198 and be supported by street lighting and an extension to the footway on the west side of the carriageway;
- * the existing vehicular access from Station Road to the land at the northern edge of the site should be stopped up, but pedestrian access should remain;
- * the existing directional signage, located on the verge to the immediate west of the junction between the A198 and Station Road shall be relocated in accordance with details to be approved by the Planning Authority in consultation with Road Services in order to improve visibility at the junction;
- * Notwithstanding that which is detailed on drawings the two footpath links from the site to Castlemains Place shall be constructed to an adoptable standard up to where they meet the carriageway/existing footpaths on Castlemains Place;
- * cycle parking 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;
- * a Green Travel Plan (GTP) be submitted and approved in consultation with Road Services. It should have particular regard to provision for walking, cycling and public transport access to and within the site, and will identify the measures to be provided, the system of management, monitoring, review, reporting and duration of the plan;
- * a Construction Method Statement to minimise the impact of construction activity on the public road network be submitted to and approved by the Planning Authority prior to the commencement of development. It should recommend mitigation measures to control construction traffic and include hours of construction work; and
- * wheel washing facilities be provided and maintained in working order during the period of operation of the site.

With the imposition of conditions to cover these recommendations of Roads Services, the proposed development does not conflict with Policies DP20, T1 and T2 of the adopted East Lothian Local Plan 2008 or with Policies T1 or T2 of the ELLDP..

The Council's Road Services also recommend that where there is no footway, all planting and hedges immediately adjacent to the carriageway should be limited to 900mm in height for visibility. However Road Services have not presented any evidence to suggest that hedges of a height of 900mm or above would present a hazard to road safety within this site. Hedges and other roadside boundary treatments above 900mm in height are not uncommon in residential developments of this kind.

The Council's Waste Services raise no objection to the application but advised that the proposal include a presentation point for waste collection at the eastern end of the site to serve the terraced houses and cottage flats. This has been incorporated into the layout of the development. The applicant has demonstrated through the submission of a swept path analysis that the development can be adequately serviced for the purposes of waste collection.

Details of the SUDS and other drainage details including a Drainage Assessment have been submitted with this application. These details have been revised during the course of the application.

SEPA have been consulted on the details provided and, after having initially objected to the proposals, have since been provided with further details from the applicant on their proposed replacement culvert through the site and now raise no objections to the proposed development and nor do they request any condition be imposed on this application. SEPA advise that the design of SUDS infrastructure is a matter for East Lothian Council to consider.

The Council's Team Manager for Structures, Flooding & Street Lighting is now satisfied with the design of the SUDS basin proposed commenting that the gradients are shown to be at most 1:4 and therefore should be compliant with Scottish Water's Sewers for Scotland 3. He advises that it would be prudent for a condition to be imposed stating that no construction works can be prior to the Council receiving Scottish Water's Technical Approval of the design of the SUDS basin (including their agreement to vest the basin). This matter can be secured through a condition on a grant of planning permission.

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

Policy INF3 of the adopted East Lothian Local Plan 2008 and Policy Del1 of the ELLLDP stipulate that new housing will only be permitted where appropriate provision for infrastructure, required as a consequence of the development, is made. Policy T32 of the ELLDP specifically relates to the package of transportation interventions to mitigate the cumulative impact of development on the transport network which have been identified by the Council in consultation with Transport Scotland. In line with Policy DEL1, relevant developments are required to contribute to the delivery of these transportation interventions, on a proportionate, cumulative pro-rata basis, as set out in Developer Contributions Framework Supplementary Guidance.

The Council's Planning Obligations Officer advises that the cumulative transport impacts of the development of proposed housing site NK11 was assessed for 30 dwellings in the 2018 Developer Contribution Framework Supplementary Guidance. Whilst this proposal is for 36 and not for 30 dwellings, he advises that this is within an acceptable margin not to require a re-run of the model to identify any changed level of impacts or contributions. Therefore, for the Castlemains, Dirleton NK11 site the Council's Planning Obligations Officer has advised that following the approval of the updated Developer Contributions Framework at the Council meeting on 29 May 2018 the contributions required for each transport intervention are as detailed below:

- * Improvements to Old Craighall junction (PROP T15): £125
- * Improvements to Salters Road Interchange (PROP T17): £130
- * Improvements to Bankton Interchange (PROP 17): £5,873
- * Musselburgh Town Centre improvements (PROP T21): £718
- * Tranent Town Centre Improvements (PROP T27 and T28): £505
- * Rail Network Improvements (PROP T9 and T10): £8,915

The total contribution required for transportation improvements resulting from cumulative impacts of the development is therefore £16,266.

The total developer contributions towards the transportation interventions of £16,266 (indexed linked) can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement.

The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. The applicants have confirmed in writing that they are willing to enter into such an agreement.

The Council's Depute Chief Executive (Resources and People Services) informs that the application site is located within the school catchment areas of Dirleton Primary School and North Berwick High School.

He advises that Dirleton Primary and Nursery School will have sufficient capacity to accommodate children that could arise from the proposed development, however he also advises that North Berwick High School would not have sufficient capacity to accommodate children that could arise from the proposed development. Therefore he objects to the application on the grounds of lack of permanent capacity at North Berwick High School. However, he would withdraw that objection provided the applicant makes a financial contribution to the Council of £257,040 towards the provision of additional school accommodation at North Berwick High School.

The required payment of a financial contribution of a total of £257,040 towards the provision of additional accommodation at North Berwick High School can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the payment of the required contribution towards educational accommodation the proposal is consistent with Policy INF3 of the adopted East Lothian Local Plan 2008, and Policy ED7 of the ELLDP which stipulate that new housing will only be permitted where appropriate provision for infrastructure required as a consequence of the development is made. The applicants have confirmed in writing that they are willing to enter into such an agreement.

The East Lothian Council Health and Social Care Partnership raises no concerns about the ability of its health and social care services to support the 36 residential units proposed although they note that this is a 20% increase on "circa 30 homes" and advise that if such a growth was replicated across all LDP sites it may create unsustainable pressures on East Lothian's GP practices. Notwithstanding this comment, they do not object to this proposal.

The Council's Sports Development & Community Recreation Manager has advised that there are no requirements for additional sports facilities to be provided as a result of this proposal.

Subject to the payment of the required contribution towards transport interventions and education provision the proposal is consistent with Policy INF3 of the adopted East Lothian Local Plan 2008 and Policies DEL1, ED7 and T32 of the ELLDP.

The Council's Economic Development & Strategic Investment Manager advises that in accordance with the Council's Affordable Housing Policy, 25% of the proposed 36 residential units require to be affordable housing units. In the case of this application, the affordable housing component of the proposed housing development is 10 units which is 1 unit over the minimum requirement of the Council's affordable housing policy. Discussions have taken place between Housing Strategy and Development and the applicant and the Economic Development & Strategic Investment Manager confirms that the location, mix and sizes of the affordable units have been agreed and it has been agreed that the units will be delivered on this site by the applicant. Although the group of 10 affordable housing units is grouped together facilitating easier

management, the affordable housing is still sufficiently integrated into the overall development. The Economic Development & Strategic Investment Manager therefore advises that the number, mix and location of affordable units to be provided on the site is acceptable.

The terms for the provision of this affordable housing requirement could be the subject of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the Council securing the affordable housing requirement, which the applicant is willing to do, the proposal would be consistent with Policy H4 of the adopted East Lothian Local Plan 2008 and Policies HOU3 and HOU4 of ELLDP.

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

In summary, in the context of the site being part of housing allocation PROP NK11 of the East Lothian Local Development Plan, and in that its impacts in respect of amenity and technical considerations are acceptable in themselves, or can be mitigated through the appropriate use of planning conditions and necessary developer contributions, the balance of the material considerations of this case supports the proposals. This includes consideration of the matters raised in objections to the application. A grant of planning permission would be consistent with Scottish Planning Policy: June 2014, SESplan Policy 7 and relevant East Lothian Local Development Plan policies which considerations outweigh the provisions of Policy DC1 of the adopted East Lothian Local Plan 2008.

RECOMMENDATION

It is recommended that planning permission be granted subject to:

1. The undernoted conditions.
2. The satisfactory conclusion of an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997, or some other legal agreement designed to secure from the applicant:
 - (i) a financial contribution to the Council of £257,040 towards the provision of additional accommodation at North Berwick High School;
 - (ii) 10 affordable residential units within the application site;
 - (iii) a financial contribution to the Council of £19,764 for the provision of additional play equipment and/or for some other enhancement of the play area at Castle Green, Dirleton;
 - (iv) a financial contribution to the Council of £16,266 for transport improvements. (Comprised of £125 for road improvements to Old Craighall Junction, £130 for improvements to Salters Road Interchange, £5,873 for improvements to Bankton Interchange, £718 for Musselburgh town centre improvements, £505 for Tranent town centre improvements and £8,915 for Rail Network Improvements).

3. That in accordance with the Council's policy on time limits for completion of planning agreements it is recommended that the decision should also be that in the event of the Section 75 Agreement not having been executed by the applicant, the landowner and any other relevant party within six months of the decision taken on this application, the application shall then be refused for the reason that without the developer contributions to be secured by the Agreement the proposed development is unacceptable due to a lack of sufficient school capacity at North Berwick High School, a lack of provision of affordable housing, a lack of formal play provision and a lack of roads and transport infrastructure improvements contrary to, as applicable, Policies INF3, H4 and C2 of the adopted East Lothian Local Plan 2008 and ED7, DEL1, HOU3 and T32 of the East Lothian Local Development Plan.

- 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 Prior to commencement of development on site, full details of the proposed Sustainable Drainage System (SuDS) shall be submitted to and approved in writing by the Planning Authority.

The details shall include confirmation of Scottish Water's technical approval of the SuDS proposals.

Thereafter, the approved details shall be implemented as approved.

Reason:

To ensure that the final SuDS design complies with Sewers for Scotland 3 and can be vested by Scottish Water in the interest of flood prevention, environmental protection and the long term amenity of the area.

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

Reason:

To facilitate an acceptable archaeological investigation of the site.

- 4 Prior to the commencement of development, a Construction Method Statement which sets out how the impact of construction activity on the safety and amenity of the area will be mitigated shall be submitted to and approved by the Planning Authority.

The Construction Method Statement shall include details of:

- * Mitigation measures to control noise, dust, construction traffic (including routes to/from site and delivery times).
- * Hours of construction work
- * Temporary measures to be put in place to control surface water drainage during the construction works
- * Routes for construction traffic

* Wheel washing facilities.

Thereafter, the Construction Method Statement shall be implemented and complied with in accordance with the approved details for the period of construction of the development hereby approved.

Reason:

To retain control of the operation of construction in the interest of environmental and residential amenity.

- 5 Prior to the occupation of any of the residential units hereby approved a Green Travel Plan shall be submitted to and approved by the Planning Authority prior to the occupation of any of the residential units hereby approved.

The Green Travel Plan shall have particular regard to provision for walking, cycling and public transport access to and within the site, and will include a timetable for its implementation, details of the measures to be provided, the system of management, monitoring, review, reporting and duration of the Plan and details of how it will be distributed to residents.

Thereafter, the Green Travel Plan shall be implemented in accordance with the details so approved.

Reason:

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

- 6 No development shall commence unless and until the following requirements have been met:

(i) the 30 miles per hour (mph) speed limit on Station Road has been extended to the junction with the A198 public road and has been brought into effect. Details of the new 30 miles per hour speed limit shall be submitted to and approved in advance by the Planning Authority and shall include the provision of street lighting over the full extent of the proposed new 30mph speed limit and the provision of a footway on the west side of the carriageway. Thereafter the new 30 miles per hour speed limit, street lighting and footway shall be implemented and installed in accordance with the details so approved;

(ii) the existing vehicular access from Station Road to the eastern part of Castlemains Place shall be stopped up to allow only a pedestrian access to remain in place;

(iii) Existing directional signage located on the verge to the immediate west of the junction between the A198 and Station Road shall be relocated in accordance with details to be submitted and approved by the planning authority.

Details of the proposed extension to the existing 30 mph speed limit, footway, street lighting, stopping up of the existing access and relocated signage shall be submitted for approval by the planning authority. These measures shall be implemented in accordance with the details as approved by the planning authority.

Reason:

In the interests of road safety.

- 7 Prior to the occupation of any of the residential units hereby approved the footpath links from the northernmost access road within the site as detailed on drawings docketed to this planning permission shall be fully constructed to an adoptable standard and shall connect from the site into the existing public footway/carrageway of Castlemains Place.

Reason:

In the interests of the safety and amenity of pedestrians.

- 8 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 for off-street parking in the interests of road safety.

- 9 Prior to the occupation of any of the flats hereby approved bin storage facilities and cycle storage facilities shall have been formed and made available for use. Thereafter, the storage facilities shall be retained in use as bin and cycle storage areas.

Reason:

To ensure the provision of adequate bin and cycle storage in the interest of the residential amenity of the future occupants of the flats hereby approved and the visual amenity of the locality.

- 10 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" has been installed, approved and confirmed in writing by the Planning Authority. The fencing must be fixed in to the ground to withstand accidental impact from machinery, 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 numbered 4462.001 rev D, 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 creating the Construction Exclusion Zones the following prohibitions must apply:-

- _ No vehicular or plant access
- _ No raising or lowering of the existing ground level
- _ No mechanical digging or scraping
- _ No storage of temporary buildings, plant, equipment, materials or soil
- _ No hand digging
- _ No lighting of fires
- _ No handling discharge or spillage of any chemical substance, including cement washings

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.

Reason

In order to protect retained hedgerows and trees from damage.

- 11 Notwithstanding the details shown on landscaping plans docketed to this planning permission, a revised scheme of landscaping shall be submitted to and approved in writing by the Planning Authority prior to any commencement of development on the site. The scheme shall provide details of: the height and slopes of any mounding on or re-contouring of the site including SUDS basin/ponds details; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. Non-thorn shrub species should be located adjacent to pedestrian areas. 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.

Unless otherwise agreed in writing with the Planning Authority the revised scheme of landscaping shall include for the planting of

- 1no. *Carpinus betulus* 'Frans Fontaine' in shrubs to south of garage at plot 25;
- 1no. *Carpinus betulus* 'Frans Fontaine' in shrubs at plot 36;
- 1no. *Carpinus betulus* 'Frans Fontaine' in shrubs at south of garage at plot 16;
- 1no. *Pyrus calleryana* 'Chanticleer' to the shrub area to the south of garage at plot 11;
- 1no. *Pyrus calleryana* 'Chanticleer' to the shrub area to the north of the garage at plot 17; and
- 5no. *Tilia cordata* 'Greenspire' to the north side of the southern boundary hedge in the area of low maintenance grass seeding as per the site plan.

Unless otherwise agreed in writing with the Planning Authority as well as wetland meadow mix planting, the SUDS basin shall be planted with a large amount of native edge mix planting to its eastern slopes. Planting to the western side of the SUDS basin should be kept as the lower and spine free shrubs of the native edge mix. There should be no *Prunus spinosa*, *Ilex aquifolium*, or *Crataegus monogyna* in the planting areas to the west as they are adjacent to the roadway.

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 completion of the development or

occupation of any house hereby approved, whichever is the sooner. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar species and final size, unless the Planning Authority gives written consent to any variation. No trees or shrubs, detailed in the approved landscaping plans to be retained on the site, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority.

Reason:

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

- 12 No development shall take place on the site unless and until a management plan for the meadow hereby approved has been submitted to and agreed in writing with the Planning Authority. The management plan shall include details of:

- o The soil specification
- o The seed mix and sowing density
- o Establishment requirements
- o Cutting regime to include height of cut, frequency and time of cuts and removal of arisings and showing details of mown paths to provide recreation access
- o Ongoing annual management requirements of the meadow

Thereafter the meadow shall be managed in accordance with the approved management plan.

Reason:

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

- 13 The maintenance of all communal landscape areas, and hedges to private front gardens, as defined on the drawing numbered 4462.001 rev D docketed to this planning permission shall be adopted and maintained 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.

Reason:

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

- 14 All the open space meadow shall be available for use prior to the occupation of the last house or flat on the site.

The open space meadow, when provided, shall be used for such purposes at all times thereafter unless otherwise agreed in writing by the Planning Authority.

Reason:

To ensure the satisfactory laying out of all areas of open space in the interest of the amenity of the future occupants of the dwellings hereby approved.

- 15 A timetable for the provision of the erection of the boundary enclosures for the gardens of the houses and flats hereby approved shall be submitted to and approved in advance by the Planning Authority and development shall thereafter be carried out in full accordance with the timetable 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 privacy and amenity of future residents of the development and residential properties nearby.

- 16 Prior to their occupation, the south facing first floor bedroom windows of the houses to be erected along the southern side of the development shall be fitted with acoustic trickle ventilation to ensure compliance with daytime and night-time internal noise levels as specified in Table 4 of BS8233: 2014 "Guidance on sound insulation and noise reduction in buildings". Such glazing shall thereafter be retained or replaced to an equivalent standard unless otherwise approved by the Planning Authority.

Reason:

In the interests of protecting the residential amenity of the occupiers of the houses from noise from the A198.

- 17 Prior to their occupation, the 1.8 metre high walls hereby approved for the south sides of the

garden areas of plots 5, 32, 33 and 36 of the development hereby approved shall be erected in their entirety and in accordance with the details docketed to this approval. The walls shall thereafter remain in place unless otherwise approved by the Planning Authority.

Reason:

In the interests of protecting the residential amenity of the occupiers of the houses from noise from the A198.

- 18 Notwithstanding that which is stated on the drawings docketed to this planning permission a detailed specification and samples of all external finishes of the houses, flats, garages and boundary treatments hereby approved shall be submitted to and approved by the Planning Authority prior to the use of the finishes in the development.

The external finishes of the houses, flats, garages and boundary treatments shall include for natural and not reconstituted stone, render with the use of more than one render colour of a muted colour, natural slates, clay tiles, timber window frames, timber doors and garage doors and cast iron downpipes and for lead, 'falzinc' or other similar material to be used on the dormer cheeks and fronts.

All such materials used in the construction of the houses, flats, garages and boundary treatments 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 and in the interest of safeguarding the character and appearance of the Dirleton Conservation Area.

- 19 The solar panels to be installed in the cottage flats and terraced houses hereby approved shall be installed in a manner that ensures that their upper surfaces are as near flush as possible with the upper surface of the roof slope into which they will be installed and with minimum flashing.

Reason:

To reduce the visual impact of the solar panels in the interest of safeguarding the character and appearance of the Dirleton Conservation Area.

- 20 No development shall commence on the site unless and until there has been submitted to and approved by the Planning Authority in consultation with the Roads Authority a scheme of street lighting for the site. Thereafter the street lighting scheme approved shall be implemented in accordance with the details so approved.

Reason:

In order to preserve the setting of Dirleton Castle.

- 21 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.

Please note that the remainder of pages relating to this item have been removed as they contain personal information (for example - names and addresses of people that have made representation)

REPORT TO: Planning Committee
MEETING DATE: Tuesday 4 September 2018
BY: Depute Chief Executive
(Partnerships and Community Services)
SUBJECT: Application for Planning Permission for Consideration

3

Application No. **18/00090/PM**
Proposal Erection of 94 houses, 8 flats and associated works
Location **Greendykes Farm
Macmerry
East Lothian**
Applicant Taylor Wimpey East Scotland
RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

As the area of the application site is greater than 2 hectares and the principle of development is for more than 49 houses, the development proposed in this application is, under the provisions of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, defined as a major development and thus it cannot be decided through the Council's Scheme of Delegation. The application is therefore brought before the Planning Committee for a decision.

As a statutory requirement for major development proposals this development proposal was the subject of a Proposal of Application Notice (Ref: 17/00009/PAN) and thus of community consultation prior to this application for planning permission being made to the Council.

As an outcome of that and as a statutory requirement for major development type applications, a pre-application consultation report is submitted with this application. The report informs that some 90 people attended the pre-application public exhibition, which were held at Macmerry Miners' Welfare Society & Social Club on the 14th April 2016 and the 31 August 2017, and that twenty questionnaires were completed and returned. The attendees of the pre-application public exhibition raised a number of issues regarding the proposals. A meeting was also held with Macmerry and Gladmuir Community Council on 4th September 2017. The development for which planning permission is now sought is of the same character as that which was the subject of the community engagement undertaken through the statutory pre-application consultation of the proposal.

The application site is comprised of some 3.75 hectares of arable agricultural land located on the north west side of the village of Macmerry. The site is within the countryside as defined by Policy DC1 of the adopted East Lothian Local Plan 2008. The site constitutes the eastern part of allocated housing site TT7 Macmerry North as allocated by the East Lothian Local Development Plan (ELLDP).

The site is bounded to the south by the gardens of residential properties at Mountfair Gardens, Mountfair Place and St Germain's Terrace. There is a small tree belt along the eastern boundary of the site, which is punctuated by two sections of 'dead-end' road from the adjacent housing development on Chesterhall Avenue. To the north the site adjoins agricultural land. To the west the site is bounded by a footpath, which is part of the core path network, beyond which is agricultural land.

Planning permission is sought through this application for the erection of 102 residential units, comprising 94 houses and 8 flats. Since the registration of the application, a number of amendments have been made to the application resulting in the submission of revised site layout plans, landscaping plans, SUDS details and housing design details. This has resulted in a reduction in the proposed number of residential units from 105 units to 102, alterations to the design of the SUDS basin, increased landscaping and various other small revisions.

The development site layout plan shows how the proposed 102 units would be accommodated on the site along with associated access roads, parking areas, landscaping, open space and a sustainable drainage system (SuDS) basin.

The proposed houses would comprise of a mix of detached, semi-detached and terraced houses. The houses would be two-storey with the exception of 2 houses (plots 50 and 51 on the site layout plan) which would be single storey bungalows. The 8 flats would be contained within two, two storey flatted buildings. The flats and the bungalows would be located in the southwest part of the site. The houses would vary in size, 17 would contain 2 bedrooms, 41 would contain 3 bedrooms and 36 would contain 4 bedrooms.

Of the 102 units there would be a total of 76 houses for private sale and 26 units would be for the provision of affordable housing. The 26 affordable housing units would be comprised of 2 accessible bungalows, 8 flats and 16 terraced and semi-detached houses. These properties would be grouped in two separate areas within the western part of the site.

Vehicular, pedestrian and cycle access to the site would be taken by way of two link roads from the existing spurs from Chesterhall Avenue. A pedestrian and cycle link would be formed connecting the site to the core path on the west of the site. The site layout plan indicates that this could form a potential future link road, although this would be subject to a separate planning application. Pedestrian footpaths are also proposed at two points on the west boundary of the site, at the north and south ends. An informal footpath with tree and hedge planting is proposed along the north of the site, between the rear gardens of the proposed houses and the site boundary. This would link to a detention basin in the north east corner of the site and the core path to the west. There are also small, incidental areas of landscaping around the site.

Areas of usable open space would be formed on the site. The largest of these is a 'green' in the southern part of the site surrounded by houses. There would also be an 8 metre wide strip along the western side of the site, between the proposed housing and the existing public path.

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 01 February 2018 the Council issued a formal screening opinion to the applicant. This concluded that the proposed development is unlikely to have significant effects on the environment to the extent that any expert and detailed study through EIA would be necessary to properly assess any effect. It is therefore the opinion of East Lothian Council as Planning Authority that there is no requirement for the proposed residential development to be the subject of an EIA.

The following reports have been submitted as part of this application:

- * Pre-application Consultation Report;
- * Design and Access Statement, January 2018;
- * Planning Statement;
- * Coal Mining Risk Assessment, August 2017;
- * Phase 1 Environmental Desk Study, August 2017;
- * Phase 2 Site Investigation Report, July 2018;
- * Ecology Report, August 2017;
- * Flood Risk Assessment, January 2018;
- * Report on Road Traffic Sound, April 2018;
- * Surface Water Drainage Strategy, August 2018;
- * Air Quality Assessment Report, January 2018;
- * Transport Assessment, January 2018;
- * Technical note on Strategic Regional Model, July 2018; and
- * Planting Notes and Landscape and Maintenance and Management Proposals.

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.

Policies 1B (The Spatial Strategy: Development Principles), 5 (Housing Land), 6 (Housing Land Flexibility) and 7 (Maintaining a Five Year Housing Land Supply) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies DC1 (Development in the Countryside and Undeveloped Coast), DP1 (Landscape and Streetscape Character), DP2 (Design), DP3 (Housing Density), DP4 (Design Statements), DP13 (Biodiversity and Development Sites), DP15 (SUDS), DP17, DP18 (Transport Assessments and Travel Plans), DP19 (Transport Infrastructure Standards-Development Roads, Pedestrian, Cycle and Public Transport Facilities), DP20 (Pedestrians and Cyclists), DP21 (Public Transport) DP22 (Private Parking), DP24 (Home Zones), INF3 (Infrastructure and Facilities Provision), H1 (Housing Quality and Design), H4 (Affordable Housing), C1 (Minimum Open Space Standard for New General Needs Housing Development), C2 (Play Space Provision in new General Needs Housing Development), C7 (Core Paths and Other Routes) T1 (Development Location and Accessibility) and T2 (General Transport Impact) of the adopted East Lothian Local Plan 2008 are relevant to the determination of the application.

The Proposed East Lothian Local Development Plan was submitted to Scottish Ministers for Examination in 2017 and the Reporters' Examination Report was issued

on 14 March 2018. The East Lothian Local Development Plan (ELLDP) was thereafter modified following the Examination. At their meeting on 29 May 2018, The Council approved the ELLDP as the Local Development Plan the Council intends to adopt. The ELLDP reflects the most recent planning view of the Council and is a material consideration in the determination of applications.

Relevant ELLDP Policies and Proposals are PROP TT7: Macmerry North, DP1:Landscape Character, DP2:Design, DP3:Housing Density, DP4:Major Development Sites, DP8:Design Standards for New Housing Areas, DP9: Development Briefs, HOU3:Affordable Housing Quota, HOU4:Affordable Housing Tenure Mix, ED4:Tranent Cluster, OS3:Minimum Open Space Standard for New General Needs Housing, OS4: Play Space Provision in new General Needs Housing Development, PROP CF1: Provision of New Sports Pitches and Changing Accommodation, W3: Waste Separation and Collection, W4: Construction Waste, NH5: Biodiversity and Geodiversity Interests, including Nationally Protected Species, NH10:Sustainable Drainage Systems, NH11, Flood Risk, NH12:Air Quality, NH13: Noise,T1: Development Location and Accessibility, T2:General Traffic Impacts, T3:Segregated Active Travel Corridor, T4: Active Travel Routes and Core Paths as part of the Green Network Strategy, PROP T15: Old Craighall A1(T) Junction Improvements, PROP T17: A1(T) Interchange Improvements, PROP T21:Musselburgh Urban Traffic Control System, PROP T27:Tranent Town Centre One-Way System, PROP T28: Junction Improvements at Elphinstone Road and Edinburgh Road, T32:Transport Infrastructure Delivery Fund and Policy DEL1: Infrastructure and Facilities Provision.

Also material are national policy and guidance documents including Scottish Planning Policy (SPP) 2014, Planning Advice Note 67: Housing Quality, Designing Street and Designing Places, Planning Advice Note 75: Planning for Transport. East Lothian supplementary planning guidance of "Design Standards for New Housing Areas" approved by the Council on 10 March 2008 is also a material consideration.

A total of seven written representations have been received in respect of this application.

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

The main grounds of objection are summarised as follows:

- * Flooding issues for properties on St Germain's Terrace have not been addressed by ELC or Taylor Wimpey. Serious flooding of properties has happened from 2008 to 2017 (photographs of events were submitted by objector);
- * Serious flooding of housing only started after the new housing was built (on Chesterhall Avenue). The proposed development will make this worse;
- * The junction onto the main road (A199) from Greendykes Road is dangerous, concern over increase in traffic exiting onto the A199 from Greendykes Road, which has poor visibility and is already affected by the houses at Chesterhall Ave;
- * Concern over road safety, especially for school children;
- * Access from Chesterhall Avenue to the site should not be for vehicles; vehicle access should only be from A199 to the west. There will be a detrimental impact on residents of Chesterhall Avenue which is not currently a through road;
- * Objection to construction traffic being taken through Chesterhall Ave;
- * Concerns that the primary school cannot cope with additional housing;
- * Concerns over pressure on facilities and infrastructure from the number of houses proposed, including the doctors surgery;

- * Objection to the units behind 4 Germain's Terrace as this will have a detrimental impact on privacy and amenity;
- * Loss of privacy and residential amenity;
- * There should be a tree line along the south of the application site to protect residential amenity;
- * Increased pressure for parking spaces;
- * Detrimental impact on the character and setting of existing housing
- * Loss of agricultural land; and
- * The plans do not show the extension to the rear of 4 Germain's Terrace.

It is correct that the extension to 4 Germain's Terrace has not been accurately shown on the proposed plans, but the extension has been taken into account when assessing the application. Privacy and amenity, along with the other issues raised in the objections, are discussed below.

Macmerry and Gladsmuir Community Council did not comment on the application.

The land of the application site is defined as countryside by Policy DC1 (Development in the Countryside and Undeveloped Coast) of the adopted East Lothian Local Plan 2008.

Policy DC1 gives a presumption against new housing in the countryside other than where it has an operational requirement relating to an appropriate countryside business and requires loss of prime agricultural land be minimised. However, the countryside designation of the land of the site must be weighed against the fact that the site is wholly within an allocated housing site (TT7 Macmerry North) in the East Lothian Local Development Plan (ELLDP).

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

This is reflected in paragraph 25 of Scottish Planning Policy (SPP) in which it is stated that the Scottish Government's commitment to the concept of sustainable development is reflected in Scottish Planning Policy's Purpose. The current SPP introduces a presumption in favour of development that contributes to sustainable development, the aim being to achieve the right development in the right place and not to allow development at any cost. SPP makes it clear that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. However, paragraph 33 states that where relevant policies in a development plan are out of date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration and the same principle should be applied where a development plan is more than five years old.

At this time the adopted East Lothian Local Plan is more than five years old.

Policy 7 of the SESplan states that sites for greenfield housing development may be granted planning permission to maintain a five years' effective housing land supply, subject to satisfying three criteria. These are that the development will be in keeping with the character of the settlement and local area, the development will not undermine green belt objectives; and any additional infrastructure required as a result of the development is either committed or to be funded by the developer. In this case the site is not part of the greenbelt and the other two issues are discussed in detail below.

Proposal PROP TT7 of the ELLDP allocates land for a residential development of circa 150 dwellings. The current application forms a part of this larger site. PROP TT7 states “land at Macmerry North is allocated for circa 150 homes. A design solution for the site that conforms to the Council’s Development Brief will be required. Any development here is subject to the mitigation of any development related impacts, including on a proportionate basis for any cumulative impacts with other proposals including on the transport network, on education and community facilities, and on air quality as appropriate”.

A draft design brief has been written for site TT7 that has been approved by the Council for consultation and is intended for adoption as supplementary planning guidance.

The area of the current application, 3.75 hectares, comprises approximately 42% of the whole TT7 Macmerry North allocation of some 8.95 hectares. The current application seeks permission for 102 dwelling (94 houses and 8 flats), which comprises 68% of the circa 150 residential units that is referred to in Proposal TT7.

A party with an interest in the western part of the site has shared information with the Council to indicate that they hope to come forward with a development of approximately 140 units for the remainder of the allocated site. This would give an overall number of units on the TT7 site of 242 dwelling. It should be noted that the information relating to the land outside the application site to the west does not form part of a formal proposal or application at this stage. However, this is the best available information that the Council currently has to assess the potential overall impacts of the TT7 site. Therefore, the current application must not only been considered in isolation but in relation to the potential implication it would have in combination with future development proposals in the remainder of the site to the west.

It is now necessary to consider the design and layout of the proposal against Council policies and other material consideration to ascertain whether the site can accommodate the proposed number of units. The impact of the proposal on infrastructure and facilities will then be considered.

Individually and cumulatively with other new housing development, the proposed development is not in a location and of a scale so substantial and of such a cumulative impact that it could be considered that granting planning permission would undermine the plan-making process by predetermining decisions about the scale and location of new development that are central to the emerging plan.

Planning Advice Note 67 explains how Designing Places should be applied to new housing. In PAN 67 it is stated that the planning process has an essential role to play in ensuring that: (i) the design of new housing reflects a full understanding of its context - in terms of both its physical location and market conditions, (ii) the design of new housing reinforces local and Scottish identity, and (iii) new housing is integrated into the movement and settlement patterns of the wider area. The creation of good places requires careful attention to detailed aspects of layout and movement. Developers should think about the qualities and the characteristics of places and not consider sites in isolation. New housing should take account of the wider context and be integrated into its wider neighbourhood. The quality of development can be spoilt by poor attention to detail. The development of a quality place requires careful consideration, not only to setting and layout and its setting, but also to detailed design, including finishes and materials. The development should reflect its setting, reflecting local forms of building and materials. The aim should be to have houses looking different without detracting from any sense of unity and coherence for the development or the

wider neighbourhood.

ELC Supplementary planning guidance, "Design Standards for New Housing Areas" requires that a more flexible approach be taken in road layout and design for proposed housing developments as well as establishing design requirements for the layout of and space between buildings.

The proposed development of the application site would, with its permeable street pattern, links to the core path, road and pedestrian/cycle accesses and open spaces, be a distinctive yet attractive urban expansion of Macmerry. The layout has taken due regard to the existing built form of the settlement and neighbouring residential development. The proposed housing development is shown as being laid out with side driveways and rear parking courtyards to emphasise pedestrian/cycle use and reduce the dominance of vehicle parking.

One of the principal objectives of the Council's approved Design Standards for New Housing Areas is to reduce the visual dominance of the car in the streetscape of new housing developments. The applicant has addressed this principle throughout the development by use of in-curtilage parking to the side of houses and the use of courtyard parking. This would serve to reduce the visual dominance of the car in these streetscapes. In this and in the design principles of the street layout the proposals generally respond to the requirements of the Design Standards.

Policy DP3 of the Local Plan and Policy DP3 of the ELLDP state that new housing sites will be expected to achieve a minimum average density of 30 dwellings per hectare (net) using a full range of housing types and sizes. This is to ensure efficient use of land and other resources and create mixed communities with a full range and choice of house types and sizes.

The applicant has provided information to show that the net density of the site, excluding open space, would be 32.6 units per hectare, thus complying with this requirement of Policy DP3.

In terms of housing types and sizes, the development would comprise of an acceptable mix of detached, semi-detached and terraced houses of varying sizes. Of the 94 houses, 24 would be detached, 60 semi-detached and 10 terraced. In terms of size, 17 would contain 2 bedrooms, 41 would contain 3 bedrooms and 36 would contain 4 bedrooms.

Of the 102 units there would be a total of 76 houses for private sale and 26 units would be for the provision of affordable housing. The private houses would be comprised of 10 different houses types, including 24 detached properties and 50 semi-detached and terraces houses. The 26 affordable housing units would be comprised of 2 accessible bungalows, 8 flats and 16 terraced and semi-detached houses. These properties would be located in two areas; one in the north western corner of the site and the other in the south western corner with open market housing between.

The range of house types proposed would give some variation of built form to the development. The design of the proposed houses and flats are of a traditional pitched roof form. The predominant wall finishes would be render and all roof would be clad in flat, grey tiles. The use of render and tiles would not be out of keeping with the traditional finishes predominating in Macmerry Village. The use of some contrasting wall finish (i.e. reconstituted stone) would provide some variation to this and has been applied in a limited way.

Dual frontage house types have been located on four key corner plots, including plot 95 which is adjacent to the SuDS basin, open space and informal path. This detail will improve the outlook for residents and the interest and appearance of the housing layout.

The proposed development would comply with the requirement for 60 square metres of open space per dwelling required by Policy C1 of the Local Plan and OS3 of the ELLDP. This provision is in addition to incidental landscaping areas and the SuDS detention basin in the northeast corner of the site.

The main area of open space is located within the southern half of the site. It would be surrounded by houses that would face onto it, providing natural surveillance and connecting it to the dwellings. The area is of a sufficient size to provide a usable space for play and it would be located where it could be accessed from all the properties within the site from a reasonable distance. The Council's Principal Amenity Officer advises that the areas of open space shown would provide sufficient areas of open space for informal recreation for the proposed development and that play equipment should be provided by the developer. A play area is indicated and full details and the implementation of the required play equipment can be required by condition to comply with policy C2 of the Local Plan and OS4 of the ELLDP.

A strip of open space is located between the housing along the west of the site and the core path. This should provide an attractive buffer for the core path and setting for the proposed housing. An informal pathway is also proposed along the north of the site which would link the core path to the west of the site and the open space around the SuDS basin and provide an alternative route across the site.

In addition to the on-site open space, The Council's Sports Dev & Community Recreation Manager has advised that as it is estimated that the overall TT7 site would result in over 200 units this triggers a requirement for a small sports pitch (60 metres by 40 metres) within the site or a contribution towards sports facilities within Macmerry. On this site a pitch has not been provided. However, the applicant has agreed in principle to a pro rata contribution to the value of a small sided grass pitch at the cost of £92,500. This amount divided by the 242 units across the whole TT7 site would result in a per dwelling payment of £382.23 and total cost for the current proposal of £38,510.10. This contribution can be secured by a legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other legal Agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements.

In respect of landscape matters, hedge and informal tree planting along the northern boundary fence is proposed in line with the draft design brief for the site. This will provide some visual transition with the countryside to the north. The landscaped strip next to the core path would be overlooked by housing to provide natural surveillance and an attractive outlook for residents. Small area of landscaping next to parking areas and within parking courts will help to visually break these areas up and provide a more attractive setting. The Council's Landscape Projects Officer raises no objection to the proposal. They note that mounding around the SuDS basin will help to visually break up this feature and a landscaping condition can be attached to secure full details of planting and factoring arrangements. Therefore, subject to conditions the landscaping proposals are acceptable.

In respect of SuDS provision, SEPA advises it is satisfied that the applicant is providing the required level of treatment for a development of this size. Scottish Water raise no objection to the proposal. They confirm that there is currently sufficient capacity in the

Castle Moffat Water Treatment Works and Edinburgh Waste Water Treatment Works, although a formal application for connection to their systems will be required. They also note that for reasons of sustainability and to protect customers from potential future sewer flooding, Scottish Water will not normally accept any surface water connections into their combined sewer system.

The drainage strategy (August 2018) states that two levels of treatment are required, the first being filter trenches and the second level being a detention basin. The basin will not be fenced and efforts have been made to integrate it with a surrounding landscaped area. A vehicular track will be required to allow Scottish Water access to the inlets and outlet for maintenance, which has been indicated on the plans.

The applicant has proposed that the water from the basin would connect into an existing surface water sewer. However, as part of investigations for a drainage impact assessment, the applicant has stated that the surface water pipe appears to connect to the existing combined system (surface and foul water). This could result in a detrimental impact on Scottish Water's network and further mitigation works are likely to be required before Scottish Water will accept the proposal. A condition can be attached requiring confirmation of Scottish Water's acceptance of the proposal prior to works commencing on site and requiring confirmation of Scottish Water's technical approval of the scheme prior to the commencement of development. The applicant has also specified which areas are to be maintained by a factor and a condition can be imposed confirming details of this prior to occupation of dwellings. The Council's Flooding and Structures Service raise no objection to the proposal subject to conditions.

In terms of wildlife and biodiversity, the Council's Biodiversity Officer raises no objection to the application. He notes that the site is dominated by arable fields with limited wildlife value and is satisfied the proposal would not have a harmful impact on existing biodiversity or species.

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

In assessing whether or not a proposed new development would result in overlooking and loss of privacy to other residential properties it is the practice of the Council as planning authority to apply the general rule of a 9 metre separation between the windows on the proposed house and the garden boundary of neighbouring residential properties and an 18m separation between directly facing windows, if they are not adequately screened.

The rear gardens of all property along the south of the site would have gardens a minimum of 10 metres in length. The two storey extension to 4 Germain's Terrace has not been accurately represented on the layout plan, however, the 5 metres extension has been taken account of and this still allows over 20 metres between facing windows. There would be over 10 metres between the windows on the rear on the four-in-a block flats proposed to the north of this property and the existing garden ground. Therefore, the positioning of the flatted units to the north of this house would not result in a significant loss to residential amenity.

The applicant has proposed a layout which seeks to respond to the size and position of the existing houses. The single storey gable of the house at 11 Montfair Place is just less than 5 metres from the southern application site boundary. It is proposed to locate a parking court in the area to the north of this property, rather than a building, to provide

a visual gap between the existing house and the proposed development. The two single storey houses proposed within the development have been positioned in the southwest corner of the site (plots 50 and 51). These plots would be closest to the existing houses at 6 Mountfair Gardens and the garden of 11 Mountfair Place. The lower units were positioned here with the intention to provide a transition between the site and the existing one-and-a-half storey houses. There is also tree and hedge planting proposed in the southwest corner of the site to soften the boundary between the site and these existing properties.

The proposals for site access is generally of an acceptable standard and a sufficient number of car parking spaces are proposed.

A swept path analysis has been submitted that demonstrates that the road layout can generally accommodate a 26 tonne Refuse Collection Vehicle or emergency vehicle. However, The Council's Road Services consider that some further assessment is required to ensure that there is no over-run of footways. Road Services have advised that this can be dealt with by condition and at Road Construction Consent stage.

The Council's Waste Services raise no objection to the application. Bin presentation area have been proposed next to the private parking courts to allow refuse and recycling collection.

The access from Chesterhall Avenue is acceptable and measures have been designed into the layout to encourage reduced vehicle speeds.

An adoptable road is proposed towards the western boundary of the site and the core path. This anticipates development of the western part of the TT7 site and the potential for a road from the A199 to the west. To prevent vehicular access beyond this spur, a condition can be attached requiring bollards or other suitable barriers, which would still allow cycle and pedestrian access.

The core path runs through the middle of the overall TT7 site and provides an important feature linking settlements within East Lothian. The Council's Access Officer has requested that the existing core path is improved to make it accessible and these works are carried out by the developer. A condition can be attached requiring details of upgrading to be submitted, agreed and implemented.

Although the road layout is acceptable for the residential development proposed, The Council's Roads Service has advised that a separate haul road for construction traffic must be used, rather than Chesterhall Avenue being used. The submission of a construction method statement detailing how developers will mitigate the impact of construction on residents and the area can be conditioned, including specific requirements that construction must not be through Chesterhall Avenue. The impacts of the proposed wider local and strategic road networks are discussed below.

On all of these foregoing findings on matters of design, layout, open space, landscaping and amenity, and subject to the imposition of conditions, the proposed development complies with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan) and Policies C1, C2, C7, DP1, DP2, DP3, DP15, DP20, DP24 and H1 of the adopted East Lothian Local Plan 2008, Policies DP1, DP2, DP3, DP8, OS3, OS4, W3 and NH10 of the ELLDP, the Council's Design Standards for New Housing Areas and the Scottish Government Policy Statement entitled "Designing Streets".

Consideration must then be given to the potential impact of the proposed development

on the infrastructure of the area. As noted above, it has been presumed that there will be 242 units across the whole TT7 site based on the current application of 150 units and pre-application discussions regarding the remaining part of the site to the west.

The SEStran Regional Model (SRM) which informed the Transport Assessment supporting the East Lothian Local Development Plan was run using the assumption of 150 residential unit, as per the site allocation. Due to the proposed increase in units, the Council's Road Services have required that the SRM be re-run to take account of predicted increased number of units for the TT7 site. This was needed to assess whether the road network would be able to accommodate the increase in unit numbers.

The applicant has commissioned additional modelling to be undertaken to assess the transport impact of an additional 92 units on the TT7 site and the results have been summarised in a technical note from PBA consultants (dated 27th July 2018). This confirms that the incremental difference from the increased number of units would not be significant in terms of the road network. The Council's Road Service agree with the findings of the assessment that a 242 unit development of the whole TT7 site shall have a cumulative impact on the wider strategic road network which can be accommodated within the local road network in terms of road capacity.

The Transport Assessment (dated 30th Jan 2018) concluded that there would be no operational issues on the surrounding local road network as a result of a 102 unit development on this part of the allocated site. The analysis showed that the proposed development would have a minimal impact on the operation of the road network such that it will continue to operate satisfactorily. The introduction of traffic signals at the Greendykes Road junction has been proposed to address existing design deficiencies at the junction as well as improving pedestrian crossing provision and reducing traffic speeds. The Council's Roads Service are content with the findings of this assessment and the signalised junction can be secured by condition. Transport Scotland raise no objection to the impact of the development.

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

Policy INF3 of the adopted East Lothian Local Plan 2008 and Policy Del1 of the ELLLDP stipulate that new housing will only be permitted where appropriate provision for infrastructure, required as a consequence of the development, is made. Policy T32 of the ELLDP specifically relates to the package of transportation interventions to mitigate the cumulative impact of development on the transport network which have been identified by the Council in consultation with Transport Scotland. In line with Policy DEL1, relevant developments are required to contribute to the delivery of these transportation interventions, on a proportionate, cumulative pro-rata basis, as set out in Developer Contributions Framework Supplementary Guidance.

For the Macmerry North TT7 site the requirement for developer contributions towards each transport intervention as identified in the Developer Contributions Framework. As the overall number of units on the site are predicted to be 242 units, the contribution for the site have been applied on a pro rata basis for the number of units proposed by this application. The contributions required for each intervention for this application are detailed below:

* Improvements to Old Craighall junction (PROP T15) £1,203

* Improvements to Salters Road Interchange and Bankton Interchange (PROP T17):
£5,419

- * Musselburgh Town Centre improvements (PROP T21): £1,404
- * Tranent Town Centre Improvements (PROP T27 and T28) £11,309.

The total contribution required for transportation improvements resulting from cumulative impacts of the development is therefore £19,335

This site is not within a rail contribution zone and no contributions are required for rail improvements.

The site is within the Segregated Active Travel Contribution zone and therefore a contribution, as required by Policy T3 of the ELLDP and the DCF should be secured. This contribution is based on a per dwelling rate of £492, therefore giving a total of £50,184 for this site.

The total developer contributions towards the transportation interventions of £69,519 (indexed linked) can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements.

The Council's Depute Chief Executive (Resources and People Services) informs that the application site is located within the school catchment areas of Macmerry Primary School and Tranent High School.

He advises that Macmerry Primary School and Ross High School do not have sufficient capacity to accommodate children that could arise from the proposed development, therefore he objects to the application on the grounds of lack of permanent capacity at those schools. However, he would withdraw that objection provided the applicant makes a financial contribution to the Council of £362,100 towards the provision of additional school accommodation at Macmerry Primary School and £465,222 towards an extension at Ross High School.

The required payment of a financial contribution of a total of £827,322 towards the provision of additional accommodation at Macmerry Primary School and Ross High School can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the payment of the required contribution towards educational accommodation the proposal is consistent with Policy INF3 of the adopted East Lothian Local Plan 2008, and Policies ED4 and which stipulates that new housing will only be permitted where appropriate provision for infrastructure required as a consequence of the development is made.

Policy HOU4 of the Local Plan and HOU3 of the ELLDP require that developments of five or more dwellings must make provision for affordable housing at a rate of 25% of the total number of dwellings proposed for the site. The Council's Economic Development & Strategic Investment Manager advises that in accordance with the Council's Affordable Housing Policy, 25% of the proposed 102 residential units, or 26 units, require to be affordable housing. The Economic Development & Strategic Investment Manager advises that the mix and location of affordable units to be provided on the site is acceptable. Discussions have taken place between Housing Strategy and Development and the applicant and their location in two areas of the site and the type and mix of units agreed. Although the units would be grouped together in two areas of the site, facilitating easier management, there are units for open market

sale in between and the affordable housing is sufficiently integrated into the overall development.

The terms for the provision of this affordable housing requirement can be the subject of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the Council securing the affordable housing requirement, which the applicant is willing to do and is shown on the drawings submitted, the proposal would be consistent with Policy H4 of the adopted East Lothian Local Plan 2008 and Policies HOU3 and HOU4 of ELLDP.

The East Lothian Council Health and Social Care Partnership raises no objection the current proposal and advise that health service have the ability to service the number of housing units proposed in this application. However, they have stated that they do not support a higher number over the whole TT7 site than the 150 unit allocation. However, they have not asked for additional contributions or detailed how the impact of these additional numbers could be mitigated.

Subject to the payment of the required contribution towards transport interventions, segregated active travel and education provision, which the applicants have confirmed they are willing to make, the proposal is consistent with Policy INF3 of the adopted East Lothian Local Plan 2008 and Policies DEL1 and T32 of the ELLDP.

This application proposes the erection of 102 residential dwellings. It is envisaged that a total of 140 dwellings could be erected on the remainder of the allocated TT7 site, resulting in a total of 242 dwellings. This is significantly above the circa 150 residential units that the TT7 site is allocated for in the East Lothian Local Development Plan. Notwithstanding this, the proposed development is not in a location and of a scale so substantial and of such a cumulative impact that it could be considered that granting planning permission would undermine the plan-making process by predetermining decisions about the scale and location of new development that are central to the emerging plan. Moreover, the proposals do not result in an overdevelopment of the site. Rather, the proposed development would create an attractive residential environment and would be of a density compliant with Policy DP3 of the adopted East Lothian Local Plan 2008. There is, or could be subject to developer contributions, sufficient educational capacity and other infrastructure to serve the proposed development. In light of all of the above, the proposed development of the site for 102 dwellings is acceptable.

The applicant has submitted a Flood Risk Assessment which assesses to impacts of the development on flooding, including pluvial flooding caused by rain, which is found to be of moderate to high likelihood. However, this will be mitigated by the on-site drainage systems including SuDs attenuation features which will reduce the risk of pluvial flooding to 'low'. The Scottish Environment Protection Agency (SEPA) has considered the information submitted and raises no objection to the proposed development on the grounds of potential flood risk. The Council's Flooding and Structures Service raise no objection.

A number of concerns have been raised by members of the public in relation to the flooding of properties on St Germain's Terrace. The Council, as flooding and roads authority, is continuing to work towards a solution in this respect. However, it has been satisfactorily demonstrated that the proposed development would not exacerbate the flooding which has occurred at these properties and sufficient measures are proposed on site to mitigate the effects of the proposed development on the surrounding area.

A noise assessment has been submitted in relation to predicted noise from Road Traffic using the A1 located to the North of the site. The Council's Environmental Health Manager raises no objection to the proposed development and confirms that he accepts the findings of the report and the recommendation to provide an acoustic fence along the northern boundary. Therefore, the potential noise impacts from the A1 road on residential amenity can be satisfactorily addressed if a condition is attached requiring the erection of the acoustic fence along the northern boundary of the site and this would comply with Policy NH13 of the ELLDP.

The Council's Environmental Health Manager has considered the Air Quality Impact Assessment submitted with the application. He has confirmed that he is satisfied that impacts upon local air quality will be negligible and no exceedances of Air Quality Objectives are predicted. Therefore, the proposal would not exacerbate air quality issues to an unacceptable degree and would comply with Policy NH12 of the ELLDP. The Environmental Health Manager does note there are no proposals for Electric Vehicle Charging Points in the layout plan and has suggested these are provided. Although these are desirable and their installation have been discussed with the applicant, there are unresolved issues of who would install or maintain and run such charging points and there is no current policy requirement for these on site.

The site is within a Coal Authority High Risk Development. A Coal mining Risk Assessment was submitted with the application and The Coal Authority was consulted on this document. In February 2018 The Coal Authority objected due to substantive concerns and requested intrusive site investigations and the establishment of the exact position of mine entries. A revised report to address these concerns was submitted on 23 July 2018 and the Coal Authority re-consulted.

On 20 August 2018 The Coal Authority advised that they were content that a thorough assessment of the coal mining risks associated with this site has been carried out. They confirmed that their objection had been addressed subject to a condition requiring ground stabilisation works to be carried out as detailed in the phase 2 report submitted by the applicant. Therefore, the coal mining legacy issues can be adequately addressed by condition.

The Council's Contaminated Land Officer has reviewed the site investigation reports and raises no objection. He confirms that he is satisfied that the site investigation and subsequent risk assessments have been carried out in accordance with best practice guidelines and the relevant standards. He agrees that gas prevention measures will be required for any housing development in the northwest part of the site and that further gas monitoring and subsequent risk assessment is required to be carried out during the ground stabilisation works planned for the southwestern sector of the site. Therefore, gas monitoring issues can be satisfactorily addressed if a condition is attached detailing the specifications of the gas prevention measures to be installed.

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

In summary, in the context of the site being part of housing allocation PROP TT7 of the East Lothian Local Development Plan, and in that its impacts in respect of amenity and technical considerations are acceptable in themselves, or can be mitigated through the

appropriate use of planning conditions and necessary developer contributions, the significant material considerations of this case supports the proposed residential development of the site. Although the number of units proposed is significantly higher than the pro rata number that would be expected on this part of the site, the site is capable of accommodating the proposed development including vehicular and pedestrian access and amenity space. A grant of planning permission would be consistent with Scottish Planning Policy: June 2014, SESplan Policy 7 and relevant East Lothian Local Development Plan policies which considerations outweigh the provisions of Policy DC1 of the adopted East Lothian Local Plan 2008.

RECOMMENDATION

It is recommended that planning permission be granted subject to:

1. The undernoted conditions.

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

(i) a financial contribution to the Council of £465,222 towards the provision of additional accommodation at Ross High School

(ii) a financial contribution to the Council of £362,100 towards the provision of additional accommodation at Macmerry Primary School;

(ii) 26 affordable residential units within the application site

(iii) a financial contribution to the Council of £ £38,510.10 towards the off site provision of sporting provision in Macmerry

(iv) secure a financial contribution to the Council of £19,335 for transport improvements. (Comprised of £1,203 for road improvements to Old Cragihall Junction, £928 for Salters Road Interchange, £4,491 for Bankton Interchange, £1,404 for Musselburgh town centre improvements and £11,309 for Tranent Town Centre improvements).

(v) secure a financial contribution to the Council of £50,184 towards a Segregated Active Travel Corridor

3. That in accordance with the Council's policy on time limits for completion of planning agreements it is recommended that the decision should also be that in the event of the Section 75 Agreement not having been executed by the applicant, the landowner and any other relevant party within six months of the decision taken on this application, the application shall then be refused for the reason that without the developer contributions to be secured by the Agreement the proposed development is unacceptable due to a lack of sufficient school capacity at Macmerry Primary and Ross High School, a lack of provision of affordable housing, sports provision, a lack of roads and transport infrastructure improvements contrary to, as applicable, Policies INF3, H4 and C2 of the adopted East Lothian Local Plan 2008 and ED4, DEL1, HOU3, OS4, T3 and T32 of the East Lothian Local Development Plan.

- 1 Prior to the commencement of development, final site setting out details shall be submitted to and approved in writing 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 the position of adjoining roads, land and buildings;
- b. finished ground levels and finished floor levels of the development relative to existing ground levels of the site and existing ground and road levels of adjoining land. 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 hereby approved, shown in relation to the finished ground and finished 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 commencement of development on site, full details of the proposed Sustainable Drainage System (SuDS) shall be submitted to and approved in writing by the Planning Authority.

The details shall include confirmation of Scottish Water's technical approval of the SuDS proposals.

Thereafter, the approved details shall be implemented as approved.

Reason:

To ensure that the final SuDS design complies with Sewers for Scotland 3 and can be vested by Scottish Water in the interest of flood prevention, environmental protection and the long term amenity of the area.

- 3 A play area with equipment suitable for children aged 5 to 12 years shall be provided on the area of open space of the application site which is to the south of plots 33 to 38, as shown on approved Development Layout 20489/A/02-01 G.

Prior to the commencement of development on site details of the play equipment and surfacing materials to be installed in the play area and a timetable for its installation shall be submitted to and approved in writing by the Planning Authority.

Thereafter, the play equipment shall be installed in accordance with the details so approved. The equipped play area shall thereafter be retained in perpetuity and kept available for use.

Reason:

To ensure that suitable play equipment is installed and thereafter retained.

- 4 Prior to the commencement of development full details of the scheme of works to provide a signal controlled junction incorporating pedestrian/cycle crossing at the junction of the A199 with Greendykes Road as shown on drawing no.TP458/SK001 shall be submitted to and approved in writing by the Planning Authority.

Thereafter, the signalised junction shall be installed and operational prior to the occupation of any dwelling on the application site.

Reason:

To ensure measures are implemented to control traffic at this junction to address the increase in anticipated vehicles movements from the proposed development in the interest of road safety.

- 5 Prior to the commencement of development details of the upgrading of the core path adjacent to the western boundary of the application site shall be submitted to and approved in writing by the Planning Authority. The details shall include a timetable for implementation.

Thereafter, the core path shall be upgraded in accordance with the details so approved.

Reason:

To allow the consideration of details yet to be submitted and ensure the core path through site TT7 is improved.

- 6 Notwithstanding the approved plans, measures shall be installed to prevent motorised vehicles from the road between plots 60 and 75 (as shown on layout 20489/A/02-01 G) accessing the core path along the western boundary of the application site.

Prior to the commencement of development details of the proposed methods shall be submitted to and approved in writing by the Planning Authority.

Thereafter, the details shall be installed as approved prior to the occupation of any dwelling hereby approved.

Reason:

To allow the consideration of details yet to be submitted and ensure the implementation of measure in the interests of pedestrian and cyclist safety.

- 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.

Reasons:

In the interest of road safety.

- 8 Prior to the commencement of development, a Construction Method Statement which sets out how the impact of construction activity on the safety and amenity of the area will be mitigated shall be submitted to and approved by the Planning Authority.

The Construction Method Statement shall include details of:

- * Mitigation measures to control noise, dust, construction traffic (including routes to/from site).
- * Hours of construction work
- * Temporary measures to be put in place to control surface water drainage during the construction works
- * Routes for construction traffic
- * Wheel washing facilities.

The submitted Construction Method Statement shall state that there shall be no construction access to the site from Chesterhall Avenue.

Thereafter, the Construction Method Statement shall be implemented and complied with in accordance with the approved details for the period of construction of the development hereby approved.

Reason:

To retain control of the operation of construction in the interest of environmental and residential amenity.

- 9 Prior to the occupation of any dwelling hereby approved, details of a Green Travel Plan shall be submitted to and approved in writing by the Planning Authority. This should seek to encourage the minimisation of private car trips and increased use of active means of travel and the use of public transport.

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

Thereafter, the Green Travel Plan shall be implemented as per the approved details.

Reason: To encourage sustainable and active travel in the interests of environmental and residential amenity.

- 10 Prior to the commencement of development on site details demonstrating how the site can be serviced for waste collection shall be submitted to and approved in writing by the Planning Authority. The details shall include a swept path assessment of the roads based on a 12 metre waste collection vehicle and details of any amendments to the site layout required for the safe and efficient waste collection on the development.

Thereafter, development shall be carried out in accordance with the approved details.

Reason:

To ensure that waste vehicles can access and service the site.

- 11 Prior to the commencement of development on site the implementation of stabilisation works as identified within the Report on Site Investigations prepared by Mason Evans Geo-Environmental Consultants (ref: P17/224 dated July 2018) and illustrated within Drawing No. P17/224/SI/R/F/11 shall be undertaken and confirmation of the completion of these works submitted to and approved in writing by the planning authority in consultation with The Coal Authority.

Reason:

To ensure that the stabilisation works proposed are carried out in the interest of health and safety and environmental protection.

- 12 Prior to the commencement of development a Design Statement detailing gas prevention measures to be installed and procedures to verify these measures shall be submitted to and approved in writing by the Planning Authority. Thereafter, the gas prevention measures and verification procedures shall be implemented as approved.

Prior to the occupation of any dwelling hereby approved, a Validation Report, detailing the satisfactory completion of the remedial works, shall be submitted to and approved in writing by the Planning Authority.

Reason:

To allow the consideration of details to be submitted and ensuring that the installations are fit for purpose in the interests of environmental protection.

- 13 A scheme of landscaping shall be submitted to and approved in writing by the Planning Authority. The scheme shall provide details of: the height and slopes of any mounding on or re-contouring of the site including SUDS basin/ponds details; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting.

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.

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 completion of the development or occupation of any house hereby approved, whichever is the sooner. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar species and final size, unless the Planning Authority gives written consent to any variation. No trees or shrubs, detailed in the approved landscaping plans to be retained on the site, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority.

Reason:

To allow the consideration of details yet to be submitted and in the interest of residential and environmental amenity.

- 14 The communal landscape areas as defined on the drawing titled Master Feu Layout 20489/A/FEU-01B shall be maintained by a factor, residents association or other suitable organisation.

Prior to the occupation of any residential unit hereby approved, details of the maintenance arrangements shall be submitted to and approved in writing by the Planning Authority.

Thereafter, these maintenance arrangements shall be implemented as approved.

Reason:

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

- 15 Notwithstanding the approved plans, prior to the occupation of any dwelling hereby approved, an 1.8 metre high acoustic fence shall be erected along the whole length of the north-western boundary of the application site, as indicated on Figure 4 and in compliance with Section 4.4 of Noise Report of 01st April 2018 prepared by Charlie Fleming Associates.

Thereafter, the fence shall be retained in perpetuity.

Reason:

To mitigate the predicated impact of noise associated with road traffic on the A1 on residents and ensure compliance with the lower guideline value for daytime garden noise levels of 50dBLAeq,T specified in paragraph 7.7.3.2 of BS8233:2014 "Guidance on sound insulation and noise reduction in buildings" in the interest of residential amenity.

- 16 Unless otherwise approved in writing by the Planning Authority:
- (a) Housing completions in any one year (with a year being defined as being from 1st April to 31st March the following year) shall not exceed the following completion rates:
- . * Years 19/20 - 10 dwellings completed
 - . * Years 20/21 - 35 dwellings completed
 - . * Years 21/22 - 35 dwellings completed
 - . * Years 22/23 - 22 dwellings completed

(b) If fewer than the specified number of residential units is completed in any one year then those shall be completed instead at Year 23/24 or beyond and not added to the subsequent Year.

- 17 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.

- 18 The boundary treatments shall be implemented and shown on approved plan 20489/A/02-03 D, docketed to this permission, prior to the occupation of the 100th house, unless otherwise agreed in writing with the Planning Authority.

Reason:

To ensure fencing and walls are implemented as detailed in the application in the interests of privacy and amenity.

- 19 Prior to the commencement of development on site full details of the proposed bin presentation areas within the application site shall be submitted to and approved in writing by the Planning Authority. These details shall include ground finishes, boundary treatments and the design and position of signage to identify which dwellings are to use each area. Thereafter, the details shall be implemented as approved.

Reason:

To allow the consideration of details yet to be submitted and in the interests of residential amenity.

Please note that the remainder of pages relating to this item have been removed as they contain personal information (for example - names and addresses of people that have made representation)