

REPORT TO: Planning Committee

MEETING DATE: Wednesday 3 October 2018

BY: Depute Chief Executive
(Partnerships and Community Services)

SUBJECT: Application for Planning Permission for Consideration

Application No. **17/00488/PM**

Proposal: Erection of 68 houses and associated works

Location: **Land To South Of Brodie Road
Dunbar
East Lothian**

Applicant: Persimmon Homes East Scotland and Hallhill Developments

Per: EMA Architecture & Design Ltd

RECOMMENDATION: Consent Granted

PLANNING ASSESSMENT

As the area of the application site is greater than 2 hectares and the 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 proposal was the subject of a Proposal of Application Notice (Ref: 12/00004/PAN) and 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 submitted informs that some 23 people attended the pre-application public exhibition, which was held at The Hallhill Healthy Living Centre between the hours of 1400 and 1900 on 06th June 2012. An invitation was also made for Councillors to attend the exhibition on the same day before it was open to the public and a meeting held with Dunbar Community Council. The public event was advertised in local papers and the applicant advises that posters were displayed locally to promote awareness of the event. The Pre-application Consultation report states that attendees were

encouraged to complete questionnaires and nine were received with various comments. The applicant has summarised that the main concerns expressed related to the inclusion of affordable housing and the impact on property values from social housing, the impact on local services and perceived traffic related impacts. The report notes that the number of houses proposed on the site has been reduced from an initially intended number.

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 2.6 hectares of arable agricultural land located on the south edge of Dunbar. The site is allocated for a hotel use by Policy TOUR4 (Lochend/Hallhill Hotel, Dunbar) in the adopted East Lothian Local Plan 2008.

The application site constitutes the majority of site DR4 Brodie Road allocated for housing in the East Lothian Local Development Plan (ELLDP). There is a draft design brief for the site.

The application site is slightly smaller than the DR4 allocated site. A section of the community woodland and a strip of field remain outside the application site boundary to the northwest. Beyond the community woodland and adjacent to the southwest of the site is a public path which is part of the core path network (no.45) and a safe route to school to Dunbar Primary. To the south, the site is bounded by a stone wall and public footpath beyond which is a strip of landscaping and the A1 trunk road. To the north the site is bounded by Brodie Road, beyond which is residential development. To the west the site is bounded by a stone wall and public footpath which is part of a Right of way leading north to the centre of Dunbar and south to Easter Broomhouse Cottages. Beyond this to the west is a recent housing development. The application site is on land forming part of the Battle of Dunbar II battlefield which is listed on the Inventory of Historic Battlefields.

Planning permission is sought through this application for the erection of 68 houses. The application was originally submitted for the erection of 73 dwelling houses and 8 cottage flats. Discussion took place with the applicant and concerns were raised over the design and layout of the proposal. On 27 April 2018 amended plans were submitted which reduced the number of units to 68 houses. Due to the extent of the changes, the application was advertised and re-notified to allow further public consideration and comment.

In addition to the reduction in overall unit numbers several small amendments have been made to the layout and design resulting in the submission of revised site layout plans, sections and SUDS details.

The development site layout plan shows how the proposed 68 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 proposal also includes significant importation of material to raise the ground levels across the site to tie in with Brodie Road and the paths to the south and west. The site would slope steeply down towards the woodland at the eastern side.

The proposed houses would comprise of a mix of detached, semi-detached and terraced houses (36, 8 and 24 respectively). The houses would all be two-storey with predominantly rendered walls and pitched roofs, clad in grey tiles. There would be some variation in house size; 13 would contain 2 bedrooms, 18 would contain 3

bedrooms, 34 would contain 4 bedrooms and 3 would contain 5 bedrooms.

Of the 68 units 17 would be for affordable housing. Of these, 10 are proposed for low cost home ownership (LCHO) and 7 units would be for the provision of social rented housing. The affordable housing units would all be terraced and would comprise the 13 houses containing 2 bedrooms on site and the remaining 4 would contain 3 bedrooms.

Vehicular access to the site would be taken from Brodie Road by way of two new vehicular accesses in addition to an access to parking court. One would be located in the north west corner of the site and the other would be located to the south west of the junction of Brodie Road and Steadings Crescent. A pedestrian footpath would run across the site and link the path on the west side to the core path on the east. There would also be a pedestrian path across the open space in the centre of the site that would connect to the existing path to the south.

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 which 6 houses front would front onto and which would link to the existing path to the south. Additional informal open space would be provided around the SuDS basin and in a strip along the west of the site.

A noise attenuation barrier comprised of a 2 metre high bund topped by a 1.8 m acoustic fence is proposed along part of the southern boundary.

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 27 July 2017 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;
- * Phase 1 Habitat Survey
- * Bat Presence/ Absence Survey (July – August 2018)
- * Tree Survey and Arboricultural Constraints (August 2017)
- * Update to Noise Assessment (February 2018)
- * Drainage and SuDS Strategy (May 2018)
- * Design Statement (May 2018)

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 proposals and Proposal TOUR4 (Lochend/ Hallhill Hotel) and Policies ENV1 (Residential Character and Amenity), 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 DR4: Brodie Road, Dunbar 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.

No written objections have been received in respect of this application.

1 written representation has been received. They do not state if they object to or support the proposed development. The representation questions when construction will begin and raises concern about their house value.

The impact of the proposed development on the value of a house is not a material planning consideration. The application does not state when development would commence.

Dunbar Community Council provided comment on the original application for 73 houses and 8 flats which was discussed at their meeting on 17 July 2017. They note the Community Council's support for development of this area of land for housing as allocated in the ELLDP. They expressive their preference for a small number of units on the site and consideration given to providing single storey units and affordable units dispersed through the site. They have asked for consideration to be given to safe routes to school and public transport links. They have also asked that due consideration is given to the SuDS system and its long term maintenance and measures to minimise construction affecting existing residents.

Dunbar Community Council provided additional comment after the proposal was revised to 68 houses, which was discussed at their meeting on 21 May 2018. They note the reduction in the number of housing units proposed and reiterated that they hope there will be smaller affordable housing units provided on the site, including social rent, which there are a shortage of in the area.

The applicant has proposed a raised table on Brodie Road at the northeast corner of the site which is a 'safe route to school'. They have also proposed a bus stop on Brodie Road. Road Services have also requested some traffic calming in the vicinity of the double driveway nearest to west-most access of the development. Conditions can be attached to any consent requiring evidence that the traffic calming is implemented, the SuDS meets Scottish Water's technical requirements and details of landscaping submitted and implemented.

The land of the application site is allocated for a hotel by Proposal TOUR4 of the adopted East Lothian Local Plan 2008. This was to reflect a 1998 outline planning permission. The proposed residential development is therefore a departure from Proposal TOUR4 of the adopted East Lothian Local Plan 2008.

Since the adoption of the East Lothian Local Plan, there has been no demand forthcoming for a hotel on the site. Moreover, a hotel has since been built at Spott Road, less than 2 kilometres from the site. The Council Economic Development Service confirm that they have no objection to the site being developed for housing. The site is no longer allocated for a hotel in the ELLDP, rather the site is allocated for housing. In all of this, there is sufficient justification to approve the residential development of the site as a departure from the Proposed TOUR4 of the adopted East Lothian Local Plan 2008.

One of the main stated outcomes of Scottish Planning Policy (SPP) is to create successful, sustainable places by supporting sustainable economic growth and regeneration, and the creation of well-designed, sustainable places. Paragraph 33 of SPP 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.

Proposal PROP DR4 of the ELLDP allocates land for a residential development of circa 50 dwellings. The current application forms the majority of this site. PROP TT7 states "Land at Brodie is allocated for a residential development of circa 50 homes. 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 design brief has been written for site DR4 site that has been approved by the Council for consultation and is intended for adoption as supplementary planning guidance.

The area of the current application, 2.6 hectares, comprises approximately 90% of the whole DR4 Brodie Road allocation of some 2.8 hectares. The current application seeks permission for 68 dwelling which would result in a 36% increase the circa 50 residential units referred to in Proposal DR4.

The site is within an area of Dunbar II Battlefield as listed on the Inventory of Historic Battlefield. Historic Environment Scotland raise no objection to the proposal. The proposed development would not harm the key landscape characteristics and special qualities of the Battlefield site.

It is 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.

Due to the constraints on site there is not the opportunity to provide vehicular links to the existing housing to the east and west. However, it is adjacent to Brodie Road and

roads are taken directly from here to the site. The site benefits greatly from the nearby existing path network, including a safe route to school. Pedestrian links connect to the core path to the east, right of way to the west and public path to the south. A central area of open space would be overlooked and link to the cycle and walking network to the south.

All the houses next to Brodie Road face towards it without driveways to the front of the houses. This will provide an attractive street setting which is not dominated by parking. Although many of the houses within the development do have parking to the front, there is also a mix of parking courts and side driveways. The roads inside the site have been designed to have only short sections of straight road to encourage lower vehicle speeds. 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 approximately 38 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. Fourteen different house types are proposed. The proposed houses would comprise of a mix of 36 detached, 8 semi-detached and 24 terraced houses. There would be some variation in house size; 13 would contain 2 bedrooms, 18 would contain 3 bedrooms, 34 would contain 4 bedrooms and 3 would contain 5 bedrooms.

Of the 68 units 17 would be for affordable housing. Of these, 10 are proposed for low cost home ownership (LCHO) and 7 units would be for the provision of social rented housing. The LCHO units are the 'Portree' house types on the layout plan and located in the northwest, west and south east areas of the site. The 7 units for social rent would be located in the southeast corner of the site. The affordable housing units would all be terraced and would comprise the 13 houses containing 2 bedrooms on site and the remaining 4 would contain 3 bedrooms.

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 Dunbar. 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.

Slight variation to the standard house types, which have additional gable windows, have been located on three key corner plots, (37, 40 and 68). This detail will provide a limited additional outlooks for residents and some additional interest in the appearance of the housing layout from areas of public open space.

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 in the centre of the southern part of the site. It would be overlooked 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. He advises that the scale of this development does not warrant stand-alone equipped play provision. Provision does exist within an accessible radius, including an existing equipped play area to the west of the site which can be accessed by a pedestrian footway and existing safe routes to school at the Hallhill Healthy Living Centre. Therefore, no equipped play would be required in the case of this development.

Smaller areas of open space are also proposed along the western side of the site, the south east corner and around the proposed SuDS basin. These areas will allow informal play and recreation and add to the visual amenity sense of place on the site.

In addition to the on-site open space, The Council's Sports Dev & Community Recreation Manager has advised the LDP identifies, as a cumulative result of the housing in Dunbar, the need for 1 x full size grass sports pitch and 2 team changing provision located at Hallhill Healthy Living Centre. The Developer Contributions Framework outlines a contribution requirement of £979.80 per dwelling as a result. The £979.80 figure is based on an assumed 50 dwellings at Brodie Road. As the proposal is for 68 houses the required amount per dwelling for all sites in Dunbar is reduced to £945.42 per dwelling. This would give a total requirement for the site of £64,289. 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. The proposal therefore complies with policies C1 of the Local Plan and OS3 and OS4 of the ELLDP.

In respect of landscape matters, a small number of low quality trees are expected to be lost along the western boundary. The woodland to the east is a sufficient distance outwith the site to not be significantly affected. Tree and hedge planting is proposed throughout the site, including to the east of the SuDS basin, in the south east corner and along the western boundary. This would help to soften the edge of the development and integrate it visually with the woodland to the east. Mounding and tree planting is proposed in the main area of open space to add interest and encourage natural play. Walls with fencing on top are proposed next to public areas to provide a more attractive and substantial boundary in such key areas of the development. The existing stone wall along the southern boundary and the section of stone wall along western boundary nearest Brodie Road are to be retained and a condition can be imposed requiring repair as required. Such features would help to add to the sense of place of the development. The applicant has specified on drawing DR4-02-02 the areas which are to be maintained by a factor.

There is significant land raising proposed across the site to bring ground levels up to the levels of Brodie Road and the paths to the west and south. This will result in the developed site sloping steeply down at the eastern boundary. The applicant has provided sections to demonstrate the finished ground and floor levels. The rear garden

boundary fences have been positioned to the west of this slope to ensure that rear gardens are usable and do not suffer an acceptable loss of privacy. Some landscaping can be provided on the eastern slope to soften this edge. Therefore, overall the changes in levels would not have an unacceptable impact on the surrounding area.

To protect residential rear garden areas from unacceptable levels of noise from the A1 road to the south, a 2 metre high bund with a 1.8 metre fence on top is proposed along two sections of the site. The sections without the bund open out onto the open space and the frontages of houses. This bund would have steeply sloping sides. Although this would result in a large and potentially imposing feature, the applicant has revised the layout to minimise its extent to two fairly small sections. The relatively short sections of bund with the area of open space in the centre and the houses which front onto the path would ensure that the path would not feel too enclosed or unsafe for users. The slopes of the bund can be landscaped and would sit behind sections of stone wall.

The Council's Landscape Projects Officer raises no objection to the proposal. They note that proposed tree planting must take account of street lighting columns and suggests that hedgerows are planted to house frontages to mitigate the hard finishes proposed. They note that the SuDS feature proposed is a steep sided detention basin and recommend a continuous hedge planted along the northern side between it and Brodie Road. They also raise concerns over the proximity of the frontages of houses 1 and 2 to Brodie Road and suggest additional terraces may be more in character.

A landscaping condition can be attached to secure full details of planting and factoring arrangements. Although houses 1 and 2 are relatively close to the Brodie Road, they are roughly following the curve of the road and would give a strong frontage. Therefore, subject to conditions the landscaping proposals are acceptable.

The Council's Access Officer and Roads officer has requested that the path to the south of the site should be widened to 4 metres to provide a cycle and pedestrian route. The number of units proposed would not result in a significant increase in the use of this path to justify this requirement. It would therefore be unreasonable to insist on this requirement.

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. They are unable to confirm capacity at this time at Dunbar Waste Water Treatment Works. A formal application for connection to their systems will be required.

The drainage strategy (May 2018) states that one level of treatment is required and a detention basin is proposed in the north east of the site. The basin will not be fenced and efforts have been made to allow sufficient space around it for landscaping. 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. It is proposed to connect the outfall to the existing surface water sewer under Brodie Road. A condition can be attached requiring confirmation of Scottish Water's technical approval of the scheme prior to the commencement of development.

The Council's Flooding and Structures Service raise no objection to the proposal subject to conditions.

In terms of wildlife and biodiversity, the application site is currently an arable field with little biodiversity value. The Council's Biodiversity Officer raises no objection to the

application. The applicant has submitted a habitat survey which identified the potential for bat roosts within an areas of dense ivy on a section of wall in the southeast of the site. The report advises further bat survey work to confirm the presence or absence of bats prior to planning approval. This further work has been undertaken and confirms that bats are not present on the site.

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 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 accommodate a 26 tonne, 12 metre Refuse Collection Vehicle without the need to reverse. The Council's Waste Services raise no objection to the application.

The submission of a construction method statement detailing how developers will mitigate the impact of construction on residents and the area can be conditioned. A raised table at the point where the 'safe route to school' crosses Brodie Road is proposed. A bus stop is also proposed on Brodie Road.

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.

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, 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, the proposed is for 68 residential dwellings and the site is allocated for approximately 50 dwellings.

The SEStran Regional Model (SRM) which informed the Transport Assessment supporting the East Lothian Local Development Plan was run using the assumption of 50 residential unit, as per the site allocation. Whilst this proposal has changed in scale to 68 units, this is within an acceptable margin not to require a re-run of the model to identify any changed level of impacts or contributions.

Policy INF3 of the adopted East Lothian Local Plan 2008 and Policy Del1 of the ELLDP 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 Brodie Road DR4 site the requirement for developer contributions towards each transport intervention as identified in the Developer Contributions Framework.

The contributions required for each intervention for this application are detailed below:

- * Improvements to Old Craighall junction (PROP T15) £221
- * Improvements to Salters Road Interchange and Bankton Interchange (PROP T17): £1,254
- * Musselburgh Town Centre improvements (PROP T21): £131
- * Tranent Town Centre Improvements (PROP T27 and T28) £258.

The total contribution required for transportation improvements resulting from cumulative impacts of the development is therefore £1864.

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 £33,456 for this site.

The total developer contributions towards the transportation interventions of £35,320 (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 Dunbar Primary Lower School, Dunbar Primary Upper School and Dunbar Grammar.

He advises that there is limited potential to provide additional capacity at these schools but do not object to the proposal based on the phasing provided by the applicant and subject to contributions towards additional capacity and facilities at Dunbar Primary Upper and Lower Schools and Dunbar Grammar.

The required payment of a financial contribution of a total of £667,080 towards the provision of additional accommodation at Dunbar Primary Upper and Lower Schools and Dunbar Grammar 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.

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

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 68 residential units, or 17 units, require to be affordable housing. The location of the houses for social rent and LCHO are located in three areas across the application site resulting in the affordable housing being sufficiently integrated into the overall development.

The Economic Development & Strategic Investment Manager advises that the proposed mix and location of affordable units has been confirmed as acceptable, however, the delivery mechanism is still to be agreed although the mix of social rent and discounted sale would be acceptable on the provision that the units for social rent met the necessary Scottish Government criteria and the LCHO units would be required to satisfy the Council's affordability criteria. Agreement has yet to be reached in relation to the sales price and if this price is not accepted as affordable then it is proposed that these units could revert to social rent also.

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 has advised that they have no concerns about the ability of the service to support the 68 housing units and raises no objection to the proposal. They do note that the proposed unit numbers constitute a 36% increase on the 'circa 50' figure given in the ELLDP allocation and that if this increase in unit numbers was replicated across all allocated ELLDP sites it may create unsustainable pressures on East Lothian's GP practices.

This application proposes the erection of 68 residential dwellings which is above the number of units the DR4 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 68 dwellings is acceptable.

A noise assessment has been submitted in relation to predicted noise from Road Traffic using the A1 located to the south 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 bund and fence along the part of the southern 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 southern

boundary of the site and this would comply with Policy NH13 of the ELLDP.

The Council's Contaminated Land Officer advises that there are not likely to be any contaminated land issues associated with the site and raises no objection.

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 DR4 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 higher than the 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 Proposal TOUR4 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 £152,864 towards the provision of additional capacity and facilities at Dunbar Primary Lower School
 - (ii) a financial contribution to the Council of £294,916 towards the provision of additional capacity and facilities at Dunbar Primary Upper School;
 - (iii) a financial contribution to the Council of £219,300 towards the provision of additional capacity and facilities at Dunbar Grammar School
 - (iv) 17 affordable residential units within the application site
 - (v) a financial contribution to the Council of £64,289 towards the off site provision of sporting provision in Dunbar
- (iv) secure a financial contribution to the Council of £1,864 for transport improvements. (Comprised of £221 for road improvements to Old Cragihall Junction, £227 for Salters Road Interchange, £1,027 for Bankton Interchange, £131 for Musselburgh town centre improvements and £258 for Tranent Town Centre improvements).

(v) secure a financial contribution to the Council of £33,456 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 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 - 24 dwellings completed
- * Years 20/21 - 30 dwellings completed
- * Years 21/22 - 14 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 22/23 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.

2 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.

3 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.

- 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).
- * 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 commencement of development, 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 take account of the positioning of street lighting columns and 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. The scheme shall include a hedge along the northern boundary of the SuDS basin with appropriate complimentary tree planting.

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.

- 6 Prior to the commencement of development on site full details of the proposed bin collection point 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.

- 7 The existing stone walling along the south and south eastern boundary of the application site shall be repaired and retained, other than where demolition is required to facilitate the formation of new accesses to the site as shown on the approved site plan DR4-02-01 R docketed to this permission.

Prior to the commencement of development, details of the repairs to the stone wall, including a timetable for repairs to be undertaken, shall be submitted to and approved by the Planning Authority. The repair of the stone walling shall thereafter be carried out in accordance with the details so approved.

Reason:

To ensure the repair and retention of an existing feature that contributes positively to the visual amenity of the area.

- 8 The glazing and ventilation specification of any habitable rooms (living rooms or bedrooms) on dwellings shall be as shown in Figure 4 'Committed mitigation' of Appendix A of ITP Energised's updated Report Ref EDI_904 dated 26th February 2018.

Reason:

To mitigate the effects of predicted noise from the A1 road on the internal rooms of neighbouring dwelling houses in the interest of residential amenity.

- 9 Prior to the occupation of any dwelling hereby approved, an acoustic barrier comprised of a 1.8m acoustic fence on top of a 2m high earth bund shall be erected in compliance with the requirements of Figure 4 'Committed Mitigation' of Appendix A of ITP Energised's updated Report Ref EDI_904 of 26th February 2018. The fence shall have a mass of 10kg/m² or greater. The barrier shall have no holes or gaps either between individual panels or between the base of the fence and the top of the bund.

Thereafter, the fence and bund 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 guideline for daytime garden noise levels in the interest of residential amenity.

- 10 Prior to the occupation of the last house on the application site, the proposed access roads, parking spaces, and footpaths shall be constructed on site in accordance with the approved drawings docketed to this permission.

Driveways shall have minimum dimensions of 6 metres by 3 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 m length. Pedestrian ramps to houses may encroach by up to 300mm on the width (but not the length) provided they are no greater than 150mm in height above the adjacent driveway surface. Vehicle accesses to private parking areas (i.e. other than driveways) shall be via a reinforced footway crossing. Within private parking areas, the minimum dimensions of a single parking space shall be 2.5 metres by 5 metres.

All prospectively adoptable parking bays (i.e. that will form part of the public road) shall have minimum dimensions of 2.5 metres by 6 metres.

Reason:

To ensure that adequate and satisfactory provision is made for access and for off-street parking in the interests of road safety.

- 11 Prior to the occupation of any house on site:
- i) Details, including a timetable for implementation, of traffic calming on Brodie Road in the vicinity of the double driveway from proposed houses 1 and 2 as shown on the approved drawings docketed to this permission, shall be submitted to an approved in writing by the Planning Authority. Thereafter, the traffic calming shall be implemented as approved
 - ii) Details, including a timetable for implementation, for a bus stop with appropriate hardstanding on either side of Brodie Road next to the application site shall be submitted to an approved in writing by the Planning Authority. Thereafter, the bus stops shall be implemented as approved.
 - iii) A factoring plan clearly showing the responsibilities for long term maintenance including of all roads and parking areas shall be submitted to and approved in writing by the Planning Authority.

Reason:

To allow the consideration of details yet to be submitted in the interests of road safety.

- 12 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 in accordance with the approved details.

Reason:

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

- 13 The boundary treatments for each dwelling shall be implemented as shown on approved 'Site Layout Plan DR4-02-01 R' docketed to this permission, prior to the occupation of that 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.

- 14 The communal landscape areas as defined on the drawing titled Open Space Layout DR4-02-02 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, unless otherwise agreed in writing by the Planning Authority.

Reason:

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

- 15 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.