

REPORT TO: Planning Committee

MEETING DATE: 14 January 2025

BY: Executive Director – Place

SUBJECT: Application for Planning Permission for Consideration

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***Note:** This application has been called off the Scheme of Delegation List by Councillor Findlay for the following reasons: To enable the Committee to consider the local concerns of overdevelopment of the site, lack of foul water connections, and loss of land currently designated for educational use.*

Application No. **24/01054/P**

Proposal Erection of 16 houses and associated works

Location **Land At Saltcoats Field
Gullane
East Lothian**

Applicant Cala Management Ltd

Per Apt Planning & Development

RECOMMENDATION Consent Granted

REPORT OF HANDLING

SITE CONTEXT

This planning application relates to some 1.6 hectares of former agricultural land located on the southern side of Gullane. The application site forms part of a larger area of land allocated by Proposal NK7: Saltcoats, Gullane of the adopted East Lothian Local Development Plan 2018 for circa 130 homes. It is currently in use as a construction compound and materials storage area for the residential development being built on Saltcoats Fields.

In January 2018 following the conclusion of a S75 legal agreement to secure education and affordable housing contributions, as well as contributions to play facilities, sports pitch and transportation interventions, planning permission in

principle 16/00594/PPM was granted for a residential development on Land at Saltcoats Field. Condition 2 of planning permission in principle 16/00594/PPM states that no more than 150 residential units are approved for the site.

In August 2019 Approval of Matters specified in conditions of planning permission in principle 16/00594/PPM (ref: 18/01366/AMM) was granted for the erection of 122 houses, 28 flats and associated works. Development of the site is well underway with a number of the residential units occupied.

The site of this application forms the northern part of an area of land approved for use as open space in the form of a meadow and located to the west of the development approved by approval of matters consent (ref: 18/01366/AMM). It is bounded to the north by the grounds of Gullane Primary School and the eastern part of an area of woodland known as Millennium Wood and to the south by the remaining land for use as an open space meadow. To the west is an area of land approved for new woodland planting with agricultural land beyond.

In the preparation of the adopted East Lothian Local Development Plan 2018 consideration had been given to using the application site as additional campus land for Gullane Primary School. However, based on current roll projections it was established before the ELLDP was adopted that the additional campus land was no longer required.

PROPOSALS

Planning permission is now sought for the erection of 16 houses and associated works.

The proposed development would comprise of a mix of six different house types featuring a mix of 2, 3, 4 and 5 bedrooms, together with internal access roads, parking and landscaping. Of the 16 houses proposed within this application 12 would be for private sale and four would be operated as affordable housing.

All of the proposed 12 house for private sale would be two storeys in height. Of those houses 10 would be detached and two would be semi-detached. In terms of size they would consist of two houses featuring three bedrooms, two houses of four bedrooms and eight having five bedrooms. The remaining houses would be for social rent and would comprise of four semi-detached two-bedroom bungalows.

The proposed houses would have predominantly rendered walls and pitched roofs finished in grey or rustic tiles. Each house would have areas of private garden ground and 8 of the houses would have detached pitched roof garages within their curtilages. The windows of the proposed house would be constructed in grey uPVC and external doors would be of a composite finish. All of the proposed houses would feature an external heat pump at ground floor level. All rainwater goods would be finished in black uPVC.

Access would be provided at a point to the east taken from the new internal road formed as part of the development approved by planning permission (ref: 18/01366/AMM). Pedestrian access to the site, as well as an alternative cycle

access, would also be provided from footpaths formed to the northwest allowing access to Millenium Wood and Gullane Primary School and to the south of the site.

The submitted details also include for the internal access roads, garages, visitor parking, boundary treatments, indicative landscaping and a large area of open space recreational ground to the north.

A Planning Statement and a Design and Access Statement have been submitted in support of the application.

Since the application was first registered updated drawings have been submitted in response to comments from the Council's Landscape (Projects).

DEVELOPMENT PLAN

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 National Planning Framework 4 (NPF4) and the adopted East Lothian Local Development Plan 2018 (ELLDP).

Policies 1 (Tackling the climate and nature crises), 2 (Climate mitigation and adaptation), 3 (Biodiversity), 6 (Forestry, Woodland and Trees), 12 (Zero waste), 13 (Sustainable transport), 14 (Design, quality and place), 15 (Local Living and 20 minute neighbourhoods), 16 (Quality Homes), 18 (Infrastructure first) and 22 (Flood risk and water management) of NPF4 are relevant to the determination of this application. Also relevant are Proposal NK7: Saltcoats, Gullane and Policies DP1 (Landscape Character), DP2 (Design), DP3 (Housing Density), DP9 (Development Briefs), OS3 (Minimum Open Space Standards for New General Needs Housing), OS4 (Play Space Provision in new General Needs Housing Development), HOU3 (Affordable Housing Quota), HOU4 (Affordable Housing Tenure Mix), NH8 (Trees and Development), NH10 (Sustainable Urban Drainage Systems), NH11 (Flood Risk), T1 (Development Location and Accessibility), T2 (General Transport Impact), W3 (Waste Separation and Collection), T32 (Transport Infrastructure Delivery Fund) and DEL1 (Infrastructure and Facilities Provision) of the ELLDP.

Material to the determination of this application is the Scottish Government Policy Statement entitled 'Designing Streets'. It provides an overview of creating places, with street design as a key consideration. It advises on the detail of how to approach the creation of well-designed streets and describes the processes which should be followed in order to achieve the best outcomes.

Also material to the determination of the application is Supplementary Planning Guidance (SPG) on 'Design Standards for New Housing Areas' adopted by the Council in May 2020.

Also material to the determination of the application is the development brief for allocated site NK7: Saltcoats which is within the Development Briefs Supplementary Planning Guidance 2018 and the approved masterplan for the site

as approved by the grant of planning permission in principle 16/00594/PPM. The Development Brief informed the masterplan and sets out the land uses expected for the allocated site and how the Council requires the site to be developed.

REPRESENTATIONS

Two letters of public objection have been received against the application.

The main grounds of objection involve:

- i) 16 additional houses is an unnecessary overdevelopment of this site and while the demand may be there, the supporting infrastructure within the village is not;
- ii) building on this planned green space means there will be no option in the future for this land to be sold as recreational ground for Gullane Primary School;
- iii) the proposals will result in increased traffic of approximately 30 more cars on one of the 2 roads in and out of the development and will compromise road safety;
- iv) Cala have now built in excess of 300 homes in Gullane in recent years and the village now needs a break from building;
- v) there is inadequate sewage capacity to deal with discharges from this development;
- vi) the land of the application site is zoned for Education purposes and has not been declared surplus to requirements by the Education Authority; and
- vii) the proposals are contrary to the adopted East Lothian Local Development Plan 2018.

There is no requirement for an applicant to demonstrate the need for the proposed 16 houses.

The land of the application site has not been zoned for educational purposes. The land is part of the allocated housing site REF: NK7 of the adopted East Lothian Local Development Plan 2018.

COMMUNITY COUNCIL COMMENTS

Gullane Area Community Council object to the application on the following grounds:

- i) there is insufficient capacity in the Gullane Waste Water (GWW) system to support further development;
- ii) further housing development is contrary to the recent Gullane Community Local Place Plan feedback;
- iii) lack of employment options within Gullane and how this is increasingly leading to more working people having to commute to work, increasing pressure on transport infrastructure with associated negative climate change implications and a carbon negative outcome, all contrary to National Planning Policy; and
- iv) given the proximity of the existing woodland, further housing would negate an opportunity to extend the woodlands to contribute positively towards East Lothian's response to the climate and nature crisis.

In a written consultation response to the Council, Scottish Water have confirmed that there is currently sufficient capacity for a foul-only connection in the Gullane

Waste Water Treatment Works to service the proposed development, and that further investigations may be required to be carried out further to submission of a formal application for such connection.

The Local Place Plan for Gullane has not yet been registered as valid. Notwithstanding, a Local Place Plan has no weight in the determination of a planning application.

PLANNING ASSESSMENT

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, 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 this application site comprises of part of the allocated housing site of PROP NK7: Saltcoats, Gullane of the ELLDP which allocated the site for circa 130 homes. Approval of matters consent (ref: 18/01366/AMM) for 150 residential units was been approved, as the site was capable of accommodating the additional houses without being and overdevelopment of the site and there was no impediment on other grounds such as educational or road capacity.

What is proposed through this application is the erection of an additional 16 houses on land to the west side of the houses approved through 18/01366/AMM but still within the allocated housing site. Policy 16 of NPF4 supports the principle of housing on land already allocated for that use. The principle of housing is therefore supported on this site by Policy 16 of NPF4.

What is proposed through this application is the erection of an additional 16 houses which together with the residential units approved through approval of matters consent (ref: 18/01366/AMM), would bring the total of residential units approved for Saltcoats Field to 166 residential units. Therefore, this application must not only be considered in isolation but in relation to the potential implication it would have in combination with those residential units approved. It is relevant to note that planning permissions have been granted for other allocated sites of the ELLDP for a higher number of housing units than their site allocation and some have seen planning permissions granted for a smaller number of housing units than their site allocation. The provision of a larger number of housing units compared to an approximate capacity stated in the ELLDP does not in itself amount to a conflict with the development plan.

NPF4 policies 13 (Sustainable transport) and 15 (Local living and 20-minute neighbourhoods) seek to encourage development in locations well-served by sustainable transport modes (e.g. public transport, walking, wheeling and cycling). In terms of Policies 13 and 15 of NPF4, as a development within the wider Saltcoats housing development, the proposed development would be located with good walking, cycling and wheeling connections to the existing footpath network of Gullane, with good access to local public transport services and with good access to local shops, amenities and facilities. In such locational circumstances, the

proposals would contribute to local living and 20-minute neighbourhoods and thus would not conflict with Policies 13 and 15 of NPF4.

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 and whether there is any impediment on other grounds such as educational or road capacity.

The proposed residential development would form an extension to the western edge of the residential development being built on Saltcoats Field, and would be a natural extension of that residential development. Therefore, the additional 16 units of housing would not be inappropriate or out of keeping with the character of this part of Gullane

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

The 16 houses proposed through this application would consist of six types of detached and semi-detached houses ranging in size from two bedrooms to five bedrooms. However, in terms of the wider Saltcoats housing site 24 types of residential units were approved by approval of matters consent (ref: 18/01366/AMM) involving a mix of 1, 2, 3, 4 and 5 bedroomed houses, cottage flats and apartments. The mix of detached and semi-detached houses proposed by this application would be consistent with that already approved for the wider Saltcoats site.

The architecture of the proposed houses is of a traditional pitched roof form and a relatively traditional design overall, and the materials proposed are generally traditional in appearance, including two different roofing colours and different render colours along with some use of a contrasting wall finish (i.e. reconstituted stone). A condition can be imposed on a grant of planning permission for the proposed development to address these matters.

The proposed houses, due to their positioning on the site and by virtue of their density, their height, size and scale, architectural design and finishing would satisfactorily integrate into their surroundings and would not appear as prominent or intrusive features.

The proposed development would provide an attractive residential environment for future residents of the proposed houses. The houses are shown to be laid out in such a way that adheres to the normally accepted privacy and amenity criteria on overlooking and overshadowing, thereby affording the future occupants of the houses as well as the occupants of existing neighbouring houses an appropriate level of privacy and residential amenity.

The application site is capable of accommodating all of the houses without being an overdevelopment of the site and without being incompatible with the density of

existing housing development in the area.

The application site is adjacent to an area of open space and is also in close proximity to the areas of open space approved as part of planning permission in principle 16/00594/PPM and Approval of Matters 18/01366/AMM. The Council's Strategy, Policy & Development Manager raises no objection to the application, being satisfied that the areas of open space shown to be provided would provide sufficient, usable areas of open space for informal recreation for the proposed development.

The site is also in close proximity to Millenium Park and children of the future occupants would be able to access that park.

On all of these foregoing findings on matters of design, layout and amenity, the proposals are consistent with Policies 14, 15 and 16 of NPF4 and with Policies DP1, DP2, DP4 OS3 and OS4 of the ELLDP, the Scottish Government Policy Statement entitled "Designing Streets", the Masterplan approved by planning permission in principle 16/00594/PPM and 18/01366/AMM the Council's Supplementary Planning Guidance on 'Design Standards for New Housing Areas'.

At its meeting on 27 August 2019, the Council approved a motion declaring a Climate Emergency. Thereafter, at its meeting on 3 September 2019, the Council's Planning Committee decided that a condition requiring a developer to submit for the approval of the Planning Authority a report on the actions to be taken to reduce the carbon emissions from the building and from the completed development should be imposed on relevant applications for planning permission. Such a condition should be imposed on a grant of planning permission for this proposed development.

The **Council's Environmental Protective Services** were consulted on the application and have responded no comment.

In respect of landscape matters, the applicant has taken into consideration the comments of the **Council's Senior Landscape Projects Officer** in the submission of revised drawings to incorporate enhanced landscape planting within the site which will benefit biodiversity. The provision, maintenance, and retention of a scheme of landscaping of the site can be made a condition of an approval of matters consent. Subject to the aforementioned controls, the Council's Senior Landscape Projects Officer raises no objection to the application.

The proposed scheme of landscaping would also serve to encourage habitat creation and strengthen nature, enhancing the biodiversity of the site.

Policy 3 of NPF4 states, among other things, that proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development.

Policy NH5 of the ELLDP generally presumes against new development that would have an unacceptable impact on the biodiversity of an area.

The **Council's Biodiversity Officer** offers no comment on the application. However, a condition can be attached to a grant of planning permission requiring the submission for approval of a Biodiversity Enhancement Plan. Subject to the imposition of that planning control the proposals would not conflict with NPF4 Policy 3 and Policy NH5 of the ELLDP.

In relation to considerations of contaminated land issues, the **Council's Senior Environment Compliance Officer (Contaminated Land)** advises that: i) there is the potential for localised areas of contamination to exist within the application site as a result of its current use as a construction compound and materials storage area; and ii) there is the possibility that areas of localised contamination may exist due to the presence of made ground on the site. Given the above and due to the nature of the proposed residential development, further information will be required to determine the ground conditions and potential contamination issues impacting on the site (with the minimum of a Phase I Geo-Environmental Assessment being carried out). In light of this, the Senior Environment Compliance Officer recommends that a condition is attached to any grant of consent involving 'Land Contamination Condition - Investigation, Risk Assessment, Remediation and Validation'.

Subject to the above controls, the **Council's Senior Environment Compliance Officer** raises no objection to the proposals, being satisfied that they would be acceptable in terms of safety for future occupiers of the site.

The **Council's Senior Engineer – Flooding** raises no objection to the application on grounds of flood risk, being satisfied with the SUDS and drainage arrangements proposed for the site.

Scottish Water have been consulted on the application. Having undertaken a Water Capacity Assessment and a Waste Water Capacity Assessment, they raise no objection to the proposals, being satisfied that there is sufficient capacity in the Castle Moffat Water Treatment Works and for a foul only connection in the Gullane Waste Water Treatment works to service the proposed development. Notwithstanding it can be made a condition of any grant of planning permission that prior to the commencement of development confirmation from Scottish Water shall be provided that demonstrates that there is an available connection to the public sewer and that Scottish Water will accept waste from this development. If Scottish Water cannot accept foul drainage from this site, proposals for alternative arrangements should be provided, prior to the commencement of development and SEPA should be re-consulted.

The **Council's Road Services** have considered the details of this application and raise no objection to the proposed development, being satisfied that it could be accessed safely and would not lead to a road or pedestrian safety hazard. They recommend a number of transportation requirements involving:

- i) all roads and paths shall conform to East Lothian Council's Transport Infrastructure in New Developments;
- ii) all path and footway connections from a zone under construction to the existing

settlement shall be constructed to an adoptable standard before the occupation of any units in that particular zone. All remote paths should have a 1 meter wide level verge on both sides to aid maintenance and maintain effective width;

iii) driveways shall have minimum dimensions of 3.3 meters width by 6 meters length. Double driveways shall have minimum dimensions of 6 meters width by 6 meters length or 3.3 meters width by 11 meters length;

iv) a Travel Information Pack with information for residents to encourage use of sustainable modes of transport such as trains, buses, cycling and walking shall be submitted to and approved by the Planning Authority prior to construction commencing. The Travel Information Pack will include local bus and train timetables, local cycling and walking maps, information on bike hire / car sharing, and shall include details of how it will be distributed to residents;

v) a Construction Method Statement to minimise the impact of construction activity on the safety and amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic including hours of construction works, routing of vehicles and delivery time restrictions and provide details of utility/service drainage connections, including what temporary measures shall be put in place to control surface water drainage during the construction of the SuDS. The Construction Method Statement shall also provide a health and safety method statement, recommendations in respect of how building materials and waste will be safely stored and managed on site and shall include provision for wheel washing facilities or alternative facilities to prevent deleterious materials being carried onto the public road on vehicle tyres; and

vi) a wheel washing facility be provided and maintained in working order during the period of operation of the site.

Subject to appropriately worded conditions attached to a grant of planning permission, the proposals do not conflict with Policy 13 of NPF4 or with Policies T1 or T2 of the ELLDP.

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 site of this application there is a requirement for developer contributions towards the interventions at Bankton Interchange, Musselburgh Town Centre, Tranent Town Centre and a Rail Package. The **Council's Planning Obligations Officer** has confirmed the contributions required for these interventions are:

These contributions breakdown as follows;

(a) Improvements to Bankton Interchange (PROP T15) - £195.75 per unit - Overall for 16 units = £3,132.00;

- (b) Musselburgh Town Centre Improvements (PROP T17) - £23.93 per unit - Overall for 16 units = £383.00;
- (c) Tranent Town Centre Improvement (PROP T27- £16.83 per unit - Overall for 16 units = £269.00; and
- (d) Rail Network Improvements (PROP T()) - £297.16per unit - Overall for 16 units = £4,755.00;

The total developer contributions towards the transportation interventions of £8539.00 (indexed linked from Q1 2019) 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.

Policy 18 of NPF4 requires development to take into account the capacity and any additional needs for community services and facilities, as part of the infrastructure first approach. Policy DEL1 of the ELLDP stipulates that proposals for housing will only be permitted where appropriate provision for infrastructure, required as a consequence of the development, is made.

The Council's Planning Obligations Officer also advises that a Secondary Education contribution will be required towards North Berwick High School of £6,733 per unit indexed from Q12 2019 using the BCIS All-in Tender Price Index until date of payment. The total amount required is £107,728 indexed and the date of payment will be set in the S75.

The Council's Planning Obligations Officer advises that there will be no requirement for primary school contributions as there is capacity in the expanded Gullane primary school to accommodate children generated from this proposal for 16 houses.

Additionally, the Council's Planning Obligations Officer advises that contributions towards sports provision and changing contributions are require, including:

- a) Land to the north of the development site, marked on Drawing: SG-PL-300-01 Proposed Site Layout as Recreational Ground, shall be transferred at nil value to the Council for community use;
- b) a financial contribution of £86,000.00 indexed from Q4 2024 to the date of payment using the BCIS All-in Tender Price Index towards the development and maintenance of a grass sports pitch; and
- c) a financial contribution of £24000.00 towards the enhancement of the sport pavilion within the Memorial Park Recreation ground indexed to the date of payment using the BCIS All in Tender Price Index;

Additionally, the Council's Planning Obligations Officer advises that a financial contribution of £567 per unit - Overall for 16 units = £9,072.00 indexed from Q2 2017 to the date of payment using the BCIS All-in Tender Price Index towards the provision of additional play/recreation facilities within Gullane for the residents generated from the development is required.

As per the Adopted Supplementary Guidance: Developer Contributions

Framework, all Strategic Transportation and Secondary Education Contributions will be increased in line with indexation from Q1 2019 using the All-in Tender Price Index published by the Building Cost Information Service (BCIS) Limited for the Royal Institution of Chartered Surveyors until due date of payment, the play/recreation contribution will be increased from Q2 2017 using the All-in Tender Price Index published by the Building Cost Information Service (BCIS) Limited for the Royal Institution of Chartered Surveyors until due date of payment and the Sports Pitch and Maintenance Contribution and the Pavilion Contribution will be increased in line with indexation from Q4 2024 using the All-in Tender Price Index published by the Building Cost Information Service (BCIS) Limited for the Royal Institution of Chartered Surveyors until due date of payment.

The terms for the provision of these contributions for Strategic Transport, Education, Sports Provision and Changing and Play and Recreation 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 out in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. The applicant's agent has confirmed the applicant's agreement to enter into such a Section 75 Agreement.

Subject to the satisfactory conclusion of such an agreement to secure the Strategic Transportation contributions, Education contributions, sports provision and changing contributions and Play and Recreation contributions, the proposal is consistent with NPF4 Policy 18 and Policy DEL1 of the East Lothian Local Development Plan 2018.

Policy 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 Housing Enabler (Strategy and Development)** advises that in accordance with the Council's Affordable Housing Policy, 25% of the proposed 16 residential units (4 units) require to be affordable housing. Due to the small size of the site, the units are in one area of the site.

The Council's Housing Enabler (Strategy and Development) advises that the affordable housing component of the proposed housing development is to be operated by Places for People (Scotland). The Council's Housing Enabler further advises that the affordable housing must meet Housing for Various Need (HfVN) standards and recommends that communication continues with East Lothian Council Strategy and Development Team. Their delivery 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 out in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. The applicant's agent has confirmed the applicant's agreement to enter into such a Section 75 Agreement. Subject to the satisfactory conclusion of such an agreement to secure the 4 affordable housing units, the proposal is consistent with NPF4 Policy 18 and Policies HOU3, HOU4 and DEL1 of the

In conclusion, the proposals are considered to be in accordance with the provisions of the stated relevant Development Plan policies and there are no material considerations which outweigh the proposals accordance with the Development

Plan.

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 £8,539.00 towards the provision of strategic transport interventions;
 - (ii) a financial contribution to the Council of £107,728.00 towards the provision of additional North Berwick High School accommodation;
 - (iii) the transfer of land to the north of the development site, marked as Recreational Ground on Drawing: SG-PL-300-01 'Proposed Site Layout', at nil value to the Council for community use;
 - (iv) a financial contribution to the Council of £110,000.00 towards Sports Provision and Changing;
 - (v) a financial contribution to the Council of £9,072.00 towards Play and Recreation;and
(iii) the provision of 4 affordable housing units within the application site.
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, the lack of road and transport infrastructure improvements, and the lack of financial contribution towards sports provision and play and recreation, contrary to, as applicable, Policies DEL1, HOU3, HOU4 and T32 of the East Lothian Local Development Plan 2018 and Policy 18 of NPF4.

CONDITIONS

- 1 The development hereby approved shall begin before the expiration of 3 years from the date of this permission.

Reason:
Pursuant to Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.
- 2 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 houses 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.

- 3 Notwithstanding that which is stated on the drawings docketed to this approval of matters specified in conditions, a detailed specification of all external finishes of the houses and flatted buildings 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 shall be in accordance with a co-ordinated scheme of materials and colours that shall be submitted to and approved in advance by the Planning Authority. This co-ordinated scheme shall in detail promote render as the predominant finish to the walls of the houses, with a use of more than one render colour and with a strongly contrasting difference in the colours such that they will not each be of a light colour. All such materials used in the construction of the buildings 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.

- 4 Prior to the occupation of the last residential unit 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 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 and bicycle parking in the interests of road safety.

- 5 Notwithstanding that shown on the drawings docketed to this approval of matters, the boundary enclosures shown on those drawings are not hereby approved. Instead, and prior to the commencement of development, revised details of all boundary enclosures to be erected on the application site, and the timescales for their provision, shall be submitted to and approved in advance by the Planning Authority.

Those details shall show the form and appearance of all boundary treatments, including those enclosing the rear gardens of the houses. The details shall also show all semi-private and defensible spaces in front of or to the side of the houses hereby approved and to the side of parking courtyards to be enclosed by walls/hedges/fences/ or railings to define areas of private space from public space. All semi-private and defensible spaces in front of or to the side of dwellings and to the side of parking courtyards shall be enclosed by walls/hedges/fences/ or railings to define areas of private space from public space.

Thereafter the boundary treatments erected shall accord with the details so approved unless otherwise agreed in writing by the Planning Authority.

Reason:

To ensure the satisfactory provision of appropriate boundary enclosures and in the interest of safeguarding the privacy and amenity of future residents of the development.

- 6 The 4 residential units approved to be affordable housing units shall be operated as affordable housing and shall not be sold as market housing.

Reason:

In order to ensure the 4 houses are affordable housing and is therefore compliant with Policy HOU3 of the adopted East Lothian Local Development Plan 2018.

- 7 All planting, seeding or turfing comprised in the approved details of landscaping comprised on the drawing titled 'Phase 2 Landscaping Rev B' shall be carried out in the first planting and seeding season following the occupation or completion of any part of the development hereby approved, whichever is the sooner. All planting shall be established and maintained in accordance with the details on the above drawing.

Any trees, hedges or plants which die, are removed or become seriously damaged or diseased within a period of ten years from the completion of the development 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 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. All landscape shall be retained and maintained to accord with the details of the approved details of landscaping.

Reason

To ensure establishment of a landscape scheme that improves the amenity of the area.

- 8 Prior to commencement of development, details of measures to protect and enhance biodiversity on the application site shall be submitted to and approved by the Planning Authority. The measures as so approved shall be implemented prior to any use being made of the agricultural building hereby approved and shall thereafter be retained, unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of protecting and enhancing biodiversity on the site and within the surrounding area.

- 9 The residential scheme of development hereby approved shall comply with the following transportation requirements:

- i) all roads and paths shall conform to East Lothian Council's Transport Infrastructure in New Developments;
- ii) all path and footway connections from a zone under construction to the existing settlement shall be constructed to an adoptable standard before the occupation of any units in that particular zone; and
- iii) driveways shall have minimum dimensions of 3.3m width by 6m length. Double driveways shall have minimum dimensions of 6m width by 6m length or 3.3m width by 11m length.

Development shall thereafter be carried out in accordance with the details so approved unless otherwise approved by the Planning Authority in consultation with the Roads Authority.

Reason:

In the interests of pedestrian and road safety.

- 10 A Construction Method Statement to minimise the impact of construction activity on the safety and amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic (including routes to/from site) and shall include hours of construction work and routing of traffic. The Construction Method Statement shall also provide details of utility/service drainage connections.

The Construction Method Statement shall also make recommendations in respect of how building materials and waste will be safely stored and managed on site.

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 minimise the impact of construction activity in the interests of the amenity of the area.

- 11 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.

- 12 Prior to the occupation of any of the residential units hereby approved a Residents Travel Pack with information for residents to encourage use of sustainable modes of transport such as trains, buses, cycling and walking shall be submitted to and approved by the Planning Authority. The Residents Travel Pack will include local bus and train timetables, local cycling and walking maps, information on bike hire / car sharing, and shall include details of how it will be distributed to residents.

Reason:

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

- 13 Prior to the commencement of development, to ensure that the site is clear of contamination, a Geo-Environmental Assessment shall be carried out and the following information shall be submitted to and approved by the Planning Authority:

- o Phase I - A preliminary investigation incorporating a desk study, site reconnaissance, development of a conceptual model and an initial risk assessment.

- o Phase II - Incorporating a site survey (ground investigation and sample analysis) and risk evaluation. It is required if the Phase I investigation has indicated that the site is potentially contaminated and the degree and nature of the contamination warrants further investigation.

- o Phase III - Where risks are identified, a Remediation Strategy should be produced detailing and quantifying any works which must be undertaken in order to reduce the risks to acceptable levels.

Should remedial works be required then, prior to any residential units being occupied, a Validation Report shall be submitted to and be approved by the Planning Authority confirming that the works have been carried out in accordance with the Remediation Strategy.

The presence of any previously unsuspected or unforeseen contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority. At this stage, further investigations may have to be carried out to determine if any additional remedial measures are required.

Reason:

To ensure that the site is clear of contamination and that remediation works are acceptable prior to the occupation of any of the residential units.

- 14 Prior to the commencement of development, a report on the actions to be taken to reduce the Carbon Emissions from the build and from the completed development shall be

submitted to and approved in writing by the Planning Authority. This shall include the provision of renewable technology for all new buildings, where feasible and appropriate in design terms, and new car charging points and infrastructure for them, where feasible and appropriate in design terms. The details shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the report so approved.

Reason:

To minimise the environmental impact of the development.

- 15 Prior to the commencement of development confirmation from Scottish Water shall be provided that demonstrates that there is an available connection to the public sewer and that Scottish Water will accept waste from this development. If Scottish Water cannot accept foul drainage from this site, proposals for alternative arrangements should be provided, prior to the commencement of development and SEPA should be re-consulted.

Reason:

In the interests of ensuring that foul drainage from the site can be accommodated.