

Appeal Decision Notice

T: 01324 696 400
F: 01324 696 444
E: dpea@scotland.gsi.gov.uk



Decision by Donald Harris, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-210-2038
- Site address: land west of Aberlady Road, Haddington, East Lothian EH41 3SG
- Appeal by Gladedale Estates Ltd against the decision by East Lothian Council
- Application 12/00199/PPM for planning permission in principle dated 6 March 2012 refused by notice dated 24 April 2013.
- The development proposed: residential development and associated open space, landscaping, tree planting, SUDS pond, development access road, junction improvements, enhancement of pedestrian routes and ancillary works
- Application drawing: location plan
- Date of site visit by Reporter: 9 September 2013

Date of appeal decision: 23 June 2014

Decision

I allow the appeal and grant planning permission in principle subject to Conditions 1 – 13 inclusive listed in Appendix 1 at the end of this notice. Attention is drawn to the three advisory notes in Appendix 2 at the end of the notice. My initial consideration of the appeal is set out in the Notice of Intention issued on 20 November 2013, a copy of which is attached to the present notice.

Reasoning

1. In the notice of intention which I issued on 20 November 2013, I stated my intention to allow the appeal and grant planning permission subject to conditions following the signing and registering of a planning obligation under section 75 of the Town and Country Planning (Scotland) Act 1997. The matters which I considered the obligation should cover were set out in paragraph 23 of that notice.

2. A planning obligation covering these matters has been signed by the appellant, the owners and the planning authority.

Donald Harris

Reporter



Appendix 1: Conditions

1. Plans and particulars of the matters listed below shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No work shall begin until the written approval of the authority has been given, and the development shall be carried out in accordance with that approval. The matters are:-
- a. the siting, design and external appearance of all the dwellings and other buildings proposed to be erected on the site;
 - b. the means of access to the dwellings and other buildings; and
 - c. the landscaping of the site.

These details shall generally accord with the Indicative Site Layout Plan titled "HAWTHORNBANK", HADDINGTON - SKETCH LAYOUT (appellant's submitted document GEL 03).

Reason: to ensure that the matters referred to are given full consideration and to accord with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

2. The details required to be submitted by condition 1 shall comply with the following requirements:-
- a. There shall be a maximum of 89 residential units erected on the site. Development shall include a mix of single storey and two storey houses and flats. The houses and flats shall in no case be higher than two storeys in height and in the case of the two houses to be erected near the north east corner of the site, shall be no higher than single storey in height.
 - b. Other than in exceptional circumstances where the layout or particular building type does not permit, houses and flats shall be orientated to face the street.
 - c. Notwithstanding the details shown in the Indicative Site Layout Plan referred to in condition 1 above, there shall be no integral garages, unless they can be justified as an exceptional design feature, or where the house and garage would not be on a primary street frontage.
 - d. The external finishes of the residential units shall be in accordance with a coordinated scheme of materials and colours that shall respect the layout of the development and shall promote render as the predominant finish to the walls of the residential units.
 - e. Notwithstanding the details shown in the Indicative Site Layout Plan referred to in condition 1 above, there shall be a separation distance of at least 9 metres between the windows of a proposed new building and the garden boundaries of neighbouring residential properties; and a separation distance of at least 18 metres between directly facing windows of a proposed new building and the windows of existing or proposed neighbouring residential properties.
 - f. Details of the play area(s), including the equipment to be provided within it and a timetable for installation, shall be submitted to and approved in advance by the planning authority. The play area(s) shall be installed in accordance with the details so approved.
 - g. Parking for the housing development hereby approved shall be provided at a rate

as set out in the East Lothian Council's "Standards for Development Roads- Part 5 Parking Standards".

- h. All access roads shall conform to East Lothian Council's "Standards for Development Roads" in relation to roads layout and construction, footways and footpaths, parking layout and number, street lighting and traffic calming measures.
- i. The footpath to be formed between the proposed housing site and the access road which leads from the A199 road to Alderston House, Alderston Coach House, Alderston Mains Farm, an office development and some other properties that is indicatively shown on the Indicative Site Layout Plan shall be designed in accordance with BS5837: 2012 "Trees in relation to design, demolition and construction Recommendations".
- j. Single driveways shall have minimum dimensions of 2.5 metres width by 6 metres length. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 metres length.
- k. Vehicle access to private parking areas (i.e. other than driveways) shall be via a reinforced footway crossing and have a minimum width of 5.5 metres over the first 10 metres to enable adequate two way movement of vehicles.
- l. Within private parking areas the minimum dimensions of a single parking space shall be 2.5 metres by 5.0 metres. All visitor parking spaces shall be clearly marked for visitors.

Reasons: to ensure a character of development appropriate to the site and surroundings; to protect the privacy of neighbouring residential properties; in the interests of road safety; and to ensure the retention of trees contributing to the amenity of the site.

3. The scheme of landscaping referred to in condition 1 above shall:-
- a. provide details of the height and slopes of any mounding on or recontouring of, the site;
 - b. specify tree and shrub sizes, species, habitat, siting, planting distances;
 - c. include a programme of planting; and
 - d. include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out no later than in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of ten years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the planning authority gives written consent to any variation.

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

4. The details submitted pursuant to Condition 1 shall also comply with the following requirements:
- a. A 4 metres high acoustic barrier in the form of a 3 metres high acoustic fence atop a 1 metre high earth bund shall be erected in the belt of planting to be formed

along the northern boundary of the site in accordance with a noise assessment to be submitted to the Planning Authority for approval; and

b. Any windows of habitable rooms of any house or flat along the northern boundary of the site facing the A1 trunk road shall be provided with standard thermal double glazing (6/12/4 or similar) and acoustic trickle ventilators.

Reason: To protect the residential amenity of the occupiers of the houses and flats hereby approved from noise from road traffic using the A1 trunk road.

5. A Green Travel Plan shall be submitted to the planning authority for approval prior to the occupation of any of the residential units hereby approved. The Travel Plan shall have particular regard to provision for walking, cycling and public transport access to and within the site, and will include a timetable for its implementation, details of the measures to be provided, the system of management, monitoring, review, reporting and duration of the Plan. The Green Travel Plan shall thereafter be implemented in accordance with the details as approved by the planning authority.

Reason: To ensure sustainable travel patterns in respect of the residential development.

6. A Construction Method Statement to minimise the impact of construction activity on the amenity of the area shall be submitted to the planning authority for approval prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic and shall include hours of construction work and details of wheel washing facilities to be provided. The Construction Method Statement as approved by the planning authority shall be implemented prior to the commencement of development.

Reason: To minimise the impact of construction activity in the interests of the amenity of the area.

7. No development shall take place until the applicant has, through the employ of an archaeologist or archaeological organisation, secured the implementation of a programme of archaeological work (Archive Assessment and Evaluation) on the site of the proposed development in accordance with a written scheme of investigation which the applicant will submit to and have approved in advance by the planning authority.

Reason: To facilitate an acceptable archaeological investigation of the site.

8. Details of the screening to be provided between the development and the A1 trunk road and details of any external lighting within the site shall be submitted to the planning authority for approval in writing following consultation with Transport Scotland. There shall be no drainage connections from the development to the trunk road drainage system. The screening and lighting shall be implemented in accordance with the details as approved by the planning authority.

Reason: In the interests of road safety.

9. 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 for approval by the planning authority. 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.

10. Details of the proposed integrated sustainable urban drainage scheme (SUDS) for the application site shall be submitted in writing for approval by the planning authority following consultation with the Scottish Environment Protection Agency. The integrated sustainable urban drainage scheme (SUDS) for the application site shall thereafter be fully implemented in accordance with the details as approved by the planning authority.

Reason: To ensure the provision of a satisfactory sustainable urban drainage scheme for the application site.

11. No development shall commence unless and until the following requirements have been met:

- a. the existing 40 miles per hour speed limit has been extended northwards on the A6137 road from the roundabout on the A199 to the northern end of the bridge over the A1 trunk road;
- b. a gateway feature is installed on the A6137 road at the start of the new 40 miles per hour speed limit zone;

Details of the proposed extension to the existing 40 miles per hour speed limit and of the proposed gateway feature shall be submitted for approval by the planning authority. These measures shall be implemented in accordance with the details as approved by the planning authority.

Reason: In the interests of road safety.

12. The proposed signalised vehicle accesses shall be designed in accordance with the Design Manual for Roads and Bridges, Volume 6. An independent road safety audit shall be undertaken (and submitted to the planning authority for approval) for the final design drawings of the access arrangements illustrated within Drawings No: 1097 SK 003 Rev B "Indicative Traffic Management Measures". No development shall take place to construct any of the houses or flats of the development unless and until the access arrangements have been approved in writing by the planning authority, have been constructed and made operational and the following requirements have been met:

- a. A continuous 2 metres wide pedestrian footpath shall be constructed on the western side of the A6137 from the signalised access junction to the roundabout junction with the A199;
- b. A continuous 2 metres wide pedestrian footpath shall be constructed on the western side of the A6137 from the signalised access junction to the A1 overbridge;
- c. A signalised pedestrian crossing point shall be introduced on the A199 to the west of the A199/A6137 roundabout with the location and any mitigating footway extensions agreed with the Planning Authority; and

d, A continuous 2 metres wide footpath shall be created at the A199 signalised pedestrian crossing point to link with the existing public footpath network. Details of all of the above requirements shall be submitted to the planning authority for approval. No development shall take place to construct any of the houses or flats of the development unless and until these details have been approved by the planning authority.

Reason: In the interests of road and pedestrian safety.

13. Cycle parking shall be included at a rate of 1 space per flat. The parking shall be in the form of 1 locker per flat or communal provisions in the form of a lockable room or shed.

Reason: To ensure the provision of adequate cycle storage in the interest of the residential amenity of the future occupants of the flats and the visual amenity of the area.

Appendix 2: Advisory notes

1. **Notice of the start of development:** The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action. (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).)

2. **Notice of the completion of the development:** As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position. (See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended).)

3. **Display of notice:** A notice must be displayed on or near the site while work is being carried out. The planning authority can provide more information about the form of that notice and where to display it. (See section 27C of the Town and Country Planning (Scotland) Act 1997 Act (as amended) and Schedule 7 to the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008.)

Appeal: Notice of Intention

T: 01324 696 400
F: 01324 696 444
E: dpea@scotland.gsi.gov.uk



Notice of Intention by Donald Harris, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-210-2038
- Site address: land west of Aberlady Road, Haddington, East Lothian EH41 3SG
- Appeal by Gladedale Estates Ltd against the decision by East Lothian Council
- Application 12/00199/PPM for planning permission in principle dated 6 March 2012 refused by notice dated 24 April 2013.
- The development proposed: residential development and associated open space, landscaping, tree planting, SUDS pond, development access road, junction improvements, enhancement of pedestrian routes and ancillary works
- Application drawing: location plan
- Date of site visit by Reporter: 9 September 2013

Date of notice: 20 November 2013

Notice of Intention

For the reasons given below I am minded to allow the appeal and grant planning permission in principle subject to the conditions listed below, following the signing and registering or recording of a planning obligation under section 75 of the Town and Country Planning (Scotland) Act 1997, or some suitable alternative arrangement, covering the matters listed in paragraph 23 below.

Reasoning

1. The determining issues in this appeal are (a) housing land supply and the need for additional effective housing land in East Lothian; (b) the loss of agricultural land; and (c) the impact on the amenity of adjoining dwellings. These are considered having regard to the development plan and any other material considerations.

Background

2. The appeal site is on the north side of Haddington and extends to 6.4 hectares. It is an approximately rectangular arable field. It is bounded on the north by the A1 trunk road in a cutting. To the east is Aberlady Road (A6137). To the south are some 31 dwellings on the north side of Haldane Avenue (A199) with a converted maternity hospital (Vert Court apartments) at the south-east corner. To the west are a veterinary clinic and other

properties. A revised site layout plan submitted by the appellants shows an indicative sketch layout of 89 dwellings.

3. The development plan consists of (a) the South East Scotland Strategic Development Plan (SESplan), which was approved by Scottish Ministers with modifications in June 2013; and (b) the East Lothian Local Plan 2008.

Housing Land

4. Policy 1A of SESplan states that local development plans will direct further strategic development into a number of Strategic Development Areas. Haddington is included in the East Lothian SDA.

5. Policy 5 states that Supplementary Planning Guidance will be prepared by the six constituent planning authorities. This will establish how much of the overall housing land requirement should be met in each area. Each local development plan is to allocate sufficient land capable of becoming effective and of delivering the established housing requirement. That requirement will relate to the two periods 2009-2019 and 2019-2024.

6. Progress has been made in the preparation of the supplementary guidance. SESplan has approved a consultative draft *Supplementary Guidance on Housing Land* (September 2013), with 20 December 2013 as the deadline for the submission of comments.

7. The document proposes that the East Lothian Development Plan should identify land capable of delivering 6,250 houses in the period 2009-2019 and 3,800 in 2019-2024. Against these requirements, the current supply of housing land is calculated to contribute 4,845 and 1,640 units respectively. The net figures are therefore 1405 and 2160 respectively.

8. For the purposes of the present appeal, the Council's officers suggest that these figures might reasonably be taken as East Lothian's current housing land requirement.

9. There have therefore been radical changes to the policy background since this appeal was made. The SESplan has now been approved, with considerable progress made in the calculation of the housing land requirement. Noting a number of relevant appeal decisions, the Council's officers now accept that there is a need to augment land supply in the short term to achieve an increased rate of house completions. I agree with this.

10. I conclude that there is a substantial shortfall in the supply of housing land in East Lothian, in particular for the remainder of the period to 2019. The shortfall occurs notwithstanding the potential availability of housing land at the Letham Mains site on the south-west side of Haddington.

11. I now consider whether the appeal site could make an effective contribution to that supply. The requirement that it should be effective is established by policy 6 of the SESplan. Criteria of effectiveness are set out in Planning Advice Note 2/2010 and are met as follows: (a) the appeal site is owned by a subsidiary of the appellant company; (b) it is free from physical constraints which would preclude its development; (c) there is no evidence of its being contaminated; (d) no deficit funding is required; (e) the site can be developed in the current 5-year period; (f) any required infrastructure can be provided; and

(g) housing is a realistic option for the use of the land. The appeal site therefore satisfies all these criteria.

12. Policy 7 of SESplan states that sites for greenfield housing development proposals may be granted planning permission to maintain a five years' effective housing land supply subject to three criteria. First, *the development must be in keeping with the character of the settlement and local area*. As the appeal site adjoins housing on the edge of Haddington and is bounded by the A1, this criterion is met. There is no reason why its detailed design should not achieve a high standard in keeping with its surroundings. Secondly, *the development will not undermine green belt objectives*; but the site is not in the green belt. Third is a requirement that *any additional infrastructure required as a result of the development is either committed or can be funded by the developer*. As the developer is prepared to make satisfactory access arrangements and is willing to contribute to the provision of additional accommodation at Knox Academy, this criterion also is met.

13. On this issue I therefore find that:-

- (i) there is a substantial shortfall in the five years' supply of housing land in East Lothian; and
- (ii) the appeal site could make an effective contribution to that supply.

In these respects the proposal complies with the development plan, in particular policies 1A, 5, 6 and 7 of SESplan.

Agricultural Land

14. The appeal site consists of an arable field of 6.4 hectares. This is class 3 prime agricultural land. Policy DC1 (part 5) of the local plan seeks to minimise the loss of such land. This implies that it should not be developed unless there are strong reasons why it should be released. (Similar advice is at paragraph 97 of SPP.) So whether the present proposal breaches the policy depends on the final assessment of its merits in this appeal.

15. The appellant points out that the land is separated from the main farm unit by the A1. Also, in 1998, the Agricultural, Environment and Fisheries Department of the Scottish Office gave advice on the relative merits of possible development sites for inclusion in the local plan. The present appeal site was preferred to other greenfield sites.

16. On this issue, policy DC1 is not necessarily breached, as there could be strong reasons favouring its development. Its separation from the main farm unit by the A1, which causes farm vehicles and machinery to use the A 6137, is a disadvantage which carries some weight. So also is the official preference that this site should be released rather than other greenfield sites.

Residential Amenity

17. Opposition to the proposal was expressed by residents of the houses on Haldane Avenue which back on to the appeal site and of Vert Court. The proposed development is seen as being overbearing (particularly as the land rises to the north) causing overlooking and a serious loss of privacy. Concern was also expressed about surface drainage problems.

18. As this is an application for planning permission in principle, details of the layout, drainage etc. are not before me. However, the planning authority has suggested conditions which would address these concerns by controlling the height of buildings and setting minimum separation distances between existing and proposed dwellings. A condition could also ensure that an appropriate drainage scheme would be installed.

19. In these circumstances, I consider that the proposed development need not cause unacceptable damage to the residential amenity of nearby dwellings. I appreciate the residents' concerns about losing the open views from the rear of their properties, but there is no right to a view. However, the planning authority would be able to ensure that the new development related well to the existing and that it was compatible with its surroundings.

Overall Conclusions

20. There is a substantial shortfall in the five years' supply of housing land in East Lothian and the appeal site could make an effective contribution to it. There is clearly an urgent need to make suitable land available and this proposal accords with the relevant policies of SESplan. Given the urgency of the need, the loss of agricultural land is justified and policy DC1 of the local plan is not breached. Regarding the effect on residential amenity, there is no reason why the detailed design should not relate acceptably to adjoining dwellings.

21. I therefore conclude that the appeal should succeed, subject to the completion of a planning obligation as outlined below. I have considered all other matters raised, including the concerns of the Royal Burgh of Haddington and District Community Council and a petition objecting to the proposal. Concerns were raised about the effect on road safety, but I note that the Council's Head of Transportation considers that the development is acceptable provided that certain conditions are imposed. These require major improvements to the adjoining roads, including signalised vehicle accesses and pedestrian crossing point, extension of the speed limit zone and new lengths of footpaths. Although the adequacy of Haddington's infrastructure was also questioned, the proposed planning obligation would contribute to its improvement. None of these other matters causes me to alter my decision.

Conditions and Planning Obligation

22. I have adopted the conditions suggested by the planning authority in the event of the appeal being allowed, subject to minor amendments. The most significant relates to a suggested condition whereby the number of residential units is limited to 89, in order to

ensure that there is sufficient education capacity. The condition is unnecessary for the purpose stated, as the proposed legal agreement sets a financial contribution of £3,530 per residential unit towards the provision of additional educational accommodation (see below - there is no need for a total payment to be specified in the agreement). However, I consider the limitation of the number of dwellings is necessary to ensure a character of development appropriate to the site and surroundings and to protect the privacy of neighbouring residential properties.

23. The planning authority considers that any grant of planning permission in principle should be subject to the prior conclusion of a legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or some other legal agreement designed to:

(i) secure from the applicant a financial contribution to the Council of £314,170 (£3,530 per residential unit) towards the provision of additional accommodation at Knox Academy, Haddington.

(ii) secure from the applicant the provision of 25% of the final approved number of residential units within the application site as affordable residential units or if it can be demonstrated to the Council that this, or the off-site provision of 25% of the final approved number of residential units as affordable units is not practicable, to secure from the applicant a commuted sum payment to the Council in lieu of such an on or off-site provision.

24. I note that policy INF 3 of the local plan requires developers to make appropriate provision for infrastructure and community facilities. Also, policy H4 requires the provision of affordable housing, at the rate of 25% of the total number of dwellings. The agreement proposed by the planning authority therefore complies with the development plan and is necessary. The appellant accepts the planning authority's approach.

25. I conclude that a planning obligation should be completed in order to secure a financial contribution towards the provision of additional accommodation at Knox Academy; and to provide an appropriate proportion of affordable housing. I will accordingly defer determination of this appeal for a period of three months to enable the relevant planning obligation (either an agreement with the planning authority or a unilateral obligation by the appellant under section 75 of the Town and Country Planning (Scotland) Act 1997 or such other legal instrument as may be agreed by the parties) to be completed and registered or recorded, as the case may be. If, by the end of the three months period, a copy of the relevant obligation with evidence of registration or recording has not been submitted to this office, I will consider whether planning permission should be refused or granted without a planning obligation.

Donald Harris

Reporter

Conditions

1. Plans and particulars of the matters listed below shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No work shall begin until the written approval of the authority has been given, and the development shall be carried out in accordance with that approval. The matters are:-

- a. the siting, design and external appearance of all the dwellings and other buildings proposed to be erected on the site;
- b. the means of access to the dwellings and other buildings; and
- c. the landscaping of the site.

These details shall generally accord with the Indicative Site Layout Plan titled "HAWTHORNBANK", HADDINGTON - SKETCH LAYOUT (appellant's submitted document GEL 03).

Reason: to ensure that the matters referred to are given full consideration and to accord with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

2. The details required to be submitted by condition 1 shall comply with the following requirements:-

- a. There shall be a maximum of 89 residential units erected on the site. Development shall include a mix of single storey and two storey houses and flats. The houses and flats shall in no case be higher than two storeys in height and in the case of the two houses to be erected near the north east corner of the site, shall be no higher than single storey in height.
- b. Other than in exceptional circumstances where the layout or particular building type does not permit, houses and flats shall be orientated to face the street.
- c. Notwithstanding the details shown in the Indicative Site Layout Plan referred to in condition 1 above, there shall be no integral garages, unless they can be justified as an exceptional design feature, or where the house and garage would not be on a primary street frontage.
- d. The external finishes of the residential units shall be in accordance with a co-ordinated scheme of materials and colours that shall respect the layout of the development and shall promote render as the predominant finish to the walls of the residential units.
- e. Notwithstanding the details shown in the Indicative Site Layout Plan referred to in condition 1 above, there shall be a separation distance of at least a 9 metres between

the windows of a proposed new building and the garden boundaries of neighbouring residential properties; and a separation distance of at least 18 metres between directly facing windows of a proposed new building and the windows of existing or proposed neighbouring residential properties.

f. Details of the play area(s), including the equipment to be provided within it and a timetable for installation, shall be submitted to and approved in advance by the planning authority. The play area(s) shall be installed in accordance with the details so approved.

g. Parking for the housing development hereby approved shall be provided at a rate as set out in the East Lothian Council's "Standards for Development Roads- Part 5 Parking Standards".

h. All access roads shall conform to East Lothian Council's "Standards for Development Roads" in relation to roads layout and construction, footways and footpaths, parking layout and number, street lighting and traffic calming measures.

i. The footpath to be formed between the proposed housing site and the access road which leads from the A199 road to Alderston House, Alderston Coach House, Alderston Mains Farm, an office development and some other properties that is indicatively shown on the Indicative Site Layout Plan shall be designed in accordance with BS5837: 2012 "Trees in relation to design, demolition and construction – Recommendations".

j. Single driveways shall have minimum dimensions of 2.5 metres width by 6 metres length. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 metres length.

k. Vehicle access to private parking areas (i.e. other than driveways) shall be via a reinforced footway crossing and have a minimum width of 5.5 metres over the first 10 metres to enable adequate two way movement of vehicles.

l. Within private parking areas the minimum dimensions of a single parking space shall be 2.5 metres by 5.0 metres. All visitor parking spaces shall be clearly marked for visitors.

Reasons: to ensure a character of development appropriate to the site and surroundings; to protect the privacy of neighbouring residential properties; in the interests of road safety; and to ensure the retention of trees contributing to the amenity of the site.

3. The scheme of landscaping referred to in condition 1 above shall:-

- a. provide details of the height and slopes of any mounding on or recontouring of, the site:
- b. specify tree and shrub sizes, species, habitat, siting, planting distances;

- c. include a programme of planting; and
- d. include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out no later than in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of ten years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the planning authority gives written consent to any variation.

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

4. The details submitted pursuant to Condition 1 shall also comply with the following requirements:

- a. A 4 metres high acoustic barrier in the form of a 3 metres high acoustic fence atop a 1 metre high earth bund shall be erected in the belt of planting to be formed along the northern boundary of the site in accordance with a noise assessment to be submitted to the Planning Authority for approval; and
- b. Any windows of habitable rooms of any house or flat along the northern boundary of the site facing the A1 trunk road shall be provided with standard thermal double glazing (6/12/4 or similar) and acoustic trickle ventilators.

Reason: To protect the residential amenity of the occupiers of the houses and flats hereby approved from noise from road traffic using the A1 trunk road.

5. A Green Travel Plan shall be submitted to the planning authority for approval prior to the occupation of any of the residential units hereby approved. The Travel Plan shall have particular regard to provision for walking, cycling and public transport access to and within the site, and will include a timetable for its implementation, details of the measures to be provided, the system of management, monitoring, review, reporting and duration of the Plan. The Green Travel Plan shall thereafter be implemented in accordance with the details as approved by the planning authority.

Reason: To ensure sustainable travel patterns in respect of the residential development.

6. A Construction Method Statement to minimise the impact of construction activity on the amenity of the area shall be submitted to the planning authority for approval prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic and shall include hours of construction work and details of wheel washing facilities to be provided. The Construction

Method Statement as approved by the planning authority shall be implemented prior to the commencement of development.

Reason: To minimise the impact of construction activity in the interests of the amenity of the area.

7. No development shall take place until the applicant has, through the employ of an archaeologist or archaeological organisation, secured the implementation of a programme of archaeological work (Archive Assessment and Evaluation) on the site of the proposed development in accordance with a written scheme of investigation which the applicant will submit to and have approved in advance by the planning authority.

Reason: To facilitate an acceptable archaeological investigation of the site.

8. Details of the screening to be provided between the development and the A1 trunk road and details of any external lighting within the site shall be submitted to the planning authority for approval in writing following consultation with Transport Scotland. There shall be no drainage connections from the development to the trunk road drainage system. The screening and lighting shall be implemented in accordance with the details as approved by the planning authority.

Reason: In the interests of road safety.

9. 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 for approval by the planning authority. 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.

10. Details of the proposed integrated sustainable urban drainage scheme (SUDS) for the application site shall be submitted in writing for approval by the planning authority following consultation with the Scottish Environment Protection Agency. The integrated sustainable urban drainage scheme (SUDS) for the application site shall thereafter be fully implemented in accordance with the details as approved by the planning authority.

Reason: To ensure the provision of a satisfactory sustainable urban drainage scheme for the application site.

11. No development shall commence unless and until the following requirements have been met:

- a. the existing 40 miles per hour speed limit has been extended northwards on the A6137 road from the roundabout on the A199 to the northern end of the bridge over the A1 trunk road;

- b. a gateway feature is installed on the A6137 road at the start of the new 40 miles per hour speed limit zone;

Details of the proposed extension to the existing 40 miles per hour speed limit and of the proposed gateway feature shall be submitted for approval by the planning authority. These measures shall be implemented in accordance with the details as approved by the planning authority.

Reason: In the interests of road safety.

12. The proposed signalised vehicle accesses shall be designed in accordance with the Design Manual for Roads and Bridges, Volume 6. An independent road safety audit shall be undertaken (and submitted to the planning authority for approval) for the final design drawings of the access arrangements illustrated within Drawings No: 1097 SK 003 Rev B "Indicative Traffic Management Measures". No development shall take place to construct any of the houses or flats of the development unless and until the access arrangements have been approved in writing by the planning authority, have been constructed and made operational and the following requirements have been met:

- a. A continuous 2 metres wide pedestrian footpath shall be constructed on the western side of the A6137 from the signalised access junction to the roundabout junction with the A199;
- b. A continuous 2 metres wide pedestrian footpath shall be constructed on the western side of the A6137 from the signalised access junction to the A1 overbridge;
- c. A signalised pedestrian crossing point shall be introduced on the A199 to the west of the A199/A6137 roundabout with the location and any mitigating footway extensions agreed with the Planning Authority; and
- d. A continuous 2 metres wide footpath shall be created at the A199 signalised pedestrian crossing point to link with the existing public footpath network.

Details of all of the above requirements shall be submitted to the planning authority for approval. No development shall take place to construct any of the houses or flats of the development unless and until these details have been approved by the planning authority.

Reason: In the interests of road and pedestrian safety.

13. Cycle parking shall be included at a rate of 1 space per flat. The parking shall be in the form of 1 locker per flat or communal provisions in the form of a lockable room or shed.

Reason: To ensure the provision of adequate cycle storage in the interest of the residential amenity of the future occupants of the flats and the visual amenity of the area.

Advisory notes

- 1. Notice of the start of development:** The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action. (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).)
- 2. Notice of the completion of the development:** As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position. (See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended).)
- 3. Display of notice:** A notice must be displayed on or near the site while work is being carried out. The planning authority can provide more information about the form of that notice and where to display it. (See section 27C of the Town and Country Planning (Scotland) Act 1997 Act (as amended) and Schedule 7 to the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008.)

Richborough Estates