

REPORT TO: Planning Committee

MEETING DATE: Tuesday 3 September 2013

BY: Depute Chief Executive
(Partnership and Services for Communities)

SUBJECT: Application for Planning Permission for Consideration

Note - this application was called off the Scheme of Delegation List by Councillor Akhtar for the following reason: it warrants consultation with the local community.

Application No. **13/00001/P**

Proposal Erection of a class 1 retail store, formation of vehicular access, car parking and associated works

Location **Tranmare Hotel
Tranent
East Lothian
EH33 1DZ**

Applicant Punch Taverns Limited

Per D2 Planning Limited

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

The site is located towards the eastern edge of Tranent. It is comprised of the land of the former Tranmare Hotel and part of the public road of Haddington Road. The hotel building was recently demolished. The demolition was carried out as permitted development under the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended. Consequently the land of the former hotel is now a cleared site, vacant to use.

The main part of the site is the subject of Policy BUS2 of the adopted East Lothian Local Plan 2008.

The site is bounded to the northeast by a telephone exchange and to the east by the Original Factory shop. The Original Factory shop sells a wide range of comparison goods. To the south it is bounded by residential properties and to the west it is bounded by a single track lane. Beyond the single track lane is a grass verge and beyond that residential properties that are also located on the eastern side of Ormiston Crescent East. As well as providing vehicular access, the single track lane forms part of a right of

way that runs from Haddington Road and that continues northwest to the rear of the residential properties on the east side of Northfield East and Coalgate Avenue.

Planning permission is sought for the erection on the application site of a Class 1 retail store, with car parking, servicing, landscaping and other associated works.

The retail store building would have a broadly rectangular footprint and would be located on the eastern part of the site, some 11 metres to the west of the western elevation of the Original Factory shop. Its front elevation would face southwards and would be principally glazed. The front elevation would have buff stone piers and an overhanging entrance canopy. The other walls of the building would be primarily finished in grey coloured metal cladding, although the southern end of the western elevation would be finished with buff stone. The roof of the building would have a shallow curve and would be finished in profiled metal cladding. The proposed retail store building would be some 54 metres from the closest house at Haddington Road and some 59 metres from the closest house at Ormiston Crescent East. The retail store would have a gross floor area of 1,625 square metres and a total net sales area of 1,250 square metres. All of the 1,250 square metres of net sales area would be used for the sale of convenience goods. The service yard for the retail store is to be located adjacent to the northern elevation of the building. It would be enclosed by a 3.5 metres high wall. Vehicular access to the site for members of the public and for service delivery vehicles is to be taken from Haddington Road via a new road junction to be positioned some 15 metres to the northwest of the existing junction of Haddington Road and Muirpark Terrace. A total of 134 car parking spaces would be provided within the application site, to the south and west of the retail store building. Landscaping strips are to be created along the southern, western and southern end of the eastern boundaries of the site.

There is no named operator for the Class 1 retail development for which planning permission is sought.

The applicant has, amongst other things, submitted a Planning Statement, a Retail Statement and a Transport Assessment with the application.

The Planning Statement reviews relevant development plan policy and provides a planning assessment of the proposed development.

The Retail Statement provides a description of the proposed development, an outline of the relevant development plan policies, and a detailed consideration of retail planning policy issues, including expenditure estimates, potential trading characteristics of the proposed store and estimated trade diversions.

The Retail Statement concludes that the proposals will:

- * Support the regeneration of a brownfield site;
- * Not have a significant impact on the vitality or viability of any designated retail centre either individually or cumulatively;
- * Address quantitative and qualitative retail deficiencies;
- * Address the lack of main-food provision in the town;
- * Assist in attracting new trade to Tranent and increase the likelihood of associated linked trips with the town centre;
- * Be accessible by a number of modes of transport;
- * Reduce the length of trips made and thus reduce CO2 emissions; and
- * Create up to 100 jobs in Tranent as well as a number of temporary construction jobs.

A Transport Assessment has also been submitted in support of this planning application. The Transport Assessment evaluates the traffic impact resulting from the additional shopping trips generated by the new development, and examines the accessibility of the development by sustainable modes of transport.

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 (SESPan) and the adopted East Lothian Local Plan 2008.

Relevant to the determination of the application are Policies 1B (The Spatial Strategy: Development Principles) and 3 (Town Centres and Retail) of the approved South East Scotland Strategic Development Plan (SESPan) and Policies BUS2 (Business Class Locations), R1 (New Shops), T2 (General Transport Impact), DP1 (Landscape and Streetscape Character), DP2 (Design), DP17 (Art Works- Percent for Art), DP22 (Private Parking) and DP23 (Waste Minimisation, Separation, Collection and Recycling) of the adopted East Lothian Local Plan 2008.

Material to the determination of the application is Scottish Planning Policy on economic development and on town centres and retailing. So too are the written representations received from the public.

On matters of economic development it is stated in Paragraph 46 of Scottish Planning Policy: February 2010 that planning authorities should ensure that there is a range and choice of marketable development sites and locations for businesses allocated in development plans. Marketable sites should meet business requirements, be serviced or serviceable within 5 years, be accessible by walking, cycling and public transport, and have a secure planning status. Where identified sites are no longer considered appropriate or marketable, they should be reallocated through the development plan.

On matters of town centres and retailing, Paragraph 62 of Scottish Planning Policy requires that the sequential approach be used when selecting locations for all retail and commercial leisure uses unless the development plan identifies an exception. The sequential approach requires that locations are considered in following order:

- (i) Town centre;
- (ii) Edge of town centre;
- (iii) Other commercial centres identified in the development plan; and
- (iv) Out of centre locations that are or can be made easily accessible by a choice of transport modes.

It is stated in paragraph 63 that out of centre locations should only be considered when all town centre, edge of town centre and other commercial centre options have been assessed and discounted as unsuitable or unviable; where the scale of the development proposed is appropriate; and where there would be no significant adverse effect on the vitality and viability of existing centres. Paragraph 64 adds that when a proposed retail or commercial leisure development is contrary to the development plan, planning authorities should ensure that: the sequential approach has been used; the proposal will help to meet qualitative and quantitative deficiencies identified in the development plan; and the proposal does not conflict with other significant objectives of the development plan or other relevant strategy.

Seven written representations have been received, five of which object to the proposed retail development. One of these objections has been submitted on behalf of the Co-operative Group. The other two written representations do not state whether they object to or support the proposed retail development. The main grounds of objection are that:

- * Speed and volume of traffic on Muirpark Terrace is already a major safety issue, and additional traffic generated by the proposed retail store would exacerbate the problem;
- * Scale of the proposed retail store is likely to have a very significant adverse impact on the vitality and viability of the existing shopping facilities in Tranent town centre and the submitted Retail Statement has sought to hide the true impact of the proposed retail store;
- * Proposed retail store would act as a disincentive for investment in Tranent town centre and lead to a sharp decline in the town centre's health;
- * The proposed retail store development of this allocated business land is a clear departure from Policy BUS2 of the adopted East Lothian Local Plan 2008 and there are no material considerations that would justify approval of this planning application;
- * Part of the wall enclosing the storage yard would obscure a 'blind' 90 degrees bend on the adjacent access road; and
- * The applicant has previously claimed that they do not own the northern part of the land of the application site.

The applicant has confirmed in writing that they own the northern part of the land of the application site.

Tranent Community Council raise no objection to the proposed retail store. Their only slight concern was about the added traffic that would come through Muirpark Terrace in an already busy street. The Community Council advise that some added traffic calming measures would suffice.

The land of the main part of the application site is subject to Policy BUS2 of the adopted East Lothian Local Plan 2008. Policy BUS2 allocates that land for business uses defined by Class 4 and, subject to there being no harm to the amenity of the existing business area, Class 6 (storage and distribution) of the Town and Country Planning (Use Classes) (Scotland) Order 1997. Development that does not fall within these Classes will not normally be permitted, with the exception of retail activity that is directly related and ancillary to a business or industrial process carried out on the site. Other retailing activity will not be permitted.

Part 6 of Policy R1 of the adopted East Lothian Local Plan 2008 does not permit new shops within business or industrial areas unless directly related and ancillary to the operations carried out there.

The principle of a Class 1 retail use of the application site is contrary to Policies BUS1 and R1 (Part 6) of the adopted East Lothian Local Plan 2008.

Nonetheless, consideration must be given to whether or not there are any material considerations which might justify a departure from the development plan.

With a site area of some 0.9 hectares, the development of a retail store would necessitate the loss of what is a relatively small amount of land allocated by Policy BUS2 of the adopted East Lothian Local Plan 2008 for Class 4 business use.

The land of the main part of the application site forms part of a larger area of land that is subject to Policy BUS2 of the adopted East Lothian Local Plan 2008. As well as the main part of the application site, that larger area of land consists of the telephone exchange located immediately to the north of the application site, the adjacent retail store that is currently operated as the Original Factory shop, a house, a car sales business, and two vacant units. Thus none of the land that is subject to Policy BUS2 is currently used for business or storage and distribution use. Moreover, given that the telephone exchange, the adjacent retail store, the house and the car sales business are all being operated for non-conforming uses, there is no reasonable prospect of all the larger area of land being used in the future for business use.

In addition to the land that is subject to Policy BUS2, some 4.4 hectares of land is allocated at Kingslaw, Tranent, to the northeast of the site, for business and industrial uses within Classes 4, 5 and 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997. The proposed retail store would not prejudice any future employment generating use of that allocated land.

The applicant has submitted a marketing letter in support of their planning application. The letter confirms that the former Tranmare Hotel was marketed between August 2011 and December 2012 for continued licensed use and also for uses within Classes 4 and 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997. The letter confirms that there was no interest for the former Tranmare Hotel for continued licensed use or for uses within Classes 4 and 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997.

In its employment generating use of the 0.9 hectares of land of the application site (100 full and part time jobs) and in the context of the availability of 4.4 hectares of allocated business and industrial land at Kingslaw, Tranent, the proposed retail store would not prejudice future employment generating uses of that greater amount of land. It would not result in a significant depletion of the Council's supply of allocated sites for business use to the detriment of the economy of East Lothian or Tranent or the greater Lothian economy. It would not conflict with the objectives of national, strategic or local plan policies on the supply of employment land.

The Council's Economic Development Manager raises no objection to the loss of this relatively small area of allocated business land, advising that other business land is available in the vicinity of the application site. She also advises that the proposed retail store would create a number of new jobs and would result in the redevelopment of an unattractive site.

In the context of limited uptake of economic land in Tranent, the Policy and Projects Manager advises that the loss of some 0.9 hectares of business land would not prejudice the economic land supply in Tranent or the wider East Lothian Council area. He points out that the application site is not specifically identified in the Employment Land Audit as forming part of the effective employment land supply. Given the individual circumstances of the past hotel use of the application site, he further advises that use of the application site for the proposed retail store would not prejudice other employment land allocations in East Lothian.

In this regard and as an employment generating use in itself the proposed retail store is a form of development of the application site that can be justified as an acceptable departure from Policies BUS2 and R1 of the adopted East Lothian Local Plan 2008.

In that a Retail Statement has been submitted with this application for planning permission for a Class 1 retail store of over 1000 square metres of gross floorspace the application complies with Part 8 of Policy R1 of the adopted East Lothian Local Plan 2008.

Policy 3 of the approved South East Scotland Strategic Development Plan (SESPlan) and Policy R1 of the adopted East Lothian Local Plan 2008 require application of the sequential approach to the siting of new retail development. This is consistent with Scottish Planning Policy on retail development. The sequential approach requires that locations are considered in the order of: (i) town centre; (ii) edge of town centre; (iii) other commercial centres identified in the development plan; and (iv) out of centre locations that are or can be made easily accessible by a choice of transport modes. Under the test of the sequential approach the requirement is for a planning authority to ensure that retail development would not harm the vitality and viability of existing town centres. Another consideration is that the retail development should address a local qualitative or quantitative deficiency and be restricted to a scale that meets this deficiency.

The extent of Tranent Town Centre is clearly defined by the adopted East Lothian Local Plan 2008.

The site of the proposed retail store is not within the defined boundaries of Tranent Town Centre. Rather it is located at its nearest point some 280 metres to the east of the defined boundary of the Town Centre. Whilst this cannot be considered to be an edge of centre site, it is within easy walking distance of the Town Centre and is within the urban area of Tranent.

The applicant's Retail Statement includes an assessment of sites within Tranent, from which it is contended that there are no suitable, viable or available sites within the defined Town Centre for development of a new supermarket.

In the Statement the applicant acknowledges that there is a playing field off Blawerie Road and an area of open space off the High Street that would both be capable of accommodating the proposed retail store development. Both of those sites are outwith, but immediately adjacent to, Tranent Town Centre. Both of those sites can therefore be defined as edge of town centre sites.

Both of these areas of open space are covered by Policy C3 of the adopted East Lothian Local Plan 2008, which contains a strong presumption against their loss, unless the function of them is not harmed or appropriate alternative provision can be made locally.

The Policy and Projects Manager accepts the findings of the applicant's Statement that the only sites large enough to accommodate a new retail store of the size proposed in town centre or edge of town centre locations are open space or recreational land protected for those uses by Policy C3 of the adopted East Lothian Local Plan 2008. Thus he advises that there are no available sites in or on the edge of Tranent Town Centre that could accommodate the proposed retail store. He accepts the applicant's sequential test assessment.

A further consideration of Scottish Planning Policy is that retail development proposals would help meet quantitative and qualitative deficiencies identified in the development plan, and be of a scale appropriate to any such deficiencies. Policy R1 of the adopted

East Lothian Plan 2008 also requires that retail developments not in a town centre, edge of centre, or in a location sufficiently close to form an effective extension to the town centre, should be restricted to a scale that meets any identified qualitative or quantitative deficiencies.

The applicant's Retail Statement contends that Tranent lacks choice in terms of main food shopping provision and that the proposed retail store would help to alleviate part of this deficiency. The Statement provides a quantitative assessment of retail capacity in an identified primary catchment area from which the proposed new retail store would draw expenditure, including Tranent, Pencaitland and Ormiston. The Statement assesses two possible scenarios; firstly, and as is currently the case, the occupier of the neighbouring retail store to the east is a comparison goods retailer, and secondly, that the neighbouring retail store to the east is occupied by a convenience goods retailer. The Statement concludes that a new retail store located on the application site is required to stem retail leakage from the Tranent area and to address the lack of main food shopping within the town and that in both scenarios, a retail store could be accommodated on the site without having an unacceptable impact on the vitality and viability of the Town Centre.

The conclusions of the applicant's Retail Statement are at odds with the objection submitted on behalf of the Co-operative Group. That objection includes within it an assessment of the applicant's Retail Statement. It concludes that the applicant's Retail Statement seeks to hide the true impact of the proposed retail store, which it contends would be likely to have a very significant adverse impact on the vitality and viability of the existing shopping facilities in Tranent Town Centre.

In light of these conflicting conclusions, the Council commissioned Roderick MacLean Associates Ltd to review the applicant's Retail Statement and to provide an independent assessment of the impact of the proposed new store on Tranent Town Centre, including the existing Co-op supermarket. Their assessment took into account the objection submitted on behalf of the Co-operative Group.

Roderick MacLean Associates Ltd advise that current convenience shopping in Tranent is limited. It is represented by the Co-op in the Town Centre, together with some small shops, including Farmfoods, Greggs and a Spar. In the suburbs, there are four neighbourhood convenience shops, including a small Co-op store. Moreover, they accept the applicant's position that Tranent mainly serves a top up shopping function, with some 83% of top-up expenditure retained within the Primary Catchment Area. However, only 19% of main food shopping is retained within the Primary Catchment Area. Roderick MacLean Associates Ltd conclude that the provision for main food shopping is poor in Tranent.

It is also accepted by Roderick MacLean Associates Ltd that there are high levels of retail leakage from the primary catchment area going to higher order centres such as Tesco in Musselburgh, ASDA at the Jewel in Edinburgh and to a lesser extent, Tesco in Haddington.

In detail, Roderick MacLean Associates Ltd estimates that convenience expenditure of some £17.4 million currently outflows from the primary catchment area each year. They further estimate that some 50% of trade of the new store would be diverted from shops outwith the primary catchment area. Whilst the proposed retail store would reduce leakage from the primary catchment area, Roderick MacLean Associates Ltd advise that the amount of clawback would be quite low, as the proposed retail store is too small to compete more strongly with the larger supermarkets located outwith the primary catchment area. Nonetheless, Roderick MacLean Associates Ltd accept that the

proposed store would help to meet a qualitative deficiency by improving main food shopping provision within Tranent.

It is a further requirement of Scottish Planning Policy and Policy R1 of the adopted East Lothian Local Plan 2008 that retail development proposals should not have an unacceptable impact upon the vitality and viability of a town centre. The Town Centre of Tranent includes the Co-op supermarket, which has a key role as the main foodstore.

Roderick MacLean Associates Ltd estimates that there would be a 17% impact on convenience floorspace within Tranent Town Centre, which is close to the 20% level that they consider as the threshold where threats would emerge. Impact on the Co-op is estimated at 18%. Whilst at this level there would be pressure put on the Co-op, Roderick MacLean Associates Ltd advise that its continued viability would probably not be threatened.

The review undertaken by Roderick MacLean Associates Ltd does advise that there is a risk that these impacts could be higher if alternative scenarios are applied, such as the market share based estimate of the Co-op turnover being lower than that applied in their review. In that circumstance, the continued viability of the Co-op would be called into question. However, having carefully considered these alternative scenarios, Roderick MacLean Associates Ltd conclude that the predicted trade diversion and consequent retail impacts would not threaten the vitality and viability of Tranent Town Centre or any other town or village centre.

The Council's Policy and Projects Manager accepts this conclusion. He does not object to the proposed retail store on grounds of impact on vitality and viability. He is satisfied that the proposed retail store does not conflict with other significant objectives of the development plan or other relevant strategy.

The Council's Economic Development Manager advises that there may be some impact on Tranent Town Centre as customers are diverted from the Co-op to the proposed new retail store. However she raises no objection to the proposed development, advising that the benefits of the additional jobs to be created and the redevelopment of an eyesore site outweigh the potential impact of the retail store on the Town Centre.

It would be prudent to restrict the size of the retail store to that applied for, namely a gross floor area of 1,625 square metres and a total net sales area of 1,250 square metres. This could be secured by way of a conditional grant of planning permission for the proposed retail store.

Subject to this planning control and in the circumstances of the relatively limited amount of retail impact it would have on Tranent Town Centre and elsewhere in East Lothian the application site is an appropriate location for the proposed retail store.

On these considerations the proposed retail store does not conflict with Policy 3 of the approved South East Scotland Strategic Development Plan (SESPlan), Policy R1 of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy on retail development.

At present, the retail store immediately to the east of the application site is used for the sale of comparison goods. As Roderick MacLean Associates Ltd notes, if those two sites were combined, then there would be an opportunity in the future for development of a single, larger retail store with more potential to service main food shopping requirements and claw back greater levels of leakage. It would be for the Planning Authority through the determination of any future application to decide whether or not the development

proposed in it was acceptable. A grant of planning permission for the proposed retail store would not prejudice any such future determination.

A further requirement of Scottish Planning Policy is that proposed retail developments be capable of being accessible from most parts of the expected catchment area by public transport, by walking and by cycling. Policy R1 of the adopted East Lothian Local Plan 2008 requires that where a town centre or edge of centre location is not reasonably available, proposals should be in a location that is, or can be made accessible to pedestrians and public transport as well as by private car.

The site is accessible to walkers and cyclists via existing roads and footways. There are bus stops within 400 metres of the site at Haddington Road. Bus services from these bus stops combine to provide around 7 buses per hour. The proposed retail store would therefore be reasonably accessible by regular, frequent and convenient public transport services and by walking and cycling routes. On this consideration the proposed retail store is consistent with the requirements Policy R1 of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy.

The Council's Transportation service has considered the transport assessment submitted by the applicant and agrees with the findings that there will be no capacity issues in terms of traffic impact on the local road network generated by the proposed development.

Concern has been raised by a number of representors and by Tranent Community Council about the added traffic that would come through Muirpark Terrace in an already busy street.

The Transportation service has carefully considered this matter. They advise that vehicles accessing the new retail store from the south of Tranent would increase traffic on Muirpark Terrace. In this regard, the applicant's Transport Assessment predicts that during the peak hours there would be in the region of 23 additional two way vehicle trips on Muirpark Terrace equating to an additional vehicle every 2-3 minutes. These findings are accepted by the Transportation service, who advise that the proposed retail store would not have a detrimental impact on road safety within the Muirpark Terrace area. Given this, they do not advise that there is a need for any additional traffic calming measures, as recommended by the Community Council. The Transportation service further advise that a report was commissioned in November 2009 by the Council to determine the effects on the junction of High Street and Ormiston Road if Muirpark Terrace were to be closed to through vehicles. The conclusion of that report determined that Muirpark Terrace should remain open, as it would have a significant impact on the operational capacity of the junction of High Street and Ormiston Road. The Transportation service advise that closing Muirpark Terrace is not a viable option.

In terms of the junction of High Street and Ormiston Road, the Transportation Service advise that it would run at or near capacity in the peak periods, which would make the junction sensitive to any fluctuations in vehicle flows. They accept even with the additional traffic generated by the proposed retail store, the junction of High Street and Ormiston Road would operate satisfactorily.

In respect of concerns raised by one of the objectors, the Transportation Service do not consider that the wall that is proposed to enclose the service yard would constitute a risk to road safety.

The Transportation service raise no objection to the proposals subject to conditions being imposed relating to issues of the design of the site access, cycle parking, the

submission of a Construction Method Statement and the submission of a Green Travel Plan.

The Transportation service are satisfied in principle with the proposed access to the site. However a detailed design is required to ensure that the new junction is designed in accordance with the standards set out in the East Lothian Council Standards for Development Roads and in accordance with an independent safety audit of the new junction. They also recommend that a double gully should be constructed on the eastern side of the new access junction to catch surface water running from east to west down Haddington Road. These matters of detail could be controlled by a condition imposed on a grant of planning permission.

In respect of construction works, the Transportation service recommend that prior to the commencement of development, a Construction Method Statement to minimise the impact of construction activity on the amenity of the area should be submitted to and approved by the Planning Authority. The Statement should detail mitigation measures to be employed to control noise/ dust/ construction traffic, and delivery traffic movements and should include the proposed hours of working. A Construction Method Statement can be secured through a condition imposed on the grant of planning permission for the proposed retail store development.

The Transportation service further recommends that the applicants develop a green travel plan for staff and customers to minimise private car trips. This should make every effort to encourage use of alternative modes of transport such as buses, cycling and walking. The Transportation service also recommends that cycle parking be provided within the site at a rate of 1 space for customers plus one for employees per 300 square metres gross floor area. The creation of a green travel plan and the provision of adequate cycle parking could reasonably be secured by conditions imposed on a grant of planning permission.

With the imposition of conditions to cover the issues raised by the Transportation service the proposal does not conflict with the locational tests of transportation and access set out in Scottish Planning Policy and would meet the tests of Policy T2 of the adopted East Lothian Local Plan 2008.

The Council's Access Officer raises no objection to the proposed retail store, being satisfied that it would not have any impact on the public right of way that is immediately to the west of the application site.

The Council's Waste Services Officer raises concerns that no recycling point is proposed as part of the proposed retail store development. Such provision is required by Policy DP23 of the adopted East Lothian Local Plan 2008. A condition can be imposed on a grant of planning permission for the proposed retail store to require details of a recycling facility to be submitted to and approved by the Planning Authority and to secure its implementation prior to the retail store opening for trade. Subject to the imposition of this condition, the proposed retail store is consistent with Policy DP23 of the adopted East Lothian Local Plan 2008.

The main element of built form would be the retail store building, which would be sited on the eastern part of the site. The site is in an important gateway location on the west side of Tranent.

The main built element of the development, the proposed retail store building, is principally designed for the functionality of its intended use. It would partly be seen in

relation to the existing buildings to the east of the application site. In this regard, the retail store building would not appear as an isolated feature in its urban setting.

The retail store building would have a relatively low profile, with the ridgeline of the shallow curved roof of the building being 7 metres above ground level. With its curved roof, the stone cladding of parts of its walls and extensive areas of glazing, particularly its south frontage, the proposed retail store building would add visual interest to the character and appearance of the area. It would be of a size, scale and design in keeping with the existing buildings to the east of the site and thus appropriate to its location. It would not appear as an incongruous feature in its setting or as an over development of the site. In their positional relationships with the retail store building, neither would the car park and other associated development of the site.

In view of the above, it can be concluded that the proposed development is an appropriate scale for its location and would not be harmful to the visual amenity of the area. In this regard the proposed development is consistent with Policy 1B of the approved South East Scotland Strategic Development Plan (SESPlan) and Policies DP1 and DP2 of the adopted East Lothian Local Plan 2008.

The Policy and Projects Manager is satisfied with the applicant's landscaping proposals. A condition can be imposed on the grant of planning permission for the proposed retail store to secure the implementation of the proposed scheme of landscaping.

In its proposed position the proposed retail store building would not by its physical form harmfully impose itself on or dominate the residential properties to the south and west of the application site.

The proposed building by its positioning and distance from nearby housing would not give rise to harmful overlooking or overshadowing of neighbouring property.

The Council's Environmental Protection Manager recommends that access to the shop by commercial vehicles for delivery purposes should be only permitted between 0700-2300 hours on any day of the week. He further recommends that the service yard should be enclosed by a 3.5 metres high wall with a superficial mass of 23kgm⁻². In order to protect the amenity of occupiers of nearby residential properties from noise emanating from the service yard or from the operation of any plant or equipment, the Environmental Protection Manager recommends that limits be imposed to control noise emissions. To safeguard against light pollution of nearby residential properties, the Council's Environmental Protection Manager recommends that (i) any lighting columns within the application site should be operated in such a manner that the Upward Light Ratio (ULR) does not exceed 5%; (ii) that Light Trespass (into windows) of nearby residential properties, measured as Vertical Illuminance in Lux, (Ev), should not exceed 10 between the hours of 0700-2300 and should not exceed 2 between the hours of 2300-0700; and (iii) that glare from the lighting columns, measured as Source Intensity, (I), should not exceed 10,000 cd between the hours of 0700-2300 and should not exceed 1000 cd between the hours of 2300-0700. These recommended controls can be secured through conditions imposed on the grant of planning permission for the proposed retail store. Subject to the imposition of conditions to cover all of these recommended controls it is not considered that the proposed development would have a detrimental impact on any nearby residential property.

The Coal Authority have been consulted on this planning application, as the site is located within a Coal Authority Referral Area. They raise no objection to the proposed retail store, although they recommend that the intrusive investigation works recommended within the applicant's Coal Mining Risk Assessment Report should be

undertaken prior to the commencement of development. Moreover, any identified mitigation measures should be fully undertaken prior to the commencement of development. These requirements could be secured by a conditional grant of planning permission for the proposed retail store development.

The Scottish Environment Protection Agency raise no objection to the proposed retail store.

Scottish Water were consulted on this planning application but provided no comments on it.

The proposed development by its scale and prominent public location would have a significant impact on the local environment and thus in accordance with the requirements of Policy DP17 of the adopted East Lothian Local Plan 2008 it should incorporate artwork either as an integral part of the overall design or as a related commission. This can be secured by means of a condition on the grant of planning permission for the proposed retail store.

The application site is within the inventory boundary of the Battle of Prestonpans. The Battle of Prestonpans is included within the Inventory of Historic Battlefields.

Historic Scotland raise no objection to the proposed retail store, being satisfied that it would not harm the Battle of Prestonpans site.

The Council's Archaeology Officer advises that the site is unlikely to contain any archaeological remains, as the site is located at the extreme southern edge of the battlefield site. Even if there were archaeological remains, the Archaeology Officer advises that these would have likely been destroyed by the development of the previous hotel building and its car park. Consequently he raises no objection to the proposed retail store.

CONDITIONS:

- 1 No development shall take place on site unless and until final site setting out details have been submitted to and approved by the Planning Authority.

The above mentioned details shall include a final site setting-out drawing to a scale of not less than 1:200, giving:

- a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings;
- b. finished ground and floor levels of the development relative to existing ground levels of the site and of adjoining land and building(s). The levels shall be shown in relation to an Ordnance Bench Mark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing; and
- c. the ridge height of the proposed shown in relation to the finished ground and floor levels on the site.

Reason:

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

- 2 The retail store hereby approved shall have a gross floor area no greater than 1,625 square metres and a net sales floor area no greater than 1,250 square metres. The retail store hereby approved shall not be subdivided to form more than 1 retail unit.

Reason:

In order to retain control over the format of retail development at the site and in the interests of safeguarding the vitality and viability of the retail function of Tranent Town Centre.

- 3 Prior to the commencement of development, details of the proposed site access junction with Haddington Road shall be submitted to and approved by the Planning Authority. The details to be submitted shall be based on the proposed access junction illustrated in docketed drawing no. IMA-11-129-009 Rev B and shall be designed in accordance with the standards set out in the East Lothian Council Standards for Development Roads and with an independent safety audit of the new junction. The details shall also show provision of a double gully on the eastern side of the new access junction that shall be designed to catch surface water running from east to west down Haddington Road.

The site access junction with Haddington Road shall be formed in accordance with the details so approved and prior to the retail store opening for trade.

Reason:

To ensure that adequate access is available in the interest of highway safety.

- 4 The retail store hereby approved shall not be brought into use unless and until the car parking and manoeuvring areas shown on the docketed site layout plan have been provided.

The car parking and manoeuvring areas as provided shall not be used for any other purpose unless otherwise agreed in writing by the Planning Authority.

Reason:

To ensure that adequate manoeuvring areas and off street car parking facilities are available in the interest of highway safety.

- 5 A Construction Method Statement to minimise the impact of construction activity on the amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic and shall include hours of construction. The recommendations of the Construction Method Statement 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.

- 6 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.

- 7 A Green Travel Plan to minimise private car trips and to encourage use of alternative modes of transport such as buses, cycling, walking shall be submitted to and approved by the Planning Authority prior to the retail store opening for trade. Additionally the Green Travel Plan shall include details of the measures to be provided, the methods of management, monitoring, review, reporting and duration of the Plan.

The approved Green Travel Plan shall be implemented prior to the first opening of the retail store.

Reason:

In the interests of ensuring sustainable travel patterns in respect of the retail store use.

- 8 Details of the provision of cycle parking within the site shall be submitted to and approved in writing by the Planning Authority prior to the retail store opening for trade. The cycle parking shall be provided within the site at a rate of 1 space for customers and 1 space for employees per 300m² of the gross floor area of the retail store hereby approved. The customer cycle parking shall be in the form of Sheffield cycle racks and staff cycle parking shall be in a lockable area.

The approved cycle parking shall be installed on site prior to the retail store opening for trade.

Reason:

To reduce dependence on the private car in the interest of the amenity of the area.

- 9 Prior to commencement of development details of a recycling point to be provided within the

application site shall be submitted to and approved by the Planning Authority.

The recycling point shall be installed in accordance with the details so approved and prior to the retail store opening for trade.

Reason:

To ensure that adequate facilities are provided to ensure compliance with the Council's policies for recycling.

- 10 Prior to any use being made of the retail store hereby approved, the service yard shall be enclosed by a gate and a 3.5 metres high wall, in the position shown for them on the docketed site layout plan. The wall to be erected shall have a superficial mass of 23kgm⁻².

The gate and 3.5 metres high wall shall thereafter be retained in place, unless otherwise approved in writing in advance by the Planning Authority.

Reason:

In the interest of safeguarding the amenity of the occupiers of neighbouring residential properties.

- 11 The Rating Level, LArTr, of noise emanating from the service delivery yard when measured 3.5m from the façade of any neighbouring residential property, shall be no more than 5dB (A) above the background noise level, LA90T. All measurements to be made in accordance with BS 4142: 1997 "Method for rating industrial noise affecting mixed residential and industrial areas". The difference between the Rating Level and Background Level can be increased to 10dB where the noise source does not have a tonal element.

Reason:

In the interest of safeguarding the amenity of the occupiers of nearby residential properties.

- 12 Noise associated with the operation of any refrigeration plant and/or equipment shall not exceed Noise Rating curve NR15 at any octave band frequency between the hours of 2300-0700 and Noise Rating curve NR25 at any octave band frequency between the hours of 0700-2300 within any neighbouring residential property. All measurements to be made with windows open at least 50mm.

Reason:

In the interest of safeguarding the amenity of the occupiers of nearby residential properties.

- 13 Prior to the retail store opening for trade details of lighting columns to be installed within the application site shall be submitted to and approved by the Planning Authority and the lighting installed shall accord with the details so approved.

Any lighting columns so approved shall be designed and operated to ensure compliance with the following requirements:

(i) Any lighting columns shall be operated in such a manner that the Upward Light Ratio (ULR) does not exceed 5%;

(ii) Light Trespass (into windows) of both existing residential dwellings and residential dwellings at Pinkie Mains that are approved but not yet built, measured as Vertical Illuminance in Lux, (Ev), shall not exceed 10 between the hours of 0700-2300 and shall not exceed 2 between the hours of 2300-0700; and

(iii) Glare from the lighting columns, measured as Source Intensity, (I), shall not exceed 10,000 cd between the hours of 0700-2300 and shall not exceed 1000 cd between the hours of 2300-0700.

Reason:

To safeguard the amenity of nearby residential properties and the visual amenity of the area.

- 14 All planting, seeding or turfing comprised in the approved details of landscaping shown on the docketed proposed landscaping plan shall be carried out in the first planting and seeding season following the operation of any of the retail store or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

The approved scheme of landscaping shall not include any spiny or thorny species such as

Berberis or Pyracantha.

Reason:

In order to ensure the implementation of a landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area, and to prevent litter from getting caught on spiny or thorny species of shrubs, again in the interests of the amenity of the area.

- 15 Prior to the commencement of development, details of all boundary treatments for the site shall be submitted to and approved by the Planning Authority.

Development shall thereafter be carried out in accordance with the details so approved.

Reason:

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

- 16 Details and samples of the materials and finishes to be used for the walls, roofs, windows and doors of the building shall be submitted for the prior inspection and approval in writing by the Planning Authority .

The development shall be thereafter undertaken in accordance with the details and samples so approved.

Reason:

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

- 17 Prior to the commencement of development details of artwork to be provided on the site or at an alternative location away from the site shall be submitted to and approved by the Planning Authority and the artwork as approved shall be provided prior to the retail store being open for trade.

Reason:

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

- 18 Prior to the commencement of development, the intrusive investigation works recommended within the Coal Mining Risk Assessment Report, a copy of which is docketed to this planning permission, shall be fully undertaken.

Any remedial works or mitigation measures identified by the undertaking of the intrusive investigation works shall be undertaken prior to the commencement of development.

Reason:

To protect the public and environment from the coal mining legacy of the application site.