

PLANNING COMMITTEE

29 MARCH 2017

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

**TUESDAY 7 MARCH 2017
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

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Committee Members Present:

Councillor N Hampshire (Convener)
Provost L Broun-Lindsay
Councillor S Brown
Councillor J Caldwell
Councillor S Currie
Councillor T Day
Councillor J Gillies
Councillor J Goodfellow
Councillor D Grant
Councillor W Innes
Councillor P MacKenzie
Councillor K McLeod
Councillor J McMillan
Councillor T Trotter (Items 1 & 2)

Council Officials Present:

Mr I McFarlane, Service Manager – Planning
Mr M Greenshields, Transportation Planning Officer
Mr G Talac, Transportation Planning Officer
Mr P Forsyth, Team Manager – Assets & Regulatory
Ms C Molloy, Legal Team Leader

Clerk:

Ms F Currie

Visitors Present:

Item 2 – Mr M Richardson, Mrs J Allport, Mr E Clark, Mrs D Shinton, Ms K Towler,
Ms H Smith
Item 4 – Mrs V Muir, Mr N Imrie

Apologies:

Councillor D Berry
Councillor A Forrest
Councillor J McNeil
Councillor J Williamson

Declarations of Interest:

None

1. MINUTES FOR APPROVAL – PLANNING COMMITTEE 7 FEBRUARY 2017

The minutes of the meeting of the Planning Committee of 7 February 2017 were approved.

2. PLANNING APPLICATION NO. 15/00127/PP: PLANNING PERMISSION IN PRINCIPLE FOR RESIDENTIAL DEVELOPMENT, COVERED PARKING, FORMATION OF A NEW VEHICULAR ACCESS AND EXTENSION TO CAR PARK AT THE GLEBE, NORTH BERWICK

A report was submitted in relation to Planning Application No. 15/00127/PP. Iain McFarlane, Service Manager for Planning presented the report, outlining in detail the key points relating to the history of the site, previous applications and discussions between the applicant's agent and the Council's Roads Services team on the sale of land required for the car park. He added that any agreement on the sale of land which may exist between the applicant and Roads Services was not, in his view, a material consideration in determining this application. He advised Members that the recommendation was for refusal of planning permission in principle and he summarised the reasons as set out in the report.

In response to questions from Members Mr McFarlane clarified the definition of 'enabling' in planning terms and advised that, in his view, this application was not about enabling development. He also explained the significance of the Reporter choosing to deal with an appeal on a previous application by way of a public inquiry.

Mr McFarlane confirmed that although there was a possibility of additional land being made available by the applicant that could provide additional access; this was not part of the application under consideration today.

Responding to further questions, Peter Forsyth, Team Manager – Assets & Regulatory, confirmed that an agreement had very recently been reached with the applicant on the purchase of land for car parking. However, this did not include the possibility of additional land to provide further spaces and street access. Mr McFarlane also reaffirmed his view that this issue was not a material consideration for Members in determining this application.

Mark Richardson of Ristol Consulting, agent for the applicant, provided details of the proposals. He confirmed that an agreement was in place for the sale of land for car parking and that more land was available to provide additional parking and access. He said that the applicant would work with the local community to ensure that the detail of the proposals minimised any impact on the amenity of the area. He concluded that this application would provide a positive change in the town centre with benefits for the whole community.

In response to questions from Members, Mr Richardson confirmed that all the planning requisites, including those in relation to affordable housing, would be delivered and that the car park proposals flowed from the Council's North Berwick Car Parking Strategy document prepared in 2015.

Janet Allport spoke in favour of the application. As a resident of North Berwick she was well aware of the issues around car parking. She referred to previous studies, public consultations and the forthcoming charrette. In her view, the application offered the chance to improve car parking in the town centre, as well supporting Government objectives to provide additional housing. She reminded Members that The Glebe was private land and not public green space but added that much of the existing amenity would be preserved.

Edward Clark spoke against the application, on behalf of North Berwick Environment Trust. He said the Trust had four main concerns: housing, location, car parking and the nature of

the application. In the Trust's view there was no need for housing on this site and the proposals would have a negative impact on the amenity of the area, the protected green space and traffic flow in the surrounding narrow streets. He added that the applicant was using this opportunity to force a decision on The Glebe in advance of the charrette and that approval by the Committee could undermine the public consultation.

Debbie Shinton spoke against the application. She said that, as a neighbour, her home would be overlooked by the proposed car park. In her view the site was inappropriate due to the steep gradient and she cited two examples of cars rolling out of the car park, one of which had struck a pedestrian. She also expressed concerns about drainage of the site and that overlooking of her garden and rooms to the rear of her house would result in a significant loss of privacy and amenity for her family.

Kirsty Towler spoke against the application. She stated that the proposals would give rise to serious harm to the heritage assets of the site and would be to the detriment of this important green space. She pointed out that previous, less intrusive developments had been refused by the Reporter and that the evidence to support a car park was unconvincing and should not be used to stymie the forthcoming charrette.

Hilary Smith spoke on behalf of North Berwick Community Council. She explained that the main change since April 2016 had been the work of the local Area Partnership which had undertaken a process of public engagement on issues including housing and car parking. Over 2000 comments had been logged to date. She said that the Area Partnership, with funding from the Council, was committed to the charrette and approval of this application could undermine that process.

Local Member Councillor Day said he had called in this application last year to allow detailed consideration by the Committee. He did not believe that the proposed housing development would have a negative effect on the area and that any issues relating to overlooking could be addressed through conditions. He reminded Members that The Glebe was privately owned and there was a larger public green space nearby at the Lodge Gardens. On car parking, he said that recent increases in demand required that solutions be found for businesses, residents and visitors, and that these proposals would provide additional capacity in the town centre. He appreciated that this was a difficult decision but he would be supporting the application.

Local Member Councillor Goodfellow made a statement on behalf of Councillor Berry who could not be present at the meeting. Councillor Berry's main concern related to the absence within the application of any option for exit onto Marmion Road. He maintained that this would compound existing access issues and, for this reason, he would advocate refusal of the application.

Councillor Goodfellow then gave his own views on the application. He considered the linking of the proposals within one application to be inappropriate and the use of the term 'enabling' to be misleading. He said that matters had moved on since the assessment of parking capacity in 2011 and that the proposed charrette and publication of the North Berwick Car Parking Strategy would make determination of the application at this date premature. He would be supporting the report recommendation.

Councillor Currie was concerned about the timing of the application in relation to the planned charrette on parking issues. Referring to the reasons for refusal of the application set out in the report, he said that the case seemed very clear. He would be supporting the report recommendation.

Councillor MacKenzie commented on the important historical character of The Glebe and the potential harm posed by the application. He said that the proposals were contrary to

common sense and the dignity of the building and failed to take account of the local community's affection for this green space.

Councillor Grant stated that the land in this application was protected green space and that this designation had been reinforced by the Reporter and within the Local Development Plan. While this application was better than previous options, he had some concerns about combining two elements within one proposal. He would be supporting the report recommendation.

Councillor Innes acknowledged the opposing views of local members which reflected the range and strength of opinions in the local community. He said that a resolution to the issue of car parking in North Berwick was long overdue and he hoped that the charrette would be successful. In the meantime, he would be supporting the report recommendation.

Councillor McMillan said he had been hugely impressed by the arguments put forward by some of the speakers. He accepted that this application proposed a controversial change for a green space but also agreed that additional car parking was required in the town. On balance, he said he would be supporting the report recommendation but he agreed with Councillor Innes that the wider issues needed to be addressed through local engagement.

The Convener brought the discussion to a close. While he acknowledged that the application was controversial, he observed that the issue of car parking in North Berwick would always generate some opposition. He considered the likely impact on the conservation area to be minimal and reminded Members that similar applications had been approved in other parts of the county. He was in agreement with Councillor Day; he would be supporting this application.

The Convener moved to the vote on the report recommendation:

For: 11
Against: 2
Abstentions: 0

[Note: Councillor Trotter left the meeting before the vote.]

Decision

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

1. The principle of the car park development would result in the loss of the open and undeveloped character and appearance of this part of the Glebe Field and this would be to the detriment of the overall designated area of open space which makes a significant contribution to the amenity and landscape setting of this part of North Berwick. Accordingly the car park proposal is contrary to Policy C3 of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy on development affecting green infrastructure.
2. The principle of the residential development would result in the loss of the open and undeveloped character and appearance of this part of The Glebe Field and this would be to the detriment of the overall designated area of open space which makes a significant contribution to the amenity and landscape setting of this part of North Berwick. Accordingly the residential development proposal is contrary to Policy 7(a) of the approved South East Scotland Strategic Development Plan, Policy C3 of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy on development affecting green infrastructure.

3. The loss of this part of this overall prominent, distinctive and historic green space for the formation of a car park would not preserve or enhance the special character and appearance of the Conservation Area rather it would be harmful to the historic character and the appearance of this part of the Conservation Area. Accordingly the proposal is contrary to Policy 1B of the approved South East Scotland Strategic Development Plan, Policy ENV4 of the adopted East Lothian Local Plan 2008 Scottish Planning Policy on development within a conservation area.
4. By resulting in the loss of trees which have considerable amenity value to the Conservation Area, the principle of the proposed car park is contrary to Policy 1B of the approved South East Scotland Strategic Development Plan, Policies ENV4, NH5 and DP14 of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy on development within a conservation area.
5. The loss of part of this prominent, distinctive and historic green space for the development of a residential development along with all of the associated parking, access and turning space which would be required in association would not preserve or enhance the special character and appearance of the Conservation Area rather it would be harmful to the historic character and the appearance of this part of the Conservation Area. Accordingly the proposal is contrary to Policy 1B of the approved South East Scotland Strategic Development Plan, Policy ENV4 of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy on development within a conservation area.
6. By resulting in the loss of trees which have considerable amenity value to the Conservation Area, the principle of the proposed residential development is contrary to Policy 1B of the approved South East Scotland Strategic Development Plan, Policies ENV4, NH5 and DP14 of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy on development within a conservation area.
7. The proposed car park use would, by its height above the residential properties to the north of it and its close proximity to them, result in significant harm to the privacy and amenity of those neighbouring properties to the north by virtue of overlooking. Accordingly the proposal is contrary to Policy ENV1 of the adopted East Lothian Local Plan 2008 which seeks to safeguard the residential amenity of those residential properties.

3. PLANNING APPLICATION NO. 16/00751/AMM: APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF PLANNING PERMISSION IN PRINCIPLE 10/00341/PPM – ERECTION OF 94 HOUSES WITH CONSTRUCTION OF RELOCATED CARE PARKING FOR VICTORIA LANE STADIUM AND ASSOCIATED ENGINEERING AND LANDSCAPE WORKS AT BARBACHLAW FARM, WALLYFORD

A report was submitted in relation to Planning Application No. 16/00751/AMM. Mr McFarlane presented the report, summarising the key points. The report recommendation was to grant consent.

In response to questions from Councillor Caldwell Mr McFarlane confirmed that a number of the residential units would have to be built first to provide cash flow to complete the stadium.

Local Member Councillor Currie welcomed this application and expressed the hope that building work on both the housing units and the stadium would begin very soon. He said that

the development was important to the local community and would provide employment opportunities as well as housing. He would be supporting the report recommendation.

Local Member Councillor Caldwell concurred with his colleague. He referred to the length of time it had taken to get to this point and the desire within the local community to see this project reach its completion.

Councillor Goodfellow said his one concern was the mix of housing. He noted that the majority of properties would have 3 or more bedrooms, despite significant local demand for smaller houses. He hoped that this could be addressed in future planning applications.

Mr McFarlane advised that officers were working with developers to try to address this issue. However, this application had been granted on appeal by the Reporter as an enabling development and was predicated on a certain value per unit which meant that larger houses were necessary to ensure completion of the project as a whole.

The Convener brought the discussion to a close and moved to the vote on the report recommendation (to grant consent):

For: 13
Against: 0
Abstentions: 0

Decision

The Committee agreed to grant planning permission subject to the following conditions:

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

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

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

Reason:

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

- 2 Notwithstanding the play equipment details provided, no development shall take place on the site unless and until further details of the play equipment, the surfacing and the enclosures of the equipped play area to be provided on the site and the enclosures of the ball games areas and a timetable for their implementation are submitted to and approved in advance by the Planning Authority and the play area and ball games areas shall be installed and enclosed in accordance with the details so approved

Reason:

To ensure the provision of adequate play provision within the development.

- 3 The external finishes of the houses shall be in accordance with a co-ordinated scheme of materials and colours that shall be submitted to and approved in advance by the Planning Authority. This co-ordinated scheme shall in detail promote render as the predominant finish to the walls of the houses, with a use of more than one render colour and with a strongly contrasting difference in the colours such that they will not each be of a light colour. All such materials used in the construction of the houses shall conform to the details so approved.

Reason:

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

- 4 Notwithstanding the details provided with this application, the details of artwork to be provided are not hereby approved.

No residential unit shall be occupied unless and until further details of artwork to be provided on the site or at an alternative location away from the site have been submitted to and approved by the Planning Authority and the artwork as approved shall be provided prior to the occupation of the final residential unit approved for erection on the site.

Reason:

To ensure that artwork is provided in the interest of the visual amenity of the locality or the wider area, as the details submitted with this applicaiton are not sufficient to enable the discharge of this condition.

- 5 Prior to the commencement of development, details of all boundary enclosures to be erected on the site of the residential development, and the timescales for their provision, shall be submitted to and approved in advance by the Planning Authority. Those details shall show 1.8 metre high enclosures around rear gardens of the houses hereby approved.

Development shall thereafter be carried out in full accordance with the details so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure the satisfactory provision of the boundary enclosures in the interest of safeguarding the visual amenity of the area and to safeguard the privacy and amenity of residential properties nearby.

- 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 The greyhound stadium approved by the grant of planning permission 01/00892/FUL shall not operate unless and until the car park hereby approved has been formed and made available for use. The car park shall thereafter be kept available for parking use in association with the operation of the greyhound stadium, unless otherwise approved in writing by the Planning Authority.

Reason:

To enable the Planning Authority to control the development in the interests of the amenity of the development and of the wider environment.

- 8 Prior to the occupation of any of the residential units hereby approved the acoustic barrier hereby approved shall be erected in its entirety along the northwest boundary of the site and in accordance with the details docketed to this approval. The acoustic barrier shall thereafter remain in place unless otherwise approved by the Planning Authority.

Reason:

In the interests of protecting the residential amenity of the occupiers of the houses hereby approved from noise from the greyhound stadium.

- 9 Prior to their occupation, the windows and other glazed openings of noise sensitive rooms (bedrooms and living rooms) of the houses to be erected on plots 1-30, plots 35-38 and plots 39 and 40 which face towards Victory Lane or towards the site of the greyhound stadium, (which elevations are highlighted by way of a green line on the 'Masterplan As Proposed' docketed to this approval) shall be fitted with glazing designed to have a glazing specification such as to provide a Sound Reduction Index equivalent to 30Db Rwa. Such glazing shall thereafter be retained or replaced to an equivalent standard unless otherwise approved by the Planning Authority.

Reason:

In the interests of protecting the residential amenity of the occupiers of the houses from noise from Victory Lane and the greyhound stadium.

- 10 Prior to the commencement of development, details, including a timetable for their implementation, showing compliance with the following transportation requirements shall be submitted to and approved in writing in advance by the Planning Authority.

(i) A right turn ghost island junction shall be formed at the junction between Salter's Road and Victory Lane;

(ii) Victory Lane shall be constructed with a 3m wide pedestrian / cycle track on the northern side and a 2.5m wide footpath on the southern side;

(iii) The existing footpath along the site frontage on Salter's Road shall be relayed and widened to 2m. Street lighting shall also be extended along this section of road;

- (iv) A signalised pedestrian crossing facility shall be introduced at the Double D Island on Salter's Road adjacent to 12 Fa'Side Buildings;
- (v) The pedestrian footway linking the proposed residential development with Salter's Road shall have staggered guard rail at the junction with Salters Road.;
- (vi) The on street parallel parking spaces shall have a minimum length of 6 metres per space.
- (vii) Dropped kerb crossing points shall be provided at all junctions within the development and at the junction between Salters Rd and Victory Lane;
- (viii) Driveways shall have a minimum length of 5 metres and a minimum width of 2.5 metres;
- (ix) Raised tables shall be constructed on the carriageway at the central footway road crossings;
- (x) The gates to the proposed Greyhound Stadium car park shall open inwards
- (xi) The first 20metres of the Greyhound Stadium car park shall be hard formed to stop loose materials entering the public road

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

Reason:

In the interests of road and pedestrian safety.

4. PLANNING APPLICATION NO. 16/00784/P: PLANNING PERMISSION FOR ERECTION OF BUILDING AND ASSOCIATED WORKS AT HALFLANDBARN, NORTH BERWICK

A report was submitted in relation to Planning Application No. 16/00751/AMM. Mr McFarlane presented the report, summarising the key points. The proposed decision set out in the report was to grant consent.

In response to a question from Councillor Goodfellow Mr McFarlane clarified the reasons for the proposed change in working times and how this related to the proposed restriction on delivery vehicles.

Vivienne Muir, applicant, addressed the Committee. She advised that her company manufactured and exported worldwide and had experienced significant growth since its creation in 2013. It urgently required increased space to meet increasing demand and to facilitate future expansion. She explained that the premises was bonded and regulated by HMRC which placed restrictions on the length of time orders could be stored on site. This and other regulatory requirements meant that 24 hour access was necessary. She added that the new premises would be used not only as a production site but also as a tourism venue providing up to 8 pre-booked public tours a week.

Nigel Imrie spoke against the application. He said that while he had no objection to the company, this was the wrong for its business. He claimed that other businesses located within the site had not complied with hours of working and conditions relating to outside storage resulting in traffic disturbance and large amounts of rubbish lying around the site. He said that despite repeated calls to the Council's enforcement officers, nothing had been done. He suggested that the commercial site being developed at Tantallon would be a more suitable option. Mr Imrie stated that the road leading to the site was too narrow to accommodate heavy traffic and may cause issues for the school bus service which already used the route.

In response to a request from the Convener Mr McFarlane addressed the points raised by Mr Imrie. He advised Members that the classification of the site for class 4 business use had

been agreed by the Committee in relation to a previous application and the current application was considered to meet the relevant policy criteria. The proposed site at Tantallon was not currently approved for this purpose and would be 1-2 years in development; not soon enough for the applicant's needs. In respect of the operating hours, these would apply to one part of the site and would not unduly impact on the amenity of neighbouring properties. Referring to matters of enforcement, Mr McFarlane stated that the Council currently had limited powers but that a review of these matters was ongoing. In the meantime, he agreed to raise Mr Imrie's concerns with the Council's enforcement team.

Local Member Councillor Goodfellow stated that he had called in the application due to the size of the site, the lack of screening and the proposed delivery hours. He said that while he accepted that this business must be able to operate 24 hours per day 7 days a week, he was concerned that the delivery hours did not fit with the intended working hours of 8am to 8pm. He was also concerned that the site could be viewed to the south from the John Muir Way and that the proposed planting was insufficient. He proposed two amendments to the conditions: screen planting to the south and east of the site to a minimum of 1 metre in height; and that the delivery hours be restricted to 8am to 8pm. Subject to these amendments, he would support the application.

Local Member Councillor Day noted that the proposed operations on site would be tightly controlled and that the building would fit in with the location. However, he supported Councillor Goodfellow's suggested amendment in regard to boundary planting. Referring to the assessments carried out by officers, he was of the view that this was an appropriate business for this site and that its impact on the surrounding area would be minimal. He did not support Councillor Goodfellow's amendment relating to delivery times.

Councillor Currie commented that the Committee should consider only the merits of this application and not the previous businesses on this site. He said that issues of enforcement were for officers and not material to this application and the Committee should avoid imposing additional conditions which could cause problems for the applicant's business. He would be supporting the application and he accepted the argument in relation to planting height. However, he did not support a change to the delivery times.

Councillor Innes observed that this was a straightforward application for a class 4 business on a class 4 site. He saw no reason for additional screening or a change to the delivery times set out in the conditions. He agreed that enforcement was necessary to avoid abuses of conditions but that this was a quality application from a quality business. He would be supporting the application.

Councillor Grant said he would support the application as it stood. He agreed that the issue of enforcement needed looking into but he did not see the need for amendments to this application.

Councillor McMillan commented on the importance of this brand to local economic development and tourism. He acknowledged the importance of enforcement but he believed that the applicant would act in a professional manner. He would be supporting the application but had yet to form a view on the proposed amendments.

Members discussed briefly the practical implications of the amendments.

The Convener brought the discussion to a close and moved to consideration of the amendments to the conditions relating to planting height and delivery times proposed by Councillor Goodfellow. He asked Members if they would be willing to second either of the proposed amendments; however they declined to do so. As a result, neither of the proposed amendments could proceed to a vote.

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

For: 12
Against: 0
Abstentions: 1

Decision

The Committee agreed to grant planning permission subject to the following conditions:

- 1 Working shall be permitted to take place within the application site 24 hours a day 7 days a week. No delivery vehicle shall either access or egress the site nor be loaded or unloaded within the site outwith the hours of 0700 to 2300 on Mondays to Sundays inclusive.

Reason
To ensure that the amenity of the occupiers of nearby residential properties is safeguarded.
- 2 Noise emanating from the site shall not exceed Noise Rating Curve NR20 in any octave band frequency at any nearby residential property assuming windows open at least 50mm.

Reason:
To ensure the use of the proposed building does not harm the amenity of nearby residential properties.
- 3 No outside storage shall take place within the site without the prior written consent of the Planning Authority.

Reason:
In the interests of the visual amenity of the area.
- 4 Details of any external lighting, including any movement sensitive lighting, proposed to be used within the site shall be submitted to and approved in writing by the Planning Authority prior to its erection or installation. The lighting shall be designed, positioned, oriented and shrouded to ensure that no light from within the site spills beyond the boundaries of the site area.

Reason:
In the interests the amenity of nearby properties and of this part of the East Lothian countryside.
- 5 All planting shown to be carried out on drawing no. 16-1202-02 D docketed to this planning permission shall be carried out in the first planting and seeding season following the completion of the development hereby approved, and any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

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

Signed

Councillor Norman Hampshire
Convener of the Planning Committee

REPORT TO: Planning Committee
MEETING DATE: Wednesday 29 March 2017
BY: Depute Chief Executive (Partnerships and Community Services)
SUBJECT: Application for Planning Permission for Consideration

2

Application No. **16/00552/PM**
Proposal Erection of 87 houses, 20 flats and associated works
Location **Land To The West Of Aberlady
Aberlady
East Lothian**
Applicant Cruden Homes (East) Ltd
Per apt Planning & Development Ltd

RECOMMENDATION Granted Permission

PLANNING ASSESSMENT

As the application site area is greater than 2 hectares and the proposal is for more than 49 houses the development proposed is a major development in terms of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Therefore it cannot be decided by officers through the Council's Scheme of Delegation and is brought to Planning Committee for a decision. The officer recommendation is to grant planning permission.

Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 a statutory requirement of major development applications is that they be subject to a Proposal of Application Notice (PAN) and pre-application community consultation before an application for planning permission or planning permission in principle is submitted to the Council.

A PAN (Ref: 14/00023/PAN) was submitted on 12 February 2016 and the application was submitted on 28 June 2016 which complies with the minimum 12 week period required between PAN and application by the above regulations. A public event was held at Kirk Stables on 12 April 2016 and other meetings were held with the Community Council and local amenity interest groups and a pre-application

consultation report is submitted with this application, all in accordance with the statutory requirements. The report states that 74 people attended the pre-application community consultation event and that 38 feedback forms were completed. The attendees raised a number of issues regarding the proposals. The development for which planning permission is now sought is of the same character as that presented through the community consultation event.

The application site is some 6 hectares of agricultural land located immediately at the west of Aberlady, with northern boundaries to the A198 and houses of The Pleasance and Elcho Terrace with agricultural land and Cragielaw golf course beyond, an eastern boundary to Kirk Road with houses beyond and a curving southern and western boundary abutting agricultural land.

Planning permission is sought for a development of 87 houses and 20 flats and for associated works including formation of vehicle accesses, internal roads, landscaping, a Sustainable Urban Drainage System (SUDS) and open space.

The contextual masterplan and proposed site layout plan show how it is intended to develop the site, with an access from The Pleasance serving an internal road leading to an access at Kirk Road and other internal roads linking with this, the south-easternmost of which would also form an access with Kirk Road. An area of open space would be formed in a roughly square shape on part of the southern area of the site and would incorporate a SUDS basin. Houses and the flatted buildings would be set out addressing the roadways and around the north, east and west of the open space on the southern part of the site. Houses on the eastern boundary would address Kirk Road as a street frontage set back behind a landscaped edge. Tree planting is proposed along the streets of the development and within the area of open space. A substation would be located near the northwest access off of The Pleasance and one at the north access off Kirk Street. A small pumping station cabinet would be located near the SUDS basin.

A mix of housing types is proposed. For the affordable housing there would be 8 one bedroom cottage flats, 12 two bedroom cottage flats, 4 two bedroom houses and 2 three bedroom houses. These would include for elderly amenity and wheelchair needs and tenures would be a mix of social rent and mid-market rent. The market housing would be comprise of 13 three bedroom houses, 28 four bedroom houses and 40 5 bedroom houses

Since the registration of the application revised site layout plans, elevation plans and house type drawings have been submitted to show revisions to some of the house types and their locations.

The application is supported by, amongst other documents, a Pre-application Consultation Report, a Design and Access Statement, a Transport Assessment, a Flood Risk Statement, a Tree Survey and Arboricultural Constraints Assessment and an Extended Phase 1 Habitat Report.

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 the proposed development falls within the category of a Schedule 2 Development, being one that may require the submission of an Environmental Impact Assessment (EIA). Schedule 3 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 sets out the selection criteria for screening whether a Schedule 2 development requires an EIA. On 20 March 2017 the Council issued a formal screening opinion to the applicant. The screening opinion concludes that it is East Lothian Council's view that a mixed use development of the scale proposed is not likely to have a significant effect on the

environment such that consideration of environmental information is required before any grant of planning permission in principle. It is therefore the opinion of East Lothian Council as Planning Authority that there is no requirement for the proposed mixed use development to be the subject of an EIA.

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan, unless material considerations indicate otherwise.

The development plan is the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Plan 2008.

Policies 1B (The Spatial Strategy: Development Principles), 5 (Housing Land) and 7 (Maintaining a Five Year Housing Land Supply) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies DC1 (Development in the Countryside and Undeveloped Coast), DP1 (Landscape and Streetscape Character), DP2 (Design), DP4 (Design Statements), DP13 (Biodiversity and Development Sites), DP14 (Trees on or Adjacent to Development Sites), DP17 (Art Works-Percent for Art), DP20 (Pedestrians and Cyclists), DP22 (Private Parking), DP24 (Home Zones), ENV7 (Scheduled Monuments and Archaeological Sites), INF3 (Infrastructure and Facilities Provision), H1 (Housing Quality and Design), H4 (Affordable Housing), C1 (Minimum Open Space Standard for New General Needs Housing Development), C2 (Play Space Provision in new General Needs Housing Development), T1 (Development Location and Accessibility) and T2 (General Transport Impact) of the adopted East Lothian Local Plan 2008 are relevant to the determination of the application.

A material consideration in the determination of the application is the supplementary planning guidance of "Design Standards for New Housing Areas" approved by the Council on 10 March 2008. This guidance requires that a more flexible approach be taken in road layout and design for proposed housing developments and sets core design requirements for the creation of new urban structures that will support Home Zone development as well as establishing design requirements for the layout of and space between buildings. Developers must provide adequate information to the satisfaction of the Council to demonstrate the merits of their design.

Also material to the determination of the application is Scottish Government Advice given in Planning Advice Note 67: Housing Quality.

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

Also material to the determination of the application is Scottish Planning Policy: June 2014. One of the main 'Outcomes' of Scottish Planning Policy (SPP) is to create successful, sustainable places by supporting sustainable economic growth and regeneration, and the creation of well-designed, sustainable places.

This is reflected in paragraph 25 of SPP in which it is stated that the Scottish Government's commitment to the concept of sustainable development is reflected in SPP'S Purpose. It is also reflected in the continued support for the five guiding principles set out in the UK's shared framework for sustainable development. Achieving a sustainable economy, promoting good governance and using sound science responsibly are essential to the creation and maintenance of a strong, healthy and just society capable of living within environmental limits.

The principle in delivering this through the Development Management function is contained in paragraph 33 of SPP, in which it is stated that where relevant policies in a development plan are out of date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration. Decision-makers should also take into account any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies in this SPP. The same principle should be applied where a development plan is more than five years old.

Paragraph 34 states that where a plan is under review, it may be appropriate in some circumstances to consider whether granting planning permission would prejudice the emerging plan. Such circumstances are only likely to apply where the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new developments that are central to the emerging plan. Prematurity will be more relevant as a consideration the closer the plan is to adoption or approval.

Paragraph 110 of SPP states that the planning system should identify a generous supply of land for each housing market area within the plan area to support the achievement of the housing land requirement across all tenures, maintaining at least a 5 year supply of effective housing land at all times.

At its Cabinet meeting of 10 December 2013, the Council agreed that at that time East Lothian had a shortfall in its effective housing land supply and in respect of this also approved Housing Land Supply: Interim Planning Guidance against which planning applications for housing on land not allocated for housing development would be assessed. This position, and the associated guidance, was updated in December 2014 and again in February 2016.

On 06 September 2016 the Council approved its Proposed Local Development Plan. It sets out a development strategy for the future of East Lothian to 2024 and beyond, as well as a detailed policy framework for guiding development. The Proposed Local Development Plan sets out the Council's settled view of where new development should and should not occur, including housing, education, economic and retail development, new transport links, and other infrastructure. The Schedule 4 responses to comments on the plan during its period of representation are before Council at its meeting of 28 March 2017 for approval for submission together with the plan, for Examination. At this stage the Proposed LDP is the settled view of the Council as to the strategy, plans and policies for development, however, it cannot be accorded the weight of an adopted development plan.

Material to the determination of the application are the written representations to the proposals. Sixty written representations, some of which are multiple objections from the same signatory, have been received. Copies are contained in a shared electronic folder to which all Members of the Committee have had access.

Of these, 53 object to the proposal, 2 are in support and 5 neither support nor object to the proposal.

The main grounds of objection are summarised as follows:

*Existing infrastructure and facilities, including Aberlady Primary School and nursery and North Berwick High School, healthcare facilities, water and sewage infrastructure, electricity infrastructure and supply, trains, parking and roads cannot accommodate this along with other recently approved housing developments;

*The development is too dense for the conservation village, a 22% increase over the 479 homes recorded in the last Census;

*The village has insufficient shops and commercial facilities;

*The village needs sheltered housing for older and disabled people;

*There should be a roundabout at the junction with the A198 to slow vehicles and other speed reducing measures, including a 20mph limit through the village, new signage and pedestrian crossings are needed. Some opposition is voiced at the roundabout suggestion also;

*Road traffic going east needs to be diverted to the B1377, particularly HGVs and there needs to be an integrated bus/rail service;

*Residents objected to the developer's proposal for access on to Kirk Road with the southern one said by the developer to be for cyclists /pedestrians only and the two road accesses would be a road safety hazard on a quiet country road and the Mair;

*There should be a pedestrian/cycle access to Elcho Terrace, however, one representor objects to such provision as the land needed to facilitate it is in private ownership and the turning circle at the west end would make it unsafe for pedestrians and cyclists;

*There should be a path leading through the Gosford Estate to Longniddry station and other cycle and footpath links in the area;

*The open space on the west side of the development will be exposed to westerly winds and little used and there needs to be a solution to managing the care of it, there also needs to be more play space;

*The development should provide a social area for young people and provide for sports pitch improvement;

*The design of the houses is bland, featureless and uniform, though some have 'mock historical' details. The house types should reflect the draft Development Brief for the site in building heights. There should be no driveways on to Kirk Road as per the draft Development Brief. Freestanding garages within the development would be featureless and ugly and give a suburban appearance. Gardens are too small;

- *There should be replacement hedgerow planting along the west side of Kirk Road;
- *the development will block views;
- *The houses should use green/renewable energy
- *Affordable housing provision should be calculated on bedroom numbers rather than number of units;
- *The field access roads and back lane suffer from flooding;
- * The development of the site would lead to a loss of prime agricultural land;
- * The proposed development will impact harmfully features like the John Muir Way and therefore on tourism
- *The public exhibition was held at very short notice;
- * The proposed development would have a harmful impact on neighbouring residential properties in terms of noise, pollution and disturbance including for shift workers;

One of the objections is from Aberlady Primary School Parent Council, which objects on the grounds of lack of capacity at the school and nursery to accommodate children from the proposed new homes; that insufficient developer contributions to extend the school are being sought; road safety, traffic congestion and parking concerns; and pressure on local facilities and services, including GP and other community health services.

Support is offered for the proposed development in providing housing and particularly affordable housing.

Gullane Area Community Council does not object to the proposals but does raise some detailed issues of objection and expresses some general concerns at levels of development in East Lothian, all reflecting views expressed at community meetings.

These include local traffic impacts and the Community Council endorses suggestions of a roundabout at the access off the A198, extending the 30mph speed limit to beyond the Gosford Bothy junction, improving signage and installing a pedestrian crossing. They also endorse provision of signage, footpaths and traffic calming measures at the Mair and improvements to the wider pedestrian and cycle path network including, to mitigate the likely increase in motor traffic to Longniddry station, the feasibility of a path through the Gosford Estate.

It is suggested that the affordable housing provision be calculated as 25% of bedroom spaces rather than the number of dwellings and that 50% of the affordable housing should be made available as rental properties.

The Community Council is concerned that the proposal does not reflect the draft Development Brief for the site, that thought needs to be given to the management of public space in the development and that developer contributions be sufficient for the necessary extension of the school.

In more general terms the Community Council has concerns at a 22% increase from the 479 households recorded in the 2011 census, including on natural habitat for wetland birdlife, walking routes including the John Muir Way and that over-development

will compromise the integrity of this outstanding conservation area and may have a negative effect on its amenity as a leisure destination.

The Community Council considers that Aberlady is not easily accessible by public transport, that the bus service is poor, taking at least an hour to reach Edinburgh and parking issues at Longniddry station. Parking at this station is already full. In particular, management of increased traffic flows should include diversion inland along the B1377.

The impact of the proposal on capacity of doctor's surgeries is primarily a matter for the NHS. Notwithstanding this, the NHS was consulted on the Proposed LDP of which the site forms part and confirmed that the issue for GP surgeries is generally not accommodation but having sufficient staffing, which is not a material consideration in the determination of a planning application. The advertisement of the public meeting relating to the Proposal of Application Notice was carried out in accordance with statutory requirements. Any impacts on the value of properties and on private views are not material planning considerations in the determination of this application. The provision of specific facilities for young people is not material to the application and it would be unreasonable to require the developer to contribute to what is stated by objectors to be an existing issue. Provision of housing for specific elderly or disabled needs is a matter for the Council's Housing service to provide within the affordable housing allocation.

Following the Council's approval of the Proposed Local Development Plan, where an application for planning permission or planning permission in principle is for a site of that Proposed Plan, general support is given for the residential or other potential of the site as relevant. This support remains subject to appraisal of the site in terms of technical considerations and any constraints, including infrastructure capacity constraints. Assessment will include consideration of developer contributions in respect of impacts, including cumulative impacts, on education, transportation, community facility and other essential infrastructure.

In that the site now under consideration is housing site NK10 of the Proposed LDP, the Council recognises its potential for residential development. Proposal NK10 of the LDP allocates the site for a residential development of circa 100 homes. It is therefore appropriate to determine this application with due consideration of that recognised residential potential, subject to the above considerations and assessments, particularly in respect of cumulative impact considerations of Scottish Planning Policy on prematurity and prejudice to the Proposed LDP.

The Council's Legal Services has previously advised that previous planning case law confirms that a planning authority has two distinct obligations - to prepare development plans and to determine applications for planning permission and other statutory consents. One function should not be subservient to the other. Where an application stands to be determined and there are at the same time corresponding objections to a proposed Local Development Plan, as happens to be the case in this instance, the authority should still decide the application but must demonstrate that in so doing it took into account the nature of the corresponding objections.

The Committee are advised that, separate to the representations to this planning application, there have been 3 representations to the Proposed Local Development Plan in respect of Proposal NK10. The grounds of objection reflect those voiced by objectors above, additionally one representor considers that the development of this site with others will lead to coalescence from Musselburgh to Dunbar.

In being a site of the Proposed LDP the application site is an integral part of the group

of sites which the Council's settled view recognises as having the potential to meet, cumulatively, the SPP and SESplan requirements of an effective five year housing land supply. This is a material consideration to be weighed against the considerations of national, strategic and local planning policy.

In respect of the considerations of Scottish Planning Policy: 2014 on prematurity and prejudice to the plan, Proposal NK10, the Examination of the LDP will consider the unresolved representations to the proposed strategy, sites and policies of the plan. The plan sets out a Compact Growth strategy in which development is concentrated to the west of the East Lothian strategic development area, however, sites are also allocated outwith the west and the SDA to reflect marketable and effective sites which fulfil part of the housing need and demand in the East Lothian area. If the Reporter's findings from the Examination were to be to modify the compact strategy, other sites such as this one would play a more significant role in providing for an effective five years housing land supply. In both scale and location, the site should therefore be considered appropriate for development at this time without predetermining decisions about the scale, location or phasing of new developments that are central to the emerging plan.

The primary material considerations in the determination of this application are therefore: whether or not the proposed development accords with development plan policy and other supplementary planning guidance; a consideration of the technical merits of the proposal and its assessment in relation to requirements including, where identified, cumulative requirements for developer contributions for essential infrastructure; and if not, whether there are material considerations that outweigh any conflict with the development plan and other planning guidance.

The land of the application site is defined by Policy DC1 of the adopted East Lothian Local Plan 2008 as being part of the countryside of East Lothian.

Local Plan Policy DC1 (Development in the Countryside and Undeveloped Coast) provides the detailed context for the consideration of development proposals in East Lothian's countryside and coast. It presumes against new housing in the countryside other than where it has an operational requirement relating to an appropriate countryside business. It requires loss of prime agricultural land be minimised.

However, the countryside designation of the land of the site must be weighed against the requirement of SESplan Policy 7 that Policy DC1 be considered in the context of the housing land supply. It must also be considered in relation to the Council's previous recognition of a shortfall in the effective housing land supply in East Lothian and approval of its Housing Land Supply: Interim Planning Guidance.

In respect of Policy 7 and the Guidance, the Council's approval of the Proposed Local Development Plan results in the approval of sites with the potential to provide an effective five year housing land supply. The process of selecting and approving sites included assessment of them through considerations which reflect the criteria of the Interim Planning Guidance. Thus the approved Interim Planning Guidance need not be given significant weight in respect of sites that are integral to the strategy and sites of the Proposed LDP. However, it remains a material consideration in the determination of planning applications for sites not previously allocated for housing development and not part of the approved Proposed LDP.

SESplan Policy 7 states that sites for greenfield housing development proposals either within or without the identified Strategic Development Areas may be allocated in Local Development Plans or granted planning permission to maintain an effective five years housing land supply subject to satisfying each of the following criteria:

- (a) The development will be in keeping with the character of the settlement and the local area;
- (b) The development will not undermine green belt objectives; and
- (c) Any additional infrastructure required as a result of the development is either committed or to be funded by the developer.

The site is in the control of a housebuilder who is seeking a grant of planning permission to enable development of it once any pre-development conditions are discharged. It is proposed that the development would be phased over a three year period from commencement of development. There is no evidence to suggest that the site cannot be developed in the short terms. Subject to assessment of the scale and character of the proposal and the developer agreeing to any required developer contributions, the site must therefore be considered effective and capable of contributing to the housing land supply in the short term.

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

The residential development of the site is therefore supported by the approved Proposed Local Development Plan such as to contribute to the effective five year housing land supply and help meet that requirement of SPP and SESplan Policy 7, thereby outweighing the considerations of Policy DC1 of the adopted East Lothian Local Plan 2008. As regards the further considerations of SESplan Policy 7, the site is outwith the Green Belt and the consideration in the Proposed Plan is that it is an appropriate extension of Aberlady of a suitable scale.

In respect of the Proposed LDP the site is part of the allocations required to meet the housing targets from SESplan 1. As a proposed site for allocation it does not conflict with the Council's settled view of where development should take place. Whilst Examination of the plan will consider unresolved representations objecting to the proposed Compact Growth strategy and to sites, any modification in respect of the compact strategy would likely require additional allocations in the east of East Lothian rather than removal of them.

The site would be laid out with an access from The Pleasance/A198, with roadways through the site linking with Kirk Road towards the north and south edges of the site on the east side. The potential for a pedestrian access with Elcho Terrace would be retained, though achievement of this is dependent on the legal permission of one of the house owners. There would be an area of open space and a SUDS basin located adjacent to the southern boundary, roughly half way between the north-western and south-eastern ends of that boundary

The proposed masterplan layout and design of the development has been the subject of discussions with Council officers and revisions have been made by the developer in response to a number of points. It is noted that the draft Development Brief for the site considers housing of one storey on the northern part of the site with the southern area for larger houses. The proposal has been amended so as to respond to aspirations to have varied roof and eaves levels to avoid a uniformity of build heights, particularly around the boundaries of the site

The application site is bounded to the north and east by existing development. In respect of the south and west boundaries, the Council's Landscape Projects Officer advises that it is important to locate trees with a view to their mature size in order to reduce any future detrimental impact they may have on the residential amenity to householders whilst being mindful of maintaining a sensitively designed rural / urban edge to the west/south-west. He would prefer to see hedge planting to that boundary with its length punctuated with groups of small to medium sized trees, this should avoid excessive future overshadowing to the new houses and further that large specimen feature trees would fit well into the open space area, complementing the large trees in and around this part of Aberlady and thus helping integrate the development with the existing village setting. This can be part of a detailed landscape condition for any grant of planning permission.

In relation to the proposed development along the western and southern edge of the site, the general landscape philosophy to the west / south-western boundary is not to hide the houses but to use both the built form with landscape planting to enhance the development whilst respecting the wider rural character. Therefore the revised masterplan for the site shows one and one and a half storey houses at the north access to the site adjacent to The Pleasance then a mix of one and a half and two storey houses, punctuated by one storey garages and by an area of open space and SUDS basin which abuts the southern boundary. The use of a range of gabled and hipped roofs adds further to a sense of space between the buildings. Hedge and tree planting around this boundary would serve to soften the edges of garden boundaries.

The proposed houses to the south of existing houses of The Pleasance and Elcho Terrace would be a mix of one and a half and two storey houses, with a landscaped edge between the new development and the gardens of the existing houses. The houses of The Pleasance are a mix of one and one and a half storey build, some with two storey gables to the rear. Those of Elcho Terrace are one storey, some with accommodation in the roof space. The Landscape Projects Officer advises that the boundary between the development and The Pleasance / Elcho Terrace should be considered in respect of introducing hedging and reducing the number of trees proposes, to avoid overshadowing to the existing south facing gardens. Small groups of trees would be better placed rather than a tree belt with these being positioned for improved privacy between both new and existing properties. A detailed landscaping plan, including species, can be required as a condition of a grant of planning permission.

Along Kirk Road the existing houses are a mix of one and two storeys. The majority of the proposed houses would face outwards to form a street frontage, though three at the access junctions to Kirk Road would have gables to the road and face across internal access roads of the development. The gables would have windows so as to be active and not present a solid wall. Again a range of gabled and hipped roofs would be used and one storey garages, the gardens of the houses with gables to the road and the accesses would all create space between buildings. Whereas the Landscape Projects Officer initially advised that the arrangement to Kirk Road should reflect the arrangement of the relatively recent Cala development, which largely backs on to the road, it is a better arrangement to have an active street frontage and the relative openness of it, set back behind a landscape strip, would be an appropriate response.

The proposed primary frontages and the internal layout of the development respect the Council's Urban Design Standards for New Housing Areas and the Scottish Government's Designing Streets. Use of integral garages with frontage parking is kept away from the entrances to the development and around the area of open space,

reducing the impact of vehicle presence on these more public areas. Frontage boundary treatments can be required as part of the detailed landscape plans as a condition of any grant of planning permission in principle to reduce the impact of frontage parking elsewhere in the development. Roadways would be designed with shared surfaces and integrated traffic calming measures. There are no lock-up garages proposed as one objector states.

The design of the houses is relatively simple with some window gables other features to articulate their elevations. It is proposed to use materials such as a range of coloured renders, slate and pantiles which reflect materials commonly used in the village. Reconstituted stone would be used for base courses and window and door surrounds. Window frames and doors would be of a green or white upvc finish.

Reconstituted stone would also be used for walls forming garden boundaries in prominent positions throughout the development, including corners and the public garden boundaries of the houses at Kirk Road which have their gables, and therefore garden boundaries, facing to the road. Hedges would be used for frontage boundaries and fencing only for subdivision of gardens between plots. A condition can be used to require submission of samples of the materials shown on the submitted materials plan for approval prior to their use.

In all of this the proposal would be an appropriate residential development of the site and whilst it would bring change to the village it would be well designed and integrated into its landscape and village settings.

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

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

The site is capable of accommodating all of the proposed development including vehicular and pedestrian access and amenity space without being an overdevelopment of it. The proposed development would be of a pattern and density consistent with existing patterns and densities of housing and other development within Aberlady.

In being of an appropriate scale and character, of an appropriate density and in its layout and design the proposal accords with Policy 1B and 7 of the approved South East Scotland Strategic Development Plan (SESplan) and Policies DC1, DP1, DP2, DP4, DP24 and H1 of the adopted East Lothian Local Plan 2008.

Further to the landscape considerations of boundaries as set out above, the Council's Landscape Projects Officer advises that the Tree Survey and Arboricultural Impact Assessment submitted with the application only considers impacts to adjacent trees subject to a Tree Preservation Order and that this should be extended to cover other trees at the junction of the A198 and The Pleasance and the junction of Elcho Terrace and Kirk Road to ensure that appropriate protection and mitigation measures can be secured. He also recommends that trees within the site should be a variety of mixed species with a sufficient number of large species to give balance and scale to the development.

These landscape recommendations could be made conditions of a grant of planning permission, subject to which the proposals comply with Policy DP14 of the adopted East Lothian Local Plan 2008.

The Council's Principal Amenity Officer notes the proposal to generally consolidate the open space onto one area which will provide an appropriate location for informal recreation, an approach which he promotes and supports.

He advises that in terms of contribution towards formal recreational facilities, the evidence base arrived at through examination of cumulative needs for the Proposed LDP demonstrates that Aberlady would require an enhancement of the grass sports pitch provision within the village to accommodate the increased use a 107 house development would generate. The existing pitch copes with the current level of use but it was identified that to increase capacity it would require to have an enhanced drainage system installed and some re-profiling of the contours. His advice is that recent works of a similar nature elsewhere in the county were approximately £36,000 and an equivalent figure is sought.

The Principle Amenity Officer further advises that in terms of provision of equipped play, standard practice for the Council is to seek a contribution towards enhancing the capacity of an existing ELC maintained facility rather than creating a long term burden for the householders of a standalone facility within the development. The standard formula for such provision is a contribution of £517 (2015 rates) per house unit (£55319). This would be towards adding additional items of equipment and replacing some existing items with units that offer increased discrete activities along with appropriate increase in safety surface area to enhance the capacity of the site to accommodate the additional demand generated by these additional households. Given that there is a small facility at The Pleasance which could be enhanced to increase its capacity, he promotes that as a sustainable means of the developer meeting their obligations in this regard.

The above requirements can subject to an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement.

The above approach would also increase integration between the householders and the existing community.

On these considerations of open space and recreation provision, the principle of the proposed housing development is consistent with Policies C1 and C2 of the adopted East Lothian Local Plan 2008.

In his original consultation response, the Council's Access Officer advised that core path 102 starts a few metres from the eastern corner of the development, and it is planned for this route to be part of a cycle link from Aberlady to Longniddry train station. This route was also being looked at as a possibility for a safe route to school for the children at Ballencrieff. He originally recommended that the developer make a financial contribution towards upgrading part of this path. The Access Officer has subsequently advised that the main owner of the land required to form this path is not prepared to allow a promoted route on his land. This means that this section of the core path would now not form part of that route. In these circumstances he confirms that he no longer recommends that the developer make a financial contribution towards upgrading part of this path. The Access Officer raises no objection to the proposed development.

The Council's Archaeology Officer advises that there is unlikely to be any indirect

impacts as the majority of the Historic Environment receptors are behind the existing houses or at some distance. He further advises that in terms of direct impacts although there are no known remains within the application area, there is a moderate to good potential for remains to be present given the known remains in the immediate vicinity. The surrounding remains include a scheduled prehistoric palisaded enclosure c.250m to the north west of the site (SM4142); a scheduled medieval castle and settlement c.300m to the north east of the site (SM5997); the A listed Aberlady Parish Church which dates to the 15th century (LB6508) and the designed landscape for Gosford House c.200m to the south and west of the site (DGL197). Overall there is still the potential for unidentified subsurface remains to exist within the proposed development area and the proposals have the potential to impact upon any that survive adversely. As such he recommends that a 5% archaeological evaluation by trial trenching over the whole development area carried out. This can be secured through a condition attached to a grant of planning permission for the proposed development.

This approach is consistent with Scottish Planning Policy: June 2014 and Planning Advice Note 2/2011: Planning and Archaeology. On this consideration the proposed development complies with Policy ENV7 of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy: June 2014.

The Council's Road Services advises that the proposed site is included within the Proposed Local Development Plan and was included within the East Lothian Council Transport Appraisal to determine the cumulative impacts of development on both the strategic and local road network. The model highlighted that the development of this site will have a cumulative impact on the wider strategic road network, however, it can be accommodated within the local road network in terms of road capacity. A Transport Assessment was also completed and looked at the future sustainable travel demand against the existing provision in the area.

The Council's Transport Appraisal (TA) informed the Council's draft Developer Contributions Framework (DCF) and has been produced in conjunction with the Local Development Plan TA so that Road Services can assess the cumulative impacts of the Local Development Plan allocations on the Transport Network. The TA has identified a number of hot spots on the network which require interventions to mitigate against the Local Development Plan and was included within the East Lothian Council Transport Appraisal setting out the appropriate contribution levels for each of the Local Development Plan sites.

For the Aberlady site the requirement for developer contributions towards each intervention as identified through the above process is as follows (the works are detailed in the Transport Appraisal, references given here are to the Proposed Local Development Plan proposals, for information on the types of works):

- Proposal T15 improvements to Old Craighall junction - £1,481
- Proposal T17 improvements to Salters Road Interchange and Bankton Interchange - £2,607 and £19,171
- Proposals T8 and T10 improvements to the rail network - £13,144
- Proposal T21 Musselburgh town centre improvements - £1,503
- Proposals T27 and T28 Tranent town centre improvements – £2.598

The total contribution required for transportation improvements resulting from cumulative impacts of the development is therefore £40,504.

In respect of the matters above, Transport Scotland advise that they have concern in regard to the development impact on the junction of the A1 trunk road and the A720

trunk road (i.e. the Old Craighall Junction south of Musselburgh, at the western end of East Lothian). In this regard they have sought a contribution from the developer towards mitigation of this perceived impact. The applicant is willing to pay Transport Scotland a sum of £1,481 towards the upgrade of the Old Craighall junction, that amount being calculated by them from the figures given in the Council's draft developer contributions framework. They have provided the Council with a formal legal undertaking from them that they will make this payment to Transport Scotland prior to the Council signing the section 75 Agreement. Transport Scotland are content with this approach and, on this basis, raise no objection to the impact of the development on the Old Craighall junction.

Network Rail advises that the proposal will contribute to a cumulative impact on Longniddry Station and on local rail services within East Lothian and that mitigation of the impact of the development is required in accordance with the evidence base informing East Lothian Council's Draft Developer Contributions Framework. Network Rail's Scotland Route Study 2016 and its Market Study of local and long distance journeys identify for the routes between North Berwick, Drem and Edinburgh Waverley that ScotRail services will exceed 100 per cent of seating capacity (assumed to be six carriage trains) in the peak hour by the time they reach Edinburgh Waverley. The provision of two new tracks to form passing loops via new flat junctions between Prestonpans and Drem stations would allow local passenger and freight services to utilise new track between Prestonpans and Drem in order that long distance non-stopping services can overtake slower trains on this section of the East Coast Main Line. This intervention will substantially increase timetable flexibility and contributes towards additional services, as well as providing regulating capacity for freight services between Drem Junction and Millerhill. Contributions secured from developers in this area should be channelled to this project to help secure additional local rail services and capacity for the East Lothian Council area. The indicative costs of this project will be between £125m - £300m. In accordance with this and the evidence base of East Lothian Council's Draft Developer Contributions Framework Network Rail therefore seeks a developer contribution of £13,144. Again the applicant have provided the Council with a formal legal undertaking from them that they will make this payment to Network Rail prior to the Council signing the section 75 Agreement. Network Rail are content with this approach and, on this basis, raise no objection to the impact of the development on the rail network.

With allowance for the amount covered by the formal legal undertakings for payment to Transport Scotland and to Network Rail, the developer contributions towards these other required interventions of £25,879 can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the payment of the required contribution towards these transport interventions the proposal is consistent with Policy INF3 of the adopted East Lothian Local Plan 2008, which stipulates that new housing will only be permitted where appropriate provision for infrastructure required as a consequence of the development is made.

In respect of details of the proposed development, Roads Services has no objection and confirms that the Proposed Site Layout is acceptable. Roads Services recommends that a number of conditions be attached to any grant of planning permission, requiring that:

- The proposed accesses onto both the A198 and Kirk Road be designed in accordance with the Design Manual for Roads and Bridges, Volume 6;

- The existing footway along the A198 providing access to the bus stop on the western side of the A198 / The Pleasance junction be widened to 2 metres;
- The existing bus stops on the Edinburgh bound carriageway to the west of the A198 / The Pleasance junction and on the North Berwick bound carriageway to the east of the A198 / The Pleasance junction be upgraded to each include a shelter;
- Dropped kerb crossing points be provided in close proximity to the A198 / The Pleasance junction to allow pedestrians to cross the road to the north side of the A198 to access walkways and bus stops;
- A continuous 2 metres wide footway be provided along the southern side of the A198 to link in with the existing footway network from the A198 / The Pleasance junction towards Aberlady;
- Raised Table traffic calming be constructed at the 2 priority junctions with Kirk Road;
- The section of Kirk Road on the southern boundary of the village linking the proposed site to the A6137 Haddington Road be provided with 3 vehicle passing places to allow vehicles to pass one another;
- The internal carriageway through the site in front of plots 11, 12, 23, 24,57 and 58 have a 2 metre wide footway on either side of the carriageway;
- The remote footpath through the park area adjacent to the SUDS pond be constructed to an adoptable standard including street lighting;
- The new roads junctions within the site have traffic calming measures to reduce vehicle speeds, to include raised tables at junctions and crossing points with appropriate speed bumps at other locations;
- Parking for the proposed residential elements of the development be provided at a rate as set out in the East Lothian Council Standards for Development Roads – Part 5 Parking Standards;
- All access roads conform to ELC Standards for Development Roads in relation to roads layout and construction, footways & footpaths, parking layout and number, street lighting and traffic calming measures;
- Vehicle accesses to private parking areas (i.e. other than driveways) be via a reinforced footway crossing and have a minimum width of 5.5 metres over the first 10 metres;
- Driveways have minimum dimensions of 6 metres by 2.5 metres, double driveways minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 m length. Pedestrian ramps to houses may encroach by up to 300mm on the width (but not the length) provided they are no greater than 150mm in height above the adjacent driveway surface.
- Within residential private parking areas the minimum dimensions of a single parking space be 2.5 metres by 5 metres and all visitor parking spaces within these areas be clearly marked for visitors with the remaining private parking spaces allocated to individual dwellings;
- No part of the development be occupied until a Residential Green Travel Plan (GTP) has been submitted and approved by the planning authority in consultation with Road Services. The GTP shall have particular regard to provision for walking, cycling and public transport access to and within the site, and will identify the measures to be provided, the system of management, monitoring, review, reporting and duration of the plan;
- A Construction Method Statement to minimise the impact of construction activity on the amenity of the area be submitted to and approved by the Planning Authority prior to the commencement of development with recommended mitigation measures to control noise, dust, construction traffic and shall include hours of construction work;
- A detailed condition survey of the construction access route from The Pleasance be jointly undertaken by the developer and East Lothian Council Road Services prior

to commencement of the development. During the period of construction of the site a similar joint inspection shall be carried out to assess the condition of the route on the first anniversary of the commencement of the development and each subsequent anniversary thereafter. Any damage identified during the inspections as a result of construction activities shall be repaired or resurfaced by the applicant in compliance with the council's specifications and requirements at no cost to the council as roads authority.

These measures can be required by conditions of a grant of planning permission, subject to which the proposals comply with Policies T1, T2 DP20 and DP22 of the adopted East Lothian Local Plan 2008.

The Council's Service Manager, Waste advises that he is content with the layout of the development. He advises that certain plots of the development would be required to present waste containers outwith their own driveways. The applicant has been informed of this requirement.

The Council's Biodiversity Officer made no response to consultation on the application. His standard advice in respect of open arable fields there are opportunities for biodiversity improvement and recommends native species planting to facilitate this, which can be addressed through any conditions on detailed landscaping of the site. He subsequently confirmed this reflects his views. The proposal therefore complies with Policy DP13 of the adopted East Lothian Local Plan 2008.

The Council's Principal Environmental Protection Officer advises that he has no comment to make on the proposal and in respect of his considerations the proposal would not harm the amenity of any existing nearby or proposed residential properties, consistent with Policies DC1 and ENV1 of the adopted East Lothian Local Plan 2008.

The Scottish Environment Protection Agency (SEPA) raises no objection to the proposal in respect of flood risk. It comments that it is acknowledged that an area to the east of the site is shown to be at surface water flood risk as shown on SEPA flood hazard maps. SUDS will be incorporated within the site design to ensure that the site has a neutral impact on runoff rates from the development site. It highlights that runoff rates should be agreed with the local authority as the flood prevention authority. Further details of the SUDS system can be made a condition of a grant of planning permission.

In respect of this the Council's Manager - Structures, Flooding and Street Lighting advises he has no objection to the proposals subject to a condition to secure that the proposed SUDS Outfall Pipe Design and route are approved prior to any construction works on the site.

In respect of foul drainage Scottish Water have made no response to consultation on the proposals. SEPA advise that as the application details that the site will connect to the public sewer contact should be made with Scottish Water with regards this issue. The developer will require to negotiate with Scottish Water to achieve a connection and any capacity issues would be considered by Scottish Water at that stage. Scottish Water has a duty to provide capacity for committed development, which would be the case for this site if planning permission were to be granted.

Policy INF3 of the adopted East Lothian Local Plan 2008 stipulates that new housing will only be permitted where appropriate provision for infrastructure required as a consequence of the development is made. This includes funding necessary school capacity.

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

He advises that Aberlady Primary School and Nursery School and North Berwick High School do not have sufficient capacity to accommodate children that could arise from the proposed development. Thus he objects to the application on the grounds of lack of permanent capacity at those schools. However, he would withdraw that objection provided the applicant makes a financial contribution to the Council of £8,000 per unit (£856,000) towards primary and nursery provision towards the provision of additional school accommodation at Law Primary School and £7140 per unit (£763,980) towards additional school accommodation at North Berwick High School.

The required payment of a financial contribution of a total of £1,619,980 towards the provision of additional accommodation at Aberlady Primary School and Nursery School and North Berwick High School can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the payment of the required contribution towards educational accommodation the proposal is consistent with Policy INF3 of the adopted East Lothian Local Plan 2008, which stipulates that new housing will only be permitted where appropriate provision for infrastructure required as a consequence of the development is made. This will include funding necessary school capacity.

In accordance with Policy H4 of the adopted East Lothian Local Plan 2008 a grant of planning permission in principle would require to be subject to provision of 25% of all housing units to be developed as affordable housing i.e. 27 units. They should be provided on site or if it can be demonstrated to the Council that this, or the off-site provision of the required affordable units is not practicable, a commuted sum payment should be made to the Council in lieu of such an on or off-site provision. (The developer's layout proposes 26 units on site with the remainder proposed to be covered by a commuted sum).

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

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

In the context of the site being land of the allocated housing site NK10 of the Proposed Local Development Plan, and in that its impacts in respect of amenity and technical considerations can be mitigated through the appropriate use of planning conditions, and necessary developer contributions, the balance of the material considerations of this case support the proposals. In this and in that the scale and location of

development would not prejudice the Proposed LDP nor be a premature decision, it is consistent with Scottish Planning Policy: June 2014 and SESplan Policy 7, which considerations outweigh the provisions of Policy DC1 of the adopted East Lothian Local Plan 2008.

RECOMMENDATION

It is recommended that planning permission be granted subject to:

1. The undernoted conditions.

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

(i) a financial contribution to the Council of £1,619,980 (£15,140 per residential unit) towards the provision of additional capacity at Aberlady Primary School and North Berwick High School.

(ii) 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.

(iii) a financial contribution to the Council for £91,319 towards the provision of required increased sports pitch capacity and play capacity

(iv) a financial contribution to the Council of £25,879 for road improvements to Salters Road Interchange and Bankton Interchange, Musselburgh town centre improvements and Tranent town centre improvements.

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

CONDITIONS

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

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

- a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings;
- b. finished ground and floor levels of the development relative to existing ground levels of the site and of adjoining land and building(s). The levels shall be shown in relation to an Ordnance Bench

Mark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing; and
c. the ridge height of the proposed buildings shown in relation to the finished ground and floor levels on the site.

Reason:

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

- 2 Prior to the commencement of development a further Tree Survey and Arboricultural Constraints Assessment, including details of protection and mitigation measures shall be carried out for the trees at the junction of the A198 and The Pleasance and the junction of Elcho Terrace and Kirk Road.

The development hereby approved shall be carried out in strict accordance with a tree protection and mitigation plan that shall set out the protection and mitigation measures for the site as set out in the Tree Survey and Arboricultural Constraints Assessment docketed to this planning permission and that approved in writing by the Planning Authority as part of this condition.

Reason:

To ensure the retention of existing trees, in the interests of the visual amenity of the area.

- 3 No development shall take place until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping. The scheme shall include for:

Continuous hedge planting around the southwestern boundary of the site;

Hedge planting at the Kirk Road frontage;

Tree and hedge planting between the proposed houses to the south of existing houses at Elcho Terrace and The Pleasance;

Planting to the frontages of houses with integral garages to screen parking driveways;

Planting of native species trees of a variety of mixed species and with a sufficient number of large species;

It shall also provide details of: the height and slopes of any mounding on or recontouring of, the site; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. The scheme shall also include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with a phasing plan to be submitted with the scheme of landscaping and any trees or plants which within a period of ten years from planting 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 and to improve the biodiversity value of the area.

- 4 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 (Trial Trench Evaluation (5%)) 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.

- 5 Prior to the commencement of development, details showing compliance with the following transportation requirements shall be submitted to and approved in writing in advance by the Planning Authority and thereafter shall be completed and brought into use in accordance with a phasing plan approved in writing in advance by the Planning Authority:

- a) The proposed accesses onto both the A198 and Kirk Road shall be designed in accordance with the Design Manual for Roads and Bridges, Volume 6;
- b) The existing footway along the A198 providing access to the bus stop on the western side of the A198 / The Pleasance junction shall be widened to 2metres;
- c) The existing bus stop flag on the Edinburgh bound carriageway to the west of the A198 / The Pleasance junction shall be upgraded to include a shelter;
- d) The existing bus stop flag on the North Berwick bound carriageway to the east of the A198 / The Pleasance junction shall be upgraded to include a shelter;
- e) Dropped kerb crossing points shall be provided in close proximity to the A198 / The Pleasance junction to allow pedestrians to cross the road to the north side of the A198 to access walkways and bus stops;
- f) A continuous 2 metre footway shall be provided along the southern side of the A198 to link in with the existing footway network from the A198 / The Pleasance junction towards Aberlady;
- g) Raised Table traffic calming shall be constructed at the 2 priority junctions with Kirk Road;
- h) The Section of Kirk Road on the Southern boundary of the village linking the proposed site to the A6137 Haddington Road is narrow and not suitable for the increase in 2 way traffic that shall be generated by the site. 3 vehicle passing places shall therefore be required to allow vehicles to pass one another without having to drive on the road verge;
- i) The internal carriageway through the site in front of plots 11, 12, 23, 24,57 and 58 shall have a 2 metre wide footway on either side of the carriageway;
- j) The remote footpath through the park area adjacent to the SUDS pond shall be constructed to an adoptable standard including street lighting;
- k) The new roads junctions within the site shall have traffic calming measures to reduce vehicle speeds along the route in order to promote road safety. This shall include raised tables at junctions and crossing points with appropriate speed bumps at other locations;
- l) Parking for the proposed residential elements of the development shall be provided at a rate as set out in the East Lothian Council Standards for Development Roads – Part 5 Parking Standards;
- m) All access roads shall conform to ELC Standards for Development Roads in relation to roads layout and construction, footways & footpaths, parking layout and number, street lighting and traffic calming measures;
- n) Vehicle accesses 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;
- o) Driveways shall have minimum dimensions of 6 metres by 2.5 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 m length. Pedestrian ramps to houses may encroach by up to 300mm on the width (but not the length) provided they are no greater than 150mm in height above the adjacent driveway surface;
- p) Within residential private parking areas the minimum dimensions of a single parking space shall be 2.5 metres by 5 metres. All visitor parking spaces within these areas shall be clearly marked for visitors with the remaining private parking spaces allocated to individual dwellings;
- q) No part of the development shall be occupied until a Residential Green Travel Plan (GTP) has been submitted and approved by the planning authority in consultation with Road Services. The GTP shall have particular regard to provision for walking, cycling and public transport access to and within the site, and will identify the measures to be provided, the system of management, monitoring, review, reporting and duration of the plan;
- r) 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 work; and

s) A detailed condition survey of the construction access route from the The Pleasance shall be jointly undertaken by the developer and East Lothian Council Road Services prior to commencement of the development. During the period of construction of the site a similar joint inspection shall be carried out to assess the condition of the route on the first anniversary of the commencement of the development and each subsequent anniversary thereafter. Any damage identified during the inspections as a result of construction activities shall be repaired or resurfaced by the applicant in compliance with the Council's specifications and requirements at no cost to the council as roads authority.

Reasons:

In the interests of road and pedestrian safety.

- 6 Prior to the commencement of development further details of the SUDS scheme shall be submitted for the approval of the Planning Authority:

demonstrating that the site has a neutral impact on runoff rates from the development site; and providing details of the SUDS Outfall Pipe Design and route.

Thereafter the SUDS system shall be constructed in accordance with the details so approved.

Reason:

In the interests of drainage and flood risk management.

- 7 Unless otherwise approved in writing by the Planning Authority, the external finishes of the development shall be as shown on the Materials Plan and elevation drawings docketed to this planning permission. Prior to the use of them on the development samples of all materials and finishes shall be submitted for the approval of the Planning Authority and thereafter the materials and finishes used on the development shall be as so approved.

Reason:

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

- 8 The number of residential units to be completed on the site each year shall be as follows unless otherwise approved in writing in advance by the Planning Authority:

Year 1 - 46 residential units
Year 2 - 34 residential units
Year 3 - 27 residential units

Should any completions be fewer per year than given above then the difference shall be added to the end of the 3 year phasing period and not to the year following on.

Reason:

To enable the Planning Authority to control the development of the site in the interests of the good planning of the site and to ensure that there is sufficient education provision.

- 9 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.

- 10 Prior to the occupation of the last house or flat hereby approved, the proposed access roads, parking spaces, and footpaths shall have been constructed on site in accordance with the docketed drawings.

Those areas of land shall not thereafter be used for any other purpose than for accessing and for the parking of vehicles in connection with the residential use of the houses and flats and shall not be adapted or used for other purposes without the prior written approval of the Planning Authority.

Reason:

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

- 11 No residential unit shall be occupied unless and until details of artwork to be provided on the application site or at an alternative location away from the site have been submitted to and approved by the Planning Authority. The details shall include a timetable for the provision of the artwork. The artwork shall thereafter be provided in accordance with the details so approved.

Reason:

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

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

REPORT TO: Planning Committee
MEETING DATE: Wednesday 29 March 2017
BY: Depute Chief Executive (Partnerships and Community Services)
SUBJECT: Application for Planning Permission for Consideration

3

Application No. **16/00328/PM**
Proposal Erection of 93 houses, 20 flats, landscaping, SUDs and associated works
Location **Land Adjacent To Orchardfield
East Linton
East Lothian**
Applicant Stewart Milne Homes
Per HolderPlanning

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

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

Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 a statutory requirement for major development proposals this development proposal was the subject of a Proposal of Application Notice (Ref: 15/00011/PAN) and thus of community consultation prior to this application for planning permission in principle being made to the Council.

As an outcome of that and as a statutory requirement for dealing with major development type applications a pre-application consultation report is submitted with this application. The report informs that some 70 people attended the pre-application public exhibition, which was held at the East Linton Community Hall, East Linton on 3 March 2016, and

that those attendees made a number of queries and suggestions regarding the proposals. The development for which planning permission is now sought is of the same character as that which was the subject of the community engagement undertaken through the statutory pre-application consultation of the proposal.

The application site is an area of agricultural land in the East Lothian countryside, located on the southwestern side of the village of East Linton. It is some 6.3 hectares in area and is roughly L-shaped. The land of the application site is defined by Policy DC1 of the adopted East Lothian Local Plan 2008 as being part of the countryside of East Lothian and is not allocated in that Plan for housing development.

The site is bounded to the east by the residential properties of Orchardfield and the recent housing development of Andrew Meikle Grove, to the south by the A199 and B1407 public roads and to the west and north by agricultural land. Core Path no. 83 is located along the northern boundary of the site.

Planning permission is sought through this application for the erection on the application site of 93 houses, 20 flats and associated works.

The development layout plan shows how the proposed 93 houses and 20 flats would be accommodated on the site along with associated access roads, parking areas, landscaping, open space and a SUDS pond. The houses would comprise of a mix of detached, semi-detached and terraced houses. The houses would be two-storey with the exception of the two houses on the south-western corner of the site (plots 35 and 36 on the site layout plan) which would be single storey. The flats would be contained within 5, two storey flatted buildings each containing 4 flats.

Vehicular, pedestrian and cycle access to the site would be taken by way of a new access junction with the B1404 road. It is proposed that the junction of the A199 and B1404 roads into East Linton be altered to improve road safety at that junction and thus for traffic entering and leaving East Linton.

A village green would be formed on the eastern part of the site and landscaped areas of open space would also be formed centrally within the site, on the southern part of the site and along the entire western edge of it. A SUDS pond would be formed on the southeastern corner of the site.

Of the 93 houses, 64 would be detached, 16 semi-detached and 13 terraced. In terms of size, 2 of the proposed 93 houses would contain 2 bedrooms, 33 would contain 3 bedrooms, 36 would contain 4 bedrooms and 22 would contain 5 bedrooms.

Of the 93 houses there would be a total of 85 private houses for sale. The houses would comprise of 18 different house types, including the provision of 28 affordable housing units which would be a mix of 2 different house types and 1 and 2 bedroom flats.

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 the proposed development falls within the category of a Schedule 2 Development, being one that may require the submission of an Environmental Impact Assessment (EIA). Schedule 3 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 sets out the selection criteria for screening whether a Schedule 2 development requires an EIA. On 23 February 2016 the Council issued a formal screening opinion to the applicant. The screening opinion concludes that it is East Lothian Council's view that the proposed development is not likely to have a significant effect on the environment such that consideration of environmental information is required before any grant of planning

permission in principle. It is therefore the opinion of East Lothian Council as Planning Authority that there is no requirement for the proposed housing development to be the subject of an EIA.

Since the registration of the application revised site layout plans, landscaping plans, elevation plans and house type drawings have been submitted to show a revised site layout for the proposed development and a revision of some house types. They also showed a reduction in the number of proposed residential units from 119 to 113.

Given the extent of these changes this application was re-advertised in the local press on 3 February 2017 and neighbours were re-notified of the proposals on both the 30 and 31 of January 2017 to allow for comment on the revisions to the proposed development.

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan, unless material considerations indicate otherwise.

The development plan is the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Plan 2008.

Policies 1B (The Spatial Strategy: Development Principles), 5 (Housing Land) and 7 (Maintaining a Five Year Housing Land Supply) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies DC1 (Development in the Countryside and Undeveloped Coast), DP1 (Landscape and Streetscape Character), DP2 (Design), DP4 (Design Statements), DP13 (Biodiversity and Development Sites), DP14 (Trees on or Adjacent to Development Sites), DP17 (Art Works-Percent for Art), DP20 (Pedestrians and Cyclists), DP22 (Private Parking), DP24 (Home Zones), ENV7 (Scheduled Monuments and Archaeological Sites), INF3 (Infrastructure and Facilities Provision), H1 (Housing Quality and Design), H4 (Affordable Housing), C1 (Minimum Open Space Standard for New General Needs Housing Development), C2 (Play Space Provision in new General Needs Housing Development), T1 (Development Location and Accessibility) and T2 (General Transport Impact) of the adopted East Lothian Local Plan 2008 are relevant to the determination of the application.

A material consideration in the determination of the application is the supplementary planning guidance of "Design Standards for New Housing Areas" approved by the Council on 10 March 2008. This guidance requires that a more flexible approach be taken in road layout and design for proposed housing developments and sets core design requirements for the creation of new urban structures that will support Home Zone development as well as establishing design requirements for the layout of and space between buildings. Developers must provide adequate information to the satisfaction of the Council to demonstrate the merits of their design.

Also material to the determination of the application is Scottish Government Advice given in Planning Advice Note 67: Housing Quality.

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

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

Also material to the determination of the application is Scottish Planning Policy: June 2014. One of the main Outcomes of Scottish Planning Policy is to create a successful, sustainable place by supporting sustainable economic growth and regeneration, and the creation of well-designed, sustainable places.

This is reflected in paragraph 25 of Scottish Planning Policy in which it is stated that the Scottish Government's commitment to the concept of sustainable development is reflected in Scottish Planning Policy's Purpose. It is also reflected in the continued support for the five guiding principles set out in the UK's shared framework for sustainable development. Achieving a sustainable economy, promoting good governance and using sound science responsibly are essential to the creation and maintenance of a strong, healthy and just society capable of living within environmental limits.

The principle in delivering this through the Development Management function is contained in paragraph 33 of Scottish Planning Policy in which it is stated that where relevant policies in a development plan are out of date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration. Decision-makers should also take into account any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies in Scottish Planning Policy. The same principle should be applied where a development plan is more than five years old.

Paragraph 34 states that where a plan is under review, it may be appropriate in some circumstances to consider whether granting planning permission would prejudice the emerging plan. Such circumstances are only likely to apply where the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new developments that are central to the emerging plan. Prematurity will be more relevant as a consideration the closer the plan is to adoption or approval.

Paragraph 110 of Scottish Planning Policy states that the planning system should identify a generous supply of land for each housing market area within the plan area to support the achievement of the housing land requirement across all tenures, maintaining at least a 5 year supply of effective housing land at all times.

At its Cabinet meeting of 10 December 2013, the Council agreed that at that time East Lothian had a shortfall in its effective housing land supply and in respect of this also approved Housing Land Supply: Interim Planning Guidance against which planning applications for housing on land not allocated for housing development would be assessed. This position, and the associated guidance, was updated in December 2014 and again in February 2016.

On 06 September 2016 the Council approved its Proposed Local Development Plan. It sets out a development strategy for the future of East Lothian to 2024 and beyond, as well as a detailed policy framework for guiding development. The Proposed Local

Development Plan sets out the Council's settled view of where new development should and should not occur, including housing, education, economic and retail development, new transport links, and other infrastructure. The Schedule 4 responses to comments on the plan during its period of representation are before Council at its meeting of 28 March 2017 for approval for submission together with the plan, for Examination. At this stage the Proposed LDP is the settled view of the Council as to the strategy, plans and policies for development, however, it cannot be accorded the weight of an adopted development plan.

Material to the determination of the application are the written representations to the proposals. Thirty one written objections have been received. Copies of the written representations are contained in a shared electronic folder to which all Members of the Committee have had access.

The main grounds of objection are that:

- * the proposed development would lead to harmful overlooking, overshadowing, a loss of privacy;
- * the proposed development would have a detrimental impact on infrastructure in East Linton in terms of schools, doctor surgeries etc;
- * there is inadequate drainage and sewerage capacity to serve the proposed development;
- * the proposed development would lead to flooding;
- * the proposed development would lead to an increase in traffic and congestion and a resultant road safety hazard;
- * the alterations to the access junction into the development would be dangerous;
- * the size of the development is too large for the site and is inappropriate;
- * the scale and design of the proposed houses would be out of keeping with those of Andrew Meikle Grove;
- * there is a difference in the height of the land compared to that of the housing development of Andrew Meikle Grove;
- * the site is high visible and prominent and thus the proposed development would result in harmful visual impact both to and from East Linton;
- * there is no proposal for a play area;
- * trains and buses are at capacity;
- * bus service is poor so more reliability on the car; and
- * there would be a harmful impact on great crested newts.

Dunpender Community Council, as a consultee on the application object to the proposed development on the grounds that:

- * they do not want to see large scale development imposed upon East Linton;
- * they consider the proposed development to be too large scale;
- * they believe that the impact of so many new houses built at once would put undue pressure on existing services and infrastructure both within East Linton and in the wider area;
- * they consider the proposed development does not take account of the need to protect great crested newts;
- * they believe that agricultural land should be retained where possible, unless there is no suitable alternative, and that other potential sites for suitable redevelopment may already exist in the Community Council area e.g. Tynninghame Links steading ;
- * they believe that the proposed development would impact negatively on the visual aspect and character of East Linton; and
- * they do not believe that the existing access/egress point for the proposed development is suitable even with traffic calming measures in place.

The impact of the proposal on capacity of doctor's surgeries is primarily a matter for the NHS. Notwithstanding this, the NHS was consulted on the Proposed LDP of which the site forms part and confirmed that the issue for GP surgeries is generally not accommodation but having sufficient staffing, which is not a material consideration in the determination of a planning application.

Following the Council's approval of the Proposed Local Development Plan, where an application for planning permission or planning permission in principle is for a site of that Proposed Plan, support is given for the residential or other potential of the site as relevant. This support remains subject to appraisal of the site in terms of technical considerations and any constraints, including infrastructure capacity constraints. Assessment will include consideration of developer contributions in respect of impacts, including cumulative impacts, on education, transportation, community facility and other essential infrastructure.

In that the site now under consideration is housing site DR8 of the Proposed Local Development Plan, the Council recognises its potential for residential development. Proposal DR8 allocates the site for a residential development of circa 100 homes. It is therefore appropriate to determine this application with due consideration of that recognised residential potential, subject to the above considerations and assessments, particularly in respect of cumulative impact considerations of Scottish Planning Policy on prematurity and prejudice to the Proposed LDP.

The Council's Legal Services has previously advised that previous planning case law confirms that a planning authority has two distinct obligations - to prepare development plans and to determine applications for planning permission and other statutory consents. One function should not be subservient to the other. Where an application stands to be determined and there are at the same time corresponding objections to a proposed Local Development Plan, as happens to be the case in this instance, the authority should still decide the application but must demonstrate that in so doing it took into account the nature of the corresponding objections.

The Committee may wish to note that, separate to the representations to this planning application, there have been four objections to the Proposed Local Development Plan in

respect of Proposal DR8. The main grounds of objection to Proposal DR8 reflect those voiced by objectors above.

In being a site of the Proposed LDP the application site is an integral part of the group of sites which the Council's settled view recognises as having the potential to meet, cumulatively, the SPP and SESplan requirements of an effective five year housing land supply. This is a material consideration to be weighed against the considerations of national, strategic and local planning policy.

In respect of the considerations of Scottish Planning Policy: 2014 on prematurity and prejudice to the plan, Proposal DR8, the Examination of the LDP will consider the unresolved representations to the proposed strategy, sites and policies of the plan. The plan sets out a Compact Growth strategy in which development is concentrated to the west of the East Lothian strategic development area, however, sites are also allocated outwith the west and the SDA to reflect marketable and effective sites which fulfil part of the housing need and demand in the East Lothian area. If the Reporter's findings from the Examination were to be to modify the compact strategy, other sites such as this one would play a more significant role in providing for an effective five years housing land supply. In both scale and location, the site should therefore be considered appropriate for development at this time without predetermining decisions about the scale, location or phasing of new developments that are central to the emerging plan.

The primary material considerations in the determination of this application are therefore: whether or not the proposed development accords with development plan policy and other supplementary planning guidance; a consideration of the technical merits of the proposal and its assessment in relation to requirements including, where identified, cumulative requirements for developer contributions for essential infrastructure; and if not, whether there are material considerations that outweigh any conflict with the development plan and other planning guidance.

The land of the application site is defined by Policy DC1 of the adopted East Lothian Local Plan 2008 as being part of the countryside of East Lothian.

Local Plan Policy DC1 (Development in the Countryside and Undeveloped Coast) provides the detailed context for the consideration of development proposals in East Lothian's countryside and coast. It presumes against new housing in the countryside other than where it has an operational requirement relating to an appropriate countryside business. It requires loss of prime agricultural land be minimised.

However, the countryside designation of the land of the site must be weighed against the requirement of SESplan Policy 7 that Policy DC1 be considered in the context of the housing land supply. It must also be considered in relation to the Council's previous recognition of a shortfall in the effective housing land supply in East Lothian and approval of its Housing Land Supply: Interim Planning Guidance.

In respect of Policy 7 and the Guidance, the Council's approval of the Proposed Local Development Plan results in the approval of sites with the potential to provide an effective five year housing land supply. The process of selecting and approving sites included assessment of them through considerations which reflect the criteria of the Interim Planning Guidance. Thus the approved Interim Planning Guidance need not be given significant weight in respect of sites that are integral to the strategy and sites of the Proposed LDP. However, it remains a material consideration in the determination of planning applications for sites not previously allocated for housing development and not part of the approved Proposed LDP.

SESplan Policy 7 states that sites for greenfield housing development proposals either within or outwith the identified Strategic Development Areas may be allocated in Local Development Plans or granted planning permission to maintain an effective five years housing land supply subject to satisfying each of the following criteria:

- (a) The development will be in keeping with the character of the settlement and the local area;
- (b) The development will not undermine green belt objectives; and
- (c) Any additional infrastructure required as a result of the development is either committed or to be funded by the developer.

The site is in the control of a housebuilder who is seeking a grant of planning permission to enable development of it once any pre-development conditions are discharged. It is proposed that the development would be phased over a four year period from commencement of development. There is no evidence to suggest that the site cannot be developed in the short terms. Subject to assessment of the scale and character of the proposal and the developer agreeing to any required developer contributions, the site must therefore be considered effective and capable of contributing to the housing land supply in the short term.

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

The residential development of the site is therefore supported by the approved Proposed Local Development Plan such as to contribute to the effective five year housing land supply and help meet that requirement of SPP and SESplan Policy 7, thereby outweighing the considerations of Policy DC1 of the adopted East Lothian Local Plan 2008. As regards the further considerations of SESplan Policy 7, the site is outwith the Green Belt and the consideration in the Proposed Plan is that it is an appropriate extension of East Linton of a suitable scale.

In respect of the Proposed LDP the site is part of the allocations required to meet the housing targets from SESplan 1. As a proposed site for allocation it does not conflict with the Council's settled view of where development should take place. Whilst Examination of the plan will consider unresolved representations objecting to the proposed Compact Growth strategy and to sites, any modification in respect of the compact strategy would likely require additional allocations in the east of East Lothian rather than removal of them.

The A199 and B1407 public roads comprise an important gateway into East Linton. In eastward views when travelling on those roads towards East Linton the village sits in a bowl in the landscape, allowing panoramic long views of the landscape of East Lothian and over the village itself, allowing appreciation not only of its historic core including the village centre and the landmark buildings of St Andrews Church and the old auction mart but also its open rural setting. As a result of the topography of the village views are also possible from within it outwards towards Traprain Law to the southwest.

The recent housing development of Andrew Meikle Grove pays due cognisance of the topography of the village by positioning single storey houses on the higher ground and being built around a central village green which allows views both over and into the village, and outwards from it to be maintained.

The land of the application site sits on higher ground than that of the village, rising upwards in a westwards direction away from it. It has a pronounced high point at its northwestern corner. Through negotiation with planning officers it is proposed that the development of the site would, as far as it can, respect the landform and topography of it, keeping areas of open space on the higher ground at the western edge of the site whilst positioning the houses on the lower slopes to better integrate the development into its landscape setting. Houses are also positioned back from the south roadside boundary of the site to help create a more rural edge on the approach into the village. Landscape planting is also proposed along part of the western boundary and along the southern boundaries of the site. This would soften and serve to integrate the proposed development into its landscape setting, gently introducing an additional extent of urban character at this important gateway into East Linton. It would ensure a visually attractive approach into East Linton, with the proposed houses and flats visible but not appearing prominent or intrusive in their surroundings. The proposals respond appropriately to the character of this location in such respect.

One of the principal objectives of the Council's approved Design Standards for New Housing Areas is to reduce the visual dominance of the car in the streetscape of new housing developments. The applicant has addressed this principle along the main frontage of the development by use of in-curtilage parking to the side of houses. Elsewhere on the site the applicant proposes to plant hedges along the front boundaries of the front gardens of the houses in the development. To some degree, this would serve to reduce the visual dominance of the car in these streetscapes. In this and in the design principles of the street layout the proposals generally respond to the requirements of the Design Standards.

The range of house types proposed would give a variation of architectural form to the development, which coupled with the orientation and layout of the buildings, would give a degree of variety of appearance to the development. The architecture of the proposed houses and flats is of a traditional pitched roof form. It should be ensured that the use of render is the predominant wall finish as this would respect the built form of other housing developments in East Linton. However, some use of a contrasting wall finish (i.e. reconstituted stone or facing brick) would be acceptable providing it is limited to a distinctively complete feature of the houses and respectful of their design integrity. A condition can be imposed on the grant of planning permission for the proposed development to address these matters of wall finishes.

In all of this the proposal would be an appropriate residential development of the site and whilst it would bring change to the village it would be well designed and integrated into its landscape and village settings.

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

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

The site is capable of accommodating all of the proposed development including vehicular and pedestrian access and amenity space without being an overdevelopment of it. The proposed development would be of a pattern and density consistent with existing patterns and densities of housing and other development within this part of East Linton.

In their generally simple architectural form the proposed houses would, by their size, height, design, finishes and layout integrate and sit comfortably with the built architectural form and layout of the other housing developments to the east.

In respect of open space and play provision, the Council's Principal Amenity Officer advises that the areas of open space shown to be provided would be set out in such a way as to provide sufficient areas of open space for informal recreation for the proposed development, consistent with Policy C1 of the adopted East Lothian Local Plan 2008.

Regarding formal play provision, the Principal Amenity Officer advises that it would be more beneficial to enhance the existing play area at Memorial Park, just off School Road to the northeast of the site, with additional facilities rather than provide a new facility within the application site. The applicants have confirmed in writing that they are willing to contribute a sum of £58,421 as the amount agreed with the Council's Principal Amenity Officer for enhancement of the existing play area at Memorial Park. This contribution can be secured by a legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other legal Agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the Council securing this appropriate developer contribution the proposal is consistent with Policy C2 of the adopted East Lothian Local Plan 2008.

In terms of path connections to provide a safe route to school from the site, the Council's Access Officer advises that the core path that is located along the northern boundary of the site should be surfaced in tarmac, and that this surfacing be continued on the core path from the northeast corner of the site eastwards along the core path to where it meets the pedestrian link to the underpass that connects Andrew Meikle Grove to the rest of the village. Such a requirement can be imposed as a condition on a grant of planning permission for the proposed development, in which case there would be a safe pedestrian link from the site to the heart of the village, consistent with the provisions of Policy DP20 of the adopted East Lothian Local Plan 2008.

In respect of landscape matters the applicant has taken into consideration the comments of the Council's Policy and Projects service in the submission of revised drawings and an updated Tree Survey report and therefore advise that they are supportive of the proposed landscaping of the site subject to trees being retained on site being protected during construction works. The provision of the proposed landscaping of the site and tree protection measures can be made conditions of a grant of planning permission. On this consideration the proposed development is consistent with Policy DP14 of the adopted east Lothian Local Plan 2008.

The Council's Environmental Health Service raise no objection to the proposed development, satisfied that it would not result in harm to the amenity of any neighbouring land use.

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

The Council's Road Services have considered the Transport Assessment submitted with

the application and raise no objection to the proposed development, being satisfied that it would be accessed safely and would not lead to a road or pedestrian safety hazard. They advise that the proposed means of access and amount and location of parking within the site are generally acceptable and that traffic likely to be generated by the proposed development could be satisfactorily accommodated on the local road network without harm to road or pedestrian safety.

Roads Services additionally recommend that:

- * the junction of the A199 and B1407 public roads be re-designed and the existing 30 miles per hour (mph) speed limit on the B1407 public road be extended westwards, as shown on the application drawings;
- * the turning head adjacent to plots 2 and 3 on the development layout plan be extended to measure 23.5 metres in length;
- * the core path be upgraded to an adoptable standard with street lighting;
- * a visibility splay of 2.5m by 90m in both directions be provided and maintained at each of the proposed site access junctions with the B1407 public road so that no obstruction lies within it above a height of 1.05 metres measured from the adjacent carriageway surface;
- * the boundary wall on the north side of the B1407 public road be realigned to meet the required visibility splay;
- * a pedestrian 'safe zone' be provided on one side of the loop road on the northwest part of the site;
- * additional visitor parking be provided at a rate as set out in the East Lothian Council Standards for Development Roads - Part 5 Parking Standards;
- * further road safety audits be submitted;
- * cycle parking be included at a rate of 1 space per flat. The parking should be in the form of 1 locker per flat or communal provisions in the form of a lockable room or shed;
- * a Green Travel Plan (GTP) be submitted and approved in consultation with Road Services. It should have particular regard to provision for walking, cycling and public transport access to and within the site, and will identify the measures to be provided, the system of management, monitoring, review, reporting and duration of the plan;
- * a Construction Method Statement to minimise the impact of construction activity on the public road network be submitted to and approved by the Planning Authority prior to the commencement of development. It should recommend mitigation measures to control construction traffic and include hours of construction work; and
- * wheel washing facilities be provided and maintained in working order during the period of operation of the site.

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

Bog Quarry Pond, which is to the west of the application site, is a known great crested

newt breeding site. The Council's Biodiversity Officer advises that historically the pond would have been a quiet habitat for newts because it is remote from people, but however the boundary of the application site is within 150m of the pond. He advises it could be assumed that children may play in and around the quarry and that new residents will have pet cats and dogs, resulting in increased disturbance and predation of newts and that it is reasonable to consider that this would reduce the viability of the newt population in this area, or cause the species to die out locally. As great crested newts are a European Protected Species, and are rare in East Lothian, this is a significant concern.

As a result of this the Council's Biodiversity Officer and Scottish Natural Heritage (SNH) advised on the need for further information to be submitted with the application in the form of a survey and if necessary species protection information to protect great crested newts from development of the site. This further information has been submitted in the form of a 'Proposed mitigation & compensation for great crested newts' report which identifies mitigation and compensation proposals for the protection and enhancement of the newt habitat.

The Council's Biodiversity Officer and Scottish Natural Heritage have appraised this document and advise that the mitigation measures identified in the report would ensure the newt population is not harmed during the course of development of the site. The requirement for the proposed mitigation measures can be imposed as condition on a grant of planning permission for the proposed development.

SNH further recommend the creation of an additional pond(s) at Bog Quarry to create and enhance habitat for the benefit of the great crested newt population. The Council's Biodiversity Officer concurs with this recommendation and on this point advises that it is important to consider the impacts of residential areas once occupied, and not just focus on the construction impacts as the new residential population will likely include children and pets and children playing in the quarry area will likely cause disturbance to the newt habitat, whilst pet cats and dogs have an instinct to chase or hunt animals which can increase predation. He further advises that the great crested newt reports submitted with the application acknowledged that lack of pond habitat was a significant factor limiting the population of newts in this area. More disturbance to this location, as a direct result of building on the application site could compromise the population of great crested newts. Since these newts are a European Protected Species there is a need to ensure that the proposal does not reduce the viability of the population. The Council's Biodiversity Officer recommends that a financial contribution of £5,000 be secured to create additional pond habitat for great crested newts. This would help off-set the impacts of disturbance and predation by funding creation of additional breeding capacity. Preference would be given to creating new pond habitat at the Bog Quarry Pond, but alternative sites would be considered, if necessary.

Such a financial contribution can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the payment of the required contribution towards newt habitat enhancement the proposal is consistent with Policy DP13 of the adopted East Lothian Local Plan 2008.

The Council's Waste Services raise no objection to the application.

The Council's Archaeology Officer advises that the proposed development would be situated in an area which has a good potential to contain buried archaeological remains. Because of this the Archaeology Officer recommends that a programme of archaeological works be carried out prior to the commencement of development. This

can be secured through a condition attached to a grant of planning permission for the proposed development. This approach is consistent with Planning Advice Note 2/2011: Planning and Archaeology and subject to such a condition the proposals are not contrary to Policy ENV7 of the adopted East Lothian Local Plan 2008.

The Scottish Environment Protection Agency (SEPA) raises no objection to the proposed development on the grounds of potential flood risk.

In respect of SUDS provision SEPA advises it is satisfied that the applicant is providing the required level of treatment for a development of this size and that the proposed SUDS provision is acceptable.

In respect of waste water drainage, SEPA advise that this will be discharging to the Scottish Water public sewer and Scottish Water have confirmed there is adequate capacity in their network to accommodate the proposed development.

Policy INF3 of the adopted East Lothian Local Plan 2008 stipulates that new housing will only be permitted where appropriate provision for infrastructure required as a consequence of the development is made. This includes funding necessary school capacity.

The Council's Depute Chief Executive (Resources and People Services) informs that the application site is located within the school catchment areas of East Linton Primary and Nursery School and Dunbar Grammar School.

He advises that East Linton Primary and Nursery School and Dunbar Grammar School do not have sufficient capacity to accommodate children that could arise from the proposed development. Thus he objects to the application on the grounds of lack of permanent capacity at those schools. However, he would withdraw that objection provided the applicant makes a financial contribution to the Council of £972,930 towards the provision of additional school accommodation at East Linton Primary and Nursery School and a contribution of £483,866 towards the provision of additional school accommodation at Dunbar Grammar School.

The required payment of a financial contribution of a total of £1,456,796 towards the provision of additional accommodation at East Linton Primary and Nursery School and Dunbar Grammar School can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the payment of the required contribution towards educational accommodation the proposal is consistent with Policy INF3 of the adopted East Lothian Local Plan 2008, which stipulates that new housing will only be permitted where appropriate provision for infrastructure required as a consequence of the development is made. This will include funding necessary school capacity. The applicant confirms in writing that they are willing to enter into such an agreement.

The Council's Economic Development & Strategic Investment Manager advises that in accordance with the Council's Affordable Housing Policy, 25% of the proposed 113 residential units require to be affordable housing units. The affordable housing component of the proposed housing development is 28 units. The Economic Development & Strategic Investment Manager advises that the mix and location of affordable units to be provided on the site is acceptable. The terms for the provision of this affordable housing requirement could be the subject of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. The basis of this is consistent

with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the Council securing the affordable housing requirement, which the applicant is willing to do, the proposal would be consistent with Policy H4 of the adopted East Lothian Local Plan 2008.

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

In the context of the site being land of the allocated housing site DR8 of the approved Proposed Local Development Plan, and in that its impacts in respect of amenity and technical considerations can be mitigated through the appropriate use of planning conditions, the balance of the material considerations of this case support the proposals. In this and in that the scale and location of development would not prejudice the Proposed LDP nor be a premature decision, it is consistent with Scottish Planning Policy: June 2014 and SESplan Policy 7, which considerations outweigh the provisions of Policy DC1 of the adopted East Lothian Local Plan 2008.

RECOMMENDATION

It is recommended that planning permission be granted subject to:

1. The undernoted conditions.

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

(i) secure from the applicant a financial contribution of a total of £1,456,796 towards the provision of additional accommodation at East Linton Primary and Nursery School and Dunbar Grammar School;

(ii) secure from the applicant 28 affordable residential units within the application site or if it can be demonstrated to the Council that this, or the off-site provision of 28 affordable residential 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; and

(iii) secure from the applicant a financial contribution to the Council of £58,421 for the provision of additional play equipment and/or for some other enhancement of the play area at Memorial Park, East Linton, or some other agreement for this contribution; and

(iv) secure from the applicant a financial contribution to the Council of £5,000 for the provision of pond creation and enhancement of the great crested newt site at Bog Quarry Pond, or if necessary an alternative site(s) in East Lothian.

3. That in accordance with the Council's policy on time limits for completion of planning agreements it is recommended that the decision should also be that in the event of the Section 75 Agreement not having been executed by the applicant, the landowner and any other relevant party within six months of the decision taken on this application, the application shall then be refused for the reason that without the developer contributions to be secured by the Agreement the proposed development is unacceptable due to a

lack of sufficient school capacity at East Linton Primary and Nursery School and Dunbar Grammar School, the lack of provision of affordable housing, a lack of sufficient formal play provision and a lack of enhanced great crested newt habitat, contrary to, as applicable, Policies INF3, H4, C2 and DP13 of the adopted East Lothian Local Plan 2008.

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 number of residential units to be completed on the site each year shall be as follows unless otherwise approved in writing in advance by the Planning Authority:

Year 2018/2019 - 35 residential units
Year 2019/2020 - 36 residential units
Year 2020/2021 - 36 residential units
Year 2021/2022 - 6 residential units

Should any completions be fewer per year than given above then the difference shall be added to the end of the 4 year phasing period and not to the year following on.

Reason:

To enable the Planning Authority to control the development of the site in the interests of the good planning of the site and to ensure that there is sufficient education provision.

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

Reason:

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

- 4 Prior to the occupation of the last house or flat hereby approved, the proposed access roads, parking spaces, and footpaths shall have been constructed on site in accordance with the docketed drawings.

Those areas of land shall not thereafter be used for any other purpose than for accessing and for the parking of vehicles in connection with the residential use of the houses and flats and shall not be adapted or used for other purposes without the prior written approval of the Planning Authority.

Vehicle access's 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.

Reason:

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

- 5 Prior to the commencement of development, details showing compliance with the following transportation requirements shall be submitted to and approved in writing in advance by the Planning Authority:

(i) the turning head adjacent to plots 2 and 3 as shown on the docketed development layout plan shall be extended to measure 23.5 metres in length;

(ii) a pedestrian 'safe zone' shall be provided on one side of the loop road on the northwest part of the site;

(iii) additional visitor parking shall be provided at a rate as set out in the East Lothian Council Standards for Development Roads - Part 5 Parking Standards; and

(iv) 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.

The residential development shall thereafter be carried out in accordance with the details so approved.

Reasons:

In the interests of road and pedestrian safety.

- 6 Notwithstanding that which is stated on the drawings docketed to this planning permission a visibility splay of 2.5 metres by 90 metres shall be provided and maintained on each side of the new vehicular access junction with the B1404 public road so that no obstruction lies within it above a height of 1.05 metres measured from the adjacent carriageway surface.

Reason:

To ensure that adequate visibility is provided at the access in the interest of highway safety.

- 7 The south roadside boundary wall on the north side of the B1407 public road shall be realigned to meet the required visibility splay in Condition 6 above; a dilapidation survey shall be carried out on the structural stability of the south roadside boundary wall over the length of the application site which shall be submitted to and approved by the Planning Authority. Where the wall is identified as being in need of upgrading or requiring rebuilding (including to provide for the visibility splay), those identified works shall be undertaken in accordance with detail of the wall upgrading/rebuilding, including samples of stone, to be submitted to and approved in advance by the Planning Authority. The works carried out shall be in accordance with the detail so approved.

Reason:

In the interests of road safety.

- 8 No residential unit shall be occupied unless and until the junction of the A199 and B1407 public roads has been re-configured and the existing 30 miles per hour (mph) speed limit on the B1407 public road has been extended westwards, which shall include the relocation of the existing 30mph/national speed limit signs and the provision of a gateway feature, all as shown on docketed drawings nos. SK 001 Rev B and SK 003 Rev C.

Reason:

In the interests of road safety.

- 9 (a) Prior to the commencement of development a Stage 2 Road Safety Audit - Detailed Design shall be submitted to and approved by the Planning Authority.

(b) Immediately following completion of the development the subject of this planning permission, the date of which shall be provided in writing to the Planning Authority, a Stage 3 Road Safety Audit - Post Opening shall be submitted to and approved by the Planning Authority.

(c) 12 months following approval of the Stage 3 Road Safety Audit a Stage 4 Road Safety Audit shall be submitted to and approved by the Planning Authority.

Reason:

In the interests of road safety.

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

Reason:

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

- 11 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 construction traffic and shall include hours of construction work and details of wheel washing facilities to be provided. Wheel washing facilities must be provided and maintained in working order during the period of operation of the site. All vehicles must use the wheel washing facilities to prevent deleterious materials being carried onto the public road on vehicle tyres.

Reason:

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

- 12 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.

- 13 The core path that is located along the northern boundary of the site shall be surfaced in tarmac and brought up to an adoptable standard, and the tarmac surfacing and adoptable standard finish of it shall be continued along the core path from the northeast corner of the application site eastwards to where it meets the pedestrian link to the underpass that connects Andrew Meikle Grove to the rest of the village of East Linton. Prior to the commencement of development details of the tarmac surfacing and adoptable standard construction shall be submitted to and approved in writing in advance by the Planning Authority and such detail shall include a timetable for implementation of the surfacing works and the inclusion of street lighting.

These works shall thereafter be fully implemented in accordance with the details so approved.

Reason:

In the interests of pedestrian safety.

- 14 A timetable for the provision of the erection of the boundary enclosures for the rear gardens of the houses hereby approved shall be submitted to and approved in advance by the Planning Authority and development shall thereafter be carried out in full accordance with the timetable so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

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

- 15 The mitigation and compensation measures for the protection of great crested newts during the construction and operational phases of the development hereby approved shall all be carried out in strict accordance with those detailed in the 'Proposed mitigation & compensation for great crested newts' document by Technical and Safety Services docketed to this planning permission.

Reason:

In the interests of the biodiversity of the area.

- 16 The development hereby approved shall be carried out in strict accordance with the 'Tree Survey and Arboricultural Constraints' document and the Tree Protection Plan drawing no. SMH-EL-TP-01 all by Alan Motion Tree Consulting Ltd docketed to this planning permission.

The temporary protective fencing as shown to be erected on drawing no. SMH-EL-TP-01 must be fixed in situ, erected prior to the commencement of development and be retained on site and intact through to completion of development. All weather notices shall be erected on said fencing with words such as "Construction exclusion zone - Keep out". Within the fenced off areas the existing ground level shall neither be raised nor lowered, no materials, temporary buildings, plant, machinery or surface soil shall be placed or stored and no herbicides shall be used. Planning of site operations should take sufficient account of wide loads, tall loads and plant with booms, jibs and counterweights (including drilling rigs), in order that they can operate without coming into contact with retained trees. Any materials whose accidental spillage would cause damage to a tree

shall be stored and handled well away from the outer edge of its RPA. Fires on sites should be avoided if possible. Where they are unavoidable, they should not be lit in a position where heat could affect foliage or branches. The potential size of a fire and the wind direction should be taken into account when determining its location and it should be attended at all times until safe enough to leave.

Reason:

To ensure the retention of existing trees, in the interests of the visual amenity of the area.

- 17 All new planting as shown on docketed drawings nos. 127.85.01a, 127.85.02b, 127.85.03b, 127.85.04b and 127.85.05b shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 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.

All the new planting shall be maintained in accordance with the maintenance programme as detailed on docketed drawing no. 127.85.01a.

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 improve the biodiversity value of the area.

- 18 All the open space recreation areas indicated on the docketed site layout plan shall be available for use prior to the occupation of the last house or flat on the site.

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

Reason:

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

- 19 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 (Trial Trench Evaluation (10%)) 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.

- 20 No residential unit shall be occupied unless and until details of artwork to be provided on the application site or at an alternative location away from the site have been submitted to and approved by the Planning Authority. The details shall include a timetable for the provision of the artwork. The artwork shall thereafter be provided in accordance with the details so approved.

Reason:

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

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

REPORT TO: Planning Committee
MEETING DATE: Wednesday 29 March 2017
BY: Depute Chief Executive (Partnerships and Community Services)
SUBJECT: Application for Planning Permission for Consideration

4

Application No. **17/00031/AMM**

Proposal Approval of matters specified in conditions of planning permission in principle 15/00760/PPM - Conversion of building to form 3 houses and 18 flats, erection of 47 houses, 57 flats and associated works

Location **Former Fire Service Training School
Main Street
Gullane
East Lothian
EH31 2HG**

Applicant CALA Management Ltd

Per JTP

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

Although this application is for the approval of matters specified in conditions of planning permission in principle 15/00760/PPM it has to be determined as a major development type application because the area of the application site is greater than 2 hectares and the number of dwellings detailed is greater than 50. Accordingly the application cannot be decided through the Council's Scheme of Delegation. It is therefore brought before the Planning Committee for a decision.

The application site comprises the whole of the former Scottish Fire Service Training School (SFSTS) on the south side of Main Street, Gullane. It is made up of a number of different buildings of differing architectural form. The principal building on the site is a substantial four storey building of traditional form and design which is of architectural merit, known as Henderson House. It fronts onto Main Street. To the east and south of this principal building are other more modern buildings including accommodation blocks, a garage and workshop complex, a gymnasium and a training centre, which are built

around a courtyard complex.

In January 2017 planning permission in principle 15/00760/PPM was granted for a residential development of the application site with associated infrastructure and landscaping following the conclusion of a legal agreement to secure education, off site play area enhancement and affordable housing provisions.

Approval of matters specified in conditions of planning permission in principle 15/00760/PPM is now sought for the conversion of Henderson House to form 3 houses and 18 flats, the erection of 47 houses, 57 flats and associated works on the application site. The remainder of the existing buildings on the site would be removed to make way for new residential units.

Of the 47 houses to be erected within the site, 21 would be detached, 10 would be semi-detached and 16 would be terraced. In terms of size, 38 of the 47 proposed houses would contain 5 bedrooms, 5 would contain 4 bedrooms and 4 would contain 3 bedrooms. Of the 3 houses to be formed within Henderson House, 1 would contain 2 bedrooms and 2 would contain 3 bedrooms.

There would be 9 buildings erected within the site which would comprise car ports at ground floor level and 3 bedroom flats at first floor level contained within 2-storey buildings. The car ports would provide for off street parking for some of the proposed houses and flats.

In addition three flatted buildings would be erected on the northern part of the site fronting onto Main Street and two flatted buildings would be erected on the western part of the site fronting onto Muirfield Drive. All these flatted buildings would each be 3-stories high.

The 75 flats would each contain a mix of 1, 2 and 3 bedrooms.

The submitted details also include for the internal access roads, garages, parking courts, boundary treatments, landscaped open space, SUDS and associated works.

Vehicular, pedestrian and cycle access to the houses and flats would be taken by way of a new access junction from Main Street and from an existing access into the site from Muirfield Drive and also a secondary new access from Muirfield Drive. Separate pedestrian and cycle accesses would be formed from the site onto Main Street, Fenton Road and Garleton Court.

The boundaries of the site would be landscaped with new hedge and tree planting. Existing trees along the southern boundary of the site at its western side would be retained. A large area of open space would be formed centrally within the site and a smaller area of open space would be formed on the southeast part of the site. A SUDS basin would be formed adjacent to the east boundary of the site at its southern end and would be grassed. There is no proposal to form an equipped play area within the site. This is because, on the previous advice of the Council's Principal Amenity Officer, a financial contribution towards the enhancement of the existing play area at Recreation Park, which is on the west side of Muirfield Terrace a short distance to the southwest of the application site, with additional facilities was secured through planning permission in principle 15/00760/PPM, as an alternative to on site provision.

The application is supported by a Design and Access Statement. The Statement sets out the design principles and concepts that have been applied to the development. It also sets out the non-statutory community consultation which was undertaken prior to

submitting this application.

The application is also supported by a Drainage Strategy Plan and Flood Risk Assessment, a Tree Survey and Arboricultural Constraints Report and a Preliminary Roost Assessment & Bat Activity Survey Report.

Subsequent to the registration of this application, further drawings have been submitted showing i) revisions to the detail of the elevations on one of the flatted buildings, alterations to the site layout to provide for alternative refuse arrangements and to show ground surfacing additions and off site works, (ii) an elevational drawing of the development from Fenton Road, and (iii) construction traffic management drawings.

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 the proposed development falls within the category of a Schedule 2 Development, being one that may require the submission of an Environmental Impact Assessment (EIA). Schedule 3 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 sets out the selection criteria for screening whether a Schedule 2 development requires an EIA. On 2 February 2016 the Council issued a formal screening opinion to the applicant. The screening opinion concludes that it is East Lothian Council's view that a housing development of the site is not likely to have a significant effect on the environment such that consideration of environmental information is required before any grant of planning permission. It is therefore the opinion of East Lothian Council as Planning Authority that there is no requirement for the proposed housing development to be the subject of an EIA.

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan, unless material considerations indicate otherwise.

The development plan is the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Plan 2008.

Relevant to the determination of the application is Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies H1 (Housing Quality and Design), DP1 (Landscape and Streetscape Character), DP2 (Design), DP14 (Trees on or Adjacent to Development Sites), DP15 (Sustainable Urban Drainage Systems), C1 (Minimum Open Space Standard for new General Needs Housing Development), C2 (Play Space Provision in new General Needs Housing Development), T2 (General Transport Impact), DP20 (Pedestrians and Cyclists), DP22 (Private Parking) and DP24 (Home Zones) of the adopted East Lothian Local Plan 2008.

A material consideration is the supplementary planning guidance of "Design Standards for New Housing Areas" approved by the Council on 10th March 2008. This guidance requires that a more flexible approach be taken in road layout and design for proposed housing developments and sets core design requirements for the creation of new urban structures that will support Home Zone development as well as establishing design requirements for the layout of and space between buildings. Developers must provide adequate information to the satisfaction of the Council to demonstrate the merits of their design.

Also material to the determination of this application is the Scottish Government Policy Statement entitled "Designing Streets". It provides an overview of creating places, with street design as a key consideration. It advises on the detail of how to approach the

creation of well-designed streets and describes the processes which should be followed in order to achieve the best outcomes.

Five written representations have been received in respect of this application, all of which raise objection to the proposed development.

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

The main grounds of objection are summarised as follows:

- * The proposed footpath to Garleton Court would be a pedestrian and road safety risk;
- * New trees would lead to a loss of light;
- * The proposed flats would lead to a loss of privacy;
- * Traffic on Muirfield Drive and the local road network would increase;
- * The proposed development would lead to traffic problems and thus would result in a road safety hazard;
- * The health facilities in Gullane and rail links cannot accommodate future residents of the development;
- * The flatted buildings fronting onto Main Street are too high and balconies are inappropriate;
- * A number of trees would be lost;
- * Problems with the parking of construction traffic.

Gullane Area Community Council, as a consultee on the application advises that they do not object to the application. They do however make various comments on the requirement of planning permission in principle 15/00760/PPM for the submission of a Construction Method Statement.

By the grant of planning permission in principle 15/00760/PPM, approval has been given for the principle of the erection of 125 residential units on the application site. There can therefore be no objection in principle to the erection of the 125 residential units now proposed.

Therefore, in the determination of this application the Council, as Planning Authority, can only concern itself with the siting, design and external appearance of the development, the landscaping of and means of access to the site and the means of any enclosure of the boundaries of the site. In this regard the detailed proposals have to be considered against relevant development plan policy and the indicative masterplan and conditions attached to planning permission in principle 15/00760/PPM.

The site is within a predominantly residential area, being surrounded by residential properties which are within an area defined by Policy ENV1 of the adopted East Lothian Local Plan 2008 as being of predominantly residential character and amenity. The residential development of the application site would ensure that the predominantly residential character and amenity of the area is safeguarded and it would be compatible with the surrounding existing residential use of the area.

Paragraph 2.6 of the "Design Standards for New Housing Areas", approved by the Council on 10th March 2008, states that new housing development must create a hierarchical, permeable and interconnected street layout that complements and should extend the surrounding street pattern. Such layouts spread vehicle traffic evenly through a site and to the surroundings, help prevent localised traffic congestion, and encourage walking and cycling. Proposed street layouts must maximise connections within the site and to surrounding streets, and ensure the movement requirements of the development strategy are met. By the design and arrangement of street types, street layouts must influence vehicle drivers preferred route choice to ensure the tertiary streets between residential blocks are less busy. In paragraph 2.9 it is stated that Home Zones must be introduced to new development as part of a hierarchical, permeable and interconnected street layout.

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

The details now submitted for approval are for a scheme of development comprising a mix of detached, semi-detached and terraced houses (13 types of residential units) and 75 flats, with the flatted buildings and houses being three storeys and two stories in height respectively. The total number of units proposed accords with the planning permission in principle granted for the site and the mix of residential units includes a range of sizes and types. The layout reflects the surrounding area, which is generally characterised by detached, semi-detached and terraced houses and flatted buildings.

The houses and flats would be finished predominantly with rendered walls and smaller areas of reconstituted stone and their pitched roofs would be clad with either red or grey concrete tiles. A condition can be imposed to require the submission of a scheme of final finishes with a palette of colours for the houses and flats, which has due regard to the finishes of other residential properties in the locality. Subject to the imposition of this condition, the proposed houses and flats would not cause any incongruous change to the architectural harmony, integrity and character of this part of Gullane.

The proposed layout is broadly consistent with the layout shown in the indicative masterplan docketed to planning permission in principle 15/00760/PPM. The proposed houses and flats, due to their positioning on the application site and by virtue of their height, size and scale, and architectural design would satisfactorily integrate into their surroundings and would not appear as prominent or intrusive features. In this respect, the flatted buildings have been designed to be subservient, but in keeping with Henderson House such that it remains the focal building within the site. The flatted buildings would also serve to reinforce the built form of the site frontages with Main Street and Muirfield Drive which, together with the proposed landscaping would ensure a visually attractive and cohesive development, with the proposed flatted buildings visible but not appearing incongruous or intrusive in their surroundings. The other components of the proposed development would not be harmful to the character and appearance of the area.

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

houses and flats an appropriate level of privacy and residential amenity.

The application site is capable of accommodating all of the houses and flats without being an overdevelopment of the site and without being incompatible with the density of existing housing development in the area.

Condition 7 of planning permission in principle application 15/00760/PPM requires details of the proposed integrated sustainable urban drainage scheme (SUDS) for the site to be submitted. Drainage detail has been submitted with the application. The Scottish Environment Protection Agency has been consulted on the application and raise no objection to the proposed development, advising that the proposed methodology for dealing with surface water drainage at the site is satisfactory.

The Council's Team Manager for Structures, Flooding & Street Lighting has also appraised the drainage detail for the site and raises no objection to the application, satisfied that the proposed methodology for dealing with surface water drainage at the site is satisfactory.

The proposed development has been amended in light of comments received from the Council's Landscape Project Officer. The revised proposals have:

- * Amended details on the siting of tree planting throughout the site;
- * Provided a detailed method statement for the proposed seeding and maintenance of landscaped areas; and
- * Provided a tree survey and arboricultural constraints plan to address the treatment of trees growing in the southwest corner of the site.

The Landscape Project Officer does not object to the details of the development now proposed, but she does require that conditions be imposed on a grant of planning permission to ensure that tree maintenance, landscaping, tree protection measures and arboricultural monitoring are carried out in accordance with that shown on the application submissions. Such measures can be secured by the imposition of conditions on the approval of matters specified in conditions for the proposed housing development.

The Landscape Projects Officer confirms that the trees to be planted on the site boundary with the houses on the east side of Garleton Court are medium species trees and therefore they would not grow to such a size that would cause such a degree of overshadowing to the rear gardens of those houses that would be harmful to the amenity of occupiers of them.

The Council's Environment Health Manager raises no objection to the proposed development.

On all of these foregoing findings on matters of design, layout, landscaping and amenity, and subject to the imposition of conditions, the proposed development is consistent with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), Policies H1, DP1, DP2, DP14 and DP24 of the adopted East Lothian Local Plan 2008, the Council's Design Standards for New Housing Areas and the Scottish Government Policy Statement entitled "Designing Streets".

Condition 9 of planning permission in principle application 15/00760/PPM requires the submission of a bat survey of the buildings on the site. A Preliminary Roost Assessment & Bat Activity Survey Report has been submitted with the application. The Council's

Biodiversity Officer has appraised the submitted report and is content with its findings on bat activity in the area and he therefore raises no objection to the application.

As previously detailed, the proposed site layout includes a large area of open space to be formed centrally within the site and a smaller area of open space to be formed on the southeast part of the site. The Council's Principle Amenity Officer advises that the size and locations of the areas of open space proposed are satisfactory to provide for informal recreation for the proposed development. It is therefore consistent with Policy C1 of the adopted East Lothian Local Plan 2008.

The principles of the means of accessing of the proposed residential development are already decided by the grant of planning permission in principle 15/00760/PPM. The submitted details for accessing the proposed residential units are in accordance with these principles established by the grant of planning permission in principle 15/00760/PPM.

The Council's Road Services raise no objection to the submitted details, being satisfied that the proposed development can be safely accessed by both cars, pedestrians and cyclists, that the development would not result in unacceptable traffic congestion on the local road network, including on Muirfield Drive, and that it would not result in a road or pedestrian safety hazard. They advise that the location and amount of parking within the site is acceptable.

They recommend that:

- * the parking spaces to be provided within car ports should not at any future point be converted into garages as garages are not accepted as dedicated off street parking;
- * details of cycle parking for future residents of Henderson House be submitted for approval;
- * the footpath link from the site to Garleton Court be extended over the Council owned grass area to connect into the existing footway network.

In terms of the provision of the footpath linking the application to Garleton Court discussions have been held between Officers of the Council and the applicant. Due to the build phasing of the site and health and safety requirements it has been agreed that the footpath link be provided prior to the occupation of the any of the residential units on plots 57 to 62 as shown on the application drawings. Road Services confirm this is acceptable.

All of the above requirements can reasonably be made conditions of the approval of matters specified in conditions for the proposed housing development.

Condition 5 of planning permission in principle 15/00760/PPM requires a Construction Method Statement be submitted to minimise the impact of construction activity on the amenity of the area prior to the commencement of development. A Construction Method Statement has been submitted with this application. The Construction Method Statement shows that HGV traffic would access and egress the site from the east via the A198 and B1345 roads such that they would not use Muirfield Drive or Main Street. It further shows that only cars, vans and light vehicles would access and egress the site from the west via Main Street and Muirfield Drive. A site compound would be formed within the site itself which would be used for construction works and parking. Road Services advise that the control and route of construction traffic and the provision of on-site parking during development of the site as detailed in the Construction Method

Statement drawings is acceptable. The Construction Method Statement details that during construction the surrounding streets will be cleaned by way of a road brush as an alternative to a wheel washing facility. Road Services confirm this is acceptable.

Condition 6 of planning permission in principle 15/00760/PPM requires that, (i) an uncontrolled pedestrian crossing point be formed on Muirfield Drive to provide a suitable safe pedestrian link to provide connectivity and access to Gullane Primary School from the proposed development, (ii) a continuous 2 metre wide footway be provided on the east side of Muirfield Drive along the entire length of the site frontage, (iii) a continuous 2 metre wide footway provided on the west side of the C111 public road from its junction with the A198 (Main Street) to the pedestrian access link into West Fenton Gait; and (iv) raised table junctions be formed at the vehicular access junctions from the site with Muirfield Drive. The application drawings show only one raised table junction would be formed at the southern vehicular access junction from the site with Muirfield Drive. Road Services confirm a second is not necessary and are content that the provision of one raised table junction, which also acts as the uncontrolled pedestrian crossing point, would not compromise road or pedestrian safety. Otherwise the application drawings show the provision of all the requirements of Condition 6 of planning permission in principle 15/00760/PPM and Road Services confirm they are acceptable.

The other recommendations of Road Services are covered by conditions imposed on the grant of planning permission in principle 15/00760/PPM and therefore remain in force and thus there is no requirement to also attach them to this approval of matters specified in conditions application.

On these foregoing transportation and other access considerations the proposed residential development is consistent with Policies T2, DP20 and DP22 of the adopted East Lothian Local Plan 2008.

The mechanism of a financial contribution towards the provision of additional play equipment and/or for some other enhancement of the play area at Recreation Park, Muirfield Terrace, Gullane is already secured through the grant of planning permission in principle 15/00760/PPM.

The mechanism of a financial contribution towards additional educational provision at Gullane Pre-School, Gullane Primary School and North Berwick High School for a housing development of 125 residential units has already been secured through the grant of planning permission in principle 15/00760/PPM.

The mechanism of the provision within the residential development of 25% affordable housing units (i.e. 31 units of the proposed 125 units) is already secured through the grant of planning permission in principle 15/00760/PPM.

The Council's Economic Development and Strategic Investment service raise no objection to the details of the 31 affordable housing units now proposed.

RECOMMENDATION

That approval of matters specified in conditions for the proposed housing development be granted subject to the following conditions:

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

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

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

Reason:

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

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

Reason:

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

- 3 Prior to the occupation of the last house or flat hereby approved, the proposed access roads, parking spaces, and footpaths shall have been constructed on site in accordance with the docketed drawings.

Those areas of land shall not thereafter be used for any other purpose than for accessing and for the parking of vehicles in connection with the residential use of the houses and flats and shall not be adapted or used for other purposes without the prior written approval of the Planning Authority.

Reason:

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

- 4 All of the car ports as hereby approved to be used for parking spaces for the houses and flats shall at all times remain open fronted, without any doors or any other form of enclosure on their front elevations to ensure that they are capable of use for the parking of a car and not as a secure storage area.

Reason:

To ensure a satisfactory standard of car parking provision to serve the development hereby approved and in the interests of road safety.

- 5 Prior to the occupation of any of the flats to be formed within Henderson House, details of cycle parking for future residents of them shall be submitted to and approved in advance by the Planning Authority. The cycle parking shall be in the form of 1 locker per flat or communal provisions in the form of a lockable room or shed. The cycle parking shall thereafter be provided in accordance with the details as so approved and shall be retained in place for that purpose.

Prior to the occupation of any of the other flats as hereby approved, the cycle parking for future residents of them shall be provided as shown on the docketed drawings and shall thereafter be retained in place for that purpose.

Reason:

To promote the use of a sustainable form of transport to the development.

- 6 Prior to the occupation of any of the residential units on plots 57-62 as shown on the docketed drawings the footpath link from the application to Garleton Court shall be formed and made available for use.

Also prior to the occupation of any of the residential units on plots 57-62 as shown on the docketed drawings the footpath link from the application site to Garleton Court shall be extended over the Council owned grass area within Garleton Court to connect into the existing footway network, the detail of which shall be submitted to and approved in advance by the Planning Authority. The detail shall show the construction method of the footpath to be in accordance with section 7 of BS5837: 2012 "Trees in relation to design, demolition and construction ~ Recommendations" where the path lies within any tree Root Protection Area.

The footpath link and the extended footpath link as so approved shall thereafter remain in place unless otherwise approved by the Planning Authority.

Reason:

To ensure that adequate and satisfactory provision is made for pedestrian access in the interests of pedestrian safety and to ensure the retention and protection of trees which are an important feature of the area.

- 7 A timetable for the provision of the erection of the 1.8 metre high boundary enclosures for the rear gardens of the houses hereby approved shall be submitted to and approved in advance by the Planning Authority and development shall thereafter be carried out in full accordance with the timetable so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

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

- 8 All the open space recreation areas indicated on the docketed drawings shall be available for use prior to the occupation of the last house or flat on the site.

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

Reason:

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

- 9 No trees or shrubs, which are to be retained on the site, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the prior written consent of the Planning Authority.

Reason:

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

- 10 No development shall commence until temporary protective fencing has been erected to the specification detailed in the docketed 'Arboricultural Assessment and Tree Protection Measures for Belt of trees to rear of plots 57 to 64' document and in the position shown for it on docketed drawing no. 17474/3 titled 'Tree Protection (detail south)'.

All weather notices shall be erected on said fencing with words such as "Construction exclusion zone - Keep out". Within the fenced off areas the existing ground level shall neither be raised nor lowered, no materials, temporary buildings, plant, machinery or surface soil shall be placed or stored and no herbicides shall be used. Planning of site operations should take sufficient account of wide loads, tall loads and plant with booms, jibs and counterweights (including drilling rigs), in order that they can operate without coming into contact with retained trees. Any materials whose accidental spillage would cause damage to a tree shall be stored and handled well away from the outer edge of its RPA. Fires on sites should be avoided if possible. Where they are unavoidable, they should not be lit in a position where heat could affect foliage or branches. The potential size of a fire and the wind direction should be taken into account when determining its location and it should be attended at all times until safe enough to leave.

Reason:

To ensure the retention and maintenance of trees which are an important feature of the area.

- 11 All new planting as shown on docketed drawings nos. 12-01e, 12-02c, 12-03e and as specified in the docketed documents titled 'Cala Management Limited, Fire College, Gullane, Landscape Works, Grassed and Planted Areas, Planting Schedule' and 'Cala Management Limited, Fire College, Gullane, Landscape Works, Grassed and Planted Areas, Planting Key' shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 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.

All the new planting shall be maintained in accordance with the maintenance programme as detailed in the docketed document titled 'Cala Management Limited, Fire College, Gullane, Landscape Works, Grassed and Planted Areas, Maintenance Specification'.

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 improve the biodiversity value of the area.

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

REPORT TO: Planning Committee

MEETING DATE: Wednesday 29 March 2017

BY: Depute Chief Executive (Partnerships and Community Services)

SUBJECT: Application for Planning Permission for Consideration

5

Application No. **14/00768/PPM**

Proposal Planning permission in principle for remediation of site and creation of new settlement comprising residential, employment, education and commercial uses with park and ride and rail halt facilities and associated works

Location **Blindwells
Tranent
East Lothian**

Applicant Hargreaves Surface Mining Ltd c/o Agent

Per Turley

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

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

As a statutory requirement for major development proposals this development proposal was the subject of a Proposal of Application Notice (Ref: 15/00007/PAN) and thus of community consultation prior to this application for planning permission in principle being made to the Council.

As an outcome of that and as a statutory requirement for dealing with major development type applications a pre-application consultation report is submitted with

this application. The report informs that the five pre-application public exhibitions were held at Port Seton Library, Longniddry Community Centre, Prestonpans Community Centre, the Town House, Haddington, and the Loch Centre, Tranent. Attendees made a number of queries and comments regarding the proposals. The development for which planning permission in principle is now sought is of the same character as that which was the subject of the community engagement undertaken through the statutory pre-application consultation of the proposal.

The application site has an area of 128 hectares and is located in close proximity to the settlements of Prestonpans, Tranent, Cockenzie and Port Seton. It was formerly in use as an open cast mine. When workings ceased it was backfilled and reinstated for agricultural use. A body of water, known as Blindwells Loch, is located in the northwest part of the site, and disused railway sidings remain from the former mining operations. There is an existing vehicular access to the site from the A198 road, at a central point on the western boundary of the site.

Topographically, the site generally slopes from southeast to northwest, although a defined ridge passes across it, from which the land falls more rapidly to the north. This feature creates a high platform and ridge to the southeast of the site and a low basin to the northwest.

The site is predominantly bounded to the north by the east coast main railway line, beyond which is the A198 road, to the east by a public right of way known as Whinny Loan, with agricultural land beyond, to the south by the A1 trunk road, with agricultural land beyond, and to the west by the Bankton roundabout and the A198 road. On the other side of the A198 road is the former St Joseph's School. The School, together with its gates and gate piers, is listed as being of special architectural or historic interest (Category B).

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

The Seton House (Palace) Designed Landscape is located to the north of the northeast part of the application site, on the other side of the east coast main railway line and the A198 road.

A Scheduled Ancient Monument, known as the Seton West Mains Enclosures 500M SW Of, is located some 300 metres to the northwest of the application site.

The Firth of Forth Special Protection Area is located approximately 1km to the north of the application site.

In March 2011 planning permission in principle (Ref: 11/00173/PPM) was sought for the construction of 1600 houses, education, retail, employment, community uses, park and ride and associated open space and infrastructure on the application site. That application, which was submitted by the Scottish Resources Group, was subsequently withdrawn without it having been determined.

In June 2014 a Proposal of Application Notice (Ref: 14/00015/PAN) was submitted in respect of a proposed Energy Park comprising a mix of uses including Classes 4, 5 and 6 development. The site proposed for the Energy Park comprised a substantial area of land and included the land of the application site. No subsequent application has been submitted in respect of the proposed Energy Park development.

Planning permission (Refs: 09/00036/FUL, 14/00362/P, 14/00363/P and 14/00644/P)

has been granted on four occasions between 2009 and 2014 for temporary surcharging trials within the application site. The purpose of these trials was to establish that ground conditions can be remediated to be suitable for a mixed use development of the application site.

Planning permission in principle is now sought for remediation of the application site and for the creation of a new settlement. The settlement could comprise residential, employment, education and commercial uses with park and ride and rail halt facilities and associated works.

The elements of the new settlement include up to 1600 residential units, a school campus, 10 hectares of employment land, a local centre with commercial units, a supermarket, a park and ride facility, playing fields, open space, allotments, a cemetery, landscaping, roads, footpaths and associated infrastructure provision.

An indicative masterplan was submitted with the application. It shows how the various components of development could be accommodated on the site.

The masterplan shows how the site could be accessed at three points from the A198 road, to the west of the application site. It shows how one of the accesses could be taken from the Bankton Interchange, which is at the southwest edge of the site. The northernmost proposed access is shown to involve the upgrading of the existing vehicular access into the site. It is further indicated that the third access could be formed at a central point on the western boundary of the site, in a position opposite an existing vehicular access that serves the former St Joseph's School. The masterplan further indicates how roads could be laid out within the application site to serve the various components of development. It is also shown that the roads could extend to the eastern boundary of the application site.

The park and ride facility is shown to be located in the northwest corner of the application site. It is shown to consist of a large car park. The masterplan shows how a station/ rail halt could be located immediately to the northeast of the park and ride facility, in a position to the south of the main east coast rail line. It further shows how employment units could be located to the south and east of the site for the station/ rail halt. A supermarket with associated car parking is shown to be located to the southeast of the site for the station/ rail halt. The applicant proposes that the supermarket would have a gross floorspace of 2,694 square metres. The local centre is shown to be located within a central position on the application site, to the east of the indicatively proposed supermarket. The applicant's masterplan identifies buildings within the proposed local centre that could be used for NHS/ GP services/ Council Offices/ police/ community facilities. A large body of water, identified as 'Princes Loch' is shown to be located between some of the proposed employment units and the local centre. A town park with three community tennis courts is indicated to the south of the large body of water. The school campus is shown to be located to the southeast of the local centre. A large area of open space, is shown to be located to the southeast of the site for the school campus. That area of open space is shown to include three sports pitches, with an adjacent changing pavilion, and an allotment area. The cemetery is shown on the eastern edge of the site, to the east of the allotment area. The masterplan shows how areas of housing could be located through the site. It also indicates where SUDS ponds, footpaths and areas of open space could be located.

An environmental statement has been submitted with the planning application. It contains chapters on site selection and alternatives, planning policy, land use, landscape and visual, cultural heritage, ground conditions, surface water and foul drainage, ecology and nature conservation, community assets, transport and access,

air quality, and noise. In November 2016 an Air Quality Impact Assessment was submitted as an addendum to the environmental statement. All relevant neighbour notification, advertisement in the press and consultation in respect of the Air Quality Report have been duly undertaken.

The environmental statement states that a range of employment and commercial facilities are proposed to the local centre and to the north east of the site. These could include the creation of a) Potential office units; b) Potential local retail and leisure units for newsagent, private day centre, hairdressers, post office, public house / restaurant / cafés / takeaway, bakery, bank etc; c) Potential distribution / Industry units; and d) Potential local centre units for NHS /GP services / Council Office / Police / Community Facilities.

The application is also supported by a Transport Assessment, a Landscape Design Statement and a Retail Impact Assessment.

Since the registration of the application a revised masterplan has been submitted as well as further information to support the application. This includes further information relating to ground conditions and site drainage.

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan, unless material considerations indicate otherwise.

The development plan is the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Plan 2008.

Policies 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Proposals H1 (Blindwells New Settlement) and BUS3 (Blindwells) and Policies H2 (Development Frameworks), H4 (Affordable Housing), ENV7 (Scheduled Monuments and Archaeological Sites), INF3 (Infrastructure and Facilities Provision), DP5 (Major Development Sites), T1 Development Location and Accessibility), T2 (General Transport Impact), DP1 (Landscape and Streetscape Character), DP3 (Housing Density), DP5 (Major Development Sites), DP14 (Trees on or Adjacent to Development Sites), DP15 (Sustainable Urban Drainage Systems), DP17 (Art Works -Percent for Art), DP18 (Transport Assessments and Travel Plans), DP20 (Pedestrians and Cyclists), DP21 (Public Transport), DP23 (Waste Minimisation, Separation, Collection and Recycling), DP24 (Home Zones), C1 (Minimum Open Space Standard for New General Needs Housing Development), C2 (Play Space Provision in new General Needs Housing Development) and C7 (Core Paths and other Routes) of the adopted East Lothian Local Plan 2008 are relevant to the determination of the application.

A material consideration in the determination of this application is Scottish Planning Policy: June 2014. One of the main outcomes of Scottish Planning Policy is to create a successful, sustainable place by supporting sustainable economic growth and regeneration, and the creation of well-designed, sustainable places. This is reflected in paragraph 25 of Scottish Planning Policy in which it is stated that the Scottish Government's commitment to the concept of sustainable development is reflected in Scottish Planning Policy's Purpose.

Also material is the Scottish Government Policy Statement entitled "Designing Streets" and Planning Advice Note 67: Housing Quality. It provides an overview of creating places, with street design as a key consideration. It advises on the detail of how to approach the creation of well-designed streets and describes the processes which

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

The supplementary planning guidance of "Design Standards for New Housing Areas", which was approved by the Council on 10th March 2008, is another material consideration. This guidance requires that a more flexible approach be taken in road layout and design for proposed housing developments and sets core design requirements for the creation of new urban structures that will support Home Zone development as well as establishing design requirements for the layout of and space between buildings. Developers must provide adequate information to the satisfaction of the Council to demonstrate the merits of their design.

A further material consideration is the Development Framework for Blindwells, which was approved by the Council on the 08 June 2010. It sets out how the Council requires the site to be developed in terms of its land use, design and infrastructure requirements.

A total of three written representation have been received in respect of this application. The representations do not state whether they object to or support the principle of the proposed development.

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

One of the representations is from a representative of the Loch Centre in Tranent. They request that the Council takes into account the need for the adequate provision of primary care (GP) medical services. They state that the existing medical practices in the surrounding area (Tranent, Prestonpans and Cockenzie) are all already at capacity, and consideration must be given as to how these services can be provided to new residents from the outset, and not as an after thought.

Another of the representations is from the Royal Society for the Protection of Birds (RSPB). They recognise that the site was a former open cast site which, while active, was of limited value to wildlife. However since the site has been restored the RSPB suggest that parts of it have become of local biodiversity interest. There is a population of bee orchids, one of only two sites in East Lothian where this rare (in a Scottish context) species occurs. They suggest that the Council's biodiversity officer should be consulted to determine if the applicant's translocation proposals would be an effective way of conserving the bee orchid population. The RSPB inform that Blindwells Loch is relatively important locally for its breeding and wintering waterfowl and associated wildlife. The proposed remodelling of the Loch will inevitably have impacts on that

wildlife. The RSPB advise that the applicant should aim to maximise the biodiversity value of the Loch, with a broad natural buffer between the edge and any development, and the creation of central islands to allow for some secure nesting and roosting sites. The RSPB offer further suggestions to improve the biodiversity of the development site. Finally, the RSPB advise that they agree with Scottish Natural Heritage's assessment that the development will have no impact on the qualifying features of the Firth of Forth Special Protection Area.

The other representor raises concerns regarding the road network around the Bankton junction and the layout of the access. It is suggested that the development should be served by a new junction (further east) with a road running through the development to the proposed park and ride rail link. This, it is suggested, would future proof further expansion and could join up with an eastern bypass of Tranent, reducing congestion and pollution.

Prestonpans Community Council express concern that surrounding roads could not cope with the additional traffic that will be generated by the proposed development. They advise that the NHS should be consulted on the application, as health care provision is a concern, with the Prestonpans practice currently operating with a 8 week wait to make an appointment. The Community Council also raise concerns regarding education provision, noting that Prestonpans Infant School and nursery has currently no space to expand and the nursery has had a new extension at the school and is full.

Longniddry, Haddington and Tranent Community Council's were consulted but did not make any comment on the proposals.

The application site is covered by Proposal H1 (Blindwells New Settlement) of the adopted East Lothian Local Plan 2008. Proposal H1 defines all of the land as being a strategic housing site and allocates it for a new settlement comprising land capable of accommodating 1600 houses, commercial, social, educational and community facilities, open space, employment and associated infrastructure.

Proposal H1 requires the Council to prepare a Development Framework addressing the development requirements of the site and defining the extent and broad location of the various land uses. The Framework must also have regard to the potential longer-term expansion of Blindwells and ensure that this is taken into account in planning for the area allocated under the present proposal. Proposal H1 states that it will then be the responsibility of the developer to submit for approval a Masterplan consistent with this Framework, and with the local plan's development policies prior to or as part of an application for planning permission. Proposal H1 stipulates that developer contributions are required for all necessary infrastructure, education and community facilities arising as a consequence of this development. It further stipulates that the developer must undertake a flood risk assessment.

Proposal H1 reflects the requirements of Policy H2 of the adopted East Lothian Local Plan 2008. The first of these requirements is that development proposals for strategic housing sites must conform to the relevant Development Framework and the second is that Masterplans for the allocated lands must comply with the relevant Development Framework and with other local plan policies. A Masterplan should be submitted prior to or as part of an application for planning permission to develop a strategic housing site.

A Development Framework for the allocated land of Blindwells was approved by the Council on the 08 June 2010. It sets out the role of the new settlement in the settlement hierarchy and its characteristics in terms of service provision, the consequent scale and

range of development/ land uses expected, and how the Council requires it to be developed in terms of infrastructure and design requirements.

The land of this application is also covered by Policy DP5 of the adopted East Lothian Local Plan 2008. As the site is part of a strategic housing site defined and allocated for residential development by Proposal H1, Policy DP5 requires the submission of a Masterplan for the entire allocated site and an accompanying supporting statement. Policy DP5 sets out the minimum information that must be contained within the Masterplan submission.

A single Masterplan and an accompanying Masterplan Document have been submitted in respect of the allocated site. The submitted Masterplan and accompanying Masterplan Document are compliant with the purpose and integrity of Policy DP5 of the adopted East Lothian Local Plan 2008.

The principle of the mixed use development of the application site comprising 1600 houses, commercial, social, educational and community facilities, open space, employment and associated infrastructure is established by the allocation of the land for a new settlement by Proposal H1 of the adopted East Lothian Local Plan 2008.

The development of a new settlement at Blindwells presents a significant opportunity to make good use of previously developed land and to capitalise on the integrated transport opportunities offered by the sites strategic location close to major road and rail networks.

The approved Development Framework states that the new settlement at Blindwells should be a high quality expendable mixed community consistent with the sustainable development principles set out in national, regional and local planning policy.

What is proposed in principle for the development of the application site would be a sustainable new settlement that makes good use of previously developed land. The urban form of the settlement in principle respects and responds to the landscape and landform of the area and has been designed to allow for a potential expansion of the settlement in the future.

The approved Development Framework requires that a new mixed use local centre should form part of the proposed new settlement. The Development Framework states that the new local centre should contain a suitable level of provision for local retail, non-retail, commercial/ community facilities, commensurate with the scale of allocation coming forward, so that the viability and vitality of nearby regenerating communities is not harmed.

The masterplan indicates a new local centre to be located centrally within the new settlement. It indicates a range of uses that would be suitable to the local centre. Consistent with the development framework, the local centre should include a civic square, which should be designed as a central meeting point and to provide a multifunctional space for both formal use such as community arts and theatre activities and for informal use. The civic square can be secured by a conditional grant of planning permission in principle for the proposed new settlement.

In order to create a sustainable new community, the applicants have proposed an appropriate scale and range of local facilities so future residents benefit from the amenities provided and the need to travel is minimised, whilst at the same time ensuring that the viability and vitality of existing towns is not harmed.

The new settlement includes for an educational and community facility, extensive areas of open space, three community sports pitches and a changing pavilion, three community tennis courts, a cemetery, allotments, a park and ride, a supermarket, employment units, and a local centre with community buildings. The range and indicative locations of the local facilities proposed are consistent with the approved Development Framework.

The proposed supermarket would have a gross floor area of 2,694 square metres. The applicant's retail impact assessment considers the catchment for the supermarket and assesses the likely effects of it upon existing retail provision in accordance with national and local policy. The applicant's retail impact assessment has been carefully considered by the Council's Team Manager, Policy and Strategy, who advises that he does not agree with the applicant's suggested catchment for the supermarket, and that the consequent scale of the proposed supermarket is too large. He therefore recommends that the gross floor area of the supermarket should be restricted to 1,035 square metres. This restriction can be secured by a conditional grant of planning permission in principle for the proposed new settlement. The applicant has agreed in writing to the imposition of this planning condition. Subject to the imposition of the recommended condition the principle of the proposed development is consistent with the approved Development Framework and with Policy R1 of the adopted East Lothian Local Plan 2008.

Proposal BUS3 of the adopted East Lothian Local Plan 2008 requires that at least 10 hectares of land for Class 4 (Business) and Class 5 (General Industrial) uses be provided within the application site. The submitted Masterplan shows that 10 hectares of employment land could be located within the new settlement. The Council's business development manager raises no objection to the principles of the proposed development, being satisfied with the size and location of employment land proposed. Ensuring that at least 10 hectares of employment land is provided and restricting the use of that land to Classes 4, 5 and 6 can be secured by a conditional grant of planning permission in principle for the proposed new settlement. Subject to the imposition of the recommended condition the principle of the proposed development is consistent with the approved Development Framework and with Proposal BUS3 of the adopted East Lothian Local Plan 2008.

It would be prudent to require a delivery schedule that establishes the phasing and timing programme for the proposed development. It should include the phasing and timing for the provision of education capacity, employment land, the local centre, the transportation works, footpaths and cycleways and Safer Routes to School. This should also apply to the provision of drainage infrastructure, recreational facilities, landscaping and open space. A condition should therefore be imposed requiring Phasing Plans to be submitted to and approved by the Planning Authority prior to the commencement of development.

The application site is bounded to the south by the A1 (T) trunk road, to the west by the A198 road, and to the north by the main east coast railway line. The environmental statement includes a noise report. Additionally, an Air Quality Impact Assessment was submitted as an addendum to the environmental statement. The Council's Environmental Health Manager raises no objection to the principle of the proposed new settlement and in this he accepts the findings of the environmental statement.

In respect of air quality the Environmental Health Manager is satisfied that the proposed new settlement would not have a significant impact upon local air quality nor would it have a significant impact upon air quality within the Musselburgh Air Quality Management Area.

The Environmental Health Manager advises that noise due to road traffic will impact upon properties located along the southern boundary, southwest corner and western boundary of the site. Residential properties may also be impacted by noise from the proposed commercial units. The details of the mitigation measures will include, but may not be limited to, final heights and locations of any acoustic bunds and/ or barriers, upgraded glazing/ ventilation specification within specific properties and possible re-orientation of residential properties. He recommends that mitigation measures should be such that the following design criteria should be met:

1. Daytime garden noise levels should not exceed 55 dB (A);
2. Daytime internal noise levels should not exceed 35 dB (A) and night-time internal noise levels should not exceed 30 dB (A); and
3. The Rating Level, LArTr, of noise emanating from any proposed commercial unit (when measured 3.5m from the façade of any existing or proposed residential property shall be no more than 5 dB (A) above the background noise level, LA90T.

The Environmental Health Manager recommends that a further noise report to demonstrate the noise mitigation measures required to ensure compliance with this design criteria, together with a timetable for their implementation, should be submitted to and approved by the Planning Authority. This can be secured by a conditional grant of planning permission in principle for the proposed new settlement. Subject to the implementation of this condition, future residents would benefit from a satisfactory level of privacy and residential amenity.

To address comments from the Council's Environmental Protection Officer (Contaminated Land) in respect of contaminated land and gas protection measures, a condition can be imposed on a grant of planning permission in principle for the proposed new settlement requiring additional (targeted) site investigation works be undertaken prior to the commencement of any development and requiring additional gas monitoring and subsequent assessment be carried out to determine the requirement for any gas protection measures to be installed in the development. The applicant has confirmed in writing that they are willing to accept the imposition of this condition.

In terms of outdoor infrastructure, the approved Development Framework stipulates the requirement for the provision of (i) at least 9.6 hectares of open space (which does not include the landscape framework required to provide the setting for the new settlement; (ii) three community sports pitches and changing accommodation for six teams and officials, including first aid and storage rooms; (iii) three community tennis courts; (iv) 30 allotment plots with an area of 4,000 m²; (v) an easily accessible town park, which shall contain the community sports pitches, changing accommodation and community tennis courts and which shall also have green space with a minimum size of 0.5 – 1.0 hectare. It shall also have a town/ community woodland of a significant size and a play area for the 0-15 year age group; (vi) local parks that shall have a minimum size of 0.2-0.5 hectares; (vii) a range of amenity open space of different scales distributed within the new settlement; (viii) a civic square located in the heart of the new settlement; (ix) a range of play opportunities for both fixed and informal play. Play facilities for the 0-15 year age group should be provided in the town park and local parks whilst play facilities for the 0-8 year age group should be provided within all residential areas; and (x) a new cemetery to accommodate 700 formal burial plots, each capable of accepting 3 coffin interments and sited within the new settlement in a location that could be extended. The design layout for the cemetery should include a road network, boundary walling, pre-formed foundations for headstones, water points at appropriate locations, a shelter, welfare facilities for staff with secure storage for grave digging equipment and toilets

(total 100m²) and adequate car parking.

Included in the proposed masterplan are areas of open space including a town park and four local parks, three community sports pitches and a changing pavilion, three tennis courts, a site for allotments, and a cemetery. The indicative location for the cemetery on the eastern edge of the new settlement would allow for the future expansion of it, whilst the community uses and the locations indicated for them in the masterplan would be easily accessible to residents of the new settlement. In this the proposals are consistent with the requirements of the approved Development Framework.

Notwithstanding the requirements of the approved Development Framework, the Council's Service Manager, Sport, Countryside and Leisure recommends that there is a requirement for the provision of four community tennis courts, a cricket square with 1 artificial wicket, 80 allotments, and a cemetery with 1,100 serviced lairs. However, it would not be reasonable to require all of this given that it goes beyond the requirements set out in the approved Development Framework.

The Council's Service Manager, Sport, Countryside and Leisure further recommends that if a secondary school is to be provided on site then there would be a requirement for one synthetic pitch to be provided within the High School campus. It would be for the Council as Education Authority to decide what facilities should be provided within the campus, should a High School be delivered within the new settlement.

The provision of three community sports pitches, a six changing room facility, 30 allotment plots with an area of 4,000 m², and a cemetery to accommodate 700 formal burial plots, each capable of accepting 3 coffin interments, can be secured by an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the Council securing this appropriate developer contribution the principle of these elements of the development is consistent with the approved Developer Framework.

The masterplan indicates how other substantial areas of formal and informal open space could be located throughout the site. The Service Manager for Sport, Countryside and Leisure advises that he is satisfied with the size and location of those areas of open space, advising that they will also accommodate sustainable travel, habitat and setting for the development. It would be prudent to require that open space provision generally accords with that shown in the indicative masterplan and that a timetable for its provision be submitted to and approved by the Planning Authority. To ensure compliance with the approved Development Framework, it would also be prudent to require that the Town Park should contain woodland of a significant size. These controls can be secured by a conditional grant of planning permission in principle for the proposed new settlement. Subject to this planning control, the open space principle of the proposal complies with Policy C1 of the adopted East Lothian Local Plan 2008 and with the approved Development Framework.

The approved Development Framework states that the outdoor environment should be used to provide a rich range of play opportunities for both fixed and informal play, with creativity being promoted through the use of natural materials and natural play where appropriate. It sets out the play facilities that are required within the new settlement. This consists of play facilities for the 0 – 15 age groups in the Town Park and Local Parks and play facilities for the 0 – 8 year age group within all of the residential areas.

The Council's Service Manager, Sport, Countryside and Leisure advises that the

Council is currently developing a Play Strategy but the work completed on that to date highlights that adequate provision of equipped play facilities is important to our communities and that accessibility of those facilities is equally important. Further to this, the longevity of such facilities needs to be considered with regard to the maintenance burden and end of life refurbishment costs. In this, he favours the provision of equipped play areas within the town park and local parks, rather than smaller equipped play areas within all of the residential areas, as required by the approved Development Framework. The Service Manager, Sport, Countryside and Leisure recommends that the applicant provide a developer contribution of £827,200 for the provision of equipped play provision within the new settlement, in lieu of the applicants providing play equipment themselves. Half of this contribution should be paid prior to occupation of the 50th residential unit, with the other half of the contribution paid prior to occupation of the 500th residential unit. The required payment of a financial contribution of a total of £827,200 can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the payment of the required contribution towards play area provision the proposal is not contrary to Policy C2 of the adopted East Lothian Local Plan 2008.

Given the level of open space and amount of play provision, it would be prudent to require details of how those areas will be maintained should be submitted to and approved by the Planning Authority. This can be secured by a conditional grant of planning permission in principle for the proposed new settlement.

The approved Development Framework requires that for combined grounds maintenance and street sweeping delivery, the applicant is required to provide a depot with secure indoor storage of 450m² and with an outdoor secure yard space of 2500m². The Service Manager for Sport, Countryside and Leisure advises that this was because Blindwells was considered as a standalone cluster in terms of ground maintenance and street cleaning provision. However he is now of the view that the new settlement would be best served from a neighbouring cluster facility. He advises that the Council is currently considering redevelopment of the existing maintenance depot adjacent to Meadowmill Sports Centre, and there is sufficient space to develop a facility to meet the likely needs of Blindwells. Depending on final decisions with regard to the long term maintenance of open space and related amenities within the new settlement, the Council would require garage space for up to 1 medium road sweeper, 1 compact road sweeper, 1 ride-on style grass cutter and 4-6 welfare spaces for staff. As this facility would be an enhancement of capacity to the existing maintenance depot, the Service Manager for Sport, Countryside and Leisure recommends that the applicant provide a developer contribution of £115,500 towards the provision of additional capacity at the Meadowmill maintenance depot, in lieu of the applicants providing a maintenance depot within the application site. The required payment of a financial contribution of £115,500 can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the payment of the required contribution towards educational accommodation the proposal is consistent with Policy INF3 of the adopted East Lothian Local Plan 2008, which stipulates that new housing will only be permitted where appropriate provision for infrastructure required as a consequence of the development is made.

The outline landscape proposals for the site correspond with the landscape advice set

out within the approved Development Framework. As it is indicatively shown, a landscape framework and open space network would extend around and through the settlement, reinforcing the landscape character of the area. Development is shown to fit inside the landscape framework, the effect of which would be to create an attractive and varied townscape character. This indicative landscape framework includes the provision of a landscape buffer along the southern boundary of the new settlement, adjacent to the A1 trunk road. The Council's landscape project officer raises no objection to the principles of the proposed development, advising that the indicative landscape proposals would integrate the new settlement into its surroundings.

The approved Development Framework requires that the masterplan must maximise opportunities to create and improve habitats and also to provide wildlife corridors through the new settlement. This position is endorsed by the Royal Society for the Protection of Birds, who state that the applicant should aim to maximise the biodiversity value of the Loch and the rest of the development site. They also state that the site was a former open cast site which, while active, was of limited value to wildlife. However since the site has been restored the RSPB suggest that parts of it have become of local biodiversity interest.

One of the main biodiversity interests within the site is the population of bee orchids, one of only two sites in East Lothian where this rare (in a Scottish context) species occurs. The Council's biodiversity officer recommends that prior to the commencement of development, a method statement for the translocation and future management of the bee orchid and its habitat within the application site should be submitted to and approved by the Planning Authority. The method statement should include a timetable for implementation. The biodiversity officer notes that the proposed 'Princes Loch' would be a significant habitat and landscape feature within the new settlement. The design of it should follow the good practice guidelines of the SEPA publication 'Ponds, Pools and Lochans', produced in June 2000. He recommends that details of the proposed 'Princes Loch' should be submitted to and approved by the Planning Authority. The submitted details should aim to maximise the overall wildlife value of the Loch. The submitted details should include appropriate marginal and wetland planting, scalloping of edges, connections to adjacent scrub and woodland, creation of small islands, and physical connectivity to the SUDS network. The biodiversity officer advises that the masterplan shows a grid of open space provision, which provides the basis for a good quality green network. Again to maximise wildlife value, the biodiversity officer recommends that the SUDS ponds should be designed as habitats and landscape features, and not simply as water treatment facilities. It would therefore be prudent to require that details of the SUDS ponds should be submitted to and approved by the Planning Authority. The submitted details should aim to maximise the overall wildlife value of the ponds. All of the recommendations of the biodiversity officer can competently be secured by a conditional grant of planning permission in principle for the proposed new settlement.

Scottish Natural Heritage advise that previous planning application 11/00173/PPM underwent Habitats Regulations Appraisal (HRA) in 2011. They supported the conclusion of that HRA, which was that the proposal would not have "adverse effects upon site integrity" of the Firth of Forth Special Protection Area. Scottish Natural Heritage note that the current proposal does not differ significantly (eg in development types, mix of built environment, habitats and open spaces) from the previous proposal and therefore they advise that the conclusion of the previous HRA stands.

Scottish Natural Heritage welcome the strong commitment from the applicant to nature-based elements such as woodlands, wetlands and SUDS, public open space and boulevard planting. They recommend that the Planning Authority secures the principle,

positions and basic layout of these landscape proposals, and seek satisfactory detailed design and delivery. Scottish Natural Heritage further welcome the applicant's commitment to using native species in woodland and wetland planting and recommends that the Planning Authority secures delivery of this principle. The recommendations of Scottish Natural Heritage can competently be secured by a conditional grant of planning permission in principle for the proposed new settlement.

Subject to the imposition of the recommended condition the principle of the proposed development is consistent with the approved Development Framework and with Policy DP13 of the adopted East Lothian Local Plan 2008.

Historic Environment Scotland raise no objection to the principles of the proposed development, advising that whilst a development of this nature will have an impact on the Prestonpans battlefield landscape, they do not consider this to be of such a level as to warrant their objection. Historic Environment Scotland are satisfied that the development would not have an unacceptable impact on the setting of any of their other historic environment interests, including the Category B listed former St Joseph's School, together with its gates and gate piers, the Seton House (Palace) Designed Landscape, and the Scheduled Ancient Monument, known as the Seton West Mains Enclosures 500M SW Of.

The approved Development Framework sets out how emergency services may require the provision of new facilities to serve the new settlement. The blue light services have all been consulted on this planning application.

The Scottish Fire and Rescue Service raise no objection to the principles of the proposed development, advising that the application site is within an area served by whole-time and retained fire stations with roughly 8 minute and 7 minute response times respectively. They suggest that domestic sprinklers could be installed within the affordable houses, particularly any developed by the Council, as a way to further reduce risk in the area. A copy of their consultation response has been forwarded onto the applicant and to the Council's Economic Development & Strategic Investment Manager for their information.

The approved Development Framework states that the new settlement will require primary care GP services to support the new community. It should be located centrally as part of the local centre and will be provided such that it is capable of expansion. Consistent with this, the applicant's masterplan identifies buildings within the proposed local centre that can be used for NHS/ GP services.

In their consultation response on this application, NHS Lothian advise that a primary care premises is still required. They advise that the proposed location for the premises within the local centre is suitable. NHS Lothian suggest that the option of a developer built facility for joint health, Council and other service use should be explored, and that this would be their preference. NHS Lothian would wish to agree with the developer the design and layout of the premises. In response to this, the applicant states that they would be happy to accommodate the primary care premises within the local centre. This, they say, would be subject to suitable commercial terms being reached between the applicant and NHS Lothian. This matter would require to be the subject of further discussion between the applicant and NHS Lothian.

The approved Development Framework noted that the present ambulance depot in Musselburgh requires to be relocated in 2011, and suggested that Blindwells could be a suitable future location for a large new station. It further stated that in the absence of this dedicated provision, a small tactical deployment unit will be required to serve the

new settlement and this could be based at the new primary care premises. As such, it advised that further discussion would be required between the applicant, the NHS, the Council and the Scottish Ambulance Service to establish the extent of any related infrastructure requirement.

Ambulance service provision has significantly changed since the Development Framework was approved in June 2010. The previous ambulance depot in Musselburgh has been relocated, with a new station in Prestonpans commencing operations at the end of 2013. Given its close proximity to the application site, the Scottish Ambulance Service have confirmed that the new settlement would be served by the new station in Prestonpans and that there is no longer any requirement for a large new station at Blindwells or for a small tactical deployment unit. The Scottish Ambulance Service raise no objection to the principles of the proposed development.

Police Scotland raise no objection to the principles of the proposed development. Consistent with the requirements of the approved Development Framework, the proposed educational and community facility will include the provision of 50m³ of accommodation for the use of Police Scotland in an appropriate format with access to shared toilet, kitchen and meeting/ interview facilities.

The Council's Road Services do not object to the principle of the proposed development, although they make the following transportation recommendations:

1. Details of the implementation and design of infrastructure works onto the A198, including junctions, road widening and delivery timescales should be submitted to and approved by the Planning Authority. The submitted detail should include full road safety audits and quality audits. Development should thereafter be carried out in accordance with the details so approved;
2. Prior to the commencement of development, a full engineering report detailing ground stability and structural integrity should be submitted to and approved by the Planning Authority. The report, which should be prepared by an adequately qualified and indemnified engineer, should identify all necessary remediation works and a timescale for those remediation works being undertaken. Development should thereafter be carried out in accordance with the details so approved;
3. A continuous shared access path link should be provided from the site to Prestonpans rail station. Road Services understand that this has already been covered by the Council's Access Officer. This to also include full road safety audits and quality audits.
4. Prior to the commencement of development, phasing plans should be submitted to and approved by the Planning Authority. The submitted plans should include external works such as offsite path links, Longniddry traffic signals at Coal Road (A198/B6363 Junction) and A198 works and junctions. It must also include for public road links, including paths, to local services (either existing or as these are developed for Blindwells), schools and the public road network. Construction phasing plans and dilapidation surveys are also critical for a site of this scale as are construction management plans which should include routing of construction vehicles and traffic routes to include the trunk road (A1);
5. Bus (shuttle) services are needed from Blindwells to Prestonpans rail station. This service should be provided or funded by the applicant. Road Services confirm that this service requires to be operated until a rail station is provided at Blindwells, or for a period of at least 12 years;

6. Bus provision to/from hosting locations is required for schooling (i.e. Cockenzie Primary and Preston Lodge Secondary – plus St Gabriels RC School). This service should be provided or funded by the applicant until temporary schooling provision is made permanent within the Blindwells site itself. If a secondary school is not provided within the application site then the applicant should be required to continue to provide or fund a bus service to Preston Lodge Secondary. In addition to this walking and cycling routes to this school must be fully assessed from Blindwells in terms of safety and quality to include distances, controlled pedestrian/cycle crossings of the A198 and B1361 (also to include a technical assessment of the existing footbridge over the rail line north of Meadowmill Sports Centre). This is all to reduce children being driven to/from school in private cars;

7. Details of the Longniddry Junction (junction of A198/B6363 Main Street with Coal Road - traffic signals to provide a left turn to Gladsmuir & vice-versa for return – as a deflection strategy to draw trips away from the A198 frontage at Blindwells) shall be submitted to and approved by the Planning Authority. The details shall include a timetable for implementation. Development should thereafter be carried out in accordance with the details so approved;

8. A strategy for the new speed limits within the application sites and those on the existing road network shall be submitted to and approved by the Planning Authority. The strategy shall assess how these will be developed, including road safety audits and associated infrastructure (i.e. street lighting, signage etc). The strategy shall include full detailed designs for all the works on the existing public road including full road safety audits and quality audits putting particular emphasis on walking & cycling and the safety and attractiveness of these routes (including street lighting review in these areas). This shall extend into the site to offer excellent paths and cycling facilities within the site to ensure walking and cycling are the first modes to be considered for local trips. The strategy shall also detail controlled crossings that are necessary as well as bus stops and shelters. The strategy shall also include a timetable for implementation of any new speed limits as well as when controlled crossings and bus stops and shelters should be provided. Development should thereafter be carried out in accordance with the details so approved;

9. Prior to the commencement of development, road safety audits and quality audits for external works and the links within the site shall be submitted to and approved by the Planning Authority. Development should thereafter be carried out in accordance with the details so approved;

10. Prior to the commencement of development, a vehicle tracking/swept path analysis for all internal roads and changes to external roads shall be submitted to and approved by the Planning Authority. The vehicle tracking/swept path analysis should include the large design rigid (in accordance with the FTA associations Designing for Deliveries) over all the roads within the proposal site and large HGV (arctic etc) as well as large buses on main distributor roads and employment areas (including local centre). It should also include all vehicles types including buses for the external routes/works. Development should thereafter be carried out in accordance with the details so approved;

11. The internal layouts of the residential areas and all the other areas, not distributor roads, shall be designed in accordance with Designing Street and the ELC Standards for Housing Areas to ensure the promotion of 20mph zones in appropriate locations within the development;

12. A Construction Method Statement to minimise the impact of construction activity on the safety and amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic (including routes to/from site) and shall include hours of construction work and routing of traffic as well as dilapidation surveys for construction routes. As SUDS are required, temporary measures shall be put in place to control surface water drainage during the construction works. Also for utility/service drainage connections where/when and how – this needs to form part of the construction method statement;

13. A strategy to establish how traffic regulation orders and parking restrictions will be needed, particularly in the town centre around schools, public buildings and shops as well as other areas throughout the site shall be submitted to and approved by the Planning Authority. Development should thereafter be carried out in accordance with the details so approved;

14. Details of electric vehicle charging points should be submitted to and approved by the Planning Authority. The submitted details shall show charging points being included around proposed community facilities such as schools and retail areas. It should also assess whether charging points should be provided for electric buses. The details should include a timetable for implementation. Development should thereafter be carried out in accordance with the details so approved;

15. A general, overarching travel plan framework for the whole settlement (including school and future business/economic uses travel) should be submitted to and approved by the Planning Authority. The framework shall include tools and mechanisms for each part of the development to use. It shall include measures to be put in place to encourage Public Transport penetration into the new settlement;

16. All access roads shall conform to ELC Standards for Development Roads in relation to roads layout and construction, footways & footpaths, parking layout and number, street lighting and traffic calming measures. This shall also comply with the Council's Design Standards for New Housing Areas. NB the minimal level of treatment on home zone roads for streets with a single access;

17. Parking for the residential elements of the development shall be provided at a rate as set out in the East Lothian Council Standards for Development Roads – Part 5 Parking Standards. At this time house sizes on individual plots have not been identified and therefore layouts may be subject to adjustment in respect of parking numbers at the detailed application stage;

18. Vehicle access's 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;

19. Driveways shall have minimum dimensions of 6 metres by 3 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 m length. Pedestrian ramps to houses may encroach by up to 300mm on the width (but not the length) provided they are no greater than 150mm in height above the adjacent driveway surface;

20. Within residential private parking areas the minimum dimensions of a single parking space shall be 2.5 metres by 5 metres. All visitor parking spaces within these areas shall be clearly marked for visitors with the remaining private parking spaces allocated to individual dwellings;

21. 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. The cycle parking for the business areas/units shall also meet with ELC Standards for Development Roads – Part 5 Parking Standards;

22. For all other proposed uses, other than residential, car and cycle parking shall comply with Part 5 Parking Standards; and

23. The rail safeguard shall be as shown in drawing number 13055(PL)160 – Masterplan – Rail Embankment. Road Services note that the rail safeguard involves a strip of land along the northern edge of the site being safeguarded from built development or landscaping, in case it is needed in the future for an expansion of the main east coast rail line. In addition the land set aside for the rail halt should be controlled by the council/Network Road to protect its potential future provision.

The requirement for the bus service provision recommended in points 5 and 6 above should be secured by an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other legal agreement. Details of the services should be submitted to and approved by the Planning Authority in advance of the services operating.

All of the other recommendations can be secured by a conditional grant of planning permission in principle for the proposed new settlement. With the imposition of conditions to cover the recommendations of Road Services the proposal does not conflict with the approved Development Framework or with Policies T1, T2, DP20 and DP22 of the adopted East Lothian Local Plan 2008.

The approved Development Framework requires that a network of paths suitable for walking, cycling and horse riding must be created within the new settlement. In addition to providing sustainable transport options, the network will provide 'safer routes to school' and recreational opportunities contributing to the health and wellbeing of future residents.

The Council's Access Officer is pleased to note that the proposed settlement includes linking paths formed through a connected network of green spaces within the site. These paths have been revised to accord with the recommendations of the Access Officer. She recommends that walking/ cycling paths and access routes are prioritised wherever possible at road crossing points, in order to maximise their benefits and efficiency as important alternatives to taking the car within the new settlement. The finishing surface of all footpaths and cycleways needs to be submitted to and approved by the Planning Authority. Consistent with the requirements of the approved Development Framework, the Access Officer advises that it will be important to link the proposed network of paths to Meadowmill and Prestonpans Railway Station. Subsequent to the application being registered, the applicant has submitted a plan showing a proposed new continuous shared use (walking/cycling) path from the western side of the A198 road to Prestonpans Railway Station. The route utilises existing lengths of road and footpaths. Proposed new lengths of shared use path would also be formed. The Council's Access Officer advises that the proposed continuous shared use path is acceptable in principle. She recommends that it should be provided prior to the occupation of the first residential unit. She further recommends that details of it, including a timetable for its delivery, should be submitted to and approved by the Planning Authority. The submitted details shall show the footpath being lit and shall include road safety audits and quality audits. Development should thereafter be carried out in accordance with the details so approved. This can be

secured by a conditional grant of planning permission in principle for the proposed new settlement.

On the eastern boundary of the site is Winton Loan, an unbound rural, core path and a public right of way. From the eastern boundary of the site it provides access to the surrounding countryside by way of an underpass under the A1 trunk road and by level crossing over the east coast main railway line to the countryside to the northeast of the site.

Immediately to the west of the core path is a mature hedgerow. To accommodate the increased usage on the path resulting from the proposed development, the approved Development Framework requires that the applicant will provide or fund the enhancement of this route such that it is built to adoptable standard, and will be constructed to allow all classes of recreational use. The Access Officer has since reconsidered this matter and advises that the enhancement of the route would require the widening of the footpath, which in turn would require the removal of the mature hedgerow that is immediately adjacent to it. This is not something that she supports. Instead, the Access Officer recommends that the existing core path should remain unaltered, so horse riders can continue to use and enjoy it. Additionally, a new 2 metres wide tarmac "active travel path" should be formed for walkers and cyclists on the western side of the hedge, parallel to the core path, with link paths connecting from the housing areas to the tarmac path and to the core path. The applicant has confirmed that they are willing to provide the tarmac path. Detail of the tarmac path, including a timetable for implementation, should be submitted to and approved by the Planning Authority.

All of these access requirements can be secured by a conditional grant of planning permission in principle for the proposed new settlement. Subject to the imposition of these recommended conditions, the principle of the proposed development is consistent with the approved Development Framework and with Policies C7 and DP20 of the adopted East Lothian Local Plan 2008.

Transport Scotland advise that they have concern in regard to the development impact on the junction of the A1 trunk road and the A720 trunk road (i.e. the Old Craighall Junction south of Musselburgh, at the western end of East Lothian). In this regard they have sought a contribution from the developer towards mitigation of this perceived impact. Transport Scotland advise that they have entered into an agreement with the applicant under Section 48 of the Roads (Scotland) Act to secure a financial contribution. On this basis, Transport Scotland raise no objection to the impact of the development on the Old Craighall junction. Transport Scotland further advise that they raise no objection to the principle of the proposed development subject to the following requirements:

* Prior to the occupation of any of the approved development, the proposed upgrade of the northern and southern roundabouts of the Bankton Interchange to traffic signal control, generally as illustrated in drawing no. SK0002, shall be implemented to the satisfaction of the Planning Authority, following consultation with Transport Scotland;

* Prior to the occupation of any of the approved development, the proposed upgrade of the west facing slips at Bankton Interchange to Type B parallel merge/ diverge arrangements, generally as illustrated in drawing no. SK004, shall be implemented to the satisfaction of the Planning Authority, following consultation with Transport Scotland;

* Details of the lighting within the application site shall be submitted to and approved by

the Planning Authority, following consultation with Transport Scotland;

* Prior to the commencement of development, details of the frontage landscaping treatment along the trunk road boundary shall be submitted to and approved by the Planning Authority, following consultation with Transport Scotland;

* Prior to the occupation of any of the approved development, a barrier/ boundary feature shall be provided and maintained along the proposed boundary of the site with the A1 trunk road, in accordance with details to be submitted to and approved in advance of its provision by the Planning Authority, following consultation with Transport Scotland; and

* There shall be no drainage connections to the trunk road drainage system.

These requirements can be secured by a conditional grant of planning permission in principle for the proposed new settlement.

The approved Development Framework requires the applicant to assess the feasibility for the development of a rail halt either on the east coast main line or at the existing siding at the Blindwells site. It states that the applicant shall provide all necessary measures to deliver the new rail halt if feasible, or must demonstrate to the Council why this is not currently possible. In the event that it is not currently feasible to deliver a rail halt at the site, the approved Development Framework requires that the masterplan shall safeguard the land that would be required to deliver such a facility in the future.

The masterplan shows how a station/ rail halt could be located immediately to the northeast of the park and ride facility, in a position to the south of the main east coast rail line. The applicant does not consider it feasible to deliver a rail halt at this time, although they have safeguarded land for it, should it be feasible in the future.

Network Rail raise no objection to the principle of the proposed development. They do not advise that it would be feasible to deliver a rail halt at this time. Moreover, Network Rail do not raise any objection over the indicative position shown for the rail halt. If planning permission for the new settlement is to be granted, it would be prudent to require that the applicant should transfer the title of an area of land for a new rail halt sufficient in size to serve the new settlement to the Council at no cost. An agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 could be used to secure the transfer of ownership of the land.

Network Rail note that the new settlement would be in close proximity to St Germain's Level Crossing. In their initial consultation response, they expressed significant safety concerns regarding the possible increase of pedestrian traffic over this crossing and the impact to railway operations which the development would create. As such they originally objected to the proposals. Since then, Network Rail have removed their objection, being satisfied that the proposed new settlement would not result in an unacceptable safety hazard at St Germain's Level Crossing. They do however expect this matter to be fully assessed in any future Blindwells expansion to the east of the application site.

On this matter the proposed development does not conflict with the purpose and integrity of the approved Development Framework.

The Council's Waste Services Manager raises concern that they have no budget or operational reserves to provide the statutory services to the proposed new settlement. Whilst they support the concept, Waste Services advise that additional capital and

revenue will require to be allocated to them in order to provide the resources to cover the full range of services required. They are concerned that approval is given without the budget allocations being set.

Whilst the Waste Services Manager is clearly concerned about the resources needed to cover the full range of services required, this is a separate matter for the Council to consider and not a reason on which to refuse planning permission in principle for the proposed new settlement. It is not uncommon for the Council as Planning Authority to grant planning permission for development that may result in the need for additional resources to be provided by various Council services.

The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

Moreover, ground conditions is an important material consideration in the determination of this planning application, given the site was previously an opencast mine. As set out in the approved Development Framework, the land must be remediated and certified suitable for development before development can commence.

In their Environmental Statement, the applicant advises that past uses of the application site “include historical underground coal mining which left a legacy of old workings and abandoned mineshafts. More recently major open cast mining activities have taken place. These opencast mining activities, which took place from the early 1970’s through to 1998 when restoration of the open cast areas was completed. The restoration of the open cast was not carried out in accordance with recognised engineering standards but has involved the use of the materials excavated during the open cast activities. These materials comprise mainly of a mixture of clay, sand, silt, gravel, cobbles and boulders”. “The characteristics of the backfill materials used in the restoration of the open cast are such that significant settlements are likely to occur as a result of self weight consolidation and load induced consolidation from proposed building foundations. To accelerate the self weight consolidation and to promote the load induced consolidation surcharging is proposed. This is a proven technique that has been used successfully on similar sites in the UK”.

Trial surcharging commenced on the site in mid 2010. This surcharging comprised 3 No large stock piles. A draft report on the results of the trial surcharging was produced by Wardell Armstrong acting on behalf of the Scottish Coal Group in January 2012.

In light of this the Council commissioned the Building Research Establishment (BRE) to provide an independent appraisal of whether or not they were in agreement with the Wardell Armstrong report. The BRE appraisal was informed by their knowledge of construction and built environment, as well as a thorough review of the Wardell Armstrong report. BRE concluded that surcharge preloading was the most appropriate ground remediation technique for the application site and provided recommendations for the way forward. These recommendations included removing the existing surcharging under controlled and monitored conditions and further pre-remediation trials.

Since then the previous trial surcharging has been removed and further trial surcharging has been undertaken.

Given the complex ground conditions in this case, the Council commissioned Peter Cowsill Ltd to review this planning application. Their assessment was informed by

previous background information, including the BRE report, the 2012 Wardell Armstrong report and the information submitted by the applicant.

Peter Cowsill Ltd advise that ground investigation work completed to date have spanned several decades and have involved a number of consultants. They state that all developments carry some geotechnical risks, they can normally only be reduced to minimal and acceptable levels. In this case, Peter Cowsill Ltd assess the abnormal risks present in this case, which are i) continuing creep settlement, ii) percolation collapse settlement, iii) inundation collapse settlement, iv) deep mining, v) mine shafts, vi) buried high walls, vii) hazardous ground gases. Having assessed these risks, Peter Cowsill Ltd advise that from a geotechnical perspective, there are no reasons why the development should not progress in principle. They do however recommend that prior to the commencement of development the remediation methods need to be set out in detail and justified.

The Peter Cowsill Ltd report has been assessed by the Council's Contaminated Land Officer, who agrees with its findings. He can see no reasons why the development should not progress in principle.

The Peter Cowsill Ltd report has also been assessed by the Council's Head of Infrastructure, who confirms that he is generally in agreement made with the comments and summary contained within the report. He advises that while the principle of surcharge pre-loading would appear the most appropriate method of ground remediation significant further technical appraisal will be required as the planning process continues. In agreeing with the findings of the report, the Head of Infrastructure is satisfied that there are no reasons why the development should not progress in principle.

On the advice of Peter Cowsill Ltd and the Council's contaminated land officer and Head of Infrastructure, further details of the remediation methods for the site should be submitted to and approved by the Planning Authority. In particular, the following requirements should be imposed:

1. Prior to the commencement of any ground improvement / remedial works within the application site, proposals for further ground investigations for each phase of the proposed development should be submitted to and approved by the Planning Authority. These further ground investigations should be designed to provide comprehensive factual information on the depth of backfill / rock head, level of the ground water table and continuous monitoring of ground gases during the period of the investigations. On completion of the further investigations the applicant shall submit a factual report presenting the findings of the investigations to the Planning Authority for their information. The ground improvement / remediation works should thereafter be carried out in accordance with the details so approved.

2. Prior to the commencement of any ground improvement / remedial works within the application site, detailed proposals for the proposed ground improvement / remediation works should be submitted to and approved by the Planning Authority. The detailed proposals should include detailed designs and supporting information for the proposed surcharging and consolidation of shallow workings beneath the base of the open cast. It should also include the surcharge layouts, surcharge heights, surcharge periods, recovery period following removal of the surcharge, proposed monitoring instrumentation, assessment of predicted settlement at each surcharge location. In respect of the consolidation of the shallow workings the detailed proposals should provide full details of the proposed consolidation works required to remove the risk of future subsidence. Where appropriate the ground improvement / remedial works should

make provision for percolation / inundation testing to demonstrate that the surcharging has been effective in reducing the risks of such collapses to acceptable levels. The ground improvement / remediation works should thereafter be carried out in accordance with the details so approved.

3. Following completion of the ground improvement works / remedial works on each phase of the development site and prior to commencing any construction works the applicant shall prepare a completion report and submit this to the Planning Authority for their approval. This completion report shall provide a detailed account of the ground improvement / remedial works carried out together with a complete record of all monitoring carried out during ground improvement / remediation. The completion report should provide a detailed assessment of future risks arising from continuing creep and percolation / inundation settlement. Where the risk of future collapse settlement remains the completion report should provide conclusions and recommendations for further monitoring / further remedial measures required prior to works commencing. The completion report should provide conclusions and recommendations for developers in respect of foundation design, drainage design, ground gas defensive measures and other construction related activities. With regard to the consolidation of the shallow workings the completion report should provide full details of the works carried including the validation of the end product by post treatment probes or other appropriate measures.

The Coal Authority initially raised substantive concerns regarding the proposal, advising that the Ground Condition Section of the Environmental Statement did not provide sufficient information to determine whether or not issues of land instability can be satisfactorily overcome. They recommended that further information to show that the mine entries have been filled and/or capped, together with details of the restoration already completed and that remaining to be undertaken should be submitted.

Following our objection, the Coal Authority met with the applicant to discuss the difficulties they have had in locating the records of the former surface mine activity. They advise that the records appear to have been mislaid somewhere in the transition from the former British Coal to Scottish Coal. The fact that Scottish Coal went into administration has added to the difficulties in this case. At the meeting the applicant confirmed that they cannot find evidence of whether the mine entries were removed although they do have information to show that 3 or 4 of the mine entries only went to a depth within the surface mined seams so are highly unlikely to remain.

The applicant subsequently were able to supply some additional information to the Coal Authority to clarify this and adjusted some areas of the masterplan to respond to their concerns.

The Coal Authority advise that the efforts of the applicant to try and obtain definitive records are recognised and the conclusions they draw about the likely removal or treatment of the mine entries is considered by the Coal Authority to be based upon a reasonable assumption. At the planning permission in principle stage it is necessary to demonstrate that the site can be developed for the proposed quantum of development.

Having regard to the additional information submitted and the fact that the masterplan contains significant potential flexibility given the scale of proposed undeveloped space, the Coal Authority considers that a continuing objection would be unreasonable at this stage. They have therefore removed their earlier objection, being satisfied that their remaining concerns are matters which can be satisfactorily addressed by the use of a suitable planning condition(s)

In conclusion, the Coal Authority advises:

* They concur with the recommendations of the Environmental Statement; that coal mining legacy potentially poses a constraint to the potential future layout of the proposed development and that further information will be needed at the Approval of Matters Reserved stage in order to establish the exact situation regarding coal mining legacy issues on the site.

* The ground condition report notes that measures will need to be taken to remove the risk to the development from potential inundation settlement. The report notes that the highwalls associated with the open cast operations have also been considered as a constraint in terms of buildings and other structures.

* In respect of shallow coal mine workings the report states that further site investigations in localised areas will be carried out to confirm the extent of the mine workings and in order to inform any mitigation measures which may be required.

* the report also makes some appropriate recommendations in respect of; investigating shallow coal mine workings, ground gas monitoring and surcharging of the ground to stabilise the backfill.

The Coal Authority recommends the imposition of a planning condition, which should require prior to the submission of the matters reserved:

* As part of the matters reserved application the submission of a layout plan which identifies appropriate zones of influence for the mine entries on site, and the definition of suitable 'no-build' zones, together with indication of the high wall;

* The submission of details of investigations and of treatment if necessary for the mine entries on site, shallow coal workings, ground gas, and ground stabilisation of the backfill.

The Coal Authority also recommends that the planning condition requires prior to the commencement of development:

* Implementation of any identified remedial works.

These matters can be secured through a condition attached to a grant of planning permission in principle for the proposed new settlement.

There has been detailed assessment and considerable correspondence between the applicant, the Scottish Environment Protection Agency (SEPA) and the Council's Structures, Flooding and Street Lighting Manager in respect of the considerations of flooding and the applicant's proposals for Sustainable Urban Drainage (SUDS). These proposals have been amended to take account of concerns raised by SEPA and the Structures, Flooding and Street Lighting Manager. Moreover, further information has been submitted to address concerns relating to the risk of flooding.

The Scottish Environment Protection Agency (SEPA) originally objected to the planning application on the grounds of lack of information on flood risk. They have subsequently withdrawn this objection and now raise no objection to the proposed new settlement.

In their previous consultation response, SEPA referred to the issue of minewater within the application site. Minewater is a result of the previous mineral extraction of the application site.

On this matter, the Coal Authority advise that minewater within the site is currently controlled by the Coal Authority under a CAR license issued by SEPA. The Coal Authority has the powers to carry out this treatment, which is driven by the Water Framework Directive. They advise that should mine water management cease then there would be localised flooding. There may also be ground stability issues. However the Coal Authority have no intention of ceasing the management of minewater at Blindwells. The Coal Authority advise that “in the unlikely event that the Coal Authority ceased to exist or did not receive funding for this type of work then central government would have to decide how such work continued to be funded and managed”.

The Council’s Structures, Flooding and Street Lighting Manager raises no objection to the proposed new settlement, although he recommends that prior to the commencement of development, the following should be submitted to and approved by the Planning Authority following consultation with SEPA, Scottish Water and the Council’s Structures, Flooding and Street Lighting Manager:

1. An update of the Surface Water and Flood Risk Report which shall assess the flood risk within the northwest part of the application site from all sources during a 0.5% AP (1:200) rainfall event, and shall include proposed mitigation measures that are required to not increase flood risk downstream of the site and to prevent flood risk of any built development in the northwest part of the application site. A timetable for the delivery of all identified mitigation measures shall also be submitted; and
2. A SuDS scheme and Drainage Assessment for the whole development site to meet the vesting requirements of the Statutory Authorities.

These recommendations can be secured by a conditional grant of planning permission in principle for the proposed new settlement. Subject to these conditions the Council’s Structures, Flooding and Street Lighting Manager is satisfied that the proposed new settlement would not be at risk of flooding.

Scottish Water raise no objection to the principle of the proposed new settlement. They provide advice in respect of existing Scottish Water assets within the vicinity of the site, sustainable drainage systems, and connection to Scottish Water’s Network. A copy of their consultation response has been given to the applicant for their information.

The approved Development Framework requires, amongst other things, that the new settlement be served by:

- i) adequate education capacity at early years pre-school, primary school and secondary school levels;
- ii) a community centre;
- iii) a public library;
- iv) an area within an on-site public building to accommodate the functions of a Council Office; and
- v) 50m³ of accommodation for Police Scotland;

Through discussions with relevant consultees, it has been agreed that all of the above services can be contained within one joint school and community facility. The Council’s Deputy Chief Executive (Resources and People Services) has included those services within the specification of the new school building and has calculated the necessary

developer contribution level on that basis.

The Council's Deputy Chief Executive (Resources and People Services) informs that the application site is located within the school catchment areas of Blindwells Primary and Secondary School, as approved by the Council on 22 June 2010.

He notes that the pre-school, primary and secondary school catchment boundaries for this cluster are currently defined by the site boundaries of the current Blindwells allocation, but the site currently contains no education facilities. There is currently a consultation exercise to establish a new primary school for Blindwells and alter the catchment area of Preston Lodge High School to include the new settlement at Blindwells. Consequently the Deputy Chief Executive (Resources and People Services) has issued two consultation responses, one which assesses the application in terms of the current catchment boundaries and one which assesses the application in terms of the catchment boundaries that are currently the subject of a consultation exercise. The developer contribution to be paid will be dependent on the outcome of the outcome of the consultation exercise, and this should be reflected in any Section 75 agreement of any grant of planning permission in principle.

In terms of the current catchment boundaries, the Deputy Chief Executive (Resources and People Services) advises that the approach for the provision of education capacity for this allocation of 1600 houses is as follows:

- * New permanent secondary school capacity will be provided at Blindwells;
- * Temporary pre-school and primary capacity will be provided for a limited period of up to 36 months on a 'hosting' basis at Cockenzie Primary School; and
- * New permanent pre-school and primary capacity will be provided at Blindwells.

He further advises that the temporary 'hosting' arrangement will be subject to an acceptable start date and programming for the development at Blindwells site as it will have an impact on the available capacity at Cockenzie Primary School.

The Deputy Chief Executive (Resources and People Services) advises that developer contributions will be sought from developers of the allocated site, including for the provision of campus land, to deliver this provision and this will be the subject of a legal agreement. The developer contribution requires to be £15,795,000.00 towards Blindwells Primary School, £30,000.00 towards a temporary Blindwells Primary School at Cockenzie Primary School, 16,630,320.00 towards the provision of secondary education capacity towards Blindwells Secondary School. The required payment of a financial contribution of a total of £32, 455,320.00 can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Moreover the Depute Chief Executive (Resources and People Services) recommends that a restriction would need to be placed on the annual completion rates arising from the proposed development. This can be secured through a condition attached to a grant of planning permission in principle for the proposed new settlement.

In terms of the catchment boundaries that are currently the subject of a consultation exercise, the Deputy Chief Executive (Resources and People Services) advises that the approach for the provision of education capacity for this allocation of 1600 houses is as follows:

- * Secondary school capacity will be provided at Preston Lodge High School;

- * Temporary pre-school and primary capacity will be provided for a limited period of up to 36 months on a 'hosting' basis at Cockenzie Primary School; and
- * New permanent pre-school and primary capacity will be provided at Blindwells.
- * Denominational primary education will be provided at St Gabriels Primary School.

He further advises that the temporary 'hosting' arrangement will be subject to an acceptable start date and programming for the development at Blindwells site as it will have an impact on the available capacity at Cockenzie Primary School.

The Deputy Chief Executive (Resources and People Services) advises that developer contributions will be sought from developers of the allocated site, including for the provision of campus land, to deliver this provision and this will be the subject of a legal agreement. The developer contribution requires to be £15,795,000.00 towards Blindwells Primary School, £30,000.00 towards a temporary Blindwells Primary School at Cockenzie Primary School, £125,000.00 towards the provision of additional education capacity at St Gabriels Primary School, and £6,346,688.00 towards the provision of secondary education capacity at Preston Lodge Secondary School. The required payment of a financial contribution of a total of £22,296,688.00 can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Moreover the Depute Chief Executive (Resources and People Services) recommends that a restriction would need to be placed on the annual completion rates arising from the proposed development. This can be secured through a condition attached to a grant of planning permission in principle for the proposed new settlement.

Subject to either of the aforementioned requirements the proposal is consistent with the approved Development Framework and with Policy INF3 of the adopted East Lothian Local Plan 2008, which stipulates that new housing will only be permitted where appropriate provision for infrastructure required as a consequence of the development is made. This will include funding necessary school capacity.

The Council's Economic Development & Strategic Investment Manager advises that, in accordance with the Council's Affordable Housing Policy, 30% of the 1600 new build residential units should be affordable housing (i.e. 480 units from the total of 1600). The terms for the provision of the affordable housing requirement should be the subject of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Agreements. Subject to the securing of this developer contribution the proposed development is consistent with Policy H4 of the adopted East Lothian Local Plan 2008 and the approved Development Framework.

The proposed development by its scale 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 a condition on a grant of planning permission in principle for the proposed new settlement.

Section 59 of the Town and Country Planning (Scotland) Act 1997 sets a standard duration in relation to a planning permission in principle (i.e. planning permission subject to a condition that the development in question will not be begun until certain matters have been approved by the Planning Authority. The Act requires that applications for the approval required before development can be begun must be made

within 3 years from the grant of planning permission in principle but also provides that the Planning Authority can issue a direction that different time periods apply in relation to the 3 year period for making an application for approval. In respect of timescales for development this is a large scale proposal phased over a period of 11 years. Therefore it may well take more than 3 years for the submission of applications for approval for all detailed matters for all areas of the application site. In this case it would therefore be prudent for the Planning Authority to direct in this case that the standard 3 year time limit should not apply and to further direct that applications for approval required before development can be begun must be made within 8 years from the grant of planning permission in principle.

RECOMMENDATION

It is recommended that planning permission in principle be granted subject to:

1. A direction to substitute the period of 3 years referred to in Section 59(2)(a)(i) and (3) of the Town and Country Planning (Scotland) Act 1997 (as amended) with a period of 8 years.

2. The undernoted conditions.

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

(i) the provision of three community sports pitches, a six changing room facility, 30 allotment plots with an area of 4,000 m², and a cemetery to accommodate 700 formal burial plots, each capable of accepting 3 coffin interments;

(ii) a financial contribution to the Council of £827,200 for the provision of equipped play provision within the new settlement, in lieu of the applicants providing play equipment themselves. Half of this contribution shall be paid prior to occupation of the 50th residential unit, with the other half of the contribution paid prior to occupation of the 500th residential unit;

(iii) a financial contribution to the Council of £115,500 towards the provision of additional capacity at the Meadowmill maintenance depot;

(iv) secure from the applicant the introduction and operation of a daily and frequent shuttle bus service between the new settlement and Prestonpans rail station. This service should be provided or funded by the applicant. The service shall be operated until a rail station is provided within the new settlement, or for a period of at least 12 years;

(v) secure from the applicant the introduction and operation of bus provision during school term times, both for morning arrivals and afternoon departures, between the new settlement and the catchment schools (i.e. Cockenzie Primary, St Gabriels RC School and Preston Lodge Secondary). This service should be provided or funded by the applicant until temporary schooling provision is made permanent within the Blindwells site itself. If a secondary school is not provided within the application site then the applicant should be required to continue to provide or fund a bus service to Preston Lodge Secondary.

(vi) the transfer of the land required for the new school site as shown in the applicant's

masterplan, with the site formed to meet masterplan boundary perimeter levels;

(v) a financial contribution to the Council of £15,795,000.00 towards the provision of the new primary school, £30,000.00 towards a temporary Blindwells Primary School at Cockenzie Primary School, and £16,630,320.00 towards the provision of a new secondary school at Blindwells;

(vi) In the event that the school catchment boundaries are changed, then instead of the financial contributions required in heads of term (v) above, the agreement shall secure from the applicant a financial contribution to the Council of £15,795,000.00 towards the provision of the new primary school, £30,000.00 towards a temporary Blindwells Primary School at Cockenzie Primary School, £125,000.00 towards the provision of additional education capacity at St Gabriels Primary School, and £6,346,688.00 towards the provision of secondary education capacity at Preston Lodge Secondary School;

(vii) the provision of 480 affordable housing units within the application site or if it can be demonstrated to the Council that this, or the off-site provision of 480 affordable housing units is not practicable, to secure from the applicants a commuted sum payment to the Council in lieu of such an on or off-site provision;

(viii) the transfer to the Council, at no cost to the Council, of ownership of an area of land for a new rail halt sufficient in size to serve the new settlement to the Council. The land should generally comprise of the land that is identified on the docketed masterplan for a rail halt.

4. That in accordance with the Council's policy on time limits for completion of planning agreements it is recommended that the decision should also be that in the event of the Section 75 Agreement not having been executed by the applicant, the landowner and any other relevant party within six months of the decision taken on this application, the application shall then be refused for the reason that without the developer contributions to be secured by the Agreement the proposed development is unacceptable due to an insufficient provision of community sports pitches, related changing facilities, allotments and cemetery, insufficient maintenance accommodation, a lack of equipped play provision, insufficient public transport provision, a lack of sufficient primary and secondary school capacity, and the lack of provision of affordable housing contrary to the Council's approved Development Framework for Blindwells and, as applicable Policies INF3, DP21, C2 and H4 of the adopted East Lothian Local Plan 2008.

CONDITIONS:

- 1 The submission for approval of matters specified in conditions of this grant of planning permission in principle shall include details of the siting, design and external appearance of all the dwellings and other buildings, the means of access to them, the means of any enclosure of the boundaries of the site and of gardens and other subdivisions of the site and the landscaping of the site and those details shall generally accord with the Indicative Master Plan drawing no. 13055(PL)100 Rev. D docketed to this planning permission in principle, and shall address the following requirements:
 - a. The provision within the application site of recycling facilities.
 - 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 that shown in the Indicative Master Plan docketed to this planning permission

in principle there shall be no integral garages, unless it can be justified as an exceptional design feature, or where the house and garage would not be on a primary street frontage;

d. The detailed design of the layout shall accord with the principles set out in the Council's Design Standards for New Housing Areas and with Designing Streets;

e. 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.

f. Notwithstanding the details shown in the Indicative Site Master Plan referred to above, there shall be a separation distance of at least 9 metres between facing windows of a proposed new building and the garden boundaries of existing or proposed 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.

g. Parking for the residential, local centre and primary school components of the 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" For the local centre and school this shall include for cycle parking. Private parking spaces in the local centre and other private parking areas shall be a minimum of 2.5 metres by 5 metres and spaces on the public road shall be a minimum of 2.5 metres by 6 metres. Access to private parking areas other than driveways shall be via a reinforced footway crossing and have a minimum width of 5.5 metres over the first ten metres. Private driveways shall be a minimum of 6 metres by 2.5 metres, double driveways shall be 5 metres by 6 metres or 3 metres by 11 metres.

h. All access roads within the new settlement 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. 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.

j. The provision within the local centre of a civic square, which shall be designed as a central meeting point and to provide a multifunctional space for both formal use such as community arts and theatre activities and for informal use.

k. The provision within the application site of at least 10 hectares of employment land. The buildings within the employment land shall be restricted in use to Classes 4, 5 and 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997.

l. The provision within the application site of nature based elements such as woodlands, wetlands and SUDS, public open space and boulevard planting.

m. Vehicle access's 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;

n. Details of the implementation and design of infrastructure works onto the A198, including junctions, road widening and delivery timescales shall be submitted to and approved by the Planning Authority. The submitted detail shall include full road safety audits and quality audits. Development should thereafter be carried out in accordance with the details so approved.

o. Electric vehicle charging points shall be provided around proposed community facilities such as schools and retail areas. Charging points, if considered necessary by the Planning Authority, shall also be provided for electric buses.

No part of the development hereby approved shall be begun on the site until all of the above details have been submitted to and approved in writing by the Planning Authority. The development shall be carried out in accordance with the details so approved.

Reason:

To enable the Planning Authority to control the development in the interests of the amenity of the development and of the wider environment and in the interests of road safety.

2 The details to be submitted pursuant to condition 1 shall include a delivery schedule and phasing plans that establishes the phasing and timing programme for the proposed development. It shall

include the phasing and timing for the provision of education capacity, employment land, the local centre, the transportation works, footpaths and cycleways and Safer Routes to School, external transport works such as offsite path links, Longniddy traffic signals at Coal Road (A198/B6363 Junction) and A198 works and junctions. It must also include for public road links, including paths, to local services (either existing or as these are developed for Blindwells), schools and the public road network. This shall also apply to the provision of drainage infrastructure, recreational facilities, landscaping and open space. The details to be submitted shall also include construction phasing plans.

The phasing of the development of the site shall be carried out in strict accordance with the phasing plan so approved, unless otherwise approved in writing in advance by the Planning Authority.

Reason:

To enable the Planning Authority to control the development of the site in the interests of the good planning of the site.

3 No more than 1600 residential units shall be erected on the site.

Reason:

To ensure that there is sufficient education capacity, to restrict the scale of development to that applied for and identified in the applicant's Transport Assessment and to minimise interference with the safety and free flow of traffic on the trunk road.

4 Unless otherwise approved in writing by the Planning Authority:

(a) Housing completions in any one year (with a year being defined as being from 1st April to 31st March the following year) shall not exceed the following completion rates:

Year 2020/21	-	24 residential units
Year 2021/22	-	73 residential units
Year 2022/23 to 2030/31-	97 residential units per annum	
Year 2031/32 to 2034/35-	122 residential units per annum	
Year 2035/36	-	102 residential units
Year 2036/37	-	40 residential units

(b) If fewer than the specified number of residential units is completed in any one year then those shall be completed instead at Year 2036 or beyond and not added to the subsequent Year.

Reason:

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

5 No development shall take place until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping. The scheme shall provide details of : the height and slopes of any mounding on or recontouring of, the site; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. The scheme shall include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development. It shall also include details of all planting and landscaping along the boundary of the site with the A1(T) trunk road.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 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.

6 Prior to the commencement of development a long term landscape and habitat management plan shall be submitted to and approved in writing by the Planning Authority. The plan shall include details of how the overall wildlife value of the large body of water known as 'Princes Loch' can be maximised. These details for 'Princes Loch' shall include appropriate marginal and wetland planting, scalloping of edges, connections to adjacent scrub and woodland, creation of small islands, and physical connectivity to the SUDS network. The plan shall also detail measures of how to design the SUDS ponds as habitats and landscape features. The plan shall include a timetable for the implementation of the proposed works. Development shall thereafter be carried

out in accordance with the details so approved.

Reason:

To maximise the ecological potential of the proposed development.

- 7 Prior to the commencement of development, a method statement for the translocation and future management of the bee orchids and their habitat within the application site shall be submitted to and approved by the Planning Authority. The method statement shall include a timetable for implementation.

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

Reason:

To maintain the contribution of the bee orchids to the nature conservation value of the local area.

- 8 A Construction Method Statement to minimise the impact of construction activity on the safety and amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic (including routes to/from site) and shall include hours of construction work and routing of traffic. The Construction Method Statement shall also make recommendations in respect of how pedestrians and school children can safely access the new school during construction works. It shall also provide details of utility/service drainage connections.

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.

- 9 The details to be submitted pursuant to condition 1 above shall include full details of all noise mitigation measures. The mitigation measures shall include, but may not be limited to, final heights and locations of any acoustic bunds and/ or barriers, upgraded glazing/ ventilation specification within specific properties and possible re-orientation of residential properties. These mitigation measures shall be such that the following design criteria shall be met:

1. Daytime garden noise levels should not exceed 55 dB (A);
2. Daytime internal noise levels should not exceed 35 dB (A) and night-time internal noise levels should not exceed 30 dB (A); and
3. The Rating Level, LArTr, of noise emanating from any proposed commercial unit (when measured 3.5m from the façade of any existing or proposed residential property shall be no more than 5 dB (A) above the background noise level, LA90T.

The details to be submitted shall also include a further noise report to demonstrate the noise mitigation measures required to ensure compliance with this design criteria, together with a timetable for the implementation of all of the proposed noise mitigation measures.

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

Reason:

To ensure an appropriate level of acoustic screening in the interests of the amenity of the future occupants of the site.

- 10 No residential unit shall be occupied unless and until details of artwork to be provided on the site or at an alternative location away from the site have been submitted to and approved by the Planning Authority. The details shall include a timetable for the provision of the artwork.

The artwork shall thereafter be provide in accordance with the details so approved.

Reason:

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

- 11 The supermarket hereby approved shall have a gross floor area no greater than 1,035 square metres.

Reason:

In order to retain control of the scale of the supermarket and in the interests of safeguarding the vitality and viability of existing retail provision.

- 12 To ensure that the site is clear of contamination, the following requirements shall be complied with:

o Prior to commencement of any site development, a targeted contaminated land investigation shall be carried out and a report submitted to and for approval of the Planning Authority. The investigation must also include further rounds of gas monitoring for the site. The subsequent report must include a site-specific risk assessment of all relevant pollutant linkages.

o Where the risk assessment identifies any unacceptable risk or risks, a detailed remediation strategy shall be submitted to the Planning Authority for approval. Prior to receipt of approval of the remediation strategy by the Planning Authority no works, other than investigative works, shall be carried out on the site

o Remediation of the site shall be carried out in accordance with the approved remediation plan. Any amendments to the approved remediation plan shall not be implemented unless approved by the Planning Authority.

o On completion of the remediation works and prior to the site being occupied, a validation report shall be submitted to the Planning Authority confirming that the works have been carried out in accordance with the remediation plan.

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

Reason:

13 To ensure that the site is clear of contamination prior to the occupation of any of the buildings. The open space to be provided on site shall generally accord with the Indicative Master Plan drawing no. 13055(PL)100 Rev. D docketed to this planning permission in principle. Moreover, the area of open space known as the Town Park shall include within it woodland of a significant size.

Prior to the commencement of development, a timetable for the provision of the open space within the new settlement shall be submitted to and approved in advance by the Planning Authority.

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

Reason:

14 To ensure the timely provision of an appropriate amount of open space, in the interests of the amenity of the area. Prior to the commencement of development, details of how the areas of open space and equipped areas are to be maintained shall be submitted to and approved in advance by the Planning Authority.

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

Reason:

15 To ensure the satisfactory maintenance of open space and equipped play areas, in the interests of the amenity of the area. Prior to the commencement of development, details of a new continuous shared use (walking/cycling) path from the western side of the A198 road to Prestonpans Railway Station, including a timetable for its delivery, shall be submitted to and approved in advance by the Planning Authority. The details shall be based on the continuous shared use (walking/cycling) path that is indicatively shown on drawings docketed to this planning permission. The submitted details shall show the footpath being lit and shall include road safety audits and quality audits.

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

Reason: In the interests of road and pedestrian safety.

16 Prior to the commencement of development, details of a new 2 metres wide tarmac "active travel path" to be formed for walkers and cyclists on the western side of the hedge at the eastern edge of the application site, parallel to the core path, with link paths connecting from the housing areas to the tarmac path and to the core path, shall be submitted to and approved in advance by the Planning Authority. The details shall include a timetable for implementation.

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

- Reason:
In the interests of road and pedestrian safety.
- 17 In the event that the catchment secondary school for the new settlement is Preston Lodge High School, a report assessing walking and cycling routes to this school from the new settlement in terms of safety and quality to include distances, controlled pedestrian/cycle crossings of the A198 and B1361 (also to include a technical assessment of the existing footbridge over the rail line north of Meadowmill Sports Centre) shall be submitted to and approved by the Planning Authority. The details shall include any mitigation measures required and a timetable for their implementation.
- Development shall thereafter be carried out in accordance with the details so approved.
- Reason:
To reduce children being driven to and from school in private cars, in the interests of road safety and sustainability.
- 18 Prior to the commencement of any ground improvement / remedial works within the application site, proposals for further ground investigations for each phase of the proposed development shall be submitted to and approved by the Planning Authority. These further ground investigations shall be designed to provide comprehensive factual information on the depth of backfill / rock head, level of the ground water table and continuous monitoring of ground gases during the period of the investigations. On completion of the further investigations the applicant shall submit a factual report presenting the findings of the investigations to the Planning Authority for their information. The ground improvement / remediation works shall thereafter be carried out in accordance with the details so approved.
- Reason:
To ensure that ground improvement / remediation works are acceptable in order to enable the development to safely and satisfactorily proceed.
- 19 Prior to the commencement of any ground improvement / remedial works within the application site, detailed proposals for the proposed ground improvement / remediation works shall be submitted to and approved by the Planning Authority. The detailed proposals shall include detailed designs and supporting information for the proposed surcharging and consolidation of shallow workings beneath the base of the open cast. It shall also include the surcharge layouts, surcharge heights, surcharge periods, recovery period following removal of the surcharge, proposed monitoring instrumentation, and assessment of predicted settlement at each surcharge location. In respect of the consolidation of the shallow workings the detailed proposals shall provide full details of the proposed consolidation works required to remove the risk of future subsidence. Where appropriate the ground improvement / remedial works shall make provision for percolation / inundation testing to demonstrate that the surcharging has been effective in reducing the risks of such collapses to acceptable levels. The ground improvement / remediation works shall thereafter be carried out in accordance with the details so approved.
- Reason:
To ensure that ground improvement / remediation works are acceptable in order to enable the development to safely and satisfactorily proceed.
- 20 Following completion of the ground improvement works / remedial works on each phase of the development site and prior to commencing any construction works the applicant shall prepare a completion report and submit this to the Planning Authority for their approval. This completion report shall provide a detailed account of the ground improvement / remedial works carried out together with a complete record of all monitoring carried out during ground improvement / remediation. The completion report shall provide a detailed assessment of future risks arising from continuing creep and percolation / inundation settlement. Where the risk of future collapse settlement remains, the completion report shall provide conclusions and recommendations for further monitoring / further remedial measures required prior to works commencing. The completion report shall provide conclusions and recommendations for developers in respect of foundation design, drainage design, ground gas defensive measures and other construction related activities. With regard to the consolidation of the shallow workings the completion report shall provide full details of the works carried including the validation of the end product by post treatment probes or other appropriate measures.
- Reason:
To ensure that ground improvement / remediation works are acceptable in order to enable the development to safely and satisfactorily proceed.
- 21 Prior to the commencement of development the following information shall be submitted to and approved by the Planning Authority, following consultation with the Coal Authority:

a) the submission of a layout plan which identifies appropriate zones of influence for the mine entries on site, and the definition of suitable 'no-build' zones, together with indication of the high wall; and

b) The submission of details of investigations and of treatment if necessary for the mine entries on site, shallow coal workings, ground gas, and ground stabilisation of the backfill.

Prior to the commencement of development any identified remedial works shall be fully implemented.

Reason:

To ensure that ground improvement / remediation works are acceptable in order to enable the development to safely and satisfactorily proceed.

- 22 Prior to the commencement of development, an update of the Surface Water and Flood Risk Report, which shall assess the flood risk within the northwest part of the application site from all sources during a 0.5% AP (1:200) rainfall event, and which shall include proposed mitigation measures that are required to not increase flood risk downstream of the site and to prevent flood risk of any built development in the northwest part of the application site, shall be submitted to and approved by the Planning Authority. The Report timetable for the delivery of all identified mitigation measures shall also be submitted.

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

Reason:

To ensure that built development within the northwest part of the application site is not at risk from flooding, there is no increase in flood risk elsewhere and appropriate long-term maintenance arrangements are in place.

- 23 Prior to the commencement of development, a SuDS scheme and Drainage Assessment for the whole development site to meet the vesting requirements of the Statutory Authorities shall be submitted to and approved by the Planning Authority, following consultation with SEPA. The submitted detail shall include a timetable for the delivery of all identified mitigation measures shall.

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

Reason:

To ensure that built development within the northwest part of the application site is not at risk from flooding, there is no increase in flood risk elsewhere and appropriate long-term maintenance arrangements are in place.

- 24 Prior to the commencement of development, a full engineering report detailing ground stability and structural integrity shall be submitted to and approved by the Planning Authority. The report, which shall be prepared by an adequately qualified and indemnified engineer, shall identify all necessary remediation works and a timescale for those remediation works being undertaken. Development shall thereafter be carried out in accordance with the details so approved;

Reason:

To ensure that ground improvement / remediation works are acceptable in order to enable the development to safely and satisfactorily proceed.

- 25 Prior to the commencement of development a strategy for the new speed limits within the application sites and those on the existing road network shall be submitted to and approved by the Planning Authority. The strategy shall assess how these will be developed, including road safety audits and associated infrastructure (i.e. street lighting, signage etc). The strategy shall include full detailed designs for all the works on the existing public road including full road safety audits and quality audits putting particular emphasis on walking & cycling and the safety and attractiveness of these routes (including street lighting review in these areas). This shall extend into the site to offer excellent paths and cycling facilities within the site to ensure walking and cycling are the first modes to be considered for local trips. The strategy shall also detail controlled crossings that are necessary as well as bus stops and shelters. The strategy shall also include a timetable for implementation of any new speed limits as well as when controlled crossings and bus stops and shelters should be provided. Development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road safety.

- 26 Prior to the commencement of development, road safety audits and quality audits for external works and the links within 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:
In the interests of road safety.
- 27 Prior to the commencement of development, a vehicle tracking/swept path analysis for all internal roads and changes to external roads shall be submitted to and approved by the Planning Authority. The vehicle tracking/swept path analysis shall include the large design rigid (in accordance with the FTA associations Designing for Deliveries) over all the roads within the proposal site and large HGV (arctic etc) as well as large buses on main distributor roads and employment areas (including local centre). It shall also include all vehicles types including buses for the external routes/works. Development shall thereafter be carried out in accordance with the details so approved.
- Reason:
In the interests of road safety.
- 28 Prior to the commencement of development, a general, overarching travel plan framework for the whole settlement (including school and future business/economic uses travel) shall be submitted to and approved by the Planning Authority. The framework shall include tools and mechanisms for each part of the development to use. It shall include measures to be put in place to encourage Public Transport penetration into the new settlement. It shall also include a timetable for implementation, Development shall thereafter be carried out in accordance with the details so approved.
- Reason:
In the interests of road safety.
- 29 Prior to the commencement of development, a strategy to establish how traffic regulation orders and parking restrictions will be needed, particularly in the town centre around schools, public buildings and shops as well as other areas throughout the site shall be submitted to and approved by the Planning Authority. Development should thereafter be carried out in accordance with the details so approved.
- Reason:
In the interests of road safety.
- 30 Development of the application site shall be carried out in accordance with the following requirements:
- * Prior to the occupation of any of the approved development, the proposed upgrade of the northern and southern roundabouts of the Bankton Interchange to traffic signal control, generally as illustrated in drawing no. SK0002, shall be implemented to the satisfaction of the Planning Authority, following consultation with Transport Scotland;
 - * Prior to the occupation of any of the approved development, the proposed upgrade of the west facing slips at Bankton Interchange to Type B parallel merge/ diverge arrangements, generally as illustrated in drawing no. SK004, shall be implemented to the satisfaction of the Planning Authority, following consultation with Transport Scotland;
 - * Details of the lighting within the application site shall be submitted to and approved by the Planning Authority, following consultation with Transport Scotland;
 - * Prior to the commencement of development, details of the frontage landscaping treatment along the trunk road boundary shall be submitted to and approved by the Planning Authority, following consultation with Transport Scotland;
 - * Prior to the occupation of any of the approved development, a barrier/ boundary feature shall be provided and maintained along the proposed boundary of the site with the A1 trunk road, in accordance with details to be submitted to and approved in advance of its provision by the Planning Authority, following consultation with Transport Scotland; and
 - * There shall be no drainage connections to the trunk road drainage system.
- Reason:
In the interests of road safety.
- 31 Prior to the commencement of development details of the Longniddry Junction (junction of A198/B6363 Main Street with Coal Road - traffic signals to provide a left turn to Gladsmuir and vice-versa for return - as a deflection strategy to draw trips away from the A198 frontage at Blindwells) shall be submitted to and approved by the Planning Authority. The details shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road safety.

32

Prior to the commencement of development a detailed condition survey of the construction access route from the Bankton interchange shall be jointly undertaken by the developer and East Lothian Council Roads Services. During the period of construction of the development a similar joint inspection shall be carried out to assess the condition of the route on each anniversary of the commencement of development. Any damage identified as a result of construction activities shall be repaired or resurfaced by the developer in compliance with the Council's specifications and requirements at no cost to the Council as Roads Authority.

Reason:

In the interests of road safety.

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

REPORT TO: Planning Committee
MEETING DATE: Wednesday 29 March 2017
BY: Depute Chief Executive (Partnerships and Community Services)
SUBJECT: Application for Planning Permission for Consideration

6

Application No. **16/00592/AMM**

Proposal Approval of matters specified in conditions of planning permission in principle 15/00581/PPM - Erection of 68 houses, 12 flats and associated works

Location **Dovecote Farm
Haddington
East Lothian**

Applicant Robertson Homes Ltd & Hallam Land Management

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

Although this application is for the approval of matters specified in conditions of planning permission in principle 15/00581/PPM it has to be determined as a major development type application because the area of the application site is greater than 2 hectares and the number of dwellings detailed is greater than 50. Accordingly the application cannot be decided through the Council's Scheme of Delegation. It is therefore brought before the Planning Committee for a decision.

This application relates to some 4.2 hectares of agricultural land located to the southwest of Haddington. It has a broadly rectangular footprint.

The site is bounded to the east by former agricultural land which has planning permission for residential development (approval of matters specified in conditions of planning permission in principle 13/00071/PPM and ref: 14/00731/AMM). Development of that site is well underway, with some of the approved houses built and occupied. To the south of the site are areas of mature woodland and fields. To the west of the site is agricultural land.

To the north of the site is the A6093 Pencaitland Road and 3 residential properties,

beyond which is agricultural land which forms part of a larger area of land allocated by Proposal H3 (Letham Mains) of the adopted East Lothian Local Plan 2008 for a mixed use development of 750 houses, social and community facilities and associated infrastructure. In July 2013 planning permission (Ref: 13/00519/PM) was sought for the erection of 385 houses and 48 flats on the western part of that allocated housing site. In January 2014 planning permission (Ref: 14/0089/PM) was sought for the erection of 257 houses and 119 flats on the eastern part of that allocated housing site. In July 2014 planning permission (Ref: 14/00534/PCL) was sought for the erection of a primary school on the central part of that allocated housing site. At their meeting of 2 June 2015 the Planning Committee resolved to grant planning permission for the development proposed in applications 13/00519/PM and 14/0089/PM subject to the prior conclusion of a legal agreement. At the time of writing this report the legal agreement has not been concluded and therefore planning applications 13/00519/PM and 14/0089/PM have not yet been granted. At that same meeting the Planning Committee granted planning permission 14/00534/PCL for the new primary school.

In June 2016, following the conclusion of a legal agreement to secure education and affordable housing contributions, planning permission in principle 15/00581/PPM was granted for a residential development of the application site with associated infrastructure, landscaping and engineering works. A docketed Indicative Development Framework plan gives an indication how the residential development could be laid out on the site.

Approval of matters specified in conditions of planning permission in principle 15/00581/PPM is now sought for the erection of 68 houses and 12 flats and associated works on the application site.

Of the 68 houses 60 would be detached and 8 terraced. In terms of size, 4 of the proposed 68 houses would contain 2 bedrooms, 4 would contain 3 bedrooms, 47 would contain 4 bedrooms, 3 are described as having 4 bedrooms and a study, 5 are described as having 4 bedrooms and a cinema room, and 5 would contain 5 bedrooms.

The 12 flats would be located within 3, two-storey flatted buildings each containing 4 flats. Of the 12 flats 4 would contain 2 bedrooms and 8 would contain 1 bedroom.

The submitted details also include for the internal access roads, parking courts, landscaped open space, a play area, a SUDS area and structural planting.

Vehicular access to the 68 houses and 12 flats would be taken from the A6093 road by way of a new access junction at the northeast corner of the site. The access shown is part of the approved access to the adjacent site the subject of approval of matters specified in conditions of planning permission in principle 13/00071/PPM (ref: 14/00731/AMM).

An area of public open space, which would contain an equipped play area, would be formed on the southern part of the site. A SUDS shallow meadow basin would also be formed within the southern part of the site. A footpath link would be provided to connect into the site to the east that is currently under construction.

The application is supported by an Ecology Assessment, a Traffic Management Plan and a Green Travel Plan.

Subsequent to the registration of this application, further drawings have been submitted showing i) revised proposals for the proposed play area; ii) revised landscape proposals; (iii) revised proposals for additional lengths of pedestrian footpaths, and (iv) revised

detail to include flatted properties. Additionally a Tree Survey, a tree protection plan, and further drainage information have been submitted.

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 the proposed development falls within the category of a Schedule 2 Development, being one that may require the submission of an Environmental Impact Assessment (EIA). Schedule 3 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 sets out the selection criteria for screening whether a Schedule 2 development requires an EIA. On 15 January 2015 the Council issued a formal screening opinion to the applicant. The screening opinion concludes that it is East Lothian Council's view that the proposed development is not likely to have a significant effect on the environment such that consideration of environmental information is required before any grant of approval of matters specified in conditions. It is therefore the opinion of East Lothian Council as Planning Authority that there is no requirement for the proposed housing development to be the subject of an EIA.

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan, unless material considerations indicate otherwise.

The development plan is the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Plan 2008.

Relevant to the determination of the application is Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies H1 (Housing Quality and Design), DP1 (Landscape and Streetscape Character), DP2 (Design), DP12 (Trees on or Adjacent to Development Sites), C1 (Minimum Open Space Standard for new General Needs Housing Development), C2 (Play Space Provision in new General Needs Housing Development), T2 (General Transport Impact), DP20 (Pedestrians and Cyclists), DP22 (Private Parking) and DP24 (Home Zones) of the adopted East Lothian Local Plan 2008.

A material consideration is the supplementary planning guidance of "Design Standards for New Housing Areas" approved by the Council on 10th March 2008. This guidance requires that a more flexible approach be taken in road layout and design for proposed housing developments and sets core design requirements for the creation of new urban structures that will support Home Zone development as well as establishing design requirements for the layout of and space between buildings. Developers must provide adequate information to the satisfaction of the Council to demonstrate the merits of their design.

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

Three written representations have been received in respect of this application, all of which raises objection to the proposed development.

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

The main grounds of objection are summarised as follows:

- * the housing is repetitive and does not respond to the quality of the landscape setting;
- * too many houses are proposed;
- * garages on plots are set back from the road;
- * the overall layout lacks imagination;
- * the affordable housing is not integrated into the development;
- * the site should establish a robust landscape framework as the quality and quantity of open space falls short of requirements;
- * the play area should be integrated within the development;
- * the play area is close to a river which could be dangerous; and
- * a 3-storey building is proposed which would lead to a loss of sunlight and daylight to a neighbouring residential property.

Contrary to that which is stated in the written objections there is no 3-storey building proposed for the site. All of the proposed houses and flatted buildings are 2-storey in height.

Notwithstanding the concern of the objectors, by the grant of planning permission in principle 15/00581/PPM, approval has been given for the principle of the erection of 80 residential units on the application site. There can therefore be no objection in principle to the erection of the 80 residential units now proposed.

Therefore, in the determination of this application the Council, as Planning Authority, can only concern itself with the siting, design and external appearance of the development and the landscaping of and means of access to the site. In this regard the detailed proposals have to be considered against relevant development plan policy and the Indicative Development Framework plan and conditions attached to planning permission in principle 15/00581/PPM.

The proposed residential development would form an extension to the south-western edge of Haddington. It would be set back from the A6093 road by mature tree planting and by 3 existing residential properties. Moreover it would be seen in relation to the housing development immediately to the east of the application site which is currently under construction. In all of this, the proposed residential development would not be out of keeping with the character of the settlement and local area.

Paragraph 2.6 of the "Design Standards for New Housing Areas", approved by the Council on 10th March 2008, states that new housing development must create a hierarchical, permeable and interconnected street layout that complements and should extend the surrounding street pattern. Such layouts spread vehicle traffic evenly through a site and to the surroundings, help prevent localised traffic congestion, and encourage walking and cycling. Proposed street layouts must maximise connections within the site and to surrounding streets, and ensure the movement requirements of the development strategy are met. By the design and arrangement of street types, street layouts must influence vehicle drivers preferred route choice to ensure the tertiary streets between residential blocks are less busy. In paragraph 2.9 it is stated that Home Zones must be introduced to new development as part of a hierarchical, permeable and interconnected

street layout.

Condition 1d of planning permission in principle 15/00581/PPM states that the detailed design of the layout shall accord with the principles set out in the Council's "Design Standards for New Housing Areas" and with the Scottish Government Policy Statement entitled "Designing Streets".

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

The details now submitted for approval are for a scheme of development comprising a mix of 19 types of detached and terraced houses, with all of the houses being two storeys in height. The houses would be finished predominantly with rendered walls and their pitched roofs would be clad with concrete tiles. The flatted buildings would also be two-storeys high.

The proposed houses and flats, due to their positioning on the application site, mix of house types and by virtue of their height, size and scale, and architectural design would satisfactorily integrate into their surroundings and would not appear as prominent or intrusive features. The other components of the proposed development would not be harmful to the character and appearance of the area. The proposed development would satisfactorily integrate with the adjacent housing site to the east which is currently under construction.

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

The application site is capable of accommodating all of the houses without being an overdevelopment of the site and without being incompatible with the density of existing housing development in the area.

The proposed development has been amended in light of comments received from the Council's Landscape Project Officer. The Landscape Project Officer raises no objection to the details of the development now proposed, being satisfied that her earlier comments have been fully addressed.

She does however recommend that measures are put in place to protect existing trees during the construction period. This can be secured by the imposition of a condition of the approval of matters specified in conditions for the proposed housing development.

The Council's Environmental Health Manager raises no objection to the proposed development, being satisfied that the occupants of the proposed residential units would benefit from a satisfactory level of privacy and residential amenity. He advises of the need to identify measures to protect the amenity of neighbouring residential properties from the effects of noise and dust arising as a result of the construction phase of the development.

The matter of noise and disturbance during the construction period was considered in

the determination of previous application 15/00581/PPM. Condition 9 of planning permission in principle 15/00581/PPM requires that a Construction Method Statement to specify the measures to be adopted to protect the amenity of neighbouring residential properties from the effects of noise and dust arising as a result of the construction phase of the development should be submitted to and approved by the Planning Authority prior to the commencement of development. No such Construction Method Statement has been submitted with this application. However the requirements of Condition 9 of planning permission in principle 15/00581/PPM remain in force and it must be complied with prior to the commencement of development of the site.

On all of these foregoing findings on matters of design, layout, landscaping and amenity, and subject to the imposition of conditions, the proposed development is consistent with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), Policies H1, DP1, DP2 and DP24 of the adopted East Lothian Local Plan 2008, the Council's Design Standards for New Housing Areas and the Scottish Government Policy Statement entitled "Designing Streets".

The proposed site layout includes an area of open space on the southern part of the site, consistent with the Indicative Development Framework plan docketed to planning permission in principle 15/00581/PPM. The Council's Principal Amenity Officer is satisfied with the provision of the proposed area of open space. On this consideration the proposed development is consistent with Policy C1 of the adopted East Lothian Local Plan 2008.

The area of open space would contain an equipped play area. The proposed size and location of the play area is consistent with the illustrative masterplan docketed to planning permission in principle 15/00581/PPM. Details of the play equipment proposed for the play area were submitted with this application. The Council's Principal Amenity Officer originally raised concerns regarding the proposed equipment, which he considered would comprise of a very low volume of individual activities available to play on and a limited range of equipment on offer and thus would not adequately provide for a development of this size. The proposed play equipment has subsequently been amended to take into account the concerns of the Principal Amenity Officer. He is now satisfied with the range of equipment proposed. On this consideration the proposed development is consistent with Policy C2 of the adopted East Lothian Local Plan 2008.

The principles of the means of accessing of the proposed housing are already decided by the grant of planning permission in principle 15/00581/PPM. These are that vehicular access to the site should be taken from the A6093 road by way of a new access junction at the northeast corner of the site.

The submitted details for accessing the proposed 80 residential units are in accordance with these principles established by the grant of planning permission in principle 15/00581/PPM.

The Council's Road Services raise no objection to the submitted details, being satisfied that the proposed development would be accessed safely and would not lead to a road or pedestrian safety hazard. They advise that the proposed means of access and amount and location of parking within the site are all acceptable..

They recommend that:

- (i) the turning head adjacent to plot 15 on the site layout plan be extended by 3 metres;
- (ii) cycle parking 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;

(viii) wheel washing facilities are provided during the construction phase of the housing development; and

(ix) a Construction Method Statement to minimise the impact of construction activity on the amenity of the area be submitted to and approved by the Planning Authority prior to the commencement of development.

Condition 5 of planning permission in principle 15/00581/PPM requires that to minimise the impact of construction activity on the amenity of the area a Construction Method Statement shall be submitted to and approved by the Planning Authority prior to the commencement of development. No such Construction Method Statement has been submitted with this application however the requirements of Condition 5 of planning permission in principle 15/00581/PPM remain in force and it must be complied with prior to the commencement of development of the site. Therefore there is no requirement to further control this through this approval of matters specified in conditions application.

Otherwise Road Services requirements can reasonably be made conditions of the approval of matters specified in conditions for the proposed housing development.

Condition 1t of planning permission in principle 15/00581/PPM states that a pedestrian/cycle route should be provided at the southeastern side of the site to connect to the adjacent site to the east; Condition 1u states that a formal footpath should be provided at the northern part of the site. Consistent with the requirements of Condition 1t and 1u the pedestrian/cycle route and formal footpath have been provided.

Condition 4 of planning permission in principle 15/00581/PPM requires that a Green Travel Plan should be submitted to and approved by the Planning Authority prior to the occupation of any of the residential units, which should 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 applicant has submitted a Green Travel Plan with the application. Road Services advise the plan does include information on the provision for walking, cycling and public transport access to and within the site but otherwise does not include the other information as required by Condition 4 of planning permission in principle 15/00581/PPM. Therefore the submitted Green Travel Plan is not acceptable in its current form and would require to be resubmitted with all the detail required by Condition 4 of planning permission in principle 15/00581/PPM prior to the occupation of any of the residential units.

Condition 5 of planning permission in principle 15/00581/PPM requires that 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 prior to the commencement of development. Moreover

On these foregoing transportation and other access considerations the proposed residential development is consistent with Policies T2, DP20 and DP22 of the adopted East Lothian Local Plan 2008.

The Council's Waste Services Manager raises no objection to the details of the 80 residential units now proposed.

Scottish Water were consulted on the planning application but have not commented on it.

The matter of site drainage was considered through the determination of previous application 14/00632/PPM. Condition 8 requires that details of the proposed integrated sustainable urban drainage scheme (SUDS) for the site should be submitted in writing for the approval of the Planning Authority, following consultation with the Scottish Environment Protection Agency (SEPA). Details of the proposed integrated sustainable urban drainage scheme (SUDS) for the site have been submitted with the application. On appraisal of this detail SEPA raise no objection to the application.

The Council's Team Manager for Structures, Flooding & Street Lighting has no comment to make on the application.

The mechanism of a financial contribution towards additional educational provision in Haddington for a housing development of 80 residential units has already been secured through the grant of planning permission in principle 15/00581/PPM.

The mechanism of the provision within the residential development of 25% affordable housing (i.e. 20 units of the proposed 80 units) is already secured through the grant of planning permission in principle 15/00581/PPM.

The Council's Economic Development & Strategic Investment Manager raises no objection to the details of the 80 residential units now proposed.

RECOMMENDATION

That approval of matters specified in conditions for the proposed housing development be granted subject to the following conditions:

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

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

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

Reason:

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

- 2 Notwithstanding that which is stated on the drawings docketed to this approval of matters specified in conditions, a detailed specification of all external finishes of the houses and flats of the proposed development shall be submitted to and approved by the Planning Authority prior to the use of the finishes in the development. The external finishes of the houses shall be in accordance with a co-ordinated scheme of materials and colours that shall be submitted to and approved in advance by the Planning Authority. This co-ordinated scheme shall in detail promote render as the

predominant finish to the walls of the houses, with a use of more than one render colour and with a strongly contrasting difference in the colours such that they will not each be of a light colour. All such materials used in the construction of the houses shall conform to the details so approved.

Reason:

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

- 3 Prior to the occupation of the last residential unit hereby approved, the proposed access roads, parking spaces, and footpaths shall have been constructed on site, in accordance with the docketed drawings and the following transportation requirements:

(i) the turning head adjacent to plot 15 on the docketed site layout plan shall be extended by 3 metres in accordance with details to be submitted to and approved in advance by the Planning Authority;

(ii) cycle parking 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.

Those areas of land shall not thereafter be used for any other purpose than for accessing and for the parking of vehicles in connection with the residential use of the houses and flats and shall not be adapted or used for other purposes without the prior written approval of the Planning Authority.

Reason:

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

- 4 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.

- 5 A timetable for the provision of the erection of the 1.8 metre high boundary enclosures for the rear gardens of the houses hereby approved shall be submitted to and approved in advance by the Planning Authority and development shall thereafter be carried out in full accordance with the timetable so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

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

- 6 All the open space recreation areas indicated on the docketed site layout plan shall be available for use prior to the occupation of the last house or flat on the site.

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

Reason:

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

- 7 A timetable for the implementation of the play area hereby approved shall be submitted to and approved in advance by the Planning Authority and the play area shall be installed in accordance with the timetable so approved.

Reason:

In the interests of the amenity of the development.

- 8 No development shall commence until temporary protective fencing in accordance with both Figure 2 of British Standard 5837_2012 "Trees in relation to design, demolition and construction" and the detail shown for it on docketed drawing no. 095.43.02f has been erected in the positions shown for it on docketed drawing no. 095.43.01f. The temporary protective fencing shall also be erected around the root protection area of the tree numbered 23 on docketed drawing no. 095.43.05f.

All weather notices shall be erected on said fencing with words such as "Construction exclusion zone - Keep out". Within the fenced off areas the existing ground level shall neither be raised nor lowered, no materials, temporary buildings, plant, machinery or surface soil shall be placed or stored and no herbicides shall be used. Planning of site operations should take sufficient account of wide loads, tall loads and plant with booms, jibs and counterweights (including drilling rigs), in

order that they can operate without coming into contact with retained trees. Any materials whose accidental spillage would cause damage to a tree shall be stored and handled well away from the outer edge of its RPA. Fires on sites should be avoided if possible. Where they are unavoidable, they should not be lit in a position where heat could affect foliage or branches. The potential size of a fire and the wind direction should be taken into account when determining its location and it should be attended at all times until safe enough to leave.

Reason:

To ensure the retention and maintenance of trees and vegetation which are an important feature of the area.

- 9 No development shall commence until detail of the construction of the driveway within the root protection area of trees shown to be retained on the northwest part of the site has been submitted to and approved in writing by the Planning Authority. Any surfacing within the Root Protection Area must be carried out in strict accordance with section 7.4 of BS5837: 2012 "Trees in relation to design, demolition and construction ~ Recommendations".

Reason:

To ensure the retention and maintenance of trees and vegetation which are an important feature of the area.

- 10 The footpath to be formed to the south of the trees shown to be retained on the northwest part of the site, and the erection of any street lighting, shall be constructed in strict accordance with section 7 of BS5837: 2012 "Trees in relation to design, demolition and construction ~ Recommendations" where they lie within any tree Root Protection Area.

Reason:

To ensure the retention and maintenance of trees and vegetation which are an important feature of the area.

- 11 The existing trees to be retained on site shall be maintained in accordance with the 'Management and Maintenance of Existing Woodland' section of docketed drawing no. 095.43.02f.

Reason:

To ensure the retention and maintenance of trees and vegetation which are an important feature of the area.

- 12 All new planting as shown on docketed drawings nos. 095.43.01f, 095.43.02f, 095.43.03f, 095.43.04f and 095.43.05f shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 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.

All the new planting shall be maintained in accordance with the maintenance programme as detailed on docketed drawing no. 095.43.01f.

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 improve the biodiversity value of the area.

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

REPORT TO: Planning Committee
MEETING DATE: Wednesday 29 March 2017
BY: Depute Chief Executive (Partnerships and Community Services)
SUBJECT: Application for Planning Permission for Consideration

7

Application No. **17/00033/PM**

Proposal Variation of condition 5 of consent 06/00769/FUL to allow for a single delivery to the store via the service yard between the hours of 2300 and 0700.

Location **Tesco Stores Ltd
Olivebank Road
Musselburgh
East Lothian
EH21 7BL**

Applicant Tesco Stores Limited

Per Mackay Planning

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

This planning application relates to the Tesco store in Musselburgh. It is located to the south of Olivebank Road and to the west of Musselburgh Town Centre.

The service yard for the store is located adjacent to the southeast corner of the store building. It is accessed along the northern section of Inveresk Road. Vehicular access to the store car park for customers is taken from Olivebank Road via a roundabout at the northwest corner of the store site.

The site of the Tesco store is located in close proximity to residential properties, including the 4 storey residential flats at the junction of Mall Avenue and the northern section of Inveresk Road (5-19 Inveresk Road), and the residential properties at the western end of the southern section of Inveresk Road. Further residential properties are also under construction to the west of the site at Inveravon Terrace.

Planning permission (Ref: 06/00769/FUL) was granted in September 2008 for the erection of the store and for a petrol filling station and associated works, subject to 27 conditions. Of these, condition 5 stipulates that:

"No service delivery vehicle or home delivery vehicle shall either access or egress the site nor be loaded or unloaded within the site outwith the hours of 07:00 to 23:00.

Reason:

To ensure that the amenity of the occupiers of nearby residential properties is safeguarded".

In August 2015 planning permission (Ref: 15/00645/PM) was sought for a variation of condition 5 of planning permission 06/00769/FUL to allow for a single delivery to the front entrance of the store between the hours of 23:00 and 07:00. That application was decided by the Planning Committee at their meeting on the 03 November 2015. At their meeting, the Planning Committee agreed an amendment that approval of the variation of condition 5 be granted for a period of 12 months so that the impact on local residents could be assessed. Planning permission (Ref: 15/00645/PM) was therefore granted for a variation of condition 5 of planning permission 06/00769/FUL to the following:

"The operation of the store shall comply with the following requirements:

a) Until the 06 November 2016:

i) With the exception of a single service delivery to the front of the store (accessed via the main vehicle entrance and not Inveresk Road), no service delivery vehicle or home delivery vehicle shall either access or egress the site nor be loaded or unloaded within the site outwith the hours of 07:00 to 23:00; and

ii) Notwithstanding condition 5ai) above, there shall be no service delivery to the site outwith the hours of 07:00 to 23:00 unless and until a Delivery Noise Management Plan has been submitted to and approved by the Planning Authority. Once approved the Delivery Noise Management Plan shall be complied with at all times during deliveries outwith the hours of 07:00 to 23:00.

b) After the 06 November 2016, no service delivery vehicle or home delivery vehicle shall either access or egress the site nor be loaded or unloaded within the site outwith the hours of 07:00 to 23:00.

Reason:

To ensure that the amenity of the occupiers of nearby residential properties is safeguarded".

In November 2016 planning permission (16/00726/PM) was granted for a further variation of condition 5 of planning permission 06/00769/FUL to allow for a single delivery to the front entrance of the store between the hours of 23:00 and 07:00.

Planning permission is now sought for a variation of condition 5 of planning permission 06/00769/FUL to allow for a single delivery to the store via the rear service yard between the hours of 23:00 and 07:00 on a permanent basis.

A supporting statement submitted with the application states that the restriction on deliveries before 07:00 has an adverse effect upon the ability of the store to begin dot com (internet) deliveries promptly in the morning as items have to be delivered and on shelves before picking for dot com deliveries can take place. This process can take many

hours and as internet deliveries are increasingly popular from the Musselburgh store, this places a significant limitation upon the store's ability to carry out internet deliveries throughout the daytime period. In order to overcome this issue, planning permission 16/00726/PM allows the store to carry out the previous 07:00 delivery at 03:00 (i.e. there would be no 07:00 delivery) for a one year period. However, although the Council granted this consent, there was much discussion during the determining Planning Committee meeting in relation to the single night time delivery to the front of the store. It is understood by the applicant that there have been 3 formal complaints and a number of 'informal complaints' relating to the front of store night time delivery. Planning permission 16/00726/PM was therefore granted against the backdrop of recent complaints being balanced against the operational requirements of Tesco. The applicant states that they understood from the discussion at the Planning Committee meeting that on balance the consensus of officers and Members was that the use of the rear service yard for the night time delivery would be preferable to the permitted use of the front store entrance, thereby placing the deliveries within the service yard at the rear of the store, away from residential neighbours. This application therefore proposes a single delivery to the service yard between the hours of 23:00 and 07:00 instead of to the front of store.

A noise assessment has also been submitted by the applicant. It assesses noise from both delivery activity occurring within the service yard and noise from delivery vehicles as they approach and depart the store using Inveresk Road. The assessment concludes that a single delivery could be made to the rear service yard between the hours of 23:00 and 07:00 without associated noise giving rise to significant adverse impact on nearby residents. It does however suggest that a formal Delivery Noise Management Plan could be adopted, to ensure that noise from delivery activities to the rear service yard are reduced as far as reasonably practicable.

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan, unless material considerations indicate otherwise.

The development plan is the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Plan 2008.

There are no policies of the approved South East Scotland Strategic Development Plan (SESplan) or the adopted East Lothian Local Plan 2008 relevant to the determination of this application.

At the time of writing this report two objections have been received with regards to the proposal.

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

Objections relate to the noise from vehicles accessing the service yard to the rear of the store as well as the need for the night time deliveries given the store no longer opens during the night. Objection is also raised as it is considered that the store operator consistently breaches Council requirements for licensing and environmental health requirements regarding use of the service yard to the rear by large vehicles.

The alleged breaches of Council requirements for licensing and environmental health requirements can be investigated separately under planning and environmental health legislation. The alleged breaches are not a material consideration in the determination of this planning application.

The determination of this application rests on the planning considerations of the likely additional impacts a single delivery to the rear service yard of the store between the hours of 23:00 and 07:00 would have on the amenity of nearby residential properties, including those on Inveresk Road that would be passed by the service delivery vehicle as it accesses and egresses the site.

The applicant's Noise Assessment concludes that noise from delivery activity within the service yard avoids significant adverse impacts to surrounding residential properties in accordance with the assessment methodologies in British Standard 4142:2014, the World Health Organisation guidelines entitled 'Guidelines for Community Noise' and change in noise level. Noise from the use of the service yard access road would also avoid significant adverse impact.

The Council's Environmental Health Manager has carefully considered the applicant's noise assessment and accepts its findings. He states that there will be a limited impact upon residential properties located on Inveresk Road due to noise as the delivery vehicle passes by on the public road that leads to the service yard. The WHO Guidelines specify a guideline night time L_{Amax} value at the facades of bedrooms of 60dB. The predicted L_{Amax} levels on Inveresk Road will be in the range of 71-78dB for a short duration as vehicle passes by receptor properties. However, the officer agrees with the conclusions of the Noise Assessment and is satisfied that, when placed into context and in terms of significance of impact, two vehicle movements (one in and one out) in exceedence of the guideline value of 60dB would not result in significant adverse impact upon neighbouring receptors. The likelihood of significant impact increases with the number of events in exceedence of the 60dB guideline with a suggested limit of 10-15 times per night suggested before significant impact arises. The Environmental health Manager is also satisfied that noise associated with the actual unloading process will be lower than that currently experienced with front-of-store deliveries as the delivery vehicle shall reverse and offload goods directly into the delivery bay therefore minimising noise impacts from roll cages, etc. As such, he raises no objection to the proposed variation of condition 5.

Notwithstanding this, the Environmental Health Manager recommends that prior to the commencement of any deliveries between the hours of 23:00 and 07:00, a Delivery Noise Management Plan should be submitted to and approved by the Planning Authority prior to commencement of night time deliveries to the service yard. The Plan should specify measures to be taken to minimise noise associated with service yard activities as well as noise from any delivery vehicle accessing the service yard from Inveresk Road. The Plan should include details of any pre and post delivery instructions to drivers as well as measures to be adopted during the unloading process itself. Where possible, refrigeration units on vehicles should be switched off prior to accessing Inveresk Road. These recommended controls can be secured by a conditional grant of planning permission.

Subject to the imposition of the recommended controls, the proposed variation of condition 5 would not give rise to significant adverse noise impacts and as such would not harmfully impact on the amenity of neighbouring and nearby residential properties.

The Council's Road Services state that the roads are quiet during this period of time within Musselburgh and the application shall therefore have a positive impact of potentially removing an HGV movement during the daytime when the roads are busier. As such, they confirm that they have no objection to the proposed variation of condition 5.

A revised version of Planning Series Circular 3/2013 (Development Management Procedures) was published by the Scottish Government in September 2015. Annex I of

the Circular gives guidance on applications for planning permission under section 42 of the Town and Country Planning (Scotland) Act 1997, as amended. The application that is the subject of this report is made under section 42 of the Act. Annex I states that "Planning authorities should attach to the new permission all of those conditions from the previous permission, where it is intended these should apply and ensure (where appropriate) that permission is granted subject to the conclusion of any appropriate planning obligation". Therefore, planning permission should be granted subject to the applied for variation to condition 5 and subject to all of those conditions from planning permission 06/00769/FUL, where it is intended these should apply. In this case, the conditions that should continue to apply are 4, 6, 7, 8, 11, 12 and 18.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 4 The superstore hereby approved shall have a gross floor area no greater than 8,175 square metres and a net sales floor area no greater than 4,830 square metres. Of the net sales floor area no more than 2,415 square metres shall be used for the sale of comparison goods. The superstore 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 Musselburgh Town Centre.

- 5 The operation of the store shall comply with the following requirements:

a) With the exception of a single service delivery to the rear service yard of the store (accessed via Inveresk Road), no service delivery vehicle or home delivery vehicle shall either access or egress the site nor be loaded or unloaded within the site outwith the hours of 07:00 to 23:00. Notwithstanding any previous planning permission granted to allow deliveries to the front of the store, no deliveries shall be carried out to the front of the store; and

b) Notwithstanding condition a) above, there shall be no service delivery to the site outwith the hours of 07:00 to 23:00 unless and until a Delivery Noise Management Plan has been submitted to and approved by the Planning Authority. Once approved the Delivery Noise Management Plan shall be complied with at all times during deliveries within the hours of 07:00 to 23:00.

Reason:

To ensure that the amenity of the occupiers of nearby residential properties is safeguarded.

- 6 The car wash and jet wash shall only be open for trading between the hours of 08:00 to 20:00 hours.

Reason:

To ensure that the amenity of the occupiers of nearby residential properties is safeguarded.

- 7 The superstore, petrol filling station and car wash shall be designed and constructed so that noise from any associated plant and equipment shall be such that any noise emanating therefrom does not exceed noise rating curve NR15 over the frequency range 63-8000Hz when measured in any neighbouring property with the noise measurement being taken with the window open at least 50mm. Noise measurements may be taken outside noise sensitive properties on the condition that an appropriate façade transmission loss can be applied to enable internal noise rating levels to be calculated from the external noise level.

Reason:

To ensure that noise emanating from the development is such that it will not have a harmful impact on residential amenity.

- 8 Prior to any use being made of the superstore building, the service yard of it shall be enclosed on all of its boundaries by a solid acoustic barrier, including service yard access gates at least 2.5 metres in height above ground level. Details of the height, physical form and positioning of the acoustic

barrier (including service yard access gates and any retaining wall to be built in association with the acoustic barrier) shall be submitted to and approved by the Planning Authority prior to the erection of it and the acoustic barrier erected shall be in accordance with the details so approved. Details for the operational opening and closing of the gates so that they can effectively serve as part of the acoustic barrier shall also be submitted to and approved by the Planning Authority prior to the erection of them and any other part of the acoustic barrier. The operational opening and closing of the gates shall thereafter accord with the details so approved.

Reason:

To ensure that noise emanating from the service yard of the building is such that it will not have a harmful impact on residential amenity and to control the appearance of the acoustic barrier and retaining wall in the interest of safeguarding the visual amenity of the area.

- 11 The recycling point shown on the proposed site plan docketed to this planning permission shall be provided prior to the superstore opening for trade.

Detailed figures on the material collected at the recycling point shall be submitted to the Council as Waste Services Authority on a quarterly basis.

Reason:

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

- 12 No development shall take place until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping. The scheme shall provide details of : the height and slopes of any mounding on or recontouring of, the site; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. The scheme shall include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development.

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

Reason:

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

- 18 A Green Travel Plan to minimise private car trips and to encourage use of alternative modes of transport such as buses, cycling, walking, and the use of home deliveries shall be submitted to and approved by the Planning Authority prior to the superstore 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 superstore.

Reason:

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

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

REPORT TO: Planning Committee

MEETING DATE: Wednesday 29 March 2017

BY: Depute Chief Executive (Partnerships and Community Services)

SUBJECT: Application for Planning Permission for Consideration

8

Application No. **16/00393/PM**

Proposal Erection of 74 houses, 24 flats and associated works

Location **Pinkie Mains
Pinkie Road
Musselburgh
East Lothian
EH21 7TY**

Applicant Taylor Wimpey East Scotland

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

As the area of the application site is greater than 2 hectares and the development is for more than 50 houses, the development proposed in this application is, under the provisions of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, defined as a major development and thus it cannot be decided through the Council's Scheme of Delegation. The application is therefore brought before the Planning Committee for a decision.

As a statutory requirement of major development type proposals this development proposal was the subject of a Proposal of Application Notice (Ref: 15/00008/PAN) and thus of community consultation prior to this application for planning permission being made to the Council.

As an outcome of that and as a statutory requirement for dealing with major development type applications a pre-application consultation report is submitted with this application. The report informs that some 20 people attended the pre-application public exhibition, which was held at the Musselburgh East Community Learning Centre on 01 October 2015, and that those attendees raised a number of issues regarding the

proposals. The development for which planning permission is now sought is of the same character as that which was the subject of the community engagement undertaken through the statutory pre-application consultation of the proposal.

The application site has an area of some 4.5 hectares and is located on the southwest part of the 23.9 hectares Pinkie Mains housing site, to the south of Pinkie Road, Musselburgh.

The site is bounded to the north and northeast by the remainder of the Pinkie Mains housing site, to the west by residential properties on the eastern side of Pinkie Terrace and to the south and east by agricultural land. That agricultural land is within the Edinburgh Green Belt. Immediately to the south of the site is a public right of way and core path, known as the "Drift", that runs between Pinkie Terrace and Wallyford railway station. A number of mature trees are also located in close proximity to the application site.

Planning permission in principle (Ref: 08/01090/OUT) was granted in November 2011 for residential development, a shop and associated infrastructure provision on the 23.9 hectares of land. The Masterplan docketed to planning permission in principle 08/01090/OUT indicates how a total of 600 residential units could be accommodated on the site. Notwithstanding this, planning permission in principle 08/01090/OUT was granted subject to conditions, including a condition restricting the total number of houses to be erected on the land to no more than 473. The reason for this limit was to ensure that the number of houses erected on the site accords with the strategic housing land supply for the Musselburgh area and to ensure that there is sufficient education capacity.

In March 2012 approval of matters specified in conditions (Ref: 11/00974/AMM) was granted for the erection of 413 houses, 60 flats and associated works on most of the site the subject of planning permission in principle 08/01090/OUT. Consistent with the grant of planning permission in principle 08/01090/OUT, the approved means of access to the 413 houses and 60 flats from Pinkie Road is taken at two new access points, one being a priority junction shown to be positioned close to the northeast corner of the site, the other a priority junction shown to be positioned close to the northwest corner of the site. The approved development includes a large central area of open space, to be known as Pinkie Mains Park.

In July 2012 approval of matters specified in conditions (Ref: 12/00559/AMC) was granted for the erection of 36 houses, as change to the development defined as plots 71-73, 94-98 and 103-139 of approval of matters specified in conditions 11/00974/AMM. The approved house type substitutions included a reduction in the number of approved residential units on this part of the 23.9 hectares of land from 46 to 36. This reduces the overall number of approved residential units for the 23.9 hectares of land of the Proposal H4 allocated housing site from 473 to 463.

In October 2013 approval of matters specified in conditions (Ref: 13/00636/AMC) was granted for the erection of 22 houses, as changes to the development defined as plots 1-15 and 55-70 of approval of matters specified in conditions 11/00974/AMM. The approved house type substitutions included a reduction in the number of approved residential units on this part of the 23.9 hectares of land from 31 to 22. This further reduces the overall number of approved residential units for the 23.9 hectares of land of the Proposal H4 allocated housing site from 463 to 454.

Taylor Wimpey has since completed part of the development of their land at Pinkie Mains, with many of the residential units built and occupied. They have completed all of

the 58 houses granted by approval of matters specified in conditions 12/00559/AMC and 13/00636/AMC. Thus, whilst approval (Ref: 11/00974/AMM) was originally granted for a total of 77 houses on that part of the site, only a total of 58 houses have been built. Through development of the 58 houses there is no remaining residual land within that part of the site on which another 19 residential units could now be built.

In January 2017 planning permission (Ref: 16/00392/P) was granted for the erection of 19 houses on the southern part of the 23.9 hectares Pinkie Mains housing site. The 19 houses were promoted as a substitution for the 19 houses that have not been erected as a result of the design changes granted by approval of matters specified in conditions 12/00559/AMC and 13/00636/AMC. Development of the 19 houses has not commenced.

Planning permission is now sought for the erection of 74 houses and 24 flats on land adjacent to the site of planning permission 16/00392/P. The application site also forms part of the 23.9 hectares Pinkie Mains housing site.

The site plan shows how the proposed 74 houses and 24 flats would be accommodated on the site along with associated access roads, parking areas, landscaping and open space. The proposed open space includes the southern part of the proposed Pinkie Mains Park. The houses would comprise of a mix of detached, semi-detached and terraced two storey houses. Of the 74 houses, 30 would be detached, 26 semi-detached and 18 terraced. The 24 flats would be contained within two, three storey, flatted buildings, both of which would contain 12 flats. In terms of size, 8 of the proposed 98 residential units would contain 1 bedroom, 34 would contain 2 bedrooms, 29 would contain 3 bedrooms, and 27 would contain 4 bedrooms. Of the 98 residential units there would be a total of 74 private houses for sale. The residential units would comprise of 19 different house types, including the provision of 24 affordable housing units, each of which would be flatted.

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 the proposed development falls within the category of a Schedule 2 Development, being one that may require the submission of an Environmental Impact Assessment (EIA). Schedule 3 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 sets out the selection criteria for screening whether a Schedule 2 development requires an EIA. On the 10 March 2017 the Council issued a formal screening opinion to the applicant. The screening opinion concludes that it is East Lothian Council's view that the proposed development is not likely to have a significant effect on the environment such that consideration of environmental information is required before any grant of planning permission. It is therefore the opinion of East Lothian Council as Planning Authority that there is no requirement for the proposed housing development to be the subject of an EIA.

The proposed residential units would be accessed by a continuation of the access roads already approved for the Pinkie Mains housing site.

Since the registration of the application revised site layout plans, landscaping plans and boundary enclosure plans have been submitted. Additionally a revised aboricultural report, a residential travel plan, a construction method statement, a drainage strategy drawing and SUDS report, and a Mineral Risk Assessment Survey have been submitted subsequent to the registration of the application.

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan, unless material

considerations indicate otherwise.

The development plan is the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Plan 2008.

Policies 1B (The Spatial Strategy: Development Principles), 5 (Housing Land), (Housing Land Flexibility) and 7 (Maintaining a Five Year Housing Land Supply) of the approved South East Scotland Strategic Development Plan (SESplan) and Proposal H4 (Pinkie Mains) and Policies DP1 (Landscape and Streetscape Character), DP2 (Design), DP3 (Housing Density), DP4 (Design Statements), DP5 (Major Development Sites), DP14 (Trees on or Adjacent to Development Sites), DP17 (Art Works-Percent for Art), DP20 (Pedestrians and Cyclists), DP22 (Private Parking), DP24 (Home Zones), INF3 (Infrastructure and Facilities Provision), H1 (Housing Quality and Design), H2 (Development Frameworks), H4 (Affordable Housing), C1 (Minimum Open Space Standard for New General Needs Housing Development), C2 (Play Space Provision in new General Needs Housing Development), T1 (Development Location and Accessibility) and T2 (General Transport Impact) of the adopted East Lothian Local Plan 2008 are relevant to the determination of the application.

A material consideration in the determination of the application is the supplementary planning guidance of "Design Standards for New Housing Areas" approved by the Council on 10 March 2008. This guidance requires that a more flexible approach be taken in road layout and design for proposed housing developments and sets core design requirements for the creation of new urban structures that will support Home Zone development as well as establishing design requirements for the layout of and space between buildings. Developers must provide adequate information to the satisfaction of the Council to demonstrate the merits of their design.

Also material to the determination of the application is Scottish Government Advice given in Planning Advice Note 67: Housing Quality.

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

Also material to the determination of the application is Scottish Planning Policy: June 2014.

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

This is reflected in paragraph 25 of Scottish Planning Policy in which it is stated that the Scottish Government's commitment to the concept of sustainable development is reflected in Scottish Planning Policy's Purpose. It is also reflected in the continued support for the five guiding principles set out in the UK's shared framework for sustainable development. Achieving a sustainable economy, promoting good governance and using sound science responsibly are essential to the creation and maintenance of a strong, healthy and just society capable of living within environmental limits.

The principle in delivering this through the Development Management function is contained in paragraph 33 of Scottish Planning Policy in which it is stated that where relevant policies in a development plan are out of date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration. Decision-makers should also take into account any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies in Scottish Planning Policy. The same principle should be applied where a development plan is more than five years old.

Paragraph 34 states that where a plan is under review, it may be appropriate in some circumstances to consider whether granting planning permission would prejudice the emerging plan. Such circumstances are only likely to apply where the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new developments that are central to the emerging plan. Prematurity will be more relevant as a consideration the closer the plan is to adoption or approval.

Paragraph 110 of Scottish Planning Policy states that the planning system should identify a generous supply of land for each housing market area within the plan area to support the achievement of the housing land requirement across all tenures, maintaining at least a 5 year supply of effective housing land at all times.

SESplan Policy 7 states that sites for greenfield housing development proposals either within or outwith the identified Strategic Development Areas may be allocated in Local Development Plans or granted planning permission to maintain an effective five years housing land supply subject to satisfying each of the following criteria:

- (a) The development will be in keeping with the character of the settlement and the local area;
- (b) The development will not undermine green belt objectives; and
- (c) Any additional infrastructure required as a result of the development is either committed or to be funded by the developer.

On 06 September 2016 the Council approved its Proposed Local Development Plan. It sets out a development strategy for the future of East Lothian to 2024 and beyond, as well as a detailed policy framework for guiding development. The proposed Local Development Plan sets out where new development should and should not occur, including housing, education, economic and retail development, new transport links, and other infrastructure.

The land of the site is identified as Proposal MH7 (Pinkie Mains, Musselburgh (Intensification)) of the Proposed Local Development Plan.

Proposal MH7 states that "the principle of intensifying the capacity for housing development at Pinkie Mains, Musselburgh by approximately a further 130 homes is supported provided proposals conform to the Council approved masterplan for the site which is under construction. Any development here is subject to the mitigation of any development related impacts, including on a proportionate basis for any cumulative impacts with other proposals including on the transport network, on education and community facilities, and on air quality as appropriate".

The Committee may wish to note that there have been no representations to the Proposed Local Development Plan in respect of Proposal MH7.

There is no public objection to the planning application.

Musselburgh Community Council were consulted on the planning application but did not provide any comments on it.

The application site is part of a larger area of land covered by Proposal H4 (Pinkie Mains) of the adopted East Lothian Local Plan 2008. Proposal H4 allocates the land for a development of approximately 450 houses with associated infrastructure provision. Thus it is designated a strategic housing site.

Proposal H4 requires the Council to prepare a Development Framework addressing the development requirements of the site and for a prospective developer to submit for approval a masterplan consistent with that Framework and with the Local Plan's development policies prior to or as part of an application for planning permission in principle or planning permission for a development of the site.

Proposal H4 reflects the requirements of Policy H2 (Development Frameworks) of the adopted East Lothian Local Plan 2008, which states that development proposals for strategic housing sites must conform to the relevant Development Framework.

A Development Framework for the site was approved by the Council at a meeting of Cabinet on the 11 November 2008. It sets out how the Council requires the site to be developed in terms of design and infrastructure provision. The Development Framework submitted with the application is a material consideration in the determination of this application for planning permission.

The principle of the housing development of the application site is established by the allocation of the land for residential development by Proposal H4 of the adopted East Lothian Local Plan 2008 and by planning permission in principle 08/01090/OUT.

When previous planning application 08/01090/OUT was determined, it was accepted by the Council that the masterplan of the site as approved for 473 housing units demonstrated that more than 473 residential units could be acceptably accommodated on the site.

In respect of that previous planning permission in principle the Council's Executive Director of Education and Children's Services advised that the impact on education capacity was assessed on the basis of the 473 residential units then applied for and that therefore to ensure sufficient education capacity no more than 473 residential units should be approved. At the time the applicant agreed to those limits and the applications were approved on that basis.

That number of residential units also reflected the strategic housing requirements of the

then current strategic development plan, the approved Edinburgh and the Lothians Structure Plan 2015 and Proposal H4 of the adopted East Lothian Local Plan 2008. The Structure Plan is now revoked and replaced by SESplan following final Ministerial approval of its Supplementary Planning Guidance on Housing Land last year. SESplan Policy 5 together with the Supplementary Guidance sets a housing target for East Lothian of some 10,500 houses over the period to 2024. East Lothian Council has accepted in the determination of applications for housing development on sites not allocated for housing development that there is a shortfall in the housing land supply such that there is not an effective five year housing land supply for the area, as required by Policy 5 of SESplan and by Scottish Planning Policy: June 2014. Policy 7 of SESplan sets out criteria for development of green field sites to contribute to maintaining an effective five year housing land supply.

The proposed development would make a contribution towards the shortfall in the housing land supply. Moreover, the development proposed is not so substantial, and its cumulative effect would not be so significant, that to grant planning permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new developments that are central to the emerging plan. Moreover, the proposed development is not premature, as the site is already allocated for housing development in the adopted East Lothian Local Plan 2008. On these considerations the proposal is consistent with paragraph 34 of Scottish Planning Policy.

Notwithstanding this, an important material consideration in the determination of this application is whether in making use of additional land within the Pinkie Mains housing site, the proposals conform to the approved masterplan for the site, and whether it complies with the objectives and requirements of the approved Development Framework.

A masterplan for the whole of the Pinkie Mains housing site was approved through the grant of planning permission in principle 08/01090/OUT. The development now proposed is consistent with the approved masterplan for the site.

The proposed erection of 74 houses and 24 flats would not cause any incongruous change to the architectural harmony, integrity and character of the scheme of housing development approved for the site. The proposed use of render for the walls of the houses and flats would be consistent with the remainder of the Pinkie Mains housing development, where render is the predominant external wall finish.

In their generally simple architectural form and subject to control over their finishes the proposed houses and flats would, by their size, height, design, finishes and layout integrate and sit comfortably with the built architectural form and layout of the existing housing of the area and with the scheme of housing development already approved for the Pinkie Mains site. The other components of the proposed development, including car parking, roads and open space, would be in keeping with the character of the settlement and the local area.

The site is capable of accommodating all of the proposed development including vehicular and pedestrian access without being an overdevelopment of it. The proposed houses and flats would be laid out in such a way as to give an acceptable standard of residential amenity to their future occupants. The proposed houses and flats would be so sited, orientated and screened such as not to harm the privacy and amenity of neighbouring residential properties.

The Council's Environmental Health Manager raises no objection to the principle of housing development of the application site.

The scheme of development has been amended to take account of concerns raised by the Council's landscape project officer. She raises no objection to the proposed development, advising that the landscaping proposals are now acceptable.

The Council's Principal Amenity Officer raises no objection to the proposed development, being satisfied that the proposed open space would be sufficient to serve a development of residential units. On this consideration the proposed development is consistent with Policy C1 of the adopted East Lothian Local Plan 2008.

The applicant is proposing to form an informal play area within the application site. The play area, which will include tunnels, areas of mounding and timber sleepers, has been amended to increase play value. The Council's landscape project officer is satisfied with the proposed play area. If planning permission is to be granted for the residential development of the site then a condition could be imposed to require that the play area be installed in accordance with a timetable to be submitted to and approved by the Planning Authority. Subject to the imposition of this planning condition, the proposed development is consistent with Policy C2 of the adopted East Lothian Local Plan 2008.

The Council's Road Services advises that the proposed site is included within the Proposed Local Development Plan and was included within the East Lothian Council Transport Appraisal to determine the cumulative impacts of development on both the strategic and local road network. The model highlighted that the development of this site will have a cumulative impact on the wider strategic road network, however, it can be accommodated within the local road network in terms of road capacity. A Transport Assessment was also completed and looked at the future sustainable travel demand against the existing provision in the area.

The Council's Transport Appraisal (TA) informed the Council's draft Developer Contributions Framework (DCF) and has been produced in conjunction with the Local Development Plan TA so that Road Services can assess the cumulative impacts of the Local Development Plan allocations on the Transport Network. The TA has identified a number of hot spots on the network which require interventions to mitigate against the Local Development Plan and was included within the East Lothian Council Transport Appraisal setting out the appropriate contribution levels for each of the Local Development Plan sites.

For the Pinkie Mains site the requirement for developer contributions towards each intervention as identified through the above process is as follows (the works are detailed in the Transport Appraisal, references given here are to the Proposed Local Development Plan proposals, for information on the types of works):

- * Proposal T3 active travel corridor - £44,451
- * Proposal T15 improvements to Old Craighall junction - £228.34
- * Proposal T17 improvements to Salters Road Interchange and Bankton Interchange - £8,956 and £444
- * Proposals T9 and T10 improvements to the rail network - £4,236
- * Proposal T21 Musselburgh town centre improvements - £20,768
- * Proposals T27 and T28 Tranent town centre improvements – £35,864

The total contribution required for transportation improvements resulting from cumulative impacts of the development is therefore £114,947.

In respect of the matters above, Transport Scotland advise that they have concern in regard to the development impact on the junction of the A1 trunk road and the A720

trunk road (i.e. the Old Craighall Junction south of Musselburgh, at the western end of East Lothian). In this regard they have sought a contribution from the developer towards mitigation of this perceived impact. The applicant, Taylor Wimpey is willing to pay Transport Scotland a sum of £228.34 towards the upgrade of the Old Craighall junction, that amount being calculated by them from the figures given in the Council's draft developer contributions framework. They have provided the Council with a formal legal undertaking from their company solicitor that they will make this payment to Transport Scotland prior to the Council signing the section 75 Agreement. Transport Scotland are content with this approach and, on this basis, raise no objection to the impact of the development on the Old Craighall junction.

Network Rail advises that the proposal will contribute to a cumulative impact on Wallyford Station and on local rail services within East Lothian and that mitigation of the impact of the development is required in accordance with the evidence base informing East Lothian Council's Draft Developer Contributions Framework. Network Rail's Scotland Route Study 2016 and its Market Study of local and long distance journeys identify for the routes between North Berwick, Drem and Edinburgh Waverley that ScotRail services will exceed 100 per cent of seating capacity (assumed to be six carriage trains) in the peak hour by the time they reach Edinburgh Waverley. The provision of two new tracks to form passing loops via new flat junctions between Prestonpans and Drem stations would allow local passenger and freight services to utilise new track between Prestonpans and Drem in order that long distance non-stopping services can overtake slower trains on this section of the East Coast Main Line. This intervention will substantially increase timetable flexibility and contributes towards additional services, as well as providing regulating capacity for freight services between Drem Junction and Millerhill. Contributions secured from developers in this area should be channelled to this project to help secure additional local rail services and capacity for the East Lothian Council area. The indicative costs of this project will be between £125m - £300m. In accordance with this and the evidence base of East Lothian Council's Draft Developer Contributions Framework Network Rail therefore seeks a developer contribution of £4,236. Again the applicant have provided the Council with a formal legal undertaking from their company solicitor that they will make this payment to Network Rail prior to the Council signing the section 75 Agreement. Network Rail are content with this approach and, on this basis, raise no objection to the impact of the development on the rail network.

With allowance for the amount covered by the formal legal undertakings for payment to Transport Scotland and to Network Rail, the developer contributions towards these other required interventions of £110,482.66 can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the payment of the required contribution towards these transport interventions the proposal is consistent with Policy INF3 of the adopted East Lothian Local Plan 2008, which stipulates that new housing will only be permitted where appropriate provision for infrastructure required as a consequence of the development is made.

The Council's Road Services raise no objections to the proposed development, being satisfied with proposals for site access and car parking.

Road Services do however raise concern that traffic likely to be generated by the proposed development could lead to extra pressure on traffic flows at Musselburgh High Street and the Dolphingstone Interchange. However Roads Services has not provided any evidence at this time to demonstrate that would indeed be the case.

Road Services recommend that:

- * the proposed footpaths running through the proposed Pinkie Mains Park shall form part of the safer routes to school network whilst providing direct line access to the existing community. The footpaths should therefore be constructed to an adoptable standard, including street lighting. These footpaths should be constructed prior to the occupation of any dwellings to the south east of the proposed Pinkie Mains Park, unless otherwise approved in writing by the Planning Authority;
- * the footpath immediately to the south of the application site, known as the "Drift", shall be constructed to an adoptable standard, including street lighting, along the extent of it between Pinkie Terrace and the east coast main line under bridge. This footpath shall form a potential new route to the proposed High School in Wallyford and a vital link between the two communities. Connections should also be provided to this route from the two cul-de-sacs at the southern tip of the development;
- * the proposed remote footpaths running to the "Drift" on the southern site boundary and to Pinkie Terrace shall form part of the public footpath network and shall provide a link to the existing community and a route to Wallyford train station. The footpaths should therefore be constructed to an adoptable standard, including street lighting;
- * raised tables should be included at all the junctions on the Main Road to reduce vehicle speeds within the development;
- * the junction at Plot 568 should have some form of entry treatment as per the others within the development. This treatment should provide footway connectors to the shared surface areas;
- * cycle parking should be included at a rate of one space per flat. The parking should be in the form of 1 locker per flat or communal provision in the form of a lockable room or shed;
- * the existing footways on Pinkie Terrace shall be extended around the corner into the car park at the south west corner to provide suitable crossing point for all users;
- * driveways have minimum dimensions of 6 metres by 3 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11m length. Pedestrian ramps to houses may encroach by up to 300mm on the width (but not the length) provided they are no greater than 150mm in height above the adjacent driveway surface;
- * all footpath connections from a zone under construction to the existing settlement shall be constructed to an adoptable standard before the occupation of any units in that particular zone;
- * a Travel Plan be submitted to and approved by the Planning Authority. It should have particular regard to provision for walking, cycling and public transport access to and within the site, and will identify the measures to be provided, the system of management, monitoring, review, reporting and duration of the plan;
- * a Construction Method Statement to minimise the impact of construction activity on the public road network be submitted to and approved by the Planning Authority prior to the commencement of development. It should recommend mitigation measures to control construction traffic and include hours of construction work; and

* wheel washing facilities be provided and maintained in working order during the period of operation of the site.

With the imposition of conditions to cover the issues raised by Roads Services, the proposed development does not conflict with Policies DP20, DP22, DP24, T1 and T2 of the adopted East Lothian Local Plan 2008.

Policy INF3 of the adopted East Lothian Local Plan 2008 stipulates that new housing will only be permitted where appropriate provision for infrastructure required as a consequence of the development is made. This includes funding necessary school capacity.

The Council's Deputy Chief Executive (Resources and People Services) informs that the application site is located within the school catchment areas of Pinkie St Peters Primary and Nursery School and Musselburgh Grammar School.

He advises that both Pinkie St Peters Primary and Nursery School and Musselburgh Grammar School do not have sufficient capacity to accommodate children that could arise from the proposed development. Thus he objects to the application on the grounds of lack of permanent capacity at those schools. However, he would withdraw that objection provided the applicant makes a financial contribution to the Council of £659,442 towards the provision of additional school accommodation at Pinkie St Peters Primary and Nursery School and a contribution of £399,154 towards the provision of secondary education capacity in Musselburgh.

The required payment of a financial contribution of a total of £1,058,596 (£10,802 per unit) towards the provision of additional accommodation at Pinkie St Peters Primary and Nursery School and towards the provision of secondary education capacity in Musselburgh can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Moreover the Depute Chief Executive (Resources and People Services) recommends that a restriction would need to be placed on the annual completion rates arising from the proposed development. This can be secured through a condition attached to a grant of planning permission for the proposed development. Subject to the imposition of the aforementioned requirements the proposal is consistent with Policy INF3 of the adopted East Lothian Local Plan 2008, which stipulates that new housing will only be permitted where appropriate provision for infrastructure required as a consequence of the development is made. This will include funding necessary school capacity. The applicant confirms in writing that they are willing to enter into such an agreement.

The Council's Economic Development & Strategic Investment Manager advises that in accordance with the Council's Affordable Housing Policy, 25% of the proposed 98 residential units require to be affordable housing units. The affordable housing component of the proposed housing development is 25 units. The terms for the provision of this affordable housing requirement could be the subject of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the Council securing the affordable housing requirement, which the applicant is willing to do, the proposal would be consistent with Policy H4 of the adopted East Lothian Local Plan 2008.

The Scottish Environment Protection Agency and the Council's Structures, Flooding and Street Lighting Manager are both satisfied with the proposed drainage strategy for the site. They both raise no objection to the proposed development.

The Council's Structures, Flooding and Street Lighting Manager raises no objection to the proposed development.

Scottish Water were consulted on the planning application but have not provided a consultation response.

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

The proposed erection of 74 houses and 24 flats does not conflict with Policies 1B, 5 and 7 of the approved South East Scotland Strategic Development Plan (SESplan) or with Proposal H4 or Policies H1, H2, H4, INF3,C1, C2, DP1, DP2, DP4, DP5, DP14, DP17, DP20, DP22, DP24, T1 and T2 of the adopted East Lothian Local Plan 2008. The proposed development is also consistent with the supplementary planning guidance of "Design Standards for New Housing Areas" approved by the Council on 10 March 2008, Planning Advice Note 67, Scottish Planning Policy: June 2014, the approved Development Framework for the site.

RECOMMENDATION

It is recommended that planning permission be granted subject to:

1. The undernoted conditions.

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

(i) a financial contribution to the Council of £1,058,596 (£10,802 per unit) towards the provision of additional accommodation at Pinkie St Peters Primary and Nursery School and towards the provision of secondary education capacity in Musselburgh;

(ii) secure from the applicant 25 affordable residential units within the application site or if it can be demonstrated to the Council that this, or the off-site provision of 25 affordable residential 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; and

(iii) a financial contribution to the Council for £110,482.66 towards the provision of road improvements to Salters Road Interchange and Bankton Interchange, Musselburgh and Tranent town centre improvements and towards the development of an active travel corridor.

3. That in accordance with the Council's policy on time limits for completion of planning agreements it is recommended that the decision should also be that in the event of the Section 75 Agreement not having been executed by the applicant, the landowner and any other relevant party within six months of the decision taken on this application, the

application shall then be refused for the reason that without the developer contributions to be secured by the Agreement the proposed development is unacceptable due to a lack of sufficient school capacity at Pinkie St Peters Primary and Nursery School and Musselburgh Grammar School, the lack of provision of affordable housing, and the lack of road and transport infrastructure improvements, contrary to, as applicable, Policies INF3 and H4 of the adopted East Lothian Local Plan 2008.

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 Housing completions on the application site and on the adjacent site the subject of planning permission 16/00392/P in any one year (with a year being defined as being from 1st April to 31st March the following year) shall not exceed the following completion rates:

Year 2017/2018	-	35 residential units
Year 2018/2019	-	35 residential units
Year 2019/2020	-	35 residential units
Year 2020/2021	-	12 residential units

If less than the specified number of residential units are completed in any one year then those shall be completed instead at Year 2020/2021 or beyond and not added to the subsequent Year.

Reason:

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

- 3 A timetable for the provision of the erection of the 1.8 metre high boundary enclosures for the rear gardens of the houses hereby approved shall be submitted to and approved in advance by the Planning Authority and development shall thereafter be carried out in full accordance with the timetable so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

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

- 4 All the open space recreation areas indicated on the docketed drawings shall be available for use prior to the occupation of the last house or flat on the site.

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

Reason:

To ensure the satisfactory laying out of all areas of open space in the interest of the amenity of

the future occupants of the dwellings hereby approved

- 5 A timetable for the installation of the play area hereby approved shall be submitted to and approved in advance by the Planning Authority and development shall thereafter be carried out in full accordance with the timetable so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure the satisfactory provision of the play area in the interest of the amenity of future residents of the development.

- 6 No residential unit shall be occupied unless and until details of artwork to be provided on the site or at an alternative location away from the site have been submitted to and approved by the Planning Authority and the artwork as approved shall be provided prior to the occupation of the final residential unit approved for erection on the site.

Reason:

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

- 7 No trees or shrubs, which are shown to be retained on the site as detailed on the drawings docketed to this planning permission, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the prior written consent of the Planning Authority.

Reason:

To ensure the retention of trees that make a positive contribution to the character and appearance of the area.

- 8 No development shall take place on site until temporary protective fencing in accordance with Figure 2 of British Standard 5837_2012 "Trees in relation to design, demolition and construction" has been installed, approved by the arboriculturist and confirmed in writing by the Planning Authority. The fencing must be fixed in to the ground to withstand accidental impact from machinery, erected prior to site start and retained on site and intact through to completion of development. The position of this fencing must be as indicated on the drawings docketed to this planning permission, should be positioned outwith the Root Protection Area (RPA) as defined by BS5837:2012 for all trees and approved in writing by the Planning Authority.

All weather notices should be erected on said fencing with words such as "Construction exclusion zone - Keep out". Within the fenced off areas creating the Construction Exclusion Zones the following prohibitions must apply:-

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

Planning of site operations should take sufficient account of wide loads, tall loads and plant with booms, jibs and counterweights (including drilling rigs), in order that they can operate without coming into contact with retained trees.

Details of any trenches or services in the fenced off areas shall require the prior consent of the Planning Authority and all trenches shall be dug and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

Any surfacing within the Root Protection Area must be carried out in strict accordance with section 7.4 of BS5837: 2012 "Trees in relation to design, demolition and construction ~ Recommendations".

Reason

In order to form Construction Exclusion Zones around retained trees and protect retained trees from damage.

- 9 No development shall take place on site until a person who has, through relevant education, training and experience, gained recognised qualifications and expertise in the field of trees in

relation to construction, been employed by the developer to monitor any works in close proximity of trees on the site including the installation of the 'Terram' cellular confinement system and the installation and maintenance of temporary protective fencing. All tree work should be carried out in accordance with BS3998: 1989 'Recommendations for Tree Work' and must be approved in writing by the Planning Authority before work is carried out.

- 10 All planting comprised on the drawings docketed to this planning permission shall be carried out in the first planting season following the occupation or completion of any part of the development hereby approved, 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 species and final size, 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 and to improve the biodiversity value of the area.

- 11 No work shall be carried out on the site unless and until an effective vehicle wheel washing facility has been installed in accordance with details to be submitted to and approved by the Planning Authority prior to its installation. Such facility shall be retained in working order and used such that no vehicle shall leave the site carrying earth and mud in their wheels in such a quantity which causes a nuisance or hazard on the road system in the locality.

Reason

In the interests of road safety.

- 12 The development of the site shall be carried out in accordance with the Construction Method Statement that is docketed to this planning permission.

Reason:

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

- 13 A copy of the docketed Residential Travel Pack shall be distributed to every house and flat hereby approved.

Reason:

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

- 14 Prior to the occupation of the last house or flat hereby approved, the proposed access roads, parking spaces, and footpaths shall have been constructed on site, in accordance with the docketed drawings. Those areas of land shall not thereafter be used for any other purpose than for accessing and for the parking of vehicles in connection with the residential use of the houses and flats and shall not be adapted or used for other purposes without the prior written approval of the Planning Authority.

Reason:

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

- 15 The footpaths running through the area delineated on the docketed drawings as being Pinkie Mains Park shall include street lighting and shall be made up to an adoptable standard. These footpaths shall be constructed in accordance with the requirements of this conditions, and made available for use prior to the occupation of any dwelling to the south east of the Pinkie Mains Park, unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of road safety.

- 16 The proposed remote footpaths, running to the external remote footpath on the southern site boundary that is known as "The Drift", and to Pinkie Terrace, shall be constructed to an adoptable standard, including street lighting. Details of the footpaths, together with a timetable for their formation, shall be submitted to and approved in advance by the Planning Authority.

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

Reason:
In the interests of road safety.

- 17 The external remote footpath on the southern site boundary that is referred to locally as "The Drift" shall be constructed to an adoptable standard including street lighting along the extent of it between Pinkie Terrace and the East Coast Main Line under bridge. Connections shall also be provided to this route from the 2 cul-de-sacs at the southern tip of the development.

Within one month from the date of this planning permission, details of the works to "The Drift" footpath, including a timetable for their implementation, shall be submitted to and approved by the Planning Authority.

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

Reason:
In the interest of road safety.

- 18 Prior to the commencement of development, details showing compliance with the following transportation requirements shall be submitted to and approved in writing in advance by the Planning Authority:

i) the junction at Plot 568 should have some form of entry treatment as per the others within the development. This treatment should provide footway connectors to the shared surface areas;

ii) cycle parking shall be included at a rate of one space per flat. The parking should be in the form of 1 locker per flat or communal provision in the form of a lockable room or shed;

iii) the existing footways on Pinkie Terrace shall be extended around the corner into the car park at the south west corner to provide suitable crossing point for all users;

iv) driveways have minimum dimensions of 6 metres by 3 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11m length. Pedestrian ramps to houses may encroach by up to 300mm on the width (but not the length) provided they are no greater than 150mm in height above the adjacent driveway surface;

v) all footpath connections from a zone under construction to the existing settlement shall be constructed to an adoptable standard before the occupation of any units in that particular zone;

The residential development shall thereafter be carried out in accordance with the details so approved.

Reason:
In the interests of road and pedestrian safety.

Letters From

There were no representations received for this application.

REPORT TO: Planning Committee

MEETING DATE: Wednesday 29 March 2017

BY: Depute Chief Executive (Partnerships and Community Services)

SUBJECT: Application for Planning Permission for Consideration

9

Application No. **16/01056/AMM**

Proposal Approval of matters specified in conditions of planning permission in principle 14/00903/PPM - Erection of school

Location **Land to South of Wallyford Farm Cottages
Inchview Road
Wallyford
Musselburgh
East Lothian
EH21 8QL**

Applicant East Lothian Council

Per JMArchitects

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

Although this application is for the approval of matters specified in conditions of planning permission in principle 14/00903/PPM it has to be determined as a major development type application because the area of the application site is greater than 2 hectares and the floor area of the proposed school is greater than 5000 square metres. Accordingly the application cannot be decided through the Council's Scheme of Delegation. It is therefore brought before the Planning Committee for a decision.

This application relates to some 6 hectares of agricultural land that is located to the south/southeast of the dispersed row of houses of Wallyford Farm Cottages, which are themselves located at the southern end of Inchview Road on the southeast edge of Wallyford. The site is an irregular shaped area of land, which slopes gently downwards from its northwest corner in a south/southeasterly direction. To the north are the houses of Wallyford Farm Cottages and further land of planning permission in principle

14/00903/PPM, to the east and south is further land of planning permission in principle 14/00903/PPM, and to the west are the residential properties of Oliphant Gardens and further land of planning permission in principle 14/00903/PPM. A public right of way is located outwith the site to the west and extends along some 340 metres of the west boundary of the site. Some 200 metres further to the south/southeast of the site is the A1 Trunk Road.

The application site is part of the designated area of Pinkie Battlefield. It is also part of a larger area that is identified by the Coal Authority as being potentially at risk from past mining related activity.

In November 2009 planning permission 09/00222/OUT was granted for outline planning permission (now known as planning permission in principle) for a proposed mixed use development incorporating residential uses, educational uses, library, retail, office units, restaurant, business units, general industrial units, storage and distribution units, trade counter units, residential institution, non-residential institution, hot food takeaways, playing fields, open space, allotments, drainage arrangements and all associated infrastructure, access, landscaping and site development, all on areas of land to the southwest, southeast, east and northeast of Wallyford and comprising some of the existing public road network of Wallyford.

Planning permission in principle (Ref: 12/00924/PPM) was subsequently sought for the renewal of planning permission in principle 09/00222/OUT for the proposed mixed use development incorporating residential uses; education uses; library; retail (class 1); office units (class 2); restaurant (class 3); business units (class 4); storage and distribution (class 6); trade counter units; residential institution - nursing home (class 8); non - residential institution - day centre (class 10); hot food takeaways; playing fields; open space; allotments; drainage arrangements and all associated infrastructural access; landscaping and site development works on land lying predominantly to the south and east of Wallyford but also including the Strawberry Corner garden centre; the entire length of Salters Road from the interchange with the A1 to the Wallyford Toll roundabout where traffic calming and environmental improvements are proposed; and Inchview Road where road realignment and alterations are proposed in association with the proposed development. On 1 April 2014 the Council resolved to approve the application subject to the required Section 75 Agreement and planning permission in principle 12/00924/PPM was duly granted with conditions on 14 November 2014 following the registration of that agreement.

Subsequent to this the applicant sought and was granted permission for the following variations to the conditions of planning permission in principle 12/00924/PPM:

- Variation of condition 2 of planning permission in principle 12/00924/PPM to allow for the development and occupation of residential units from both the western (A6094 - Salters Road) and northern (A199) ends of the site (Ref: 14/00913/PM);
- Variation of condition 5 of planning permission in principle 12/00924/PPM to allow for up to 90 units to be completed in Year 1, up to 150 units in Year 2, up to 150 units in Year 3 and up to 60 units in Year 8 (Ref: 14/00916/PM).

In September 2015 planning permission in principle 14/00903/PPM was granted for amendments to planning permission in principle 12/00924/PPM, including an increase in number of residential units from 1050 up to a maximum of 1450, the relocation and redesign of open space, the development for residential purposes of areas previously proposed as open space and the relocation and redesign of the proposed local centre.

The elements of the approved mixed use development include residential development, community buildings including a new school and community facilities, office units, a restaurant, business units, general industrial units, storage and distributions units, trade counter units, a residential institution, a non-residential institution, hot food takeaways, playing fields, open space, allotments, landscaping and associated infrastructure provision.

Condition 1 of planning permission in principle 14/00903/PPM requires that the development of the site should generally accord with the indicative masterplan docketed to this planning permission in principle (ref. 14/00903/PPM).

Condition 4 states that no more than 1450 residential units shall be erected on the site of planning permission in principle 14/00903/PPM.

In October 2015 planning permission 15/00136/AMM was granted for the approval of matters specified in conditions of planning permission in principle 14/00903/PPM for infrastructure associated with the development of the Wallyford site in the form of access, landscaping and site development works including distributor road and access junctions onto the A199 and A6094, footpaths/cycleways, suds basins, acoustic bunds and development platforms.

In July 2015 planning application 15/00537/PPM was submitted for planning permission in principle for residential development with associated educational and community facilities and open space on land to the southeast of Wallyford. The land of planning application 15/00537/PPM includes the southeast part of the land of planning permission in principle 14/00903/PPM, including the school site, the local centre, and an additional area of land to the east of the site of planning permission 14/009003/PPM and extending towards Dolphingstone. At the time of the reporting of this application (ref. 16/01056/AMM), application 15/00537/PPM remains undetermined however that application stands to be determined on its own merits.

Development of the larger Wallyford site has commenced.

The approval of matters specified in conditions of planning permission in principle 14/00903/PPM is now sought for the erection of a school campus on the land to the south of Wallyford Farm Cottages and thus on part of the larger site to which planning permission in principle 14/00903/PPM and the masterplan docketed to that permission apply.

The proposed school campus would comprise a new primary school, a nursery, a shared school and community library, a dining hall and multi-purpose hall for shared school and community use, associated playgrounds, playing fields, car parking and service access, cycle shelters, sprinkler housing, bin storage, boundary enclosures and play equipment. The proposed primary school would be erected on the eastern part of the site. The building would be complex in shape with recessed areas and enclosed courtyards however it would have an overall roughly rectangular plan form. The northern block of the proposed school would face towards a new distributor road that is approved to be constructed between the school site and the proposed local centre by the grants of planning permission in principle 14/00903/PPM and approval of matters specified in conditions 15/00136/AMM. Attached to the south side of the northern block of the proposed school would be three irregular shaped blocks that would project southwards. These blocks would be positioned perpendicular to the main northern block and would contain the classrooms. The main northern block of the proposed school would contain the main entrance, the nursery and the shared community areas, including the library, dining hall and indoor sports/multi-purpose hall. Towards the western end of the main

northern block would be the nursery and the school offices and ancillary rooms. A main corridor would be positioned to the south side of the northern block of the proposed school linking the different areas.

Most of the proposed school building would be two storeys in height, with parts of the western component of the northern block (containing the nursery and school offices) being single storey in height.

The architectural form of the school building would be characterised by a series of intersecting predominantly shallow mono-pitched roofs with parapet walls, and its external walls would be finished in a combination of brick, rain-screen fibre cement cladding and vertical timber cladding. The shallow mono-pitched roofs would be finished with a grey coloured single ply roofing membrane. Where there are small areas of flat roof to accommodate plant these sections of roof would be finished with a bitumen roofing membrane with a paved slab finish. Roof lights would be positioned on many of the mono-pitched roofs. The mono-pitched roofs of the centrally positioned perpendicular projecting component attached to the south side of the northern block of the school would be fitted with 12 rows of photovoltaic panels. Each row would comprise of 7 photovoltaic panels. The frames of the windows and doors of the building would be of powder coated aluminium construction coloured grey (RAL 7004).

The playground areas would be primarily located to the west, south and east sides of the proposed school. The playing fields would be located to the west and south of the school building. The sports pitches would be located on the west and south parts of the site. There would be tree planting on parts of the west, east/southeast and north boundaries of the site, within the enclosed courtyards and to the southern side of the school building.

Vehicular access to the school site would be taken from the new distributor road that is approved to be constructed to the east of the school site by the grants of planning permission in principle 14/00903/PPM and approval of matters specified in conditions 15/00136/AMM. A car park comprising of 56 parking spaces would be formed on the eastern part of the school site in a position to the southeast of the school building. Cycle parking facilities would be located to the north and south sides of the school and further to the south of the proposed car park.

Pedestrian access into the school site would be available via the proposed car park but would also be available from two further pedestrian gates of the east boundary of the school site, the main entrance of the north elevation of the school, a pedestrian gate in the west boundary of the site adjacent to proposed community sports pitches, which form part of the masterplan for the larger site approved by the grant of planning permission in principle 14/00903/PPM, and from the southern end of Inchview Road via a pedestrian gate located towards the northwest corner of the site.

The floor plan drawings for the proposed school identify areas to the west and south sides of the proposed building that could be used in the future to accommodate a school extension(s). These are for indicative purposes only and do not form part of the proposed development the subject of this planning application.

The application is supported by a Design and Access Statement.

Subsequent to the registration of this application, amended plans have been submitted showing changes to the proposed development. The changes include the provision of a different form of cycle storage and the repositioning of the cycle storage on the site, further details of the proposed landscaping of the site, and to identify an area for cycling proficiency training. These changes are shown on amended application drawings.

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 the proposed development falls within the category of a Schedule 2 Development, being one that may require the submission of an Environmental Impact Assessment (EIA). Schedule 3 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 sets out the selection criteria for screening whether a Schedule 2 development requires an EIA. The matter of the requirement for an Environmental Impact Assessment (EIA) was considered through the determination of the grant of planning permission in principle 14/00903/PPM, which includes the provision of a school on the site of the current application. An Environmental Statement considering landscape, transportation, air quality, noise and cultural heritage matters was submitted with planning permission in principle 14/00903/PPM. The proposal for the school has not changed significantly from the indicative details provided with planning permission in principle 14/00903/PPM and thus considered in the Environmental Statement submitted with that application. Therefore, there is no requirement for the proposed school development to be the subject of an EIA.

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan, unless material considerations indicate otherwise.

The development plan is the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Plan 2008.

Relevant to the determination of the application is Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Proposals H7 (Land to the South East and South West of Wallyford: Housing and Mixed Use Development), ED6 (Wallyford Primary School) and R4 (Supermarket Opportunity - Wallyford Expansion) and Policies ENV1 (Residential Character and Amenity), DP1 (Landscape and Streetscape Character), DP2 (Design), T1 (Development Location and Accessibility), T2 (General Transport Impact), DP20 (Pedestrians and Cyclists), DP22 (Private Parking) and ENV7 (Scheduled Monuments and Archaeological Sites) of the adopted East Lothian Local Plan 2008.

Also material to the determination of the application is the approved development framework for Wallyford. The framework sets out the land uses expected for the allocated site and how the Council requires the site to be developed.

No public representations to the application have been received.

Wallyford Community Council, a consultee to the application, does not object to the proposals. They do however suggest that the sports pitches for soccer and the play areas within the school grounds should have all-weather surfacing rather than grass, and that a cycling proficiency area should be identified in order to encourage cycling and to allow children to learn these skills in a safe environment. This recommendation has been passed onto the applicant's agent for their consideration however the current proposals have not been amended to include all-weather surfaces for the sport pitches or playing fields of the proposed school campus.

As is required by Local Plan Policy DP4 a design statement has been submitted with the application. In that statement it is explained that the proposed school campus would provide a modern learning environments and associated community facilities for the residents of Wallyford and the surrounding area. The proposed school building is designed to be as robust and maintenance free as possible and to promote energy

efficiency. The statement further explains that the proposed school building has been designed to be viewed from all sides and to have an active frontage to the distributor road to the north of the site. The statement goes on to explain that the school building can be broken down into three cluster blocks and the nursery block (Admin/Community/Sports, the three teaching blocks and a 'internal street' running between these areas to connect the different clusters). The statement goes on to explain that the school would provide a modern learning environment with 'breakout' spaces. It is further explained that the vehicular access and parking areas have been kept segregated from the school playgrounds and playing fields. The statement further explains that the use of brick as the primary external finish of the school building would reflect the brickworks that was once associated with Wallyford Village, and that there still remain within the village, buildings and boundary enclosures that have a brick finish.

The application site forms part of a larger area of land covered by Proposals H7, ED6 and R4 of the Local Plan, which is promoted for development for a combination of housing and mixed uses, a supermarket and a new primary school. Thus, the principle of the development of the application site for a new primary school accords with Proposal ED6 (Wallyford Primary School) of the adopted East Lothian Local Plan 2008. Furthermore, the proposed school development would not prejudice the housing and mixed uses and supermarket development otherwise promoted by Local Plan Proposals H7 and R4.

Moreover, by the grant of planning permission in principle 14/00903/PPM, approval has also been given for the principle of the erection of a new primary school on part of the land of that site, which identifies the current application site as being the proposed site for the new primary school.

There can therefore be no objection in principle to the erection of a new primary school on the application site.

Therefore, in the determination of this application the Council, as Planning Authority, can only concern itself with the siting, design and external appearance of the development and the landscaping of and means of access to the site. In this regard the detailed proposals have to be considered against relevant development plan policy, the approved development framework for Wallyford and the docketed masterplan and conditions attached to planning permission in principle 14/00903/PPM.

The majority of the school building would be some two storeys in height, with a roof height of some 8.8 metres above ground level. The indoor sports/multi-purpose hall and small parts of the roof relating to plant and roof access would be somewhat higher with a maximum roof height of some 10 metres above ground level. With the exception of the indoor sports/multi-purpose hall, the higher parts of the roof of the proposed school comprise only small areas of the building which would be set back from the roadside elevations of the proposed school building.

The proposed school building would be positioned on the eastern part of the site with the northern part of its western playing field positioned between it and the existing residential properties of Wallyford Farm Cottages, Inchview Road and Oliphant Gardens. In such position, occupying as it would a prominent site adjacent to the new local centre of the indicative masterplan layout, the proposed school building would be readily visible in public views from the southern end of Inchview Road, from Wallyford Farm Cottages and from the new distributor roads that would be to the north and east of the site, occupying as it would a prominent site adjacent to the new local centre of the indicative masterplan layout. The proposed school building would present its main entrance elevation to the distributor road to the north of the site.

Due to its footprint size and its proposed height, the proposed school would be a large building with a noticeable physical presence. However, in its position set back away from the two storey and single storey houses, respectively, of Oliphant Gardens, Inchview Road and Wallyford Farm Cottages, and alongside the proposed local centre and high/medium density housing indicatively shown to be positioned to the north, east and southeast of it in the masterplan of planning permission in principle 14/00903/PPM, the proposed school would be of an acceptable scale and massing for its landscape setting. Due to its height and its positioning relative to neighbouring residential properties the proposed school would not appear harmfully overbearing or dominant when viewed from those neighbouring residential properties.

In such circumstances and by virtue of its height, size, scale, massing and positioning, the proposed school building would sit comfortably in its positional relationship with neighbouring buildings and roads. It would not appear harmfully dominant, intrusive or incongruous within its setting. It would sit comfortably alongside the neighbouring buildings in the locality and would not have a harmfully overbearing affect on those neighbouring properties.

The proposed school building would be of a modern contemporary architectural style and would be of a distinctive architectural form and appearance reflective of its functional purpose as a school and community building at the heart of the new local centre for Wallyford. It would be confident in its design and would have a distinct physical presence within the streetscape appropriate to a school and community building.

Its palette of external finishes of brick, rain-screen fibre cement cladding and timber cladding for its external walls, single ply roofing membrane for its roofs and aluminium framed windows and doors would be appropriate to its modern architectural style and its functional use as a school and civic building, and would be reflective of the historic links of Wallyford to brick production. Samples of the external materials for the school building were submitted with the application and these are all considered acceptable.

By virtue of its size, height and its contemporary architectural design and appearance, the proposed school building would have a distinct physical presence within the streetscape and would be appropriate to its location. It would add, in a complementary way, to the variety of architectural form and design of this part of Wallyford and to the architectural form and design of the indicative details for the new local centre for Wallyford approved by the grant of planning permission in principle 14/00903/PPM. Consequently the proposed building, by virtue of its architectural form, design and external finishes would not look out of place in the streetscene. It would not appear harmfully incongruous, exposed or an over development of the land upon which it would be built. By its positioning, design, architectural form and finishing materials the proposed school building would not be harmful to the character and appearance of the area.

Seen as they would be in their immediate relationship with the proposed school building, the proposed playgrounds, playing fields, associated hardstanding, cycle shelters, sprinkler housing, boundary fencing and walls, and landscaping would not be inappropriate development for a school campus. They would not together with the school building appear harmfully incongruous, exposed or an over development of the land upon which they would be built. They would not be harmful to the character and appearance of the area.

The proposed school, and its playgrounds, playing fields, associated hardstanding, cycle shelters, sprinkler housing, boundary enclosures and landscaping would harmoniously

integrate with the existing housing development to the northwest and north and would accord with the details of the masterplan of planning permission in principle 14/00903/PPM.

The positioning of the proposed school building and of the other components of the development would not prejudice the form of development of the remainder of the development approved in principle by the grant of planning permission in principle 14/00903/PPM.

The application site forms part of the larger area of the designated site of Pinkie Battlefield and as such Historic Environment Scotland have been consulted on the application. Historic Environment Scotland has no comment to make on the proposed development. In the context of the existing built form of Wallyford and the development principles approved by the grant of planning permission 14/00903/PPM, the proposed school and its playgrounds, playing fields, associated hardstanding, cycle shelters, sprinkler housing, boundary enclosures and landscaping would not have a detrimental impact on the designated area of Pinkie Battlefield.

The Council's Archaeology Officer advises that the area has been heavily disturbed by mining related activity in the past, was evaluated archaeologically in 2008 as part of proposals for the Goosebay area and the extent of the site of planning permission in principle 14/00903/PPM have been investigated under the requirements of condition 25 of that permission. Thus, the Council's Archaeology Officer is satisfied that no further archaeological works are required and has to comment to make on the application.

The new school building would be positioned on the site such that its windows would be more than 9 metres away from the garden of any existing residential properties to the northwest and also more than 18 metres away from the windows of those houses. The proposed school building would also be positioned on the site such that its windows should not be within 9 metres or 18 metres, respectively, of the garden or windows of any proposed residential property of the residential areas shown on the indicative masterplan layout of planning permission in principle 14/00903/PPM, which would be located to the north, northeast and east of the school campus. Such separation distances meet the Council's standard of acceptable privacy distances respectively between facing windows and private amenity space and between facing windows in neighbouring properties.

By its positioning, height, orientation and distance away from nearby housing, the proposed school and its associated cycle shelters, refuse storage and sprinkler housing would not give rise to harmful loss of daylight or overshadowing of neighbouring properties. The proposed school and its associated structures, by virtue of their size, height, layout, design and orientation, would have no significant harmful impact on the privacy or residential amenity of the occupants of adjoining residential properties.

There would be a mix of hard and soft landscaping throughout the proposed school grounds, the details of which can be controlled by a condition imposed on the approval of matters specified in conditions for the proposed school development. On this matter, particular landscape advice of the Council's Policy and Projects Team is that: (i) details of how the sandpits would be accessed from the playground should be provided; (ii) details of the access to play areas 'C' and 'D' from the playground should be provided; (iii) details for the planting of the orchard and arboretum (areas 'E' and 'F') should be provided; (iv) a cycle training course should be marked out on the playground; (v) details of the appearance of boundary fencing should be provided; (vi) specification for the boundary railings to the internal courtyards should be provided; (vii) additional tree planting and mounding should be considered to the west and east sides of the site and throughout the site; and (viii) additional tree and hedge planting and possibly

walls/railings should be considered at the northwest entrance to the school site from Inchview Road/Wallyford Farm Cottages. The application drawings show that a cycle training course would be marked out on the playground. The submission of the detailed scheme of landscaping and thereafter its implementation, and the requirement for details of the boundary enclosures to be submitted can be secured by conditions imposed on the approval of matters specified in conditions for the proposed school development.

The Council's Environmental Health Manager advises that there is the potential for noise from plant and equipment used in association with the proposed school to result in harm to the amenity of neighbouring residential properties. In order to mitigate for any such potential noise nuisance the Environmental Health Manager recommends that noise associated with the operation of any plant and/or equipment should not exceed Noise Rating curve NR20 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 with all measurements to be made with windows open at least 50mm. This matter can be controlled by a condition imposed on the approval of matters specified in conditions for the proposed school development. The imposition of such a condition would ensure that the proposed school building would not give rise to an unacceptable level of noise.

The Council's Environmental Health Manager further comments that the community pitches are located outwith the school site and thus their previous recommendations in respect of planning application 15/00537/PPM requiring acoustic screening along the west and south sides of those pitches would not be relevant to this application. The Environmental Health Manager advises that no such acoustic screening would be required for the proposed 7-aside pitches shown to be on the proposed school site.

On all of these considerations of layout, design, landscaping and amenity the proposed development is consistent with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan) and Policies DP1, DP2 and ENV7 of the adopted East Lothian Local Plan 2008.

The Council's Road Services raise no objection to the submitted details, being generally satisfied with the proposed means of pedestrian and vehicular access, the number and location of parking spaces proposed and the cycle storage facilities. They do however make recommendations:

(i) prior to the commencement of use of the school a Green Travel Plan (GTP) shall be submitted and approved by the Planning Authority in consultation with Road Services. The Green Travel Plan (GTP) shall have particular regard to provision for walking, cycling and public transport access to and within the site, and will identify the measures to be provided, the system of management, monitoring, review, reporting and duration of the plan;

(ii) prior to the commencement of development a Construction Method Statement to minimise the impact of construction activity on the public road network shall be submitted to and approved by the Planning Authority and thereafter the Construction Method Statement shall be implemented in accordance with the approved details. The Construction Method Statement shall recommend mitigation measures to control construction traffic (including routes to and from the site) and shall include hours of construction work;

(iii) wheel washing facilities must be provided and maintained in working order during the period of operation of the site. All vehicles accessing and exiting the site must use the wheel washing facilities to prevent deleterious materials being carried on to the

Distributor Road on vehicle tyres.

All of these requirements can reasonably be made conditions of the approval of matters specified in conditions for the proposed school development.

On these foregoing transportation and other access considerations the proposed school development is consistent with Policies T1, T2, DP20 and DP22 of the adopted East Lothian Local Plan 2008.

The Council's Access Officer is satisfied that the core path and public right of way (from Wallyford Farm to the A1 Footbridge) that passes to the west of the site would not be within the application site for the proposed school, and that a pedestrian access would be provided in the west boundary of the site, which would allow access from the core path and public right of way. The Access Officer advises that the core path and public right of way should be kept open and free from obstruction during construction work. This information has been passed to the applicant's agent.

The Council's Waste Services Manager advises that he is satisfied that the waste storage and servicing points would be segregated from the pupil areas of the proposed school campus and that access for refuse vehicles can be easily accommodated on the site. Thus, the Waste Services Manager raises no objection to the proposed development.

The proposed playing fields are large enough to accommodate three 'soccer sevens' pitches. A basketball court and a cycle proficiency training area would also be accommodated on the playgrounds. The proposed development does not include the provision of synthetic surfaced pitches within the school campus and there is no planning policy requirement that the pitches should be synthetically surfaced.

SportScotland have been consulted on the application and raise no objection to the proposed development.

The Council's Sport, Countryside and Leisure Services have also been consulted on the proposals and advise that they are satisfied with the proposed education campus layout.

The matter of site drainage was considered through the determination of previous application 14/00903/PPM. The Indicative masterplan docketed to planning permission in principle 14/00903/PPM indicates how in principle three sustainable urban drainage scheme (SUDS) detention basins could be formed within the site to attenuate the flow of surface water run-off. Condition 27 of planning permission in principle 14/00903/PPM states that a SUDS scheme should be submitted for the written approval of the Planning Authority, in consultation with the Scottish Environment Protection Agency. The position of the three SUDS detention basins has already been approved by approval of matters 15/00136/AMM. A SUDS scheme has been submitted to the Planning Authority, and this has been forwarded onto SEPA and the Council's Structures, Flooding and Street Lighting Team Manager for consultation. At the time of preparing this report, the details of SUDS provision is still the subject of discussions between the applicant, SEPA and the Council's Structures, Flooding and Street Lighting Team Manager. Notwithstanding this, SEPA raise no objection to the proposed school campus development.

The Council's Structures, Flooding and Street Lighting Team Manager notes the Scottish Environment Protection Agency (SEPA) raises no objection to the proposed development and comments that the requirement for the provision of SUDS for the larger site of planning permission in principle 14/00903/PPM, and thus also for the site of the school, is covered by condition 27 of planning permission in principle 14/00903/PPM.

The Council's Structures, Flooding and Street Lighting Team Manager advises that he raises no objection to the proposals.

Scottish Water raise no objection to the application.

The application site forms part of a larger area that is identified by the Coal Authority as being potentially at risk from past mining related activity, and as such the Coal Authority have been consulted on the application. The Coal Authority raises no objection to the proposed development. However, they request that, in the interests of public safety and in the event that matters relating to coal mining legacy were not addressed at the planning permission in principle stage, an Informative Note regarding development within coalfield areas be issued with a grant of planning permission.

RECOMMENDATION

That approval of matters specified in conditions for the proposed school development be granted subject to the following conditions:

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

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

- a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings;
- b. finished ground and floor levels of the development relative to existing ground levels of the site and of adjoining land and building(s). The levels shall be shown in relation to an Ordnance Bench Mark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing; and
- c. the ridge height of the proposed 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 A Construction Method Statement designed to minimise the impact of the movements of construction traffic to and from the application site shall be submitted to and approved by the Planning Authority prior to the commencement of development on the site. The Construction Method Statement shall include hours of construction work and any recommended mitigation measures for the control of construction traffic, which shall, as may be applicable, be implemented prior to the commencement of development and during the period of development works being carried out on the application site.

Reason:

To minimise the impact of construction traffic in the interests of road and pedestrian safety in the locality and relative to school generated vehicle and pedestrian movements.

- 3 Prior to the commencement of use of the school hereby approved, a Green Travel Plan (GTP) shall be submitted to and approved in writing by the Planning Authority in consultation with Road Services. The Green Travel Plan (GTP) shall have particular regard to provision for walking, cycling and public transport access to and within the site, and will identify the measures to be provided, the system of management, monitoring, review, reporting and duration of the plan.

Reason:

In the interests of road safety.

- 4 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.

- 5 Prior to the commencement of development on the site a scheme of landscaping for the site shall be submitted to and approved in writing by the Planning Authority. The landscaping scheme shall provide details of: the height and slopes of any mounding on or re-contouring of, the site; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. The scheme of landscaping shall include, but not exclusively, the planting of trees along the southwest, north and east boundaries of the site.

All planting, seeding or turfing comprised in the approved details of the landscaping scheme shall be carried out in the first planting and seeding season (October - March) following the school building being brought into use or the completion of the development hereby approved, whichever is the sooner.

Any trees or plants which die, are removed or become seriously damaged or diseased within a period of 10 years 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:

To ensure the implementation of landscaping in the interests of the character, appearance and amenity of the area.

- 6 Prior to the commencement of use of any part of the school hereby approved the vehicular access, including its associated visibility splays, car park, turning area, and parking spaces, and the bus drop-off zone and accessible parking ouwith the site to the north to the south side of the distributor road, shall be laid out and constructed as shown in docketed drawing nos. 6003-JMA-00-ZZ-PL-A-0002 Rev A and ED11838-WPS-WA-DR-CS-9100 Rev A, and thereafter the vehicular access, car park, turning area, parking spaces, including the accessible parking spaces and bus drop-off zone shall be retained for such uses.

Reason:

To ensure provision of a safe access and adequate parking and turning in the interests of road safety.

- 7 Details of the photovoltaic panels to be installed on the roof of the school hereby approved shall be submitted to and approved in advance in writing by the Planning Authority prior to their installation in the development hereby approved, and thereafter the photovoltaic panels installed shall accord with the details so approved.

Reason:

In the interests of safeguarding the character and appearance of the area.

- 8 Details of any fences or boundary enclosures, including the boundaries of the courtyard areas, of the school site hereby approved shall be submitted to and approved in advance in writing by the Planning Authority prior to their installation in the development hereby approved, and thereafter the fences and boundary enclosures erected shall accord with the details so approved.

Reason:

In the interests of safeguarding the character and appearance of the area.

- 9 Noise associated with the operation of any plant and/or equipment associated with the operation of the building hereby approved shall not exceed Noise Rating Curve NR20 at any octave band frequency between the hours of 2300 and 0700 and Noise Rating Curve NR25 at any octave band frequency between the hours of 0700 and 2300 within any neighbouring residential property, assuming windows open at least 50mm.

Reason:

In the interests of protecting the amenity of neighbouring residential properties.

Letters From

There were no representations received on this application.

REPORT TO: Planning Committee

MEETING DATE: Wednesday 29 March 2017

BY: Depute Chief Executive (Partnerships and Community Services)

SUBJECT: Application for Planning Permission for Consideration

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Note - this application was called off the Scheme of Delegation List by Councillor Trotter for the following reasons: so that there can be a full discussion at Committee due to local interest in this application.

Application No. **16/00255/P**

Proposal Erection of poultry shed and associated works

Location **1 Clerkington Mains
Letham
Haddington
East Lothian
EH41 4NJ**

Applicant Clerkington Eggs Ltd

Per Ian Pick Associates Ltd

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

This application relates to a part of the agricultural land of Clerkington Mains Farm, in a countryside location to the south west of Haddington. The application site is situated some 60m metres to the north of the existing agricultural buildings of Clerkington Mains Farm, some 127 metres to the west of the residential property of Garden Cottage, some 391 metres to the east of the residential property of Clerkington Kennels and some 700 metres to the east of the residential property of Clerkington West Lodge. It is also some 146 metres to the west of the category B listed Clerkington Walled Garden and some 294 metres to the south west of the category B listed Clerkington House Stables. The application site is some 0.27 hectares in area.

The site is bounded to the west by agricultural land and to the south by the existing agricultural buildings of Clerkington Mains Farm. To the north and east there are areas of woodland, beyond which lie agricultural land.

Planning permission is sought for the erection on the application site of a poultry shed and for associated works including the formation of an area of hardstanding for parking and turning and a concrete apron.

The proposed chicken shed would be rectangular in shape and would measure some 76 metres in length, some 19.5 metres in width and some 5.5 metres in height from ground level to the ridge of its pitched roof. It would be constructed of concrete stub walling in combination with polyester coated profiled sheeting coloured green. The ridge of the roof would be punctuated by six ventilation extracts, each some 0.8 metres in height. These would be spaced at regular intervals on the ridge. Six ventilation louvers and three large doors would be formed in its south elevation, with one ventilation louver and 2 smaller doors to be formed in its north elevation. One small access hatch would be formed within its east elevation. A further fourteen pop holes would be formed in its west elevation. On part of the land directly adjacent to the right hand side of the east elevation, two feed storage bins would be erected along with an area to store bins. The feed storage bins would each be some 5.5 metres high.

The polyester coated roof and walls of the proposed chicken shed would be finished in 'Juniper' green. No colour has been specified for the doors, feed bins or other openings.

The site would be accessed directly from the A6093 via an existing access track that currently serves the Clerkington Mains Farm buildings.

A vehicular access to the site would be taken off the existing gravel track that currently provides access to the existing agricultural buildings of Clerkington Mains Farm, with an area of hardstanding measuring some 8 metres by 9.5 metres providing a parking and turning area at the northern end of the shed. A concrete apron measuring some 3 metres by 7.5 metres would be formed at the southern end of the shed. The site would be enclosed by a 1.5 metres high stock proof wire and timber post fence with gated openings to allow access to the site.

The proposed development would be used for a free range chicken egg laying operation. At any one time some 16,000 hens would be housed with the poultry shed. The production cycle for birds would last 60 weeks, with 2 deliveries of birds per flock and eggs to be collected 2 times weekly. The proposed operation would be run by the applicant, Clerkington Eggs Ltd.

Subsequent to the registration of the application, revised drawings showing details of planting and fencing have been submitted. In addition the relevant Land Ownership Certificate has been served.

The proposals also include the erection of fencing to surround a free range roaming area. The proposed fence is permitted development under the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 2011, and so do not form the subject of the determination of this application.

In addition, the use of the agricultural field as a free range roaming area does not constitute a change in use as it would remain in agricultural use, and as such does not form part of the development the subject of this application.

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan, unless material considerations indicate otherwise.

The development plan is the approved South East Scotland Strategic Development Plan

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

Relevant to the determination of the application are Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies DC1 (Development in the Countryside and Undeveloped Coast), DP1 (Landscape and Streetscape Character), DP2 (Design) and T2 (General Transport Impact) of the adopted East Lothian Local Plan 2008.

25 written representations have been received, 21 of which object to the proposed development. The other 4 do not state whether they object to or support the proposals.

The main grounds of objection are as follows:

1. The proposal will result in a negative impact upon existing nearby residents by virtue of noise, dust and odour pollution.
2. The proposal may have negatively impact upon the residential amenity of consented and proposed housing at Dovecot within the indentified longer term expansion area of Haddington.
3. The proposed methods of noise, dust and odour pollution control are insufficient.
4. The Design and access statement contains inaccuracies in terms of cardinal directions, laws of public access and grammar/ spelling.
5. The required Land Ownership Certificate has not been served.
6. No EIA screening opinion has been generated.
7. Inadequate information has been submitted with regards to SUDS, heritage asset impact and the landscape and visual impact from the proposal.
8. No details have been submitted with regards to perimeter fencing or lighting.
9. The tree belt to the east of the application site is not under ownership of the applicant and is due to be woodland managed, and thus will not provide effective sound and visual screening.
10. The supplied noise assessments do not take into account the potential of the woodland strip to the east of the site being managed.
11. The application may set a precedent for a larger development in the future.
12. The application may enable the change of use from agricultural to housing land.
13. The various technical assessments have not taken into account all relevant sensitive existing and future receptors and concerns have been raised with regards to the reliability of the modelling assumptions and resultant predictions.
14. The proposal is contrary to policy DC1 Part 5 as it would have significant adverse consequences for the convenience, safety and attractiveness of walking in the surrounding area.
15. The proposal is contrary to policy T2 as it would have significant adverse consequences for road safety and a negative impact on the convenience, safety and attractiveness of walking and recreational amenity in the surrounding area.
16. The proposed level of vehicle movements are underestimated.
17. The proposal is contrary to policy C7 as it would be harmful to the amenity of a bridleway/core path.
18. The proposal is contrary to policy ENV1 as it would be harmful to the residential character and amenity of the surrounding area.
19. The proposal is contrary to policy ENV3 as it would harm the setting of nearby listed buildings.
20. The proposal is contrary to policy DP18 as the proposal will have significant impacts on the road network.
21. The proposal is contrary to policy DP19 as the proposed access arrangements are not suitable.
22. The proposal is contrary to policy DP20 as there is no provision for cycle parking for employees or customers.

23. The proposal is contrary to policy DP22 as there is no provision for private car parking.
24. The proposal is contrary to various policies within the Proposed Local Development Plan.
25. The proposal contravenes the Scottish Government Code of Good Practice.
26. If the proposal were to go ahead, it would contravene the decision taken at appeal for a similar poultry farm application in July 2012 (PPA-210-2024) which was refused on the basis that 'an intensive chicken production unit sited between 60m-160m from existing residential uses would be far too close and diminish the occupiers' way of life and that even if the chicken sheds were properly managed, their proximity would still result in an adverse impact on the living conditions of nearby residents by reason of odour'.
27. The proposal would significantly inhibit the delivery of the Council's development strategy.
28. The proposed building does not relate well to the surround landscape or the existing nearby farm buildings.
29. There is no operational requirement for the proposal to be in its particular location with it being an inappropriate use of the land.
30. The proposal would devalue neighbouring properties.
31. There was minimal consultation by the applicants with neighbouring properties.
32. Neighbours were not informed by post, with adverts published in the local press being insufficient.
33. The proposal would have a negative impact upon the rural setting of Haddington as well as the designed landscape of Clerkington.
34. The proposal would result in an increased level of vermin in the area.
35. Water runoff from the proposal could result in a potential negative impact upon the ecology of the nearby River Tyne.
36. The proposal would result in an increased level of traffic in the local area.
37. Concerns have been expressed over biosecurity along with a possible outbreak of avian flu.

The other 4 representations raise the following issues:

1. The proposed access road may not be suitable for regular agricultural/ industrial traffic.
2. There is no reference to how removed manure will be stored, potentially resulting in malodour

Haddington Community Council, as a consultee, neither object to nor support the proposed poultry shed development. The Community Council state that the application has been discussed at their recent meeting, with several residents expressing concern about the proposals. The Community Council expresses concern that future housing proposals may be affected due to the proximity of the application site to the town centre. Furthermore, they feel that reassurance should be obtained in terms of curtailing the potential for bad odours to be transmitted from the development, which may potentially scare off future investors.

In respect of some of the points raised by representors and the Community Council the following responses are given.

The drawings and other documentation submitted with the application subsequent to registration are an accurate and sufficient basis to enable a full planning assessment to be made of the development proposal.

Were planning permission to be granted for the proposed chicken shed development, a

subsequent extension to the development or change of use of the land upon which the proposal is located would require to be the subject of an application for planning permission and thus subject to the control of the Council as Planning Authority.

The lands of Clerkington are not part of the national Inventory of Gardens and Designed Landscapes.

As one of the objectors notes, there are proposals for future housing development to the west of Haddington. Indeed, planning permission has already been granted for housing development at Dovecot Farm (Refs: 13/00071/PPM and 15/00581/PPM). The Council's Environmental Health Manager has taken these proposals into account in his assessment of the application. He is satisfied that operation of the proposed development would not have an unacceptable impact on the privacy and amenity of future residents of those housing developments. As such, the proposed development would not prejudice the future development of those sites.

Policies contained within the proposed East Lothian Local Development Plan do not form part of the Development Plan at the time of determination and do not outweigh the requirements of the adopted East Lothian Local Plan 2008.

Paragraph 13.14 of the Scottish Government publication the Scottish Executive Code of Good Practice, Prevention of Environmental Pollution from Agricultural Activity states that: "When designing new buildings, consider their siting in relation to residential accommodation, and avoid sites within 400m of such developments. Where possible, sites downwind of residential areas should be chosen."

In relation to the above, several objectors state that the proposals contravene the decision taken at appeal for a similar poultry farm application in July 2012 (Ref: PPA-210-2024) which was refused on the basis that 'an intensive chicken production unit sited between 60m-160m from existing residential uses would be far too close and diminish the occupiers' way of life and that even if the chicken sheds were properly managed, their proximity would still result in an adverse impact on the living conditions of nearby residents by reason of odour'.

With regard to the above Government guidance, the material consideration is whether or not the siting of the proposed chicken sheds development less than 400 metres from the nearest residential properties in the locality would result in odour emissions having a harmful impact on the amenity of residents of those properties.

Notwithstanding the reporter's decision in this instance, the Council's Environmental Health Manager raises no objection to the proposed development, being satisfied that subject to the relevant controls being in place, the proposed development would not, through impacts of odour emissions and air quality, noise, or dust, be harmful to the amenity of the occupants of nearby residential properties.

The proposed development is below the threshold (60,000 hens) at which such an operation would be a form of development categorised as a Schedule 1 development by the Environmental Impact Assessment (Scotland) Regulations 2011. As the proposed development is for an Intensive Livestock Installation exceeding 500 square metres in floorspace it falls under Schedule 2 of these Regulations. East Lothian Council has issued a screening opinion for this proposed development to the effect that as a Schedule 2 development the proposal is unlikely to have such significant effects on the environment that an Environmental Impact Assessment is required. Consequently the proposed development is not the subject of an Environmental Impact Assessment.

The proposed development by its site area of less than 2 hectares and floor space of less than 5000 square metres is a local development type as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. There are no statutory requirements for pre-application public consultation for a local development type proposal. The application was validated, registered and subject to neighbour notification by the Council, all in accordance with statutory requirements. The application was advertised as a Bad Neighbour Development (BND) in the local press and by site notice.

The attenuation pond would be used to collect surface run-off from the proposed chicken shed, and as such would not contain any effluence. The inclusion of an attenuation pond for this purpose would be in line with guidance contained in the Scottish Environment Protection Agency's (SEPA) guidance document entitled 'Prevention of Environmental Pollution from Agricultural Activity (PEPFAA) Code'. The developer would require to comply with the relevant SEPA drainage regulations and requirements.

In respect of the use of the proposed poultry shed, it is below the 40,000 bird threshold requiring a SEPA permit. As such, matters of noise, dust and odour require to be regulated by the Council's Environmental Health Service.

A perceived reduction in nearby property values as a consequence of a proposed development is not a material planning consideration in the determination of this application.

The methods of managing risks of infection and avian flu, as well as control of vermin are controlled by legislation other than planning legislation and are not material planning considerations in the determination of this application.

What is proposed in this planning application is an agricultural use in accordance with the definition of agriculture given in Section 277 of the Town and Country Planning (Scotland) Act 1997.

In that the proposed chicken shed development is for agricultural use at Clerkington Mains Farm, the principle of this proposed development in the countryside at Clerkington Mains Farm has an operational requirement for its proposed location. On this consideration the proposed development, in principle, complies with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan) and Policy DC1 of the adopted East Lothian Local Plan 2008.

Part 5 of Policy DC1 of the adopted East Lothian Local Plan 2008 requires that, where acceptable in principle, development should thereafter be compatible with its surroundings, minimise landscape impact, have no significant adverse impact on nearby uses, minimise the loss of prime agricultural land and suitable access and infrastructure is or can be made available.

As an agricultural use, the proposed development would not result in the loss of any agricultural land. On this consideration the proposed development does not conflict with Part 5 of Policy DC1 of the adopted East Lothian Local Plan 2008.

The proposed chicken shed would be a new build element in the landscape of the area. The proposed feed bins, as part of this new build element would be higher than the ridges of the proposed chicken sheds by some 0.8 metres. It would be a modern agricultural building set in the context of a local landscape of agricultural fields and buildings. It would not be unusually high for a modern agricultural building. In views of the site from the west and south west, the proposed building would be viewed in conjunction

with the existing farm buildings of Clerkington Mains Farm and also against the woodland strips to the north and east. From the north, east and south views of the building would be screened by changes in land levels and by intervening trees and woodland belts. In such a setting the proposed poultry shed would not visually impose itself on its surroundings, including residential uses nor would it impact upon the setting of the category B listed Clerkington Walled Garden and Clerkington House Stables to the east.

So positioned and designed the proposed poultry shed and feed bins would become an integral built form of agricultural buildings and structures positionally related to the existing farm operation and buildings owned by Clerkington Mains Farm. By this, the context of their landscape setting and by their size, height, materials and proposed colours they would not be untypical for their countryside location and would not be harmfully incongruous or obtrusive features. They would be in keeping with and would not be visually harmful to the character and appearance of this part of the East Lothian countryside.

On matters of landscape and visual impact, the Council's Landscape Projects Officer raises no objection to the proposals. They advise that the existing landscape features of the site combined with the low height of the proposed building and colouring would allow it to assimilate into the surrounding landscape without undue harm and that the building would not have a significant detrimental effect on the character of the surrounding landscape or be visually intrusive or prominent within the landscape.

At the request of the Landscape Projects Officer, drawings submitted subsequent to registration show the relocation of fencing, as well as details of native hedge row planting along the north west and south west edges of the range area, with the aim of reinstating the traditional field pattern from the 1900s as well as reducing the visibility of the proposed post and wire fence from the north. In addition, details of hedge planting along the east side of the proposed building have been submitted in order to provide a setting and enclosure for the building on its east side.

The Landscape Projects Officer is now satisfied that the built development will not be visually intrusive or prominent within the landscape. This scheme of planting is supported by the Landscape Projects Officer and can be made the subject of conditions on the grant of planning permission.

Although the coniferous tree block to the east of the proposed development provides an element of screening for the proposed development to the east, it is also outwith the ownership of the applicant and is due to be thinned. The Landscape Projects Officer recommends that even if this tree block were to be thinned, a sufficient level of remaining tree cover alongside the east side of the access track combined with the proposed hedgerow planting along the east side of the building would result in a negligible impact upon the level of screening currently provided, and thus a negligible impact upon the setting of the Category B listed Clerkington Walled Garden and Clerkington House Stables to the east.

No details are given of lighting for the site. Given its proposed countryside location and relative to houses in the area, the Council's Environmental Health Manager states that the design and construction of any proposed artificial lighting should take account of the Guidance contained within Annex 1 to Appendix 2 of Scottish Government Guidance to Accompany the Statutory Nuisance Provisions of the Public Health etc (Scotland) Act 2008. In order to minimise the possibility of loss of amenity for occupiers of residential properties in the area from potential light pollution, the Environmental Health Manager recommends that light trespass (into windows) of neighbouring residential properties, measured as Vertical Illuminance in Lux, (Ev), not exceed 5 between the hours of

0700-2300 and not exceed 1 between the hours of 2300-0700.

These recommendations can be made the subject of conditions on the grant of planning permission.

Subject to the above controls of lighting the proposed development, on these considerations of landscape and visual impact is, as relevant, consistent with Policies DC1 (Part 5), DP1 and DP2 of the adopted East Lothian Local Plan 2008.

The Council's Road Services raise no objection to the proposed development, being satisfied that there is adequate space within the site for parking related to staff and manoeuvring space for large vehicles (HGV's) to turn and service the site.

They are satisfied that it is not necessary for the applicant to submit a transport assessment. Nor do they recommend that cycle parking facilities are required.

Policy DP19 of the adopted East Lothian Local Plan 2008 is not a material planning consideration in the determination of the application, as there are no new roads, footways, path, cycle paths or public transport facilities being proposed.

They do however recommend several alterations to the access roads leading to the site to ensure there is adequate access to the site, particularly for large HGV's, from the public road. These alterations include widening of the access road from the A6093 south at various points, increasing the junction corner radii on either side of the access junction onto the A6093 south, and the provision of a passing space on the access track. In addition details of a swept path assessment shall be provided showing the turning manoeuvres into and out of the site and identify, if necessary, works required to the access to safely accommodate the manoeuvres.

These recommendations can be made the subject of conditions on the grant of planning permission. Subject to these recommendations being met through conditions of a grant of planning permission, the proposed development is consistent with Part 5 of Policy DC1 and Policy T2 of the adopted East Lothian Local Plan 2008.

The application site is not in close proximity to any predominantly residential areas defined by Policy ENV1 of the adopted East Lothian Local Plan 2008. There are, however, residential properties in the area of the site, as well as a houses under construction and consented at Dovecot.

The proposed poultry shed building would be some 60m metres to the north of the existing agricultural buildings of Clerkington Mains Farm, some 127 metres to the west of the residential property of Garden Cottage, some 391 metres to the east of the residential property of Clerkington Kennels, some 700 metres to the east of the residential property of Clerkington West Lodge and some 328 metres to the south of the housing development under construction at Dovecot. It is also some 146 metres to the west of the category B listed Clerkington Walled Garden and some 294 metres to the south west of the category B listed Clerkington House Stables.

Concrete stub walling in combination with polyester coated cladding construction would be used for the walls and roofs of the proposed poultry shed. The Noise Risk Assessment submitted with the application, together with technical objections and technical response to objections from the applicant's agent have been the subject of detailed discussions with officers of the Council's Environmental Health service. The Environmental Health Manager raises no objection to the proposed development, being satisfied that noise from the operation of the proposed development would not have an

unacceptable impact on existing or future occupants of nearby houses.

In order to minimise the possibility of loss of amenity for occupiers of nearby residential properties due to operational plant or machinery noise the Environmental Health Manager recommends that:

(i) the noise rating level, measured as LArTr of noise associated with any plant or equipment within the proposed building, when measured 3.5 metres from the facade of any neighbouring residential property, be no more than 5 dB(A) above the background noise level LA90T, all in accordance with BS 4142:2014 'Methods for rating and assessing industrial and commercial sound'.

(ii) Noise associated with the operation of any associated plant or equipment serving the Poultry Shed shall not exceed Noise Rating curve NR20 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.

(iii) Prior to the operation of the premises as a poultry shed the applicant shall prepare and submit a Noise Management Plan to the Planning Authority for approval

The operation of the development in accordance with an approved noise management plan can be made the subject of conditions on the grant of planning permission.

The Council's Environmental Health Manager raises no objection to the proposed development in respect of potential odours from the operation of the proposed development, being satisfied that odours at closest receptors are within SEPA Guidelines for moderately offensive odours (e.g. Intensive Livestock Rearing) averaged over a one year period.

In order to minimise the possibility of loss of amenity for occupiers of nearby residential properties due to associated odours, the Environmental Health Manager recommends that prior to the operation of the premises as a poultry shed the applicant shall prepare and submit an Odour Management Plan to the Planning Authority for approval.

Subsequent to this approved odour management plan being implemented, if odour issues were to arise, the Environmental Health team would investigate. That team has existing powers under Statutory Nuisance regime to deal with any odour nuisance.

The Environmental Health Manager therefore raises no objection to the proposed chicken sheds development in respect of the potential impact of odour emissions.

The operation of the development in accordance with an approved odour management plan can be made the subject of conditions on the grant of planning permission.

Complaints from local residents are likely if dust becomes apparent at their homes. Visible dust on window sills, the paintwork of cars, on washing hanging out to dry, and on vegetation would be a source of annoyance.

The Environmental Health Manager raises no objection to the proposed chicken shed development in respect of potential dust emissions. He advises that Air Quality Objective levels set in statute will be met due to the existing low background PM10 (Particulates <10um in diameter) levels and low contribution from the proposed development. Furthermore, he advises that due to the substantial fall off with distance of larger dust particles which may originate from the proposed sheds he is satisfied that there will be no

noticeable levels of dust at neighbouring receptors.

Subject to the above controls, the proposed development would not, through impacts of odour emissions and air quality, noise, or dust, be harmful to the amenity of the occupants of nearby residential properties. It is therefore consistent with Policies DC1 (Part 5) of the adopted East Lothian Local Plan 2008.

The Council's Biodiversity Officer raises no objection, and raises no biodiversity concerns over the site, being satisfied that the proposed fencing that will surround the proposal will result in there being no impact of chickens in the surrounding landscape.

The Council's Archaeological/ Heritage officer raises no objection to the proposals, being satisfied that the proposal would have a negligible impact on the heritage value of the landscape due to the relatively small footprint of the building combined with the lack of known remains in the general area.

Historic Environment Scotland has been consulted on the application and raises no objection to the proposals.

The Council's Access Officer raises no objection to the proposals being satisfied that there would be no negative effect on the core path network. They note that although there are access rights allowing the public to walk along the gravel access track to the application site, it is not recorded as a right of way or a core path. They do however recommend that the public access along the gravel track is not blocked during or after construction.

CONDITIONS:

- 1 All planting comprised in drawing no. IP/JP/04/E docketed to this planning permission shall be carried out in the first planting and seeding season following the completion of the building and any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

Reason:

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

- 2 No external lighting shall be installed within the application site unless in accordance with details of it submitted to and approved in advance by the Planning Authority. Any such lighting shall be positioned and designed to ensure that no light from within the site spills beyond the boundaries of the site and shall meet the following requirement:

Light Trespass (into windows) of neighbouring residential properties, measured as Vertical Illuminance in Lux, (Ev), shall not exceed 5 between the hours of 0700-2300 and shall not exceed 1 between the hours of 2300-0700.

Reason:

In order to minimise the possibility of loss of amenity for occupiers of residential properties in the area due to light pollution.

- 3 The noise rating level, measured as LArTr of noise associated with any plant or equipment within the proposed building, when measured 3.5 metres from the facade of any neighbouring residential property, be no more than 5 dB(A) above the background noise level LA90T, all in accordance with BS 4142:2014 'Methods for rating and assessing industrial and commercial sound'.

Noise associated with the operation of any associated plant or equipment serving the Poultry Shed shall not exceed Noise Rating curve NR20 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 order to minimise the possibility of loss of amenity for occupiers of residential properties in the area due to operational plant or machinery noise.

- 4 Prior to the operation of the premises as a poultry shed the applicant shall prepare and submit a Noise and Odour Management Plan to the Planning Authority for approval.

The poultry shed hereby approved shall be operated in strict accordance with the Noise and Odour management plans submitted to and approved by the Planning Authority unless otherwise approved by the Planning Authority.

Reason:

In the interests of the amenity of residents of the area.

- 5 At the current road junction with Pencaitland Road (A6093), at Blackhouse Bridge, the access road shall be widened to at least 6 metres carriageway width over the first 40 linear metres, measured from the A6093 south. In addition the junction corner radii on either side (i.e. at the bell mouth of the existing junction) shall be increased to at least 10.5 metre radius. This is all to enable adequate manoeuvring space for large HGV's and allow two-way movement of vehicles in the vicinity of the junction. All the works shall be laid out and constructed to ELC Standards for Development Roads. Details shall be submitted for approval.

Additionally travelling south from the junction at the first bend in the road at Blackwood (house), approximately 100 linear metres from the junction with the A6093, the roads running carriageway shall be widened to at least 6 metres width over a distance of at least 50 metres. This is to enable adequate two-way movement of vehicles and forward visibility around the bend to accommodate the increased use of the road by larger vehicles. All the works shall be laid out and constructed to ELC Standards for Development Roads. Details shall be submitted for approval.

Again travelling south from Blackwood (house) towards the access into the site at least one passing place having a length of at least 20 metres. The passing place must widen the roads running carriageway to at least 6 metres. All the works shall be laid out and constructed to ELC Standards for Development Roads. Details shall be submitted for approval.

At the site access to the site, from the road running north to south from the A6093, the applicant must evidence that the dimensions of the junction are physically capable of enabling a large HGV to access/egress the site. Details of a swept path assessment shall therefore be provided showing the turning manoeuvres into and out of the site and identify, if necessary, works required to the access to safely accommodate the manoeuvres.

Reason:

In the interests of road safety.

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

