

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

**TUESDAY 6 JUNE 2017
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

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Committee Members Present:

Councillor N Hampshire (Convener)
Councillor L Bruce
Councillor S Currie
Councillor J Findlay
Councillor W Innes
Councillor S Kempson
Councillor C McGinn
Councillor K McLeod
Councillor J McMillan
Councillor F O'Donnell
Councillor B Small

Other Councillors Present:

Councillor A Forrest
Councillor J Goodfellow

Council Officials Present:

Mr I McFarlane, Service Manager – Planning
Mr D Irving, Senior Planner
Ms E Taylor, Planner
Mr C Kiely, Planner
Mr N Millar, Planner
Mr M Greenshields, Transportation Planning Officer
Mr G Talac, Transportation Planning Officer

Clerk:

Ms F Currie (Items 1 – 3)
Ms S Birrell (Items 4 – 5)

Visitors Present:

Item 1 – Mr T Thomas, Mr A Bowie, Ms C Tulloch, Mr A Crummey, Mr M White
Item 2 – Mr T Thomas, Ms D Arthur, Mr J Dillon, Mr T Drysdale
Item 3 – Mr S Stewart, Ms C Finlayson, Mr J Hunt, Mr T Todd
Item 4 – Mr C Spencer, Mr T Todd
Item 5 – Mr D Scott

Apologies:

Councillor T Trotter

Declarations of Interest:

Councillor Findlay declared an interest in Items 1 and 2 as a result of comments made in his previous role as Chairman of the Gullane Area Community Council. He understood that he could not take part in the vote on either application but he indicated his intention to speak as a Local Member. The Convener advised Councillor Findlay that once he had made his statement, he must then leave the Chamber for the remainder of that item of business.

1. PLANNING APPLICATION NO. 16/00594/PPM: PLANNING PERMISSION IN PRINCIPLE FOR RESIDENTIAL DEVELOPMENT, SCHOOL CAMPUS LAND, OPEN SPACE AND ANCILLARY WORKS, LAND AT SALTCOATS FIELD, GULLANE

A report was submitted in relation to Planning Application No. 16/00594/PPM. Daryth Irving, Senior Planner presented the report, summarising the key points of the application. He stated that no objections had been raised by the Education Department, subject to the appropriate developer's contributions, and NHS Lothian had confirmed that there was sufficient capacity in the existing local GP services. He confirmed that the proposals were in line with the Council's proposed Local Development Plan (LDP) and he asked the Committee to approve the report recommendation to grant consent for the application subject to the finalised section 75 agreement and the conditions as outlined in the report.

In response to questions from Members Iain McFarlane, Service Manager – Planning, advised that although the proposed LDP was still under review by the Scottish Government Reporter, legal advice had confirmed that the Council retained the right as decision-maker to make a determination on an application. He said that taking into account all of the material considerations including the Council's Interim Guidance on Housing Land, and technical assessments carried out, it would be appropriate for Members to grant planning permission for both Gullane applications and doing so would not, by reasons of location or scale, prejudice the outcome of the LDP. He reminded Members that one of the central tenets of the proposed LDP was a compact development strategy which, if unravelled, would result in the dispersal of additional development to the east of the county.

Responding to further questions, Mr McFarlane and Mr Irving outlined the land supply requirements associated with the proposed LDP, the number of the representations received on this application and the estimated population growth as a result of the development and implications for local GP services.

Tony Thomas of APT Planning & Development, agent for the applicant, outlined the background to the application. While he acknowledged that the scale of the combined developments proposed would be a step-change for Gullane, they were in line with proposals in other areas and would provide much needed social housing in the village. He referred to other benefits for the local community and to the steps taken to address concerns over traffic and other matters.

In response to questions from Members Mr Thomas provided further information on responses received as part of the pre-application consultations, the type of affordable housing, the timing of the application in relation to other developments in Gullane and the timing for delivery of housing on site.

Councillor Jeremy Findlay spoke against the application. He said that the development would not enhance or preserve the area and was therefore contrary to planning policy. He also questioned the absence of any reference to the 700 signature petition which had been submitted by objectors. He suggested that the additional population would place an unacceptable strain on local GP resources which were already at capacity and that

additional traffic would make the surrounding routes dangerous for children and other pedestrians. He also expressed concern about the loss of prime agricultural land.

Sederunt: Councillor Findlay left the Chamber.

Mr Andrew Bowie, on behalf of the GOOD campaign, spoke against the application. He said that in his street (Muirfield Grove) the ratio of children to houses is 1:1. He questioned the Council's formula which suggested that the average ratio in the new development would be 0.35. He said that the village school would be unable to cope and the children's education would suffer. He also expressed concern over the increased traffic congestion around the school. He concluded that, in his view, this development would ruin the village.

Ms Clare Tulloch spoke against the application. She said that the development would be hugely detrimental to West Fenton, and this view was shared by many residents and users of the local riding stables. She questioned the findings of the traffic survey, stating that bottlenecks on the A198 would push traffic onto local routes where narrow roads, blind corners and increased traffic volume would pose a significant risk to pedestrians, cyclists and riders. She added that this would also compromise the safe routes to school for local children and she believed that a serious accident would be inevitable.

Mr Andy Crummey, on behalf of Gullane Parent Carer Council, spoke against the application. He referred to the results of a survey carried out among the parent body of Gullane Primary School which had highlighted a number of concerns including the inadequate formula to generate child numbers and the detrimental impact on road safety around the school. He said that parents were also concerned about the cumulative impact on school services, which were already at capacity, and that the southern boundary of the school should be protected.

Mr Martin White addressed the Committee on behalf of Gullane Area Community Council (GACC). He said that the GACC were deeply concerned that the application had been put forward prematurely, before any independent scrutiny of the proposed LDP and with a mass of unresolved representations. There was also concern that CALA would backslide on the Fire School site if Saltcoats Field was approved, that the site did not comply with the Strategic Development Plan and was out of proportion with the village. He outlined concerns over public transport, increased traffic volume and damage to the conservation area and urged Members to refuse the application.

Councillor McMillan asked if assurances could be given that the issues raised by objectors regarding traffic volume had been addressed. Grant Talac, Transportation Planning Officer, advised that the assessments provided by the applicant had been reviewed and were in line with modelling undertaken as part of the LDP process.

Local Member Councillor Goodfellow referred to recent housing developments in the village and the closure of the local post office and the impending closure of the bank. He argued that this application was premature and would render the Reporter process pointless. He urged his colleagues to reject the application or, should they approve it, to do so subject to amended conditions relating to a 20mph speed limit and removal of the reference to commuted sums for affordable housing.

Councillor Currie observed that one of the reasons the proposed LDP had been submitted to the reporter was the large number of objections received. He was concerned that should the Committee approve this application these objections would never be properly considered. He said that the Reporter should be given the opportunity to review the objections and come to a view on the LDP. For this reason he would not be supporting the report recommendation.

The Convener commented that the Council had already lost appeals relating to several applications for sites on which they had not supported development. He reminded the Committee that the Council had previously agreed that this and other sites should come forward and it was not appropriate for the Members to question this decision.

Councillor Innes said that this was a difficult decision and that all representations, whether regarding the LDP or this application should be taken into account. However, the Council was required to provide 10,050 homes and to ensure a 5 year supply of available land. He said he accepted the advice of officers regarding the impacts on pupil numbers, traffic volume and road safety. He added that this application was supported by the Council's Interim Guidance on Housing Land. On balance, despite the significant objections, he would be supporting the application.

Councillor McMillan commended the report and said he had listened closely to the objections put forward. He echoed Councillor Innes' comments regarding the experience of officers and said he was confident that work would be undertaken to ensure that the site and surrounding routes were safe for all road users and pedestrians. He believed that the application offered the opportunity to create much needed homes and increase economic development and he would be supporting the report recommendation.

The Convener brought the discussion to a close. He said that it had been a difficult decision selecting sites for the LDP and that the Council had a duty to identify enough land to build 10,050 houses over 10 years. He had confidence in the advice of officers and he would be supporting the recommendation to grant planning permission as set out in the report.

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

For: 5
Against: 3
Abstentions: 2

Decision

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

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 to the Council of £2,235,393 towards the provision of additional accommodation at Gullane Primary and Nursery School and North Berwick High School;
 - (ii) secure from the applicant the provision of 25% of the final approved number of residential units within the application site as affordable residential units or if it can be demonstrated to the Council that this, or the off-site provision of 25% of the final approved number of residential units as affordable units is not practicable, to secure from the applicant a commuted sum payment to the Council in lieu of such an on or off-site provision;
 - (iii) secure from the applicant a financial contribution to the Council of £77,550 for the provision of additional play equipment and/or for some other enhancement of the play area at Recreation Park, Muirfield Terrace, Gullane;
 - (iv) secure from the applicant a financial contribution to the Council of £85,050 for the provision of increased sports pitch capacity; and

(v) secure from the applicant a financial contribution to the Council of £44,040 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 Gullane Primary and Nursery School and North Berwick High School, a lack of provision of affordable housing, a lack of formal play and sports pitch provision and a lack of roads and transport infrastructure improvements contrary to, as applicable, Policies INF3, H4 and C2 of the adopted East Lothian Local Plan 2008.

CONDITIONS

- 1 The submission for approval of matters specified in conditions of this grant of planning permission in principle in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended) shall include details of the siting, design and external appearance of the residential units, the means of access to them, the means of any enclosure of the boundaries of the site and the landscaping of the site. Those details shall generally comply with the Indicative Masterplan docketed to this planning permission in principle, but additionally shall comply with the following design requirements:
 - a. The residential units shall be no higher than two storeys in height and the external finish to their walls shall be predominantly rendered and coloured in accordance with a co-ordinated colour scheme that respects the layout of the development;
 - b. Other than in exceptional circumstances where the layout or particular building type does not permit, the residential units shall be orientated to face the street;
 - c. 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 otherwise accord with the principles set out in the Council's Design Standards for New Housing Areas and with Designing Streets;
 - e. Notwithstanding that shown in the Indicative Masterplan docketed to this planning permission in principle, there shall be at least a 9 metres separation distance between the windows of a proposed new building and the garden boundaries of neighbouring residential properties and an 18 metres separation distance between directly facing windows of the proposed new building and the windows of existing or proposed neighbouring residential properties;
 - f. parking for the residential development hereby approved shall be provided at a rate as set out in the East Lothian Council Standards for Development Roads- Part 5 Parking Standards;
 - g. all access roads shall conform to East Lothian Council Standards for Development Roads and Design Standards for New Housing Areas in relation to roads layout and construction, footways and footpaths, parking layout and number, street lighting and traffic calming measures;
 - h. 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 metres 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;
 - i. within residential private parking areas the minimum dimensions of a single parking space shall be 2.5 metres by 5.0 metres. All visitor parking spaces within these areas shall be clearly marked for visitors with the remaining private parking spaces allocated to individual dwellings;
 - j. 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;

k. 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;

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 No more than 150 residential units are approved by this grant of planning permission in principle. Unless otherwise agreed in writing with the Planning Authority, housing completions on the application site 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 2019/2020	-	30 residential units
Year 2020/2021	-	50 residential units
Year 2021/2022	-	47 residential units
Year 2022/2023	-	23 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 2023/2024 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 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 be generally based on the landscape proposals shown in principle on the docketed Indicative Masterplan.

It shall also provide details of: the height and slopes of any mounding on or recontouring of, the site including any SUDS pond formation with existing and proposed levels; new tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting, which shall include a hedgerow along the full length of the southern boundary of the site, a native mixed woodland along the full length of the western boundary of the site, groups of trees and woodlands on the southerly located areas of open space, large species trees within open spaces throughout the site, and feature trees and landscaping on the eastern road frontage of the site. The scheme shall also include a full arboricultural assessment of all existing trees and hedgerows on and adjacent to the application site in accordance with BS5837:2012 'Trees in relation to design, demolition and construction' to include a tree survey and tree constraints plan, details of any trees to be retained, and measures for their protection in the course of development. It shall be insured that no garden ground extends within the root protection area of existing trees to be retained. The scheme shall also include a maintenance plan for the management of the scheme of landscaping.

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 thereafter the landscaping shall be maintained in accordance with the approved maintenance plan. 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. No trees or shrubs, detailed in the approved landscaping plans to be retained on the site, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority.

Reason:

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

- 4 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) 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 No development shall commence unless and until a 30 miles per hour (mph) speed limit on the C111 public road has been brought into effect in a location from the existing 30 miles per hour (mph) speed limit on the C111 public road southwards to include along the entire length of site frontage. Details of the new 30 miles per hour speed limit shall be submitted to and approved in advance by the Planning

Authority and shall include the provision of street lighting over the full extent of the proposed new 30mph speed limit and shall incorporate town entry treatments. Thereafter the new 30 miles per hour speed limit, street lighting and town entry treatments shall be implemented and installed in accordance with the details so approved.

Reason:

In the interests of road safety.

- 6 A visibility splay of 2.4m by 90m in both directions shall be provided and maintained at all proposed site access junctions with the C111 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 Prior to the occupation of any of the residential units hereby approved the off-site road improvement works shall be carried out in accordance with that shown on docketed drawing no. 513. These off-site road improvements shall incorporate street lighting in accordance with a detail to be submitted to and approved in advance by the Planning Authority.

Reason:

In the interests of road safety.

- 8 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.

- 9 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.

- 10 The mitigation measures for the prevention of disturbance and/or displacement of pink footed geese during the construction and operational phases of the development hereby approved shall be implemented in strict accordance with those detailed in section 5.2 'Mitigation Measures' of the 'SALTCOATS: Assessment of effects on pink footed goose (*Anser brachyrhynchus*) as a qualifying feature of the Firth of Forth Special Protection Area (SPA)' document by ITP Energised docketed to this planning permission in principle.

Reason:

To safeguard species of the Firth of Forth Special Protection Area.

- 11 The discharge of surface water from the application site shall be treated in accordance with the principles of the SUDS Manual (C697), which was published by CIRIA in March 2007.

Details of the proposed integrated sustainable urban drainage scheme (SUDS) for the application site shall be submitted to and approved in writing by the Planning Authority following consultation with the Scottish Environment Protection Agency.

The integrated sustainable urban drainage scheme (SUDS) for the application site shall thereafter be fully implemented in accordance with the details so approved.

Reason:

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

- 12 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.

Sederunt: Councillor Findlay returned to the Chamber

2. PLANNING APPLICATION NO. 16/00587/PM: ERECTION OF 41 HOUSES, 8 FLATS AND ASSOCIATED WORKS, FENTON GAIT EAST, GULLANE

A report was submitted in relation to Planning Application No. 16/00587/PM. Mr Irving presented the report, summarising the key points of the application. He stated that no objections had been raised by NHS Lothian or by the Education Department subject to the appropriate developer's contributions. The report recommendation was to grant consent for the application.

In response to questions from Councillor Goodfellow, Mr Irving confirmed that both footpath and cycle path links were included in the proposals.

Mr Thomas of APT Planning & Development, agent for the applicant, said that meetings held with those affected by the development had been helpful and had resulted in revisions to the layout and height of properties on the boundary. The site would provide 12 affordable homes which would be situated for best access to services on Gullane Main Street and public transport links. The 30 mph speed limit would be extended to the east of the site with additional crossings provided. Mr Thomas concluded that the site would complement the eastern approach to the village and the development at the former Fire School.

Responding to questions from Members, Mr Thomas clarified the reasons for the location of the affordable homes, issues regarding a septic tank on a neighbouring property and the possibility of a 40 mph buffer zone.

Mr Talac advised that a 40 mph buffer zone was possible but needed to be enforceable. He agreed to consider and take forward, if appropriate.

Ms Dorothy Arthur spoke against the application. She expressed concern about the proposed new entrance to the site which was directly opposite her property. Speeding traffic already made turning right difficult and CALA had ruled out her suggestion of a roundabout. She stated that Gullane Waste Water Treatment Works was already at capacity and she questioned the absence of a Drainage Impact Assessment when the site was already prone to flooding. She noted that the majority of the homes would have 5 bedrooms and be too expensive for 1st time buyers. She urged Members to consider the views of objectors.

Mr John Dillon, on behalf of Muirfield Steading Residents Association spoke against the application. He said residents were deeply concerned about the proposed public access through their land from Fenton Gait East field and wanted to ensure that their privacy was protected. He also drew Members' attention to the large number of animals and birds which could be found in and around the field since it had lain fallow over the past 7 years.

Responding to questions from Members, Mr Dillon advised that the pathways belonged to the Steading and were maintained by the residents. The roads were maintained by the Council. He had spoken to the Scottish Wildlife Trust and the Countryside Warden but they could not act as the field was not part of a Special Protection Area.

Tom Drysdale addressed the Committee on behalf of Gullane Area Community Council. He said that there was massive concern within the local community and he strongly recommended that Members did not determine the application until the Reporter had decided whether or not to include the site in the LDP. To do otherwise could be prejudicial. He said that this and the other sites were not sustainable in terms of impact on local amenities, transport and GP services. He added that the impact on the Greywalls Designed Landscape to the north and on the local biodiversity would be detrimental.

At the request of the Convener, Mr McFarlane provided clarification on two matters. He confirmed that any planning permission could not override the legal rights of any individual. He also advised that Scottish Water were responsible for appropriate waste water treatment measures to enable the development, should planning permission be granted. This would be a matter for agreement between Scottish Water and the developer.

Local Member Councillor Goodfellow stated that he hoped that a 20 mph speed limit would form part of the development.

Councillor Currie said that Mr Dillon's comments regarding biodiversity were one of the reasons why people value the area so highly. Referring to traffic volume and speed he said he had major concerns regarding the impact on the local roads network. He also reiterated his concerns regarding the timing of the application and that to grant consent would be akin to adopting the LDP by stealth. For these reasons, he would not be supporting this application.

Councillor O'Donnell drew Councillor Currie's attention to the legal advice contained within the report. She challenged his remarks regarding adoption of the LDP which she said was an unfair representation of the process.

Councillor Innes acknowledged that this was a difficult decision and that the Members had a duty to consider all objections. However in relation to concerns about biodiversity he pointed out that the farmer had the right to replant his field at any time and it would have a significant impact on the wildlife. In his view, there were no good planning reasons for refusal and he would be supporting the application.

The Convener brought the discussion to a close. He said that there was an obligation on the Council to find land to deliver new housing and this site was part of the proposed LDP. He would be supporting the recommendation to grant planning permission as set out in the report.

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

For: 5
Against: 2
Abstentions: 3

Decision

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

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 to the Council of £715,325.76 towards the provision of additional accommodation at Gullane Primary and Nursery School and North Berwick High School;

(ii) secure from the applicant 12 affordable residential units within the application site or if it can be demonstrated to the Council that this, or the off-site provision of 12 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 £24,816 for the provision of additional play equipment and/or for some other enhancement of the play area at Recreation Park, Muirfield Terrace, Gullane;

(iv) secure from the applicant a financial contribution to the Council of £27,216 for the provision of increased sports pitch capacity; and

(v) secure from the applicant a financial contribution to the Council of £14,092.80 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 Gullane Primary and Nursery School and North Berwick High School, a lack of provision of affordable housing, a lack of formal play and sports pitch provision and a lack of roads and transport infrastructure improvements contrary to, as applicable, Policies INF3, H4 and C2 of the adopted East Lothian Local Plan 2008.

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 Unless otherwise agreed in writing with the Planning Authority, housing completions on the application site 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 2018/2019	-	27 residential units
Year 2019/2020	-	21 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 2023/2024 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 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 hereby approved 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 The vehicular access junction from the A198 shall be designed in accordance with the Design Manual for Roads and Bridges, Volume 6.

Reason:

In the interests of road safety.

- 6 No development shall commence unless and until a 30 miles per hour (mph) speed limit on the A198 public road has been brought into effect in a location from the existing 30 miles per hour (mph) speed limit on the A198 public road eastwards to include along the entire length of site frontage. Details of the new 30 miles per hour speed limit shall be submitted to and approved in advance by the Planning Authority and shall include the provision of street lighting over the full extent of the proposed new 30mph speed limit and shall incorporate town entry treatments. Thereafter the new 30 miles per hour speed limit, street lighting and town entry treatments shall be implemented and installed in accordance with the details so approved.

Reason:

In the interests of road safety.

- 7 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) pedestrian crossing points shall be formed on the A198 public road in close proximity to the site vehicular access junction to link the proposed new development's footways with the north side of the A198 and the wider footway network towards Dirleton and North Berwick;

(ii) a continuous 2 metre wide footway shall be provided on the south side of the A198 over the full extent of the new 30 mph speed limit as required by Condition 6 above (i.e. from the existing junction at the C111 Fenton Road to the new 30 mph speed limit on the eastern side of the site access junction). Dropped kerb tactile crossings are required at the junction with C111 public road;

(iii) a Double D island shall be constructed on the western side of the vehicular access junction with the A198 public road to provide a safe crossing point to the north side of the A198 for pedestrians wishing to access the wider footpath network to Dirleton and North Berwick;

(iv) a footpath link shall be provided to Muirfield Steading, and a crossing point to the footpath shall be formed on the pavement on the opposite western side of the public road of Muirfield Steading;

(v) a continuous 2 metre wide footway shall be 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; A raised table shall be introduced at this location to assist in reducing vehicle speeds;

(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.

Reason:

In the interests of road and pedestrian safety.

- 8 A visibility splay of 2.4m by 70m to the west and 2.4m by 160m to the east shall be provided and maintained at the proposed site access junction with the A198 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.

- 9 Prior to the commencement of development an independent road safety audit shall be submitted to and approved by the Planning Authority for the proposed site vehicular access junction onto the A198 public road.

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 mitigation measures for the prevention of disturbance and/or displacement of pink footed geese during the construction and operational phases of the development hereby approved shall be implemented in strict accordance with those detailed in section 5.2 'Mitigation Measures' of the FENTON GAIT EAST: Assessment of effects on pink footed geese (*Anser brachyrhynchus*) as a qualifying feature of the Firth of Forth Special Protection Area (SPA) document by ITP Energised docketed to this planning permission.

Reason:

To safeguard species of the Firth of Forth Special Protection Area.

- 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 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.

- 16 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.

- 17 No development shall take place on site until temporary protective fencing has been erected in accordance with Figure 2 of British Standard 5837_2012 "Trees in relation to design, demolition and construction". This temporary protective fencing shall be erected prior to the commencement of development and be retained on site and intact through to completion of development. The fencing shall be erected in the positions shown for it as indicated by the blue dashed lines on the docketed landscape layout drawing no. 12-01e.

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 root protection area. 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 landscape feature of the area.

- 18 All new planting as shown on the docketed landscape layout drawing no. 12-01f, and as specified on docketed drawing no. 12-02e and in the docketed documents titled 'Cala Management Limited, Fenton Gait, Gullane, Landscape Works, Grassed and Planted Areas, Planting Schedule' and 'Cala Management Limited, Fenton Gait, 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, Fenton Gait, 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.

- 19 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.

3. PLANNING APPLICATION NO. 17/00107/P: ERECTION OF BUILDING FOR RESTAURANT (CLASS 3) USE WITH COVERED DECKED AREA AND ASSOCIATED WORKS, SITE AT THE GREEN, WEST BAY BEACHFRONT, NORTH BERWICK

A report was submitted in relation to Planning Application No. 17/00107/P. Emma Taylor, Planner presented the report, summarising the key points of the application. She indicated that following the site visit it had become clear that the container would be placed on a plinth which would increase the overall height of the structure. She outlined the nature of the objections received and advised Members that the proposed decision set out in the report was for refusal of the application.

In response to questions from Members Ms Taylor provided further information on the requirements for parking and advised that issues relating to electricity, sewage and waste removal would be addressed by the applicant.

Stirling Stewart, applicant, addressed the Committee. He said that the proposed site was not used and therefore it would pose no loss of amenity to the public, rather it would add to the amenity of the area. He outlined the proposed arrangements for delivery and installation of the container and confirmed that if approval was granted a full survey would be carried out. He stated that the business would provide employment opportunities and would support North Berwick in remaining competitive as a tourism destination. It would also support the Council's economic development strategy and tourism action plan.

Mr Stewart responded to a number of questions from Members regarding toilet facilities, the impact on the footpath which crossed the proposed site, noise levels and when the business was expected to open.

The issue of ownership of the foreshore was raised by several of the Members. Ms Taylor and Mr McFarlane advised that the Council managed the land but, despite repeated attempts, they had been unable to confirm who owned the land. There was a suggestion that it may be owned by the North Berwick Common Good Fund. If this were the case, Members expressed concern that those who sat on the Planning Committee and the North Berwick Common Good Committee may have a potential conflict of interest if first they were involved in determining a planning application and later were asked to consider a request from the applicant to the Common Good Fund. Mr McFarlane indicated that efforts were ongoing to establish land ownership and it was a matter for individual Members to decide on conflict of interest. He added that this was not a reason for non-determination of the application.

In light of this issue, Councillor Findlay declared that, as a member of the North Berwick Common Good Committee, he would not take part in the vote on this application.

Ms Carolyn Finlayson spoke against the application. She said that while she had supported Mr Stewart's other businesses (the Lobster Shack and the Rocketeer), this proposed structure would block part of the view over West Bay beachfront. She indicated that, at the recent charrette, Beach Road was identified as a significant hazard and any increase in traffic would only exacerbate matters and increase the potential danger to pedestrians. She also questioned whether the level of custom would justify the proposed opening times.

Mr John Hunt spoke against the application. He said that he used the area regularly and many people used it at weekends to sit and enjoy the view. At the recent regatta it was also

used for spectators and dinghies. He indicated that the strength of feeling locally was reflected in the sense of shock and outrage that an area of valued and longstanding green space should be threatened. He said there were 28 restaurants and cafes in North Berwick and it was questionable whether more were required.

Tommy Todd addressed the Committee on behalf of North Berwick Community Council. He stated that while there would be economic benefit to the applicant there would also be significant damage to the amenity of the area. He challenged the applicant's claims about bringing employment opportunities and additional visitors to the town, particularly if it had to close in bad weather. He said that the proposals would be seriously detrimental to the conservation area and contrary to planning policy. He also referred to concerns regarding parking, access, littering and damage to the site caused by the container.

Local Member Councillor Findlay said that his only comment would be that Members take account of the high number of objections to this application.

Local Member Councillor Goodfellow observed that the supporters of this application were vastly outweighed by the objectors and his main concern was loss of visual amenity.

Councillor McMillan called in the application. He believed it to be an innovative and modern proposal and he accepted that this could sometimes cause concern. He said that it would increase sustainable economic development and help to attract more people to the area. He respected the views of the speakers but he considered that proposals had been put forward to address these concerns. He would be supporting the application.

Councillor Currie said he thought that this was the right application but in the wrong place. He accepted that any business was a huge addition but this proposal would result in a huge loss of amenity and the loss of an established pathway. He observed that this was about degree and mitigation and he considered the proposals to be detrimental to the local area and the community. He would be supporting the report recommendation.

Councillor Small agreed with Councillor Currie. He was also concerned that a precedent may be set if the application was approved and he agreed with the concerns around loss of amenity. He added that it was disappointing that the issue of land ownership had not been clarified. Mr McFarlane confirmed that the matter of ownership was one for the applicant to resolve.

Councillor Innes acknowledged that Mr Stewart's previous businesses had been successful and had brought significant benefits to North Berwick. However, he found himself agreeing with other Members that this was the right application but in the wrong place. He would be supporting the report recommendation.

Councillor McLeod commented that this type of business was likely to be successful and that Mr Stewart had a proven track record in this area. He would not be supporting the report recommendation.

Councillor McMillan referred to negative comments made by members of the public earlier in the meeting. He commended officers for their fair and balanced reporting and his colleagues for their thoughtful and reasoned deliberation of the issues surrounding each application.

The Convener brought the discussion to a close. He acknowledged that the proposals could offer investment in East Lothian and opportunities for employment. However, there had also been significant concerns expressed by the local community. He would be supporting the recommendation as set out in the report.

The Convener moved to the vote on the report recommendation:

For: 7
Against: 3
Abstentions: 1

Decision

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

- 1 The application site form part of a larger area of open space that contributes positively to the built environment of North Berwick and which makes a significant contribution to the amenity of and the landscape setting of this part of the town. The loss of this land even on a temporary basis between April and September would adversely affect its recreational and amenity potential. In light of this the proposal is contrary to Scottish Planning Policy 2014 and to Policy C3 of the adopted East Lothian Local Plan 2008.
 - 2 The proposed building would be prominent and intrusive in views from within the area of open space and also from Beach Road and Pointgarry Road. Its presence, even on a temporary basis between April and September, would undermine the open nature of this area of open space and would be harmful to the historic character and the appearance of this part of the Conservation Area. Consequently the proposal is contrary to Policy 1B of the approved South East Scotland Strategic Development Plan, Policies DP1, DP2 and ENV4 of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy: June 2014.
 - 3 If approved the proposal would set an undesirable precedent for similar types of development along this part of the coastline of North Berwick and within other parts of the coastline of East Lothian. The cumulative effect of such development would result in an unacceptable and detrimental impact on the landscape character of the coastline of East Lothian.
 - 4 The proposed building and therefore the proposed hot food takeaway would not be located within the town centre of North Berwick but would be located on an area of protected open space. In being located on that area of protected open space and as the presence of the building would affect the local amenity and landscape character of that area of open space, the proposal is contrary to Policy R3 of the adopted East Lothian Local Plan 2008.
 - 5 The proposal will lead to an increase in parking for loading and unloading as a result of deliveries and uplifts to and from the restaurant. These deliveries will centre on Beach Road, which has limited opportunities for loading and unloading. Such loading and unloading is therefore likely to create congestion and a hazard to road safety, contrary to Policies T2 and R3 of the adopted East Lothian Local Plan 2008.
 - 6 In its proposed position, the proposed building could cause structural issues to the adjacent sea wall and could affect the ability of the Council to undertake maintenance work to the sea wall in the future. Consequently the proposed development constitutes a flood risk, contrary to Policy DP16 of the adopted East Lothian Local Plan 2008.
- 4. PLANNING APPLICATION NO. 17/00180/P: ERECTION OF CLOCK TOTEM STRUCTURE (RETROSPECTIVE) AT LAND ADJACENT TO NORTH BERWICK GOLF CLUBHOUSE, BEACH ROAD, NORTH BERWICK.**

A report was submitted in relation to Planning Application No. 16/00633/AMM. Ciaran Kiely, Planner, presented the report and recommendations.

The Applicant, Chris Spencer, from North Berwick Golf Club, spoke in favour of the application. He stated that it had always been a desire of the Club to have a good quality clock situated at the first tee. The clock had been donated by overseas members and there

had been no indication, before its arrival, of the size of said clock. Although the opinion of members of the Golf Club was divided regarding the clock, the Golf Club Committee were of the view that it created an opportunity for a focal point at the first tee. Further improvements to the site of the clock were also planned.

Mr Spencer responded to questions from Members. He advised that, regarding the lack of application before the erection of the clock, there had been no indication of its height before it had arrived. In terms of the further improvements, Mr McFarlane recommended that proposals for additional works should be brought to the Planning Department in the first instance. With reference to advertising on the clock, Mr Spencer confirmed that the Golf Club received no income from the advertising, and it could be removed if required.

Tommy Todd, spoke against the application on behalf of North Berwick Community Council. He reported that the test applied to Planning Applications by the Community Council was 'would this application preserve or enhance the local area.' The view of the Community Council was that it would visually and environmentally damage the area. The Community Council felt they should make every effort to protect North Berwick's iconic views. He requested that the Committee rejected this application.

Local Member Councillor Findlay asked whether, if the Planning Application had been received before the erection of the clock, there would have been a different recommendation before the Committee today. Mr McFarlane confirmed that there was no difference in Planning terms in the way a Retrospective Application and an Application received in the usual way should be determined.

Councillor Currie noted that an error had been made, but agreed that the way to rectify this error was to apply for Retrospective Planning Permission. He stated that on balance he would be supporting the Officer's recommendations.

Councillor Bruce welcomed Members' comments on the requirement for Planning Permission and confirmed that he would be supporting the Officer Recommendations.

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

For: 11
Against: 0
Abstentions: 0

Decision

The Committee agreed that retrospective consent should be granted subject to the following condition:

- 1 The totem clock structure hereby approved shall not be illuminated internally or externally at any time.

Reason:

In the interest of the character and appearance of the North Berwick Conservation Area.

5. PLANNING APPLICATION NO. 17/00087/LBC: REMOVAL OF CONDITION 4 OF LISTED BUILDING CONSENT 16/00691/LBC, THE OLD MANSE, 21 SIDEGATE, HADDINGTON

A report was submitted in relation to Planning Application No. 17/00087/LBC. Neil Miller, Planner, presented the report and recommendations. The building was Category B Listed and building consent was subject to a number of conditions. The condition that had not been granted, condition 4, was for the removal of the living room buffet recess wall. Removing the

wall would impact on the architectural character of the house, and was part of the important and original structure, which had been designed to separate servants, and allow them to pass between it and the recess. There was also original cornicing in the area. Historic Environment Scotland had recommended that the condition was not removed and accordingly the officer recommendation was to refuse the removal of the condition.

In response to questions from Members, Mr Miller and Mr McFarlane outlined other, similar applications which they had made reference to in coming to a decision on this application, and explained that other alterations that had been applied for had included the removal of non load-bearing walls without special features. The wall in question was an original feature, not a later addition.

The Agent, Derek Scott, from Derek Scott Planning, spoke in favour of the application. He stressed that the request to remove the condition had arisen from a desire to link the kitchen and living areas. The house had been built during a period when servants were kept separate from families, but the lack of this link between living spaces was curtailing the amount of time his clients were able to spend together as a family. He contested the Planning Officers view that original features would be lost, claiming that the cornicing and nibs would be unaffected. He added that the work would be fully reversible and could be reinstated at a later date.

Councillor McMillan drew the Committee's attention to the reasons for requesting that this application should be brought to the meeting, and indicated that some would take a purist, and others a pragmatic view. He noted that the owners had made significant investment into the property, that as lifestyles changed a need to amend the layout of a house could arise, and that, according to Mr Scott's presentation, the wall could be reinstated at a later date. He added that this internal work would not be visible from the street.

Councillor O'Donnell disagreed with Councillor McMillan, asserting that a link between kitchen and living space was not a requirement for family life.

Councillor Currie confirmed his support for the officer recommendations. He had been unconvinced by the argument that the wall could be reinstated, and felt that protections were placed on listed properties to ensure that those buildings survived. Whilst he acknowledged the difficulties, if a family chose to purchase a listed building they would have to accept that restrictions in place would be applied.

Councillor Findlay commented that the proposed opening would not affect the features of the buffet wall. Regardless of the age of the property, he asserted that it would need to fit in with modern living. Given that there were no structural changes proposed, he noted his intention to vote against officer recommendations.

Mr McFarlane highlighted that Councillor Findlay's remarks were based on the assertions of the Agent, not the Planning report.

Councillor Innes advised that East Lothian Planning Committee had a long history of protecting historic buildings, but that the internal structures had not always been protected. He was unconvinced that removing the condition would constitute a dramatic change to the property. He confirmed that he would vote to allow the removal of the condition.

Councillor Small maintained that, given it would not represent a permanent change to the building, and assuming that the quality of materials used would be commensurate with the rest of the property, was minded to support the applicant and grant the removal of the condition.

The Convener remarked that it was always difficult to make decisions in cases such as this application, and that from time to time it would be necessary to make changes to buildings so that they could remain accessible. If the only way to ensure that the building stayed in modern use was with the alteration, and said alteration would not interfere with the external structure, it would not be significant enough, in his view, to merit refusing the removal of the condition.

The Convener then moved to the vote on the report recommendation to refuse the removal of condition 4 of Listed Building Consent 16/00087/LBC:

For: 2
Against: 9
Abstentions: 0

Decision

The Committee agreed that the removal of condition 4 of Listed Building Consent should be granted.

DRAFT

Signed

Councillor Norman Hampshire
Convener of the Planning Committee

REPORT TO: Planning Committee
MEETING DATE: Wednesday 28 June 2017
BY: Depute Chief Executive (Partnerships and Community Services)
SUBJECT: Application for Planning Permission for Consideration

2

Application No. **15/00537/PPM**
Proposal Planning permission in principle for residential development with associated educational and community facilities and open space
Location **Land Located To The South And East Of Wallyford And At Dolphingstone East Lothian**
Applicant East Lothian Developments Ltd
Per Holder Planning Ltd

RECOMMENDATION Application Refused

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: 14/00022/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 a total of 100 people attended the two pre-application public exhibitions, which were held at Wallyford Miner's Welfare Society & Social Club 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.

This application relates to some 61.5 hectares of land to the south and east of Wallyford. The site extends towards Dolphingstone, with the eastern part of the site known as Dolphingstone, Wallyford. The land of the application site was formerly in agricultural use. Development of part of the site has commenced in respect of the SUDS ponds and distributor road approved by planning permission in principle 14/00903/PPM and approval of matters 15/00136/AMM.

The eastern part of the site known as Dolphingstone, Wallyford is within the Edinburgh Green Belt.

Immediately to the east of the application site is Dolphingstone Dovecot. The Dovecot, which is located within a walled garden, is listed as being of special architectural or historic interest (Category A). The majority of the application site is within the inventory boundary of the Battle of Pinkie, a battlefield included within the Inventory of Historic Battlefields. 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. The Firth of Forth Special Protection Area is located some 2km to the north of the application site.

In November 2009 outline planning permission 09/00222/OUT was granted 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); and

- 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. Development of the approved infrastructure is well underway.

In October 2016 planning permission 16/00537/AMC was granted for the approval of matters specified in conditions of planning permission in principle 14/00903/PPM for the erection of 26 houses and 18 flats on land to the south of Fa'side Avenue South. Development of the site has commenced.

In March 2017 planning permission 16/01056/AMM was granted for the approval of matters specified in conditions of planning permission in principle 14/00903/PPM for the erection of a school campus on 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 approved school campus comprises 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 associated works. Development of the school site has not yet commenced.

In April 2017 planning permission 17/00384/AMM was sought for the approval of matters specified in conditions of planning permission in principle 14/00903/PPM for the erection of 176 houses on land to the northeast of Wallyford and to the southeast of the Strawberry Corner Garden Centre. That application is pending consideration and no decision has been taken on it.

In May 2017 planning permission 17/00432/AMM was sought for the approval of matters specified in conditions of planning permission in principle 14/00903/PPM for the erection of 242 houses on land to the southwest of Wallyford. That application is pending consideration and no decision has been taken on it.

Planning permission in principle is now sought for residential development with

associated educational and community facilities and open space on the application site. The details submitted indicate that the proposed residential development would consist of 600-800 houses.

The land of the application site includes the southeast part of the land of planning permission in principle 14/00903/PPM, including the approved school site, the approved local centre site, and an additional area of land to the east of the site of planning permission 14/009003/PPM and extending towards Dolphingstone. It also includes a small section of the southwest end of Salters Road as well as the distributor road approved by planning permission in principle 14/00903/PPM and approval of matters 15/00136/AMM.

Since the registration of the application the masterplan has been revised, and further information has been submitted to support the application. The revised indicative masterplan shows changes to the proposal.

The main differences in respect of the masterplan now proposed as compared to that originally submitted are:

- * Amendments to the overall layout of the proposed housing and circulation routes, including the addition of an area of higher density housing on the northern part of the application site, adjacent to the A199 road;
- * Amendments to open space provision, including the principal area of open space being shown to be located in the southeast part of the site, immediately to the north of the A1 trunk road and to the west of Dolphingstone dovecote and walled garden;
- * Retention of the drain beneath the site and the provision of SUDS swales and surface water run off storage areas within the same part of the site as the drain.

The revised masterplan also shows that an area of land immediately to the north of the approved site for the primary school could be a location for a secondary school. That land forms part of the site the subject of planning permission in principle 14/00903/PPM and was indicatively approved for housing development. That land is also outwith the site the subject of this planning application, and the secondary school proposal does not form part of the proposed development that is the subject of this planning application.

All relevant re-notifications, re-advertisement in the press and re-consultations in respect of the changes have been duly undertaken.

The revised indicative masterplan show that the positions shown for the distributor road, SUDS ponds, school campus and local centre would be the same as that approved by planning permission in principle 14/00903/PPM.

The revised indicative masterplan also shows how up to 800 residential units could be positioned on the eastern part of the site, which is known as Dolphingstone, Wallyford. Most of those residential units are shown to be located to the south of the A199 road in a position to the south and southeast of the Kinwegar Recycling Centre and Waste Transfer Station. The remainder of the proposed housing is shown to be located in an area to the east of the approved school campus, in a position to the north of the A1 trunk road. Immediately to the northeast of that area of housing the masterplan indicates that an area of open space could be located. The revised indicative masterplan also shows how roads, footpaths, a SUDS pond, bunding and tree planting could be positioned within the application site. As it is indicated, all of the southern boundary of the site, other than the land adjacent to the area of open space, would contain an acoustic fence atop an earth bund. It also shows how the northern and

eastern boundaries of the site could largely contain a belt of tree planting.

As it is indicated, the residential units to be positioned on the land of Dolphingstone, Wallyford, would be accessed from a total of four access points, two providing access from the A199 road to the north, and two providing access from the approved new distributor road to the west. It is also indicated that the area of housing proposed to the east of the approved school campus could be accessed from two access points providing access from the approved new distributor road to the west.

An environmental statement has been submitted with the planning application. It contains chapters on scoping and consideration of alternatives, air quality, noise, landscape and visual, impact on the Special Protection Area, archaeology and cultural heritage, traffic and transportation, water resources, drainage and flooding, ecology, ground conditions, soils and agriculture, and summary of affects.

In November 2016 an addendum to the environmental statement was submitted. The addendum assesses the impact of the revised proposals that were contained in the revised indicative masterplan also submitted to the Council in November 2016. All relevant neighbour notification, advertisement in the press and consultation in respect of the addendum to the environmental statement have been duly undertaken.

The application is also supported by a Supporting Statement, a Flood Risk Assessment and Drainage Strategy, a Design Statement and Visual Impact Assessment, a Landscape Design Statement and a Masterplan Report.

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), 5 (Housing Land) 6 (Housing Land Flexibility) and 7 (Maintaining a Five Year Housing Land Supply) of the approved South East Scotland Strategic Development Plan (SESplan) and Proposals 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 DC2 (Development in the Edinburgh Green Belt), NH1a (Internationally Protected Areas), DP1 (Landscape and Streetscape Character), DP13 (Biodiversity and Development Sites), DP14 (Trees on or Adjacent to Development Sites), DP17 (Art Works-Percent for Art), DP20 (Pedestrians and Cyclists), ENV3 (Listed Buildings), INF3 (Infrastructure and Facilities Provision), 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.

Material to the determination of the application are Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and Scottish Planning Policy: June 2014.

Scottish Planning Policy echoes the statutory requirements of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that in considering whether to grant planning permission for development which affects a listed building or its setting a planning authority shall have special regard to the

desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

One of the main Outcomes of Scottish Planning Policy 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 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.

A 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. In assessing this, 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 is to be applied where a development plan is more than five years old.

The adopted East Lothian Local Plan is more than five years old.

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 approved the 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. This Interim Guidance reflects the principles of Policy 7 of SESplan. The Interim Guidance states that the upper size limit of the proposed development must be such that, were the Council to grant planning permission, it would not be of a scale that would prejudice the Council's subsequent flexibility to consider and determine the amount and location of housing land release through the Local Development Plan process. In this, the Interim Guidance only applies to development proposals that, in their totality, do not exceed 300 residential units. As 600-800 houses are proposed, the Interim Guidance is not a material consideration in the determination of this application for planning permission in principle.

In respect of development plans, 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 development 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.

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. It sets out a generous housing land supply to meet the requirements of Scottish Planning Policy and SESplan.

The Schedule 4 responses to comments on the plan during its period of representation were approved by Council at its meeting of 28 March 2017 and have been submitted, together with the plan, for Examination.

At this stage the Proposed Local Development Plan is the settled view of the Council as to the strategy, plans and policies for development. It is a material consideration in the determination of planning applications, however, as it remains subject to Examination it cannot be accorded the weight of an adopted development plan.

In Paragraph 34 of Scottish Planning Policy it is stated 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 (in this case the Proposed Local Development Plan). Scottish Planning Policy goes on to state that 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.

In respect of the above provision of Scottish Planning Policy it must therefore be considered whether or not the site under consideration is of a scale, location or phasing that is central to the Proposed Local Development Plan and whether a grant of planning permission in principle would, in this instance, predetermine decisions central to the plan such as to undermine the plan making process and therefore be considered premature. This would include consideration through the Examination of the plan of whether the planning merits of this site justify its allocation over others.

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.

A total of 3 written representations have been received. All of those make objection to the principle of the proposed development. One of the objections is made on behalf of Strawberry Corner Garden Centre and another is from the Musselburgh Conservation Society.

A copy of the written objections are contained in a shared electronic folder to which all Members of the Committee have access.

The objections are made on the following main grounds:

- * destruction of the green belt;
- * loss of prime agricultural land;
- * the proposed development would lead to an increase in traffic, noise, dust and air pollution;
- * coalescence of Wallyford and Tranent;
- * the proposed development would be visually intrusive from great distances;
- * junction capacity issues at Dolphinstone and Wallyford Toll junctions;
- * educational issues in provision of schooling;
- * issues in provision of health services; and

* the design of the proposed roundabout to the south of the Strawberry Corner Garden Centre would result in difficulties accessing the existing garden centre site and business, significantly undermining pedestrian and vehicular safety.

In relation to the latter concern, it is understood that agreement has been reached between the applicant and the owners of Strawberry Corner Garden Centre. Indeed, subsequent to their objection being received by the Council, planning permission (Ref: 17/00026/P) has been granted for the change of use of two separate areas of land to the south of the existing garden centre that once formed part of the A199 road and adjoining open space, all to garden centre use. In the determination of that planning application, the Council's Road Services were satisfied with proposals for access to the garden centre.

Wallyford Community Council (WCC) raise the following questions and comments:

1. WCC wouldn't want any further removal of any of the Community Woodland;
2. WCC question why the proposals includes some grassy areas, located in Inchview Crescent, Wemyss Gardens, and to the rear of the Community Centre;
3. As the residential units to be positioned on the land of Dolphingstone, Wallyford are quite far away from the proposed business centre, then WCC questions whether local shops should be provided for that area;
4. The master plan is heavily skewed towards housing and does not help to create local jobs;
5. Traffic is already a problem and mitigation measures should be considered;
6. WCC question whether a doctors surgery been secured for the area;
7. WCC query how much affordable housing has been allocated for Wallyford; and
8. WCC further query what specific plans have been considered for Inchview Road.

No removal of any part of the Community Woodland is proposed in this planning application.

It should be noted that NHS Lothian was consulted during the preparation of the Local Development Plan. They did not advise that there was a need for a new doctor's surgery in Wallyford, as is suggested by the Community Council.

Inchview Road is outwith the application site and no development to it is proposed in this 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 facilities and other essential infrastructure. Consideration must also be given to the objections to the application and the relevant representations to the Proposed Local Development Plan.

In that the site now under consideration is housing site MH10 of the Proposed Local Development Plan, the Council recognises its potential for residential development. Proposal MH10 allocates the site for a residential development of circa 600 homes.

The Council's Legal Services has previously advised that 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 applicants have confirmed that they wish the application to be determined at this time. In the context of planning case law it is therefore appropriate to determine this application with due consideration of that recognised residential potential, subject to the above material considerations and assessments, particularly in respect of cumulative impact considerations and of Scottish Planning Policy on prematurity and prejudice to the Proposed Local Development Plan.

Planning Committee is advised that, separate to the representations to this planning application, there have been some 3 objections to the Proposed Local Development Plan in respect of Proposal MH10. One of these is from Scottish Natural Heritage. Whilst Proposal MH10 requires mitigation of development related impacts and a careful approach to placemaking, Scottish Natural Heritage express concerns that the mitigation of landscape impacts, including avoidance of loss of important views to Edinburgh, the Forth Estuary and Fife will be very difficult to achieve, even with close adherence to matters set out in the Draft Development Brief for this site. The other two objections are from Musselburgh Conservation Society and Inveresk Village Society. They suggest that Proposal MH10 is amended to reduce the number of allocated houses by 200. They further suggest that any employment land lost at Howe Mire (a site to the southwest of Wallyford that is under consideration in the Proposed Local Development Plan for circa 170 houses and employment uses) could instead be provided within the application site.

As with the objections to this application, Members have access to the full text of the representations received on the plan in a shared electronic folder. The grounds of objection are considered through the technical assessment of the proposals in this report.

The primary material considerations in the determination of this application are:

- * whether or not the proposed development accords with development plan policy;
- * 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;
- * whether in scale and/or location it is 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; and
- * if the above do not apply, whether there are material considerations that outweigh any conflict with the development plan and other planning guidance.

Part of 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. Planning permission in principle (Ref: 14/00903/PPM) has already been granted for a housing and mixed use development of that larger site. The revised indicative masterplan submitted in respect of this application show that the components of development proposed for this part of the site (i.e. the distributor road, SUDS ponds, school campus and local centre) would in principle be the same as that approved by planning permission in principle 14/00903/PPM. Thus, the principle of this part of the proposed

development accords with Proposals H7, ED6 and R4 of the adopted East Lothian Local Plan 2008. Furthermore, the proposed development of this part of the site would not prejudice the housing and mixed uses otherwise promoted by Local Plan Proposals H7 and R4. In all of this, there can be no objection to the principle of the proposed development of this part of the application site.

The approved Development Framework for Wallyford requires that a new mixed use local centre should form part of the proposed mixed use development. It must be located at the core of the expanded settlement to be highly accessible to all. The Development Framework states that the new local centre should contain, amongst other things, a local supermarket(s), and no less than 10 modular ground floor premises varying between no less than 65m² and up to 270m² per unit, yielding no less than 1500m² overall. Units will be capable of accommodating the type of active mixed uses common to a local centre.

The submitted drawings show that the local centre could contain a supermarket(s), with residential units above, commercial units, with either commercial units or residential units above, and residential units. To ensure that the local centre accords with the requirements of the approved Development Framework, controls could be imposed on the size of the supermarket and the number, size and use of commercial units. Were planning permission in principle to be granted for the proposed development than these controls could be secured through the imposition of a planning condition. Subject to these controls, the principle of development of the local centre is consistent with the approved Development Framework.

The remainder of the application site consists of the land of Dolphingstone, Wallyford. This part of the site is within the Edinburgh Green Belt. By being within the Green Belt this part of the application site is covered by Policy DC2 (Development in the Edinburgh Green Belt) of the adopted East Lothian Local Plan 2008. Policy DC2 provides the detailed context for the consideration of development proposals in the Edinburgh Green Belt. The proposed housing development of this part of the application site is significantly contrary to Policy DC2 of the Local Plan.

However, this conflict with Policy DC2 of the Local Plan must be considered in relation to the Council's previous recognition of a shortfall in the effective housing land supply in East Lothian. It must also be weighed against the requirement of Policy 7 of SESplan.

SESplan is a more up to date component of the development plan. It deals directly with the requirement to maintain an effective five year housing land supply, as is required by Scottish Planning Policy.

On this consideration, 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.

What is proposed in principle for the development of the land of Dolphingstone,

Wallyford would be a sympathetic extension of Wallyford with due regard to the existing built form of the settlement and the locational context of the site relative to the housing and mixed uses approved by planning permission in principle 14/00903/PPM. The proposed housing development of the land of Dolphingstone, Wallyford are shown on the revised indicative masterplan as being laid out and designed in a similar 'home zone' type layout as the other adjacent areas of residential development approved by planning permission in principle 14/00903/PPM. They would read as a logical extension of that approved development and of the settlement of Wallyford. As such they would be an appropriate form of housing development, subject to the submission of detailed designs.

Both Scottish Natural Heritage and the Council's landscape projects officer expressed concerns over the visual impact of the proposed development in views from the A1 trunk road. In particular, Scottish Natural Heritage expressed concerns that the mitigation of landscape impacts, including avoidance of loss of important views to Edinburgh, the Forth Estuary and Fife will be very difficult to achieve, whilst the landscape projects officer is concerned that the housing proposed for the northeast part of the site may be prominent and may affect the setting of the Category A listed Dolphingstone Dovecot.

In respect of Dolphingstone Dovecot, Historic Environment Scotland advise that it is located near the northwest boundary of the proposed development, and will have full visibility of the development. They consider that the key element of the setting of the dovecot to be its relationship with other associated buildings and the policies of Cowthrople House (which is now ruined). They advise that the proposed development will not affect this relationship, and will be separated from the dovecot by the boundary wall of the garden in which it is located. This being the case, Historic Environment Scotland are content that the impact of the proposed development on the setting of the listed dovecot will not be significant. They therefore do not object to the proposed development.

To mitigate the impact on the setting of the listed dovecot, it is proposed to provide combined specimen tree planting and woodland along the eastern edge of the site, adjacent to the walled garden. Were planning permission in principle to be granted, then it would be prudent to require this planting to be provided at an early part of the development, in accordance with a timescale to be submitted to and approved by the Planning Authority.

Subject to the provision of this tree planting, and given the advice of Historic Environment Scotland, it can reasonably be concluded that the setting of the listed dovecot will not be unacceptably affected by the proposed housing development.

The concerns of both Scottish Natural Heritage and the Council's landscape projects officer regarding visual impact from the A1 trunk road were fully considered by the Council in their preparation of the Draft Development Brief for the land of Dolphingstone, Wallyford. The Draft Brief sets out the Council's vision of how the site should be developed. It states that important regionally distinctive views towards the Edinburgh skyline and the East Lothian coastline and sea should be maintained from the A1 trunk road. An area of open space, of minimum 300m by 185m, is to be left undeveloped as a necessary measure to ensure these key views are maintained. Planting chosen for this open space must be of a scale so as not obscure views in the longer-term (i.e. tall growing tree species should be avoided).

The applicant has attempted to comply with the Draft Brief by proposing a large area of open space adjacent to the A1 trunk road, in a central position on the southern part of

the application site. However, both Scottish Natural Heritage and the landscape projects officer were concerned that the views over the indicatively proposed open space from the A1 would be adversely affected by the housing to be built to the northeast and northwest of it. To seek to overcome those concerns, it is now proposed that the open space would be located in the southeast part of the site.

Given the scale of development, there will inevitably be some impact on the views towards the Edinburgh skyline and the East Lothian coastline and sea. However, both Scottish Natural Heritage and the Council's landscape projects officer are now satisfied that the open space as it is now proposed could allow for the sufficient retention of some of those views. They are therefore satisfied that it meets the aims and objectives of the Draft Brief, and now raise no objection to the principle of the proposed development.

Notwithstanding this, careful attention should be given to the detailed design and layout of the housing, to ensure that as much of these important views are maintained, and to ensure that the development is satisfactorily integrated into its landscape setting. This could be addressed through any subsequent approval of matters application. In this regard, houses should be predominantly two storeys in height and, in the area of higher density housing indicated on the revised masterplan, no higher than 3 storeys and should be orientated to face the street. It may also be necessary for the some of the houses nearest to the large area of open space to be single storey, in order to help maintain those important views from the A1 towards the Edinburgh skyline and the East Lothian coastline and sea. Another element of the conditioning should be a requirement for the submission of a scheme of final finishes with a palette of colours and materials for the houses, which has due regard to the finishes of other residential properties in the locality. Were planning permission in principle to be granted for the proposed development then these controls could be secured through the imposition of planning conditions.

Subject to the appropriate controls being imposed, the housing development could be satisfactorily designed and laid out to ensure that it was in keeping with the character of Wallyford and with that of the adjacent housing approved by planning permission in principle 14/00903/PPM.

The land of Dolphingstone, Wallyford is in the Edinburgh Green Belt. Policy 7 of SESplan does not preclude the housing development of green belt land. Rather it requires that development will not undermine green belt objectives. Policy 12 of SESplan sets out the following objectives of the green belt:

- a. Maintain the identity and character of Edinburgh and Dunfermline and their neighbouring towns, and prevent coalescence, unless otherwise justified by the Local Development Plan settlement strategy;
- b. Direct planned growth to the most appropriate locations and support regeneration;
- c. Maintain the landscape setting of these settlements; and
- d. Provide opportunities for access to open space and the countryside.

In this case, the proposed development would not lead to the coalescence of Edinburgh and Dunfermline or any of their neighbouring towns. Whilst it would result in the further eastwards expansion of Wallyford, there would continue to be a sufficient degree of separation between Wallyford and other nearby settlements so as to protect their identity. Moreover, the land of Dolphingstone, Wallyford benefits from robust

boundaries, which the applicant intends to further supplement with belts of tree planting. This planting would provide an appropriate landscape setting for what would become the eastern end of Wallyford.

The land of Dolphngstone, Wallyford is relatively near to Wallyford Station and is well served by public transport. In this, it is an appropriate location for further housing development. Moreover, by supporting the new school and local centre, the proposed housing would assist with the regeneration of Wallyford, which is a key objective of the adopted East Lothian Local Plan 2008.

The development, by providing open space on site in reasonably accessible locations, would provide opportunities for new residents and existing Wallyford residents to access open space.

Taking this together, it can reasonably be concluded that the proposed development would not undermine green belt objectives.

An assessment of additional infrastructure required as a result of the development is set out later on in this report. Such infrastructure will be funded by the developer.

In conclusion, the proposed development could meet the requirements of Policy 7 of SESplan. It could potentially contribute to the effective five year housing land supply requirement of Scottish Planning Policy and SESplan Policy 7, and if so this could outweigh the considerations of Policy DC2 of the adopted East Lothian Local Plan 2008.

If planning permission in principle were to be granted, the details of the siting, design and external appearance of the proposed residential units, the landscaping of the site and the means of access to the proposed development would require the subsequent approval of the Planning Authority. Through the subsequent determination of such details in relation to Scottish Government Policy of Designing Streets and the Council's Urban Design Standards for New Housing Areas, and the Council's policies and practices in respect of residential amenity, planning control would be exercised to ensure that the built form of the development would be fully acceptable, with due regard to the need to safeguard the character and appearance of the site and of the area.

In respect of open space, the Council's Principal Amenity Officer is satisfied with the size of the areas of open space that are shown on the revised indicative masterplan. Notwithstanding this, he does raise some concern about the large area of open space being located within the southeast part of the application site. He questions whether it would be possible to move the large area of open space westwards, which would then provide connectivity to it from both the approved primary school and sports pitches. He does however recognise that his view on this matter may be contrary to the views of Scottish Natural Heritage and the Council's landscape project officer. The location of the large area of open space has been amended to seek to overcome the concerns of those consultees. If the open space were to be repositioned westwards in accordance with the recommendations of the Principal Amenity Officer, then it is likely that the important views from the A1 trunk road towards Edinburgh and the River Forth would be completely lost as a result of the proposed development. It would be harmful to the landscape character and appearance of the area and contrary to the Draft Brief for the site. Scottish Natural Heritage and the Council's landscape project officer would be likely to object to any such repositioning. Notwithstanding the concerns of the Principal Amenity Officer, the large area of open space as it is now proposed could be reasonably accessed both by existing residents in Wallyford and by future occupants of

the development. In the circumstances, the landscape benefits of the large area of open space being in its currently proposed position outweigh the benefits that would accrue from locating it in close proximity to the approved primary school and sports pitches.

Regarding formal play provision, the drawings submitted with the application indicate how a total of 5 equipped play areas could be provided within the application site. No details of the size of play area or the equipment to be provided within them have been submitted.

The Principal Amenity Officer advises that the equipped play should be principally focussed into fewer sites of much greater scale and value that should equally afford less burden to the residents in the long-term. In this, he advises that it would be beneficial to provide 3 large play areas. One of the play areas should be provided within the large area of open space to be provided within the southeast part of the site, one should be provided within the open space indicatively shown to the southeast of the approved primary school, and the other one should be provided within the linear area of open space that is shown to the east of the sites for primary school and local centre. He further advises that each of the 3 play areas should be equipped for children aged 0-15 with two including a MUGA facility. He further advises that up to 3 toddlers play areas should be provided within the smaller pockets of open space to more directly serve the immediate households. This approach should deliver an adequate accessibility standard across the majority of the development but offer sustainability in the long-term. Were planning permission in principle to be granted for the proposed development then the recommendations of the Principal Amenity Officer could be secured through the imposition of a planning condition. Subject to this planning control the principal of the proposed development is consistent with Policy C2 of the adopted East Lothian Local Plan 2008.

The adjacent development approved by planning permission in principle 14/00903/PPM includes 1 full size grass pitch, 1 3G pitch and a four team changing pavilion. The Council's Sports Development & Community Recreation Team Manager advises that the location of those sports facilities on the eastern part of that site is in suitable proximity to the housing proposed in this planning application. The delivery of a 3G synthetic pitch will allow for additional carrying capacity, and also the requirement for a secondary school campus with associated sports pitches will support suitable sports pitch delivery. In view of all of the above, the Sports Development & Community Recreation Team Manager advises that in this specific case no additional sports pitches are required as part of the development now proposed.

The Council has undertaken a Habitats Regulations Appraisal (HRA), which concludes that there are not likely to be significant effects upon the Firth of Forth Special Protection Area (SPA). Scottish Natural Heritage agree with the findings of the HRA, advising that an appropriate assessment is not necessary. They raise no objection to the principle of the proposed development, being satisfied that it would not have an unacceptable impact on ecology, habitats or species.

The Council's Biodiversity Officer raises no objection to the principle of the proposed development.

Accordingly, the proposals do not conflict with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), Policies NH1a and DP13 of the adopted East Lothian Local Plan 2008 or Scottish Planning Policy: June 2014.

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 Wallyford Primary and Nursery School and the planned new Musselburgh Secondary School.

He advises that Wallyford 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 would object to the application on the grounds of lack of permanent capacity at those schools unless the applicant makes a financial contribution to the Council of £4,291,800 towards the provision of additional school accommodation at the new Wallyford Primary and Nursery School and a contribution of £2,443,800 towards the provision of a new Musselburgh Secondary School.

The required payment of a financial contribution of a total of £6,735,600 towards the provision of additional accommodation at the new Wallyford Primary and Nursery School and towards the provision of a new Musselburgh Secondary 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.

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. In this, it is recommended that no more than 600 additional residential units be erected on the application site (i.e. combined with planning permission in principle 14/00903/PPM a combined total of 2050 units). Were planning permission in principle to be granted for the proposed development then this control on the number of residential units and on the annual completions could be imposed through the imposition of planning conditions.

Proposal MH11 of the proposed Local Development Plan states that the site for a new secondary school establishment to serve the Musselburgh area will be within either the application site or the site the subject of planning permission in principle 14/00903/PPM, preferably the latter.

The revised masterplan shows that an area of land immediately to the north of the approved site for the primary school could be a location for a secondary school. That land forms part of the site the subject of planning permission in principle 14/00903/PPM and was indicatively approved for housing development.

The Council's Depute Chief Executive, Resources and People Services advises that both the location and size of the indicatively suggested secondary school site are acceptable. To ensure that the site is secured as a site for a future secondary school, and not for housing development, that part of planning permission in principle 14/00903/PPM should be revoked. The part revocation can be implemented under section 65 and 67 Town and Country Planning (Scotland) Act 1997. The applicant has confirmed in writing that they are willing to enter into such an Agreement without compensation for the part revocation of planning permission in principle 14/00903/PPM.

Additionally, the Depute Chief Executive, Resources and People Services recommends that none of the proposed houses be occupied unless and until a secondary school has been erected on the site indicated for it on the revised indicative masterplan. Were planning permission in principle to be granted for the proposed development then this restriction could be imposed through the imposition of a planning condition.

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) provides the evidence base which has 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 the impact of the Local Development Plan allocations and the site 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 Dolphingstone, Wallyford 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):

- * segregated Active Travel Corridor - £272,700;
- * improvements to Old Craighall junction - £15,468;
- * improvements to Salters Road Interchange and Bankton Interchange – £366,804 and £12,228;
- * improvements to the rail network - £457,674;
- * Musselburgh town centre improvements - £9,906; and
- * Tranent town centre improvements – £17,112.

The total contribution required for transportation improvements resulting from cumulative impacts of the development is therefore £1,151,892.

In respect of the matters above, Transport Scotland raised concerns in respect of previous planning applications 12/00924/PPM and 14/00903/PPM in relation 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 mitigation of this they sought a developer contribution, secured by an agreement with the applicant under Section 48 of the Roads (Scotland) Act. They confirm that any mitigation required in respect of Old Craighall Junction can be met through that existing agreement. On that basis, Transport Scotland raise no further objection in principle 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. They recommend that the applicant provides a financial contribution of £457,674 towards design development work on a range of infrastructure projects within this corridor to help support the local rail services in the East Lothian Council area. To date, agreement on this matter has not been reached and it therefore is an unresolved material consideration in the determination of this application.

With allowance for the amount covered by the formal legal undertakings for payment to Transport Scotland and with allowance for the amount required for improvements to the rail network, the developer contributions towards the other required interventions of £678,750 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, which the applicants have confirmed in writing that they are willing to make, 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.

Proposal H7 of the adopted East Lothian Local Plan 2008 requires that development of the site must result in a significant improvement in traffic conditions within Wallyford, particularly along Salters Road. This is also a stated requirement of the approved Development Framework.

A detailed scheme of environmental and traffic calming improvements to Salters Road was part of the development approved by planning permission in principle 14/00903/PPM.

Included within the Environmental Statement is an update to the previous Transport Assessments and also the findings of additional modelling work for the now proposed masterplan of 2050 residential units and which forecasts operational phase traffic generation and road network impacts.

Roads Services conclude that the updated model illustrates, as per the previous model, that the proposed deflection strategy in place for the 1450 unit development would allow the road network to operate satisfactorily for the proposal for 2050 units, subject to mitigation at the Salters Road and Dolphingstone Interchanges. The applicant is therefore proposing mitigation at these two interchanges.

Roads Services therefore concludes that subject to the proposed mitigation at these two interchanges, the local road network would have sufficient capacity to accommodate traffic generated by the proposed development.

Roads Services confirm that the proposal as set out on the revised indicative masterplan is acceptable subject to detailed layouts. Therefore they have no objection to the principle of the proposed development of the application site subject to their recommended conditions for a grant of planning permission in principle to ensure that appropriate off site road improvement works are undertaken, that various identified road safety measures are undertaken, that the proposed mitigation at the Salters Road and Dolphingstone Interchanges is undertaken, that an appropriate amount of car parking be provided within the new local centre, that a Green Travel Plan be submitted, and that construction traffic movements be controlled.

The Council's Access Officer notes that the revised indicative masterplan shows a shared use path/ cycleway running along the northern boundary of the site, to the south of the A199 road. She advises that this should be a segregated shared use route of 3 metres wide and of adoptable standard, with appropriate shared use path connections from the housing development. The Access Officer recommends that the large area of

open space indicated for the southeast part of the site should include a recreational path network, including a circular route, both connecting to and around this open space. Were planning permission in principle to be granted for the proposed development then the recommendations of the Access Officer could be imposed through the imposition of planning conditions.

The Council's Waste Services Manager raises concerns over the potential impact of the proposed housing development on the ongoing operation of the Kinwegar Waste Transfer and Recycling Centre, which is located to the north of the application site, on the other side of the A199 road. In particular, he is concerned that future occupants may raise concerns about noise and light pollution from the Waste Transfer and Recycling Centre. He also raises concerns over traffic impact and drainage design and impact.

The matters of traffic impact and drainage design and impact have been fully considered by the Council's Road Services and by SEPA and the Council's Team Manager - Structures, Flooding and Street Lighting respectively.

The Council's Environmental Health Manager has fully assessed the proposed development. As part of his assessment, he has considered possible sources of noise and other disturbance and the impact that they may have on the privacy and residential amenity of future occupants of the proposed houses. In his view it should be possible for future occupants to benefit from a satisfactory level of privacy and amenity. In this, he does not consider it necessary for mitigation measures to be undertaken to reduce noise or light pollution from the Waste Transfer and Recycling Centre.

The application site is bounded to the south by the A1 (T) trunk road and partly to the north by the A199 road. The Environmental Statement includes a noise report and an air quality report. The Council's Environmental Health Manager raises no objection to the proposed housing development and in this he accepts the findings of the Environmental Statement. He is otherwise generally satisfied in respect of the noise attenuation measures in respect of the A1 specified in the applicant's noise assessment, including earth bunds and acoustic fences. He further advises that an acoustic barrier is not required along the northern edge of the site as long as the northernmost houses have their garden amenity spaces located to the south. The revised indicative masterplan indicates that those houses would have their garden amenity spaces located to the south. To safeguard the amenity of existing residents, the Environmental Health Manager recommends that prior to the commencement of development a Construction Method Statement should be submitted to and approved by the Planning Authority.

In respect of air quality the Council's Environmental Health Manager is satisfied that the operational phase of the development would not result in an unacceptable increase in nitrogen dioxide emissions which would impact on the Musselburgh Air Quality Management Area. He recommends that any grant of planning permission in principle be subject to conditions requiring a green travel plan, support for and promotion of car clubs, financial support to low emission public transport options, installation of ultra low nitrogen dioxide boilers within the proposed dwellings and suitable electrical layout within dwellings to enable installation of electric vehicle charging points. The matters of internally fitted boilers and electrical layout are subject to Building Standards legislation which should not be duplicated by use of planning controls. As recommended by the Council's Road Services, the applicant is required to make a financial contribution of £9,906 for improvements to Musselburgh town centre. These improvements will be for transport interventions which shall address development related impacts on the identified Air Quality Management Area in Musselburgh town centre. Given that the

applicant will be making the financial contribution recommended by the Council's Road Services it would be unreasonable to also require the applicant to additionally contribute towards car clubs and low emission public transport options. Were planning permission in principle to be granted for the proposed development then all of the other recommendations of the Environmental Health Manager could be secured through the imposition of planning conditions. The conditions relating to noise mitigation measures should include a timetable for their implementation in the course of the development. Subject to these recommended controls, the Environmental Health Manager raises no objection to the proposals, satisfied they would not result in harm to the amenity of any neighbouring land use.

The Coal Authority notes the coal mining activity that has previously been carried out on the site, and advises that this coal mining legacy potentially poses a risk to the proposed development. As such they recommend that further site investigations and remedial works will be required to address risks posed by both mine entries and shallow coal mine workings. Were planning permission in principle to be granted for the proposed development then these recommendations could be secured through the imposition of a planning condition. Subject to this planning control, the Coal Authority raise no objection to the principle of the proposed development.

The Scottish Environment Protection Agency (SEPA) advise that they have no objection to the proposals in respect of flood risk and groundwater. They do however recommend that prior to the commencement of development, evidence to prove that the SUDS proposal is adequate for the site must be submitted for the written approval of the Planning Authority, following consultation with SEPA. They also recommend that a construction environmental management plan be submitted to and approved in advance by the Planning Authority. Were planning permission in principle to be granted for the proposed development then the recommendations of SEPA could be secured through the imposition of planning conditions.

The Council's Team Manager - Structures, Flooding and Street Lighting raises no objection to the application, although he recommends that a SuDS scheme and Drainage Assessment for the site and an update of the Surface Water and Flood Risk Report, including mitigation measures that are required, should be submitted to and approved in advance by the Planning Authority. Were planning permission in principle to be granted for the proposed development then these recommendations could be secured through the imposition of planning conditions.

Scottish Water raise no objection to the principle of the proposed development, advising that there are no Scottish Water drinking water catchments or water abstraction sources that may be affected by the proposed development. They advise that they are currently working closely with East Lothian Developments Limited and other developers in the area to understand the impact of their developments and the network reinforcement works required to address these.

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 proposals, being satisfied that the proposed development would not have a detrimental impact on the designated area of Pinkie Battlefield.

The Council's Archaeology Officer advises that the proposed development would be situated within the designated area of Pinkie Battlefield and also in close proximity to known archaeological sites recorded in East Lothian Council's Historic Environment Record. 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 in principle for the proposed development. This approach is consistent with Scottish Planning Policy: June 2014 and Planning Advice Note 2/2011: Planning and Archaeology.

The Council's Economic Development & Strategic Investment Manager advises that 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. 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 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 the proposal would be consistent with Policy H4 of the adopted East Lothian Local Plan 2008.

The proposed development by its scale and prominent public location would have a significant impact on the local environment and thus in accordance with the requirements of Policy DP17 of the adopted East Lothian Local Plan 2008 it should incorporate artwork either as an integral part of the overall design or as a related commission. Were planning permission in principle to be granted for the proposed development then the artwork(s) could be secured through the imposition of a planning condition. Subject to this planning control the proposed development is consistent with Policy DP17 of the adopted East Lothian Local Plan 2008.

It is now necessary to consider whether in scale and/or location the site is 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. If it is not, it is also necessary to consider whether there are material considerations that outweigh any conflict with the development plan and other planning guidance.

Paragraph 34 of Scottish Planning Policy: June 2014 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. It advises that 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.

On this matter the Planning Authority have sought a legal opinion on whether or not it would be appropriate to determine planning applications proposing 300 houses or more before the Report on Examination or adoption of the Emerging East Lothian Local Development Plan.

The legal opinion advises that it would not necessarily be inappropriate for the Council to determine such an application at this time. Whether or not such applications should be refused prior to the Report on Examination or adoption of the Plan is a matter of judgement for the Council. There is no hard and fast rule about how the question of prematurity should be approached, and it is clear from judicial consideration of Paragraph 34 of Scottish Planning Policy that the weight to be attached to the issue of

prematurity, and ultimately whether or not a proposal is considered premature, is pre-eminently a matter of planning judgement for the Council.

The legal opinion further advises that on the issue of prematurity the Council should have regard to matters of scale, location and phasing of development, and its impact on the provision of and funding of necessary infrastructure (individually or cumulatively), the stage reached in the plan process and the timescale for its determination, the centrality or otherwise of the issue to be determined in the plan process to the decision whether or not to issue the planning permission under consideration, the assessment of the prospects of success of the representation in the plan process, and the consequences of the determination in the plan process for the validity of the planning permission.

In this case the proposal is for a residential development of up to 800 new houses. In terms of the Proposed Local Development Plan, it is one of the largest new housing sites allocated for development. Moreover, the spatial strategy for East Lothian, which is set out in the Proposed Local Development Plan, is based on a compact strategy, which focuses the majority of new housing development in the west of East Lothian. The application site is within the west of East Lothian and forms a key part of the compact strategy. Individually and cumulatively with other new housing development within the west of East Lothian, the proposed development is in a location and of a scale so substantial and of such a cumulative impact that it is clear that granting planning permission in principle would undermine the plan-making process by predetermining decisions about the scale and location of new development that are central to the emerging plan, such as to outweigh the material considerations of other provisions of Scottish Planning Policy and of the development plan.

In respect of this balance of all material considerations, planning permission in principle should be refused at this stage.

RECOMMENDATION

That planning permission in principle be refused for the following reason:

- 1 The development proposed is so substantial, and its cumulative effect so significant, that granting planning permission in principle would undermine the plan-making process by predetermining decisions about the scale and location of new development that are central to the emerging plan.

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 28 June 2017
BY: Depute Chief Executive (Partnerships and Community Services)
SUBJECT: Application for Planning Permission for Consideration

3

Application No. **16/01019/AMM**

Proposal Approval of matters specified in conditions of planning permission in principle 15/00473/PPM - Erection of 129 houses, 31 flats and associated works

Location **Dolphingstone Farm
Land Adjacent B1361
Edinburgh Road
Prestonpans
East Lothian
EH33 1NH**

Applicant BDW Trading & Hallam Land Management Ltd

Per EMA Architecture and Design

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

Although this application is for the approval of matters specified in conditions of planning permission in principle 15/00473/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 49. 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 is an area of agricultural land in the East Lothian countryside, located to the east of Prestonpans. It is within the Edinburgh Green Belt and some 8.5 hectares in area.

The site is bounded to the east by a wide access track, and the land beyond is the subject of outline planning permission 99/00826/OUT (now known as planning

permission in principle), granted in July 2003 for the residential development of the 25 hectares of land. On 23 December 2005 reserved matters approval 04/01449/REM (now known as approval of matters specified in conditions) was granted for the erection of 332 houses and 62 flats on some 17.6 hectares of the 25 hectares of land that is the subject of outline planning permission 99/00826/OUT. The development the subject of reserved matters approval 04/01449/REM is almost complete.

To the north of the site is the B1361 road with the Royal Musselburgh Golf Course beyond. To the south is the East Coast Main Line. To the west of the site is an area of mature woodland and agricultural land.

Along the eastern, southern and western sides of the site is a former railway embankment on which are belts of mature trees, hedgerows and shrubs. These groupings of trees are covered by Tree Preservation Order no. 133. This landscape feature has significant amenity value giving a landscape setting to the western edge of Prestonpans.

On 2 June 2016 planning permission in principle (ref: 15/00473/PPM) was granted for a residential development of the application site along with retail (class 1), office units (class 2) and restaurant/cafe (class 3) uses and a cemetery together with associated access, infrastructure, landscape and open space. Condition 2 of planning permission in principle 15/00473/PPM states that no more than 160 residential units shall be erected on the application site.

Approval of matters specified in conditions of planning permission in principle 15/00473/PPM is now sought for erection of 129 houses, 31 flats and associated works on the application site, a total of 160 residential units.

Of the 129 houses to be erected within the site, 58 would be detached, 10 would be semi-detached and 61 would be terraced. In terms of size, 71 of the 129 proposed houses would contain 4 bedrooms and 58 would contain 3 bedrooms. The houses would be predominantly 2 storeys high with 3 storey houses positioned along the northern site boundary facing onto the B1361 public road.

The proposed 31 flats would be contained within 5 flatted buildings erected at the north-eastern corner of the site. Two of the flatted buildings would be 2 storeys high and three would be 3 storeys high. The 31 flats would comprise of nine 1 bedroom flats and twenty two 2 bedroom flats.

Of the 129 houses there would be a total of 120 private houses for sale. The houses would comprise of 13 different house types, including the provision of 40 affordable housing units which would be a mix of 2 different house types and 1 and 2 bedroom flats.

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 two new access junctions taken from the B1361 road.

The north and west boundaries of the site would be landscaped with new hedge and tree planting. Existing trees, hedgerows and shrubs along the former railway embankment on the eastern and southern sides of the site would be retained. An area of open space would be formed centrally within the site and other areas of open space would be formed on the southeast and southwest parts of the site. A SUDS basin

would be formed adjacent to the south boundary of the site at its eastern end and would be grassed. There is indicated an area for equipped play within the central area of open space and details of the equipment to be provided within it have been submitted.

The application is supported by Ecological Assessment, Transport Assessment, Site Investigations Reports, a Noise Assessment and a Tree Survey and Report.

Subsequent to the registration of this application, further drawings have been submitted showing revisions to the site layout including a change to the mix of residential units.

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.

Three 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 development could lead to odour, noise and air pollution;
- * There would be pressure on the local road network, train capacity and in the local schools;

* The proposed development would lead to traffic problems and thus would result in a road safety hazard;

* The proposed built form does not offer continuity with the existing houses to the east.

By the grant of planning permission in principle 15/00473/PPM, approval has been given for the principle of the erection of 160 residential units on the application site following technical assessments which demonstrated that local and wider infrastructure, subject to financial contributions and conditions, can accommodate such level of development. There can therefore be no objection in principle to the erection of the 160 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 Illustrative Masterplan and conditions attached to planning permission in principle 15/00473/PPM.

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 31 flats, with the flatted buildings and houses being a mix of three storeys and two stories in height. 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 of 2 and 3 stories in height.

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 Prestonpans. 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.

The proposed layout is broadly consistent with the layout shown in the illustrative masterplan docketed to planning permission in principle 15/00473/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 proposed development echoes the design principles that apply to the allocated housing land to the east of the site by incorporating a dedicated landscaped strip along the site frontage with the B1361 road and the inclusion of a natural stone wall along the southern side of the dedicated landscaped strip. The row of houses and the flatted buildings proposed for the northern edge of the site would be set back from the B1361 by the landscape strip. The houses of that row would mostly be of the same three storey, and two and a half storey house type, with lower two storey houses at its western end. The flatted buildings would be three stories and two stories in height. The three storey houses and flatted buildings would have a simple vertically proportioned architectural form and a traditional architectural style. Their principal front elevations would face over the landscape strip towards the B1361. These three storey houses and flatted buildings would give a pronounced built form along the northern, roadside frontage of the housing development. Such a definitive edge to the development would serve as a bold gateway feature on the southern side of the western approaches to Prestonpans, giving a marked presence to the new urban edge of the town to be created by the proposed housing development. This coupled with the proposed landscaping would ensure a visually attractive and cohesive development, with the proposed 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 8 of planning permission in principle application 15/00473/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 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 planting schedule and maintenance and management proposals

for the proposed landscaped areas; and

* Provided a tree survey and arboricultural constraints plan.

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.

The Landscape Project Officer notes that if the detail of the proposed development were to be granted, the houses to be erected, once occupied, would benefit from permitted development rights for certain extensions to them and for the erection of certain structures such as garden sheds and garages and other development in their garden ground. The Landscape Project Officer advises that such extensions and garden structures, if erected on the house plots closest to the groupings of trees covered by Tree Preservation Order no. 133 along the eastern and southern sides of the site could have the potential to harm tree roots and thus to potentially lead to harmful impacts on the TPO trees.

It would therefore be prudent for the Council, as Planning Authority, to impose a condition on an approval of matters specified in conditions for the proposed development removing permitted development rights for extensions to the houses and for any building or detached structures in their garden ground for the plots next to the TPO trees.

The above measures can be secured by the imposition of conditions on the approval of matters specified in conditions for the proposed housing development in which case it does not conflict with Policy DP14 of the adopted East Lothian Local Plan 2008.

Condition 12 of planning permission in principle application 15/00473/PPM requires the submission of 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 proposed development.

Condition 13 of planning permission in principle application 15/00473/PPM requires the submission of a noise report to ensure that the amenity of future occupiers of the residential units on the site is not harmed by noise arising from either the East Coast Main Line or the B1361 public road. A Construction Method Statement and Noise Report have been submitted with the application.

The Councils Environment Health Manager is content with the findings of the Construction Method Statement, satisfied that 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 proposed development are satisfactory.

The Councils Environment Health Manager has appraised the submitted noise report and recommends that:

(i) the glazing specification for residential properties with noise sensitive rooms (that being either a living room, dining room or bedroom) facing the B1361 road as shown in the 'Zone requiring improved mitigation to windows' in Figure 4 of the submitted Noise Report be such that glazing units have a minimum Sound Reduction Index of 35dB Rwi and that these glazing units should also have acoustic trickle vents with a minimum

performance of 38dB Dn, e;

(ii) the Glazing specification for residential properties within the 'Standard Zone' as shown in Figure 4 of the submitted Noise Report be such that glazing units have a minimum Sound Reduction Index of 30dB Rwi and that these glazing units must also have acoustic trickle vents with a minimum performance of 33dB Dn, e;

(iii) 1.8M high acoustic fence barriers be provided in the positions shown for them in Figure 4 of the submitted Noise Report, with the fencing being of a close boarded form with no holes or gaps.

Subject to these mitigation measures being implemented, which can be secured by a condition imposed on a grant of matters specified in conditions, there would be no loss of amenity to future occupiers of the proposed residential units.

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".

As previously detailed, the proposed site layout includes areas of open space to be formed within 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 Principal Amenity Officer is also satisfied that the equipped play provision proposed to be installed within the centrally positioned area of open space is adequate to serve the proposed development. It is therefore consistent with Policy C2 of the adopted East Lothian Local Plan 2008.

The Council's Biodiversity Officer advises he has no objection to the proposed development.

Condition 9 of planning permission in principle application 15/00473/PPM requires the implementation of a programme of archaeological work and the subsequent submission of a written scheme of investigation. A written scheme of archaeological investigation has been submitted with the application. The Council's Archaeology Officer has appraised the submitted investigation report and is content with its findings and he therefore raises no objection to the application.

As the site is within the battlefield site of the Battle of Pinkie that is included in Historic Environment Scotland's Inventory of Historic Battlefields Historic Environment Scotland have been consulted on the application and are content that the proposed development would not have an adverse impact on the landscape characteristics of the core part of the battlefield site.

The principles of the means of accessing of the proposed residential development are already decided by the grant of planning permission in principle 15/00473/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 15/00473/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, 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.

Road Services make a number of recommendations, however their recommendations are the same as those made in their response to planning permission in principle 15/00473/PPM, are conditional requirements of that planning permission in principle and therefore there is no requirement to also attach them to this approval of matters specified in conditions application.

Condition 4 of planning permission in principle 15/00473/PPM requires the submission of a Green Travel Plan, to have particular regard to provision for walking, cycling and public transport access to and within the site. A Green Travel Plan has been submitted with the application and Road Services confirm it is acceptable.

Condition 5 of planning permission in principle 15/00473/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. Road Services confirm the submitted Construction Method Statement is acceptable, subject to the stipulation that construction vehicles should not take their route to or from the site through Musselburgh Town Centre, Salters Road or Prestonpans. This requirement can be controlled by the imposition of a condition.

Condition 6 of planning permission in principle 15/00473/PPM requires the existing 40 miles per hour (mph) speed limit on the B1361 road to be extended along the entire length of the application site frontage and to include village entry treatments. The application drawings show the provision of a 30mph extended speed limit on the B1361 road. This is not as required by Condition 6 of planning permission in principle 15/00473/PPM and Road Services confirm the existing 40mph speed limit must be extended. Therefore this detail is not approved. Therefore it would be prudent in this instance to again impose a condition requiring the existing 40 miles per hour (mph) speed limit on the B1361 road to be extended along the entire length of the application site frontage and to include village entry treatments.

Condition 7 of planning permission in principle 15/00473/PPM requires that, (i) a continuous 2 metre wide footway be provided on the south side of the B1361 road along the site frontage to link into the existing footway network, with dropped kerbs provided as necessary, (ii) the footway on the northern side of the B1361 be upgraded to a minimum of 2 metres wide for a distance commensurate with the site frontage between the Royal Musselburgh Golf Club entrance and the U104 Drummohr Road, and (iii) two Double D Island crossing points be formed on the B1361 road to provide pedestrians with safe crossing points on appropriate desire lines. The application drawings show the provision of all the requirements of Condition 7 of planning permission in principle 15/00473/PPM and Road Services confirm they are acceptable.

Subject to the imposition of the above condition, 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.

Condition 10 of planning permission in principle 15/00473/PPM requires the submission of a comprehensive contaminated land investigation. The Council's Environmental Health Contaminated Land Officer has appraised the Site Investigation

Report submitted with the application and confirms that he is satisfied with the scope of the report and with the investigative works carried out for the application site. He concurs with its findings with regard to the areas of mine spoil associated with the former railway embankment as well as the recommendations for remedial measures. In addition, the requirements for additional gas monitoring to be carried out once the ground stabilisation works have been completed is also noted. He therefore recommends that a Remedial Strategy is produced detailing the nature of the works to be carried out, and on successful completion of these works a suitable Validation Report is submitted. These further requirements are embodied Condition 10 of planning permission in principle 15/00473/PPM and therefore remain in force. Thus there is no requirement to also attach them to this approval of matters specified in conditions application.

Condition 11 of planning permission in principle 15/00473/PPM requires the submission of detail of intrusive investigation works to assess ground stability due to former mine workings at the site, and that in the event that the intrusive investigation works confirm the need for remedial works to treat any areas of shallow mine workings, development shall not begin until a scheme of remedial works on the site has been submitted to and approved in writing by the Planning Authority.

The Coal Authority has appraised the Site Investigation Reports and site layout plan submitted with the application and advises that they are satisfied that the risks posed by former mine workings at the site has been satisfactorily addressed. The Coal Authority therefore raise no objection to the application. They do however advise on the need for submission of a scheme of remedial works. This further requirement is embodied Condition 11 of planning permission in principle 15/00473/PPM and therefore remains in force. Thus there is no requirement to also attach it to this approval of matters specified in conditions application.

Network Rail has been consulted on the application but raises no objection to the site's proximity to the East Coast Main Line.

The mechanism of a financial contribution towards additional educational provision at Prestonpans Infant and Nursery School, Prestonpans Primary School and Preston Lodge High School for a housing development of 160 residential units has already been secured through the grant of planning permission in principle 15/00473/PPM.

The mechanism of the provision within the residential development of 25% affordable housing units (i.e. 40 units of the proposed 160 units) is already secured through the grant of planning permission in principle 15/00473/PPM.

The Council's Economic Development and Strategic Investment service raise no objection to the details of the 40 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:

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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended by The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011, or of any subsequent Order amending, revoking or re-enacting the 1992 Order, no development of the types specified in Classes 1A, 1B, 3A or 3B of Part 1 of Schedule 1 of the Order or in any statutory instrument revoking and/or re-enacting that Part of the Order shall be undertaken on the houses to be erected on plots 1, 11 or 80-91 as shown on the docketed site layout drawing no. 16141(PL)001 M, or on any part of the gardens of those plots, unless with the prior approval of the Planning Authority.

Reason:

To ensure the retention of the trees on the site which are an important landscape feature of the area.

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

- 5 Notwithstanding that which is shown on docketed drawing no. J2927-011 Revision B, no development shall commence unless and until the existing 40 miles per hour (mph) speed limit on the B1361 road has been extended along the entire length of the application site frontage which shall include village entry treatments. Details of the extension to the existing 40 miles per hour speed limit and village entry treatments shall be submitted to and approved in advance by the Planning Authority and shall include the provision of street lighting along the length of it. Thereafter the extended 40 miles per hour speed limit, village entry treatments and street lighting shall be implemented and installed in accordance with the details so approved.

Reason:

In the interests of road safety.

- 6 Construction traffic to and from the site shall not take their route through either Musselburgh

Town Centre, Prestonpans or along Salters Road unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of road safety.

- 7 The glazing specification for residential properties with noise sensitive rooms (that being either a living room, dining room or bedroom) facing the B1361 road within the 'Zone requiring improved mitigation to windows' in Figure 4 of the docketed 'Environmental Noise Impact Assessment - Dolphinstone Prestonpans' shall be such that glazing units have a minimum Sound Reduction Index of 35dB Rwi. These glazing units shall also have acoustic trickle vents with a minimum performance of 38dB Dn, e.

The Glazing specification for residential properties within the 'Standard Zone' as shown in Figure 4 of the docketed 'Environmental Noise Impact Assessment - Dolphinstone Prestonpans' shall be such that glazing units have a minimum Sound Reduction Index of 30dB Rwi. These glazing units shall also have acoustic trickle vents with a minimum performance of 33dB Dn, e.

Prior to the occupation of any of the residential properties within the 'Zone requiring improved mitigation to windows' in Figure 4 of the docketed 'Environmental Noise Impact Assessment - Dolphinstone Prestonpans', 1.8 metre high acoustic fence barriers shall be erected in the positions shown for them in Figure 4 of the docketed 'Environmental Noise Impact Assessment - Dolphinstone Prestonpans', with the fencing being of a close boarded form with no holes or gaps.

Thereafter such form of attenuation shall be retained in place unless otherwise approved by the Planning Authority.

Reason:

In the interest of safeguarding the residential amenity of future occupiers of the proposed residential development.

- 8 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.

- 9 Prior to the occupation of any of the residential units hereby approved a timetable for the implementation of all the open space recreation areas indicated on the docketed site layout plan shall be submitted to and approved in advance by the Planning Authority and the open space recreation areas shall be formed and made available for use in accordance with the timetable so approved.

The open space recreation areas shall thereafter 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.

- 10 Prior to the occupation of any of the residential units hereby approved a timetable for the implementation of the play area and its equipment also as hereby approved hereby approved shall be submitted to and approved in advance by the Planning Authority and the play area and its equipment shall be installed in accordance with the timetable so approved.

Reason:

In the interests of the amenity of the development.

- 11 Prior to the occupation of any of the residential units hereby approved a timetable for the erection of the natural stone wall to be erected along the entire length of the southern side of the dedicated landscaped strip on the northern boundary of the site as hereby approved shall be submitted to and approved in advance by the Planning Authority and the natural stone wall shall be erected in accordance with the timetable so approved.

Reason:

In the interests of the amenity of the development and of the wider environment.

- 12 No development shall commence until temporary protective fencing has been erected in accordance with that shown in Section 7 and Appendix 1 of the docketed 'Tree Survey & Arboricultural Report for Dolphinstone Farm' and in the positions shown for it on docketed

drawings nos. 0117(20)-01 Prot (1 of 2) and 0117(20)-01 Prot (2 of 2). The temporary protective fencing shall remain intact and in place 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 and maintenance of trees and vegetation which are an important feature of the area.

- 13 No development shall commence until a person who, through relevant education, training and experience, has gained recognised qualifications and expertise in the field of trees in relation to construction, has been employed by the developer to monitor any works within the root protection area or canopy spread of trees on or adjacent to the application site.

Reason:

To ensure the retention and protection of the trees on the site which are an important landscape feature of the area.

- 14 No trees, shrubs or hedgerows which are to be retained on the site, other than the three trees with tag reference numbers 1394 (Oak), 1393 (Oak) and 1185 (Willow) as shown on docketed drawings nos. 0117(20)-01 Prot (1 of 2) and 0117(20)-01 Prot (2 of 2), shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority.

All tree management works shall be carried out under the supervision of an appointed Arboricultural Consultant in compliance with British Standard 3998: 2010 "Tree work ~ Recommendations" Section 7, Pruning and related work and Figure 2 - Positions of final cuts; leaving an overall balanced tree shape on completion of the works and with the recommendations of the docketed 'Appendix 4 - Tree Survey Schedule: Prestonpans West'.

Reason:

To ensure the retention and protection of the trees on the site which are an important landscape feature of the area.

- 15 All new planting as shown on docketed drawings nos. 1048/02 Rev A, 0117(20)-01 Prot (1 of 2) and 0117(20)-01 Prot (2 of 2) and as specified in the Planting Schedule and Planting Notes sections of the docketed West Prestonpans planting document by Brindley Associates 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 and managed in accordance with the Landscape Maintenance and Management Proposals section of the docketed West Prestonpans planting document by Brindley Associates.

Reason:

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

- 16 Prior to the commencement of development a detailed woodland maintenance and management plan for all the existing and new planting along the former railway embankment on the eastern and southern sides of the application site shall be submitted to and approved in writing by the Planning Authority. The existing and new planting shall thereafter be maintained and managed in accordance with the detail so approved unless otherwise agreed in writing by the Planning Authority.

Reason:

In order to ensure the maintenance and management of the landscaping scheme to enhance the appearance of the development in the interests of the amenity 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 28 June 2017

BY: Depute Chief Executive (Partnership and Community Services)

SUBJECT: Application for Planning Permission for Consideration

4

Application No. **16/00921/AMM**

Proposal Approval of matters specified in conditions of planning permission in principle 15/00670/PPM - Erection of 109 houses, 16 flats, formation of allotment area and associated works

Location **Tantallon Road
North Berwick
East Lothian**

Applicant North Berwick Developments Ltd and T G Tait & Sons

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

Although this application is for the approval of matters specified in conditions of planning permission in principle 15/00670/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 49. 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 9.54 hectares of agricultural land, located immediately to the southeast of North Berwick. It has an L shaped footprint and is arable land forming most of the northern part of a larger field. The land of the application site slopes steeply uphill from Tantallon Road to the south of the site and is steeper at the western end of the site.

The western part of the site is bounded to the north by an area of mixed uses which include the Tantallon Road Industrial Estate, a Tesco supermarket and petrol filling station, a First Bus depot and a cemetery. The eastern part of the site is bounded to the north by a length of Tantallon Road (the A198 classified road), and beyond by the residential properties of Rhodes Park. To the south and east it is bounded by agricultural land and, at the southwest end of its southern boundary, by the house and

garden of Sea Breezes and the private access road to that property. To the west it is bounded by the public road of Heugh Road/Heugh Brae with agricultural land beyond. Two areas of the northern part of the field, one immediately to the east of the supermarket site and one immediately to the south of the Tantallon Road Industrial Estate, are not included within the site boundary of this approval of matters application. The easternmost boundary of the North Berwick Law Site of Special Scientific Interest (SSSI) lies some 170 metres to the west of Heugh Road/Heugh Brae to the west of the site.

On 20th July 2016 planning permission in principle (ref: 15/00670/PPM) was granted for a mixed use development of the application site to include some 125 homes, business units for use within Class 4 (business/light industry) of the Town and Country Planning (Use Classes) (Scotland) Order 1997, a Sustainable Urban Drainage System (SUDS), open space including allotments and toddlers play area, and for associated infrastructure. That permission was subject to a Section 75 Agreement, concluded in July 2016, which required the applicant to make financial contributions to the Council towards the provision of additional capacity at Law Primary School and North Berwick High School, towards the provision of recreational play facilities at Recreation Park, to provide 25% of the final approved number of residential within the site as affordable residential units and to transfer the title of the land for allotments to the Council at no cost.

The approval of matters specified in conditions of planning permission in principle 15/00670/PPM is now sought for the erection of 109 houses and 16 flats (a total of 125 residential units), the siting of an allotment area and associated works which include the formation of SUDS. The approval of matters for the Class 4 business units, for which planning permission in principle have been granted, are not being sought through this application. The site of this application does not include the land on which the business units are to be located, which are two separate areas of land, one on the northern part of the site adjacent to the Tesco supermarket site and the other on the north-western part of the field adjacent to Heugh Road/Heugh Brae and to the south of the existing Tantallon Road Industrial Estate. Therefore a separate application for the approval of matters specified in conditions of planning permission in principle 15/00670/PPM or a full planning application will be required for those business units.

Of the 109 houses, 80 would be detached, 6 would be semi-detached and 23 would be terraced. 16 'four in a block' style flats would also be formed. In terms of size, 12 of the proposed houses would contain 5 bedrooms (plus study), 39 would contain 4 bedrooms (plus study), 27 would contain 4 bedrooms, 17 would contain 3 bedrooms, 13 would contain 2 bedrooms and 8 of the flats would contain 2 bedrooms and the other 8 would contain 1 bedroom. All of the houses and flatted blocks would be two storey in height with the exception of 5 houses which are to be erected at the northeastern end of the site (on plots 1, 2, 3, 99 and 100) which would be single storey, bungalow style houses. 31 of the 125 residential units would be affordable housing units.

The submitted details also include for the provision of SUDS at the northern end of the site, the provision of land to be used for allotments near the western end of the site, internal access roads, garages, visitors parking, boundary treatments, landscaped open space, an equipped toddler's play area and associated works.

Vehicular, pedestrian and cycle access to the 125 residential units would be taken from Tantallon Road by way of a new access junction to be formed mid-way along the most northerly boundary of the site. A pedestrian opening would also be formed into the western end of the site and a footpath would be formed at the western end of the site to

allow pedestrian access between the site and Heugh Brae.

Residential development would take place over the majority of the site with areas of public open space including a central 'village green', which would incorporate an equipped toddler's play area, being formed between the streets of residential development.

The western end of the site, which slopes steeply downhill from south to north, and also the land along the southernmost and easternmost boundaries of the site would be grassed and landscaped to form one large, linear area of open space wrapping around the eastern, southern and western sides of the residential development. The boundaries of the site would be landscaped with a new hedge which would be planted along almost the full lengths of the east and south boundaries of the site and scattered tree planting would be undertaken throughout the open space. An informal path would run the full length of the linear area of open space exiting on to Tantallon Road at the northeastern corner of the site and on to Heugh Brae at the northwestern corner of the site. A site for allotments has been proposed towards the western end of the site.

A SUDS dry, grassed basin with areas of landscaping around it would be formed close to the north boundary of the site adjacent to Tantallon Road.

It is indicated that a piece of public art work would be positioned on the northeastern corner of the site although the details of the proposed artwork have not been submitted with this approval of matters application.

Details of new boundary treatments, which would include the erection of 2 metres high close boarded acoustic timber fencing along the parts of the site which would share a boundary with the supermarket site, are also included in this approval of matters application.

The application is supported by a Design Statement, a Drainage Assessment, an Archaeological Evaluation Data Structure Report and a Heritage Assessment.

Subsequent to the registration of this application, further drawings have been submitted showing i) revised driveway lengths and widths to accord with the requirements of the planning permission in principle; (ii) amendments to the siting and number of on street parking spaces throughout the site; (iii) revised internal road and footpath details; (iv) amendments to the landscaping provision throughout the site; (v) amendments to the design and finishing colours of the residential units; (vi) the inclusion of solar panels to the roof slopes of the residential units proposed; (vii) amendments to boundary treatments proposed; (viii) confirmation of the location and mix of the affordable housing units; ix) revisions to the swept path analysis' carried out to demonstrate how bin lorries and other large vehicles could negotiate the site and x) revised toddler play area details. Additionally further drainage information has been submitted.

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 ENV7 (Scheduled Monuments and Archaeological Sites),

H1 (Housing Quality and Design), C1 (Minimum Open Space Standards for new General Needs Housing Development), C2 (Play Space Provision in New General Needs Housing Development), T2 (General Transport Impact), DP1 (Landscape and Streetscape Character), DP2 (Design), DP17 (Art Works – Percent for Art), DP15 (Sustainable Urban Drainage Systems), 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, one of which raises objections to the proposed development, one of which makes comment and suggestions for change and the other of which raises concerns but also makes positive comment.

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 development is one of many around North Berwick at the moment. These development are likely to create an enormous strain on the existing infrastructure of the town in terms of schools, medical practices, parking etc. and the existing infrastructure needs to be upgraded to keep pace with these developments;
- * The local traffic is bound to increase and Heugh Brae is already a dangerous road for both pedestrians and cars.

The concerns and comments raised are that:

- * Use of Heugh Brae would be unsuitable for heavy construction traffic;
- * There should be better provision within the site and off site for lit, shared pedestrian and cycle paths to provide an important contribution to active travel and community links in North Berwick.

The other comment is that the proposed plans are quite sensitive.

North Berwick Community Council, a consultee, have commented that the design of the houses is more than a little ordinary and will result in exceedingly boring streetscapes and no sense of place; the drawings give the impression that various traffic calming measures are proposed on Tantallon Road and such measures would be wholly not in keeping with a very busy main road into North Berwick; the layout is "simply efficient" with a distinct lack of visitor parking and for deliveries; some of the properties will have too little garden ground; residents will experience traffic noise or a

lack of outlook; very little affordable housing has been delivered in North Berwick in recent years; it's not clear if the allotments will have parking provision; the perimeter path proposed is "odd" and may lead to security problems to those properties that back onto the outside of the development and there is no indication of who will maintain the community land.

For the avoidance of doubt no traffic calming measures on Tantallon Road are proposed through this application.

Notwithstanding concerns raised, including those concerns raised by an objector regarding strains put on infrastructure and facilities provision in North Berwick, by the grant of planning permission in principle 15/00670/PPM, approval has been given for the principle of the erection of 125 residential units, a Sustainable Urban Drainage System (SUDS), open space including allotments and toddlers play area, and for associated infrastructure on the application site following technical assessments which demonstrated that local and wider infrastructure, subject to financial contributions and conditions, can accommodate such level of development. There can therefore be no objection to the principle of the development 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 Development Framework and conditions attached to planning permission in principle 15/00670/PPM.

The proposed residential development would form an extension to the southeastern edge of North Berwick. It would be seen in relation to the existing commercial and business uses on the south side of Tantallon Road and in relation to the other relatively modern housing developments on the north side of Tantallon Road. 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.

The residential units 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". Residential units have been orientated to face streets and on primary streets throughout the development parking spaces and garages have been set back behind frontages of residential units in most instances. An exception to this is a small number of the residential units near to the entrance of the development including the five single storey units proposed which have their parking positioned to the frontage of them. These units have been designed

to be of a low level bungalow design in order to preserve views from Tantallon Road, across the site, to North Berwick Law. As such the residential units have a fairly wide footprint which extends along the width of their sites resulting in fewer opportunities for setback parking. However, the landscaping proposed around the entrance into the site, including tree and hedge planting would provide sufficient screening to these parking spaces and as such they would not appear incongruous. These instances of frontage parking are in the minority and in general the proposed layout of roads, pathways and parking spaces throughout the development 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 details now submitted for approval are for a scheme of development comprising a mix of detached, semi-detached and terraced houses and 'four in a block' style flats (11 types of residential units) with the residential units being a mix of single and two stories in height. 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 proposed houses, due to their positioning on the 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 particular, the residential units to be positioned on plots 1, 2, 3, 99 and 100 of the site (units close to Tantallon Road) have been designed to be single storey in height in accordance with Condition 1a of the planning permission in principle and by their siting, design and low height will preserve the setting of the scheduled monument of North Berwick Law.

The range of residential units proposed would give a variation of architectural from to the development, which coupled with the orientation and layout of buildings, would give a degree of variety of appearance to the development. The architecture of the proposed residential units is of a traditional pitched roof form. The residential units would be finished predominantly with rendered walls and smaller areas of timber type cladding and their pitched roofs would be clad with plain smooth tiles. The palette of materials and colours proposed for the development includes two contrasting but complementary render colours (one an off white colour and the other a pale beige/grey tone) grey coloured timber cladding, window frames and pedestrian and garage doors, grey roof tiles. This palette of finishes and colours for the residential units, and the proposed mix of them throughout the development, would have due regard to the finishes of other residential properties in the locality. The proposed finishing would not cause any incongruous change to the architectural harmony, integrity and character of this part of North Berwick.

All of this coupled with the proposed landscaping, which would include hedges and walls as front and side boundary treatments along primary streets, would ensure a visually attractive and cohesive development, with the proposed residential units 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 residential 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, thereby affording the future occupants of the houses and flats as well as the occupants of existing neighbouring houses an appropriate level of privacy and residential amenity.

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

The matter of potential noise associated with the normal operation of the existing Tesco store impacting on the amenity of residents of the proposed residential development was considered in the determination of planning permission in principle application 15/00670/PPM. Condition 1v. of that planning permission in principle requires that details of acoustic screening measures to be provided along the boundary of residential properties with the supermarket site to the north be agreed with the Planning Authority including for their implementation prior to the occupation of any residential property.

The details submitted with this approval of matters application include a proposal to erect a 2 metres high, close boarded acoustic timber fence along the boundaries which the site shares with the supermarket site. The Council's Environmental Health Manager having assessed the details submitted 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.

The indicative details submitted with planning permission in principle application 15/00670/PPM illustrated wide strips of landscaped open space along the eastern, southern and western ends of the site of the residential development and smaller pockets of open space, including a 'village green' type area of open space with an equipped toddlers play area in between the streets of residential development. The landscaped open spaces and play area detailed in this approval of matters application generally accord with the illustrative details of the planning permission in principle.

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

- * Amended details of the SUDS basin to alter its shape in order to allow enough space around it for a scheme of landscaped screening including hedge, tree and shrub planting. The landscaping within the SUDS basin has also been amended from wetland planting to grass planting to better suit the fact that the SUDS basin is to be a dry basin designed to accommodate only short times of flooding;
- * Amended the positioning of tree planting along the areas of open space around the edges of the site and the mix of tree species to be planted in these areas;
- * Incorporated proposals for hedging alongside the acoustic fence to soften the impact of the proposed fence on the development;
- * Amended details on the proposed planting plan and the planting schedule to incorporate additional planting and amended species throughout the development;
- * Amended boundary treatments to plots within the development.

The Landscape Project Officer is now satisfied with the details of the development now proposed, but she does require that conditions be imposed on this approval of matters application to ensure that (i) the landscaping proposed is fully carried out on completion of the development and that any trees or plants which die, are removed or become seriously damaged or diseased be replaced and (ii) that the external boundaries to the rear gardens of plots 8-13, 26-34, 51-56 and plot 58 of the development, which are to be 900mm high post and wire fences with hedge planting to give a softer, more rural

edge to the development where it meets the landscaped rural edges of the site, shall be retained as such. Such measures can be secured by the imposition of conditions on the approval of matters specified in conditions for the proposed residential development as can the removal of permitted development rights to erect any walls or fences along the external boundaries to the rear gardens of these plots in order to prevent alternative boundary treatments being erected at a later date which could harm the appearance of the development.

The Council's Principle Amenity Officer is satisfied with the layout and quantity of open space throughout the site and the location identified for a toddlers play area. He is also satisfied with the range of equipped play proposed which includes provision for 5 pieces of toddler play equipment and some elements of natural play by way of land shaping into a stepped and curved mound around the play area. The applicant has proposed that the toddler play area shall be installed on completion of the first 50 residential units of the development which will allow for construction activities around the area of the toddlers play area to be completed and thus ensure that toddlers would be safe to play in this area without the conflict of construction taking place nearby. The Council's Principle Amenity Officer is satisfied with this timetable for implementing the toddlers play area and this timetable can be secured through a condition imposed on the approval of matters specified in conditions for the proposed residential development.

The indicative details submitted with planning permission in principle application 15/00670/PPM indicated a site for allotments between the areas of residential development and the business uses in the northwest area of the site. The details submitted in this approval of matters application show the same area as being provided for allotments. The provision of such allotments is controlled by Condition 9 of the planning permission in principle which requires that unless otherwise approved in writing by the Planning Authority the allotments shall be provided and made available for use prior to the occupation of 60 residential units of the development and also by the concluded Section 75 Agreement which requires the transfer of the title of the land for allotments as shown on the Indicative Development Framework to the Council at no cost. There is therefore no requirement to impose such controls on this approval of matters application.

The layout, positioning and future use of the areas of open space within the site would be associated with the residential use of the site and such use would not have a harmful impact on the privacy and amenity of the occupants of neighbouring residential developments. Nor would the use of the allotment land or the future use of the business land.

On all of these foregoing findings on matters of design, layout, open space, landscaping, amenity and the setting of the scheduled monument of North Berwick Law 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, C1, C2, DP1, DP2, DP24 and ENV7 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 13 of planning permission in principle 15/00670/PPM requires that 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. An indicative position for artwork on the northeast corner of the site has been annotated on the application drawings but no details of what that artwork would consist of have been submitted with this application. The

requirement to submit details of artwork to be provided on the site or at an alternative location away from the site remain in force through Condition 13 of planning permission in principle and thus there is no requirement to also secure this again through a condition attached to this approval of matters specified in conditions application.

The indicative details submitted with planning permission in principle application 15/00670/PPM indicated the provision of a SUDS pond in the far northeast corner of the site. Condition 11 of the planning permission in principle requires that details of the SUDS including results of any investigation of the receiving watercourse and culvert upstream of Tantallon Road shall be submitted to and approved in writing by the Planning Authority following consultation with the Scottish Environment Protection Agency (SEPA).

Details of the SUDS and other drainage details including a Drainage Assessment have been submitted with this approval of matters application.

SEPA have been consulted on the details provided and have confirmed they have no objections to the details shown and they do not request any conditions be imposed on this application.

The Council's Team Manager for Structures, Flooding & Street Lighting is satisfied with the details shown although in order to prevent any potential localised flood risk on or around the site but he has requested that a condition be imposed on an approval of matters to ensure that further details of an investigation into the existing culvert located under Tantallon Road and any remedial measures required to be taken to deal with any potential new surface water source within the site are submitted to and approved by the Planning Authority in consultation with the Council's Structures, Flooding and Street Lighting Team Manager. This matter can be secured through a condition on an approval of matters.

Condition 5 of planning permission in principle 15/00670/PPM requires that a scheme to connect to the public waste water network be submitted for the written approval of the planning authority, in consultation with Scottish Water. The applicant has confirmed in writing that they have received Technical Approval for their drainage arrangements, including connecting to the public waste water network, from Scottish Water and have submitted to the Planning Authority a copy of a letter which they received from Scottish Water in April this year which confirms this. This therefore deals with this condition on the planning permission in principle.

Scottish Water have been consulted on this application but have not commented on it.

On the foregoing water and drainage considerations, and subject to the aforementioned condition, the proposed details are consistent with DP15 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 15/00670/PPM. These include that vehicular and pedestrian access to the site should be taken from the A198 Tantallon Road via a priority junction; the proposed development shall provide footpath links within the development to the northern and western edges of the development and that parking provision, cycle parking, access roads and driveway dimensions shall comply with the Council's Standards.

The submitted details for accessing the proposed 125 residential units are in accordance with the principles established by the grant of planning permission in

principle 15/00670/PPM.

The Council's Road Services raise no objection to the submitted details, being satisfied that revisions made to the proposals since they were originally submitted address comments they had raised relating to the provision of pedestrian safeguards and service strips throughout the site, the provision of turning areas for certain plots throughout the development, the number and distribution of visitor parking spaces throughout the development and the ability of bin lorries and other large vehicles to manoeuvre throughout the site.

They are now satisfied with the proposals being content that the proposed means of access and amount and location of parking within the site are all acceptable and being content that the proposed development would not result in unacceptable traffic congestion, including on Tantallon Road. The Council's Road Services recommend that conditions be imposed on the approval of matters to ensure that the footpath to be formed from Heugh Road/Heugh Brae to the parking spaces to be formed to the south of the allotments be hardsurfaced and lit in accordance with details to be submitted and to specify the minimum dimensions of driveways within the site. These matters can be controlled through the imposition of conditions on this approval of matters application.

Condition 7 of planning permission in principle 15/00670/PPM requires the submission of a Green Travel Plan, to have particular regard to provision for walking, cycling and public transport access to and within the site. The applicant's have submitted a Green Travel Plan which is currently being considered by the Planning Authority in consultation with the Roads Authority as part of planning permission in principle 15/00670/PPM rather than through the consideration of this approval of matters application.

Condition 8 of planning permission in principle 15/00670/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 and is currently being considered by the Planning Authority in consultation with the Roads Authority as part of planning permission in principle 15/00670/PPM rather than through the consideration of this approval of matters application.

Condition 10 of planning permission in principle 15/00670/PPM requires a number of off site improvement works to the public roads and footpaths around the site in the interests of road safety and to enable safe access to schools. These include the provision of a signal controlled pedestrian crossing to be provided over Dunbar Road (A198) in a position between Glenburn Road and Heugh Road, the replacement and upgrading of the existing footway along the site frontage on Tantallon Road to include dropped kerb crossings over the A198 to allow barrier free access to the existing bus stops on this part of Tantallon Road. The details of these off site works have not been submitted with this approval of matters application but the requirements for them and the details of them are embodied in Condition 10 of planning permission in principle 15/00670/PPM and therefore remain in force. Thus there is no requirement to also secure these again through a condition attached to this approval of matters specified in conditions application.

The Council's Outdoor Access Officer has not commented on this application.

The Council's Waste Services Manager raises no objection to the details of the 125 residential units now proposed. He has commented that the proposed layout suits the

needs of his Service on the basis that all waste collections take place from the main access road through the development. Therefore residents of plots 1-6, 34, 35, 51, 56-63 and 67-71 will be required to present their containers at the end of their access drives on the kerb of the main access road. A copy of his consultation response has been forwarded onto the applicant along with the Council's Planning Guidance on Waste.

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 Biodiversity Officer, in comments to the planning permission in principle application, advised that as an open arable field there are opportunities for biodiversity improvement in the development of the field for residential development and recommended the planting of native species to facilitate this. In his comments to this approval of matters application he advises that great crested newts forage in the vicinity of the site of this application. Great crested newts are a species protected by EU legislation. The Council's Biodiversity Officer advises that it is unlikely that the species will be on site at present because the current arable land use is quite hostile to it but as the land use changes to a residential use with landscaping and allotments the site will become more attractive to the species and foraging is likely. The Council's Biodiversity Officer advises that amphibians are known to become trapped in roadside gully pots (road drains) because of the design of the drain system and kerbing. In order to prevent this happening given the likelihood of the species foraging in the application site post development of it, he is recommending that an altered design of 'amphibian friendly' kerbing and gully pots incorporating 'amphibian ladders' be fitted at all gully pots throughout the development. This would help to alleviate the problem of these amphibians becoming trapped in the roadside drains. Such a requirement can be secured through a condition attached to this approval of matters specified in conditions application.

Condition 6 of planning permission in principle 15/00670/PPM requires that no development shall take place on the site until (i) a programme of archaeological work in accordance with a written scheme of investigation has been submitted to and approved in writing by the planning authority and (ii) a Heritage assessment of the potential impacts upon the Scheduled Monument of North Berwick Law has been carried out to inform the detailed master planning of the development. An Archaeological Evaluation Data Structure Report and a Heritage Assessment have been submitted with this application and the Council's Archaeology Officer has confirmed that both are acceptable and he is satisfied that the archaeological work required by the planning permission in principle has now been completed.

The mechanism of a financial contribution towards additional educational provision at Law 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 15/00670/PPM as has the phasing of completions of the residential units to ensure sufficient education capacity can be provided for the pupil product of the development.

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 15/00670/PPM.

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

a mix of 8 x 1 bed cottage style flats, 8 x 2 bed cottage style flats, 2 x 2 bed bungalows, 8 x 2 bed houses and 5 x 3 bed houses. They have advised that the tenure will be delivered through Places for People.

The mechanism to have in place a delivery plan for the Class 4 business units prior to any development commencing on the site is already secured through the grant of planning permission in principle 15/00670/PPM. A detailed delivery plan for the Class 4 business units has since been submitted to and agreed in writing with the Planning Authority.

RECOMMENDATION

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

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 No development shall take place on the site unless and until the following details have been submitted to and approved by the Planning Authority in consultation with the Council's Structures, Flooding and Street Lighting Team Manager:

- o Details of an investigation into the existing culvert located under Tantallon Road.
- o Details of any remedial measures to be taken if the investigation reveals any new surface water source within the site.

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

Reason:

In the interest of the prevention of flood risk.

- 3 Prior to the occupation of any of the residential units hereby approved a timetable for the implementation of all the open space recreation areas indicated on the docketed site layout plan shall be submitted to and approved in advance by the Planning Authority and the open space recreation areas shall be formed and made available for use in accordance with the timetable so approved.

The open space recreation areas shall thereafter 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.
- 4 Unless otherwise approved in writing by the Planning Authority, the toddlers play area hereby approved and the equipment and natural play areas approved to be formed in it shall be completed in its entirety following completion of the first 50 residential units of the development hereby approved

Reason:

- In the interests of the amenity of the development.
- 5 All new planting, seeding and turfing as shown and specified on the landscape plan and planting schedules docketed to this approval 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.

No trees or shrubs, detailed in the docketed landscape plans to be retained on the site, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner unless otherwise approved by the Planning Authority.

Reason:

- In order to ensure the implementation of a landscaping scheme to enhance the appearance of the development in the interests of the visual amenity of the area.
- 6 The external boundaries to the rear gardens of plots 8, 9, 10, 11, 12, 13, 26, 27, 28, 29, 30, 31, 32, 33, 34, 51, 52, 53, 54, 55, 56, and 58 as detailed in the site plan and landscape plan docketed to this approval shall be retained as 900mm high post and wire fences with hedge planting as per the docketed landscape plan.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended by The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011, or of any subsequent Order amending, revoking or re-enacting the 1992 Order, no development of the types specified in Classes 3E of Schedule 1 of the Order or in any statutory instrument revoking and/or re-enacting that Part of the Order shall be undertaken on any part of the gardens of those plots unless with the prior approval of the Planning Authority.

Reason:

- To protect the visual appearance of the development.
- 7 Unless otherwise approved in writing by the Planning Authority, no residential unit shall be occupied until the accoustic barrier fence hereby approved has been erected in its entirety in accordance with the details docketed to this approval. The accoustic 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 residential units hereby approved from noise from the adjoining supermarket site.
- 8 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.
- 9 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.

Reasons:

- In the interests of road and pedestrian safety.
- 10 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 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.

The footpath to be formed between Heugh Brae/Heugh Road and the parking spaces to the south of the allotments site shall be hard surfaced and lit in accordance with details to be submitted for the prior approval of the Planning Authority and thereafter shall be maintained as such unless otherwise approved by 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.

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Unless otherwise approved by the Planning Authority all gulley pots (road drains) and the kerbing to be installed adjacent to them throughout the site shall be specially designed to include amphibian ladders and recessed kerbs all in accordance with details to be submitted for the prior approval of the Planning Authority. Thereafter the gulley pots and kerbs approved shall be maintained throughout the site unless otherwise approved by the Planning Authority.

Reason:

In the interests of the biodiversity 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 28 June 2017
BY: Depute Chief Executive (Partnerships and Community Services)
SUBJECT: Application for Planning Permission for Consideration

5

Application No. **17/00047/AMM**

Proposal Approval of Matters Specified in Conditions of planning permission in principle 14/00431/PPM - Erection of 120 houses and associated works

Location **Land At Limeylands Road
Ormiston
East Lothian**

Applicant BDW Trading Limited

Per EMA Architecture and Design

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

Although this application is for the approval of matters specified in conditions of planning permission in principle 14/00431/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 49. 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 8 hectares of agricultural land which forms the western part of a larger area of agricultural land on the north side of Limeylands Road, on the northwestern edge of Ormiston.

The site is bounded to the north by scrubland, to the east by the remainder of the larger area of agricultural land of which the site is a part, to the south by residential properties of George Crescent and a length of Limeylands Road, and to the west by a pedestrian track. A number of trees on the southern boundary of the site with Limeylands Road

are the subject of individual Tree Preservation Orders.

In January 2015 planning permission in principle 14/00431/PPM was refused by East Lothian Council for a residential development of 120 houses on the application site. That decision was subsequently appealed to the Scottish Government Directorate for Planning and Environmental Appeals. On 10 January 2017, following the conclusion of a legal agreement to secure education and affordable housing contributions, the appeal was allowed and planning permission in principle 14/00431/PPM was granted. Condition 9.1 of planning permission in principle 14/00431/PPM states that no more than 120 residential units shall be erected on the application site.

Approval of matters specified in conditions of planning permission in principle 14/00431/PPM is now sought for erection of 120 houses and associated works on the application site.

Of the 120 houses to be erected within the site, 90 would be detached, 10 would be semi-detached and 20 would be terraced. In terms of size, 85 of the 120 proposed houses would contain 4 bedrooms, 17 would contain 3 bedrooms and 18 would contain 2 bedrooms. The proposed development would include for 10 single storey houses, the provision of single storey houses being a requirement specified in condition 1.2 of planning permission in principle 14/00431/PPM. All the other houses would be two-storey.

Of the 120 houses there would be a total of 90 private houses for sale. The houses would comprise of 13 different house types, including the provision of 30 affordable housing units which would be a mix of 2 bedroom bungalows and 2 and 3 bedroom houses of two different house types.

The submitted details also include for the internal access roads, garages, parking courts, boundary treatments, landscaping, areas of open space and SUDS.

Vehicular, pedestrian and cycle access to the houses would be taken by way of a new access junction from Limeylands Road.

The north, east and west boundaries of the site would be landscaped with new woodland tree planting. Existing trees on the boundary of the site with Limeylands Road would, where possible, be retained. A large area of open space would be formed centrally within the site and other areas of open space would be formed on the northern, western and southern parts of the site. A SUDS basin would be formed in the northeast corner of the site.

There is no area indicated for equipped play within the site as in the determination of planning permission in principle 14/00431/PPM, it was deemed to be not required.

The application is supported by an Ecological Assessment, a Design and Access Statement, Site Investigations Reports, an Archaeological Evaluation report, a Flood Risk Assessment Noise Assessment and a Tree Survey and Report.

Subsequent to the registration of this application, further drawings have been submitted showing revisions to the site layout including a change to the mix of residential units.

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), 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.

Two written representations have been received in respect of this application, both 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 development would lead to a loss of residential amenity and the ability of an objector to sell their property prior to and during site construction; and
- * There would be pressure on the local road network, the medical centre and in the local schools to accommodate the proposed development;
- * The proposed development would lead to traffic problems and thus would result in a road and pedestrian safety hazard; and
- * The proposed development may harm trees and bats.

The ability of an objector to sell their property is not a material consideration in the determination of a planning application.

By the grant of planning permission in principle 14/00431/PPM, approval has been given for the principle of the erection of 120 houses on the application site following technical assessments which demonstrated that local and wider infrastructure, subject to financial contributions and conditions, can accommodate such level of development. There can therefore be no objection in principle to the erection of the 120 houses 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 Design Concept and conditions attached to planning permission in principle 14/00431/PPM.

The proposed residential development would form an extension to the north-western edge of Ormiston. It would be seen in relation to the existing housing on the north and south sides of Limeylands Road and the new housing development immediately to the south 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.

The houses 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), with the houses being a mix of single and two stories in height. 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 of a mix of single and two-storey.

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 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 Ormiston. 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 a grant of approval of matters specified in conditions for the proposed development to address these matters of wall finishes.

The proposed layout is broadly consistent with the layout shown in the Design Concept docketed to planning permission in principle 14/00431/PPM. The proposed houses,

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. This coupled with the proposed landscaping would ensure a visually attractive and cohesive development, with the proposed houses 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. 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 and flats 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 revised proposals have:

- * Amended details of the tree protection measures for the protected trees on the south boundary of the site with Limeylands Road;
- * Provided a detailed landscaping scheme for the site including information on species 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 Council's Environment Health Manager raises no objection to the application, satisfied that the proposed development would not result in a loss of amenity to any neighbouring or nearby residential property.

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".

As previously detailed, the proposed site layout includes areas of open space to be formed within 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 Council's Biodiversity Officer advises the application site has very few natural features and, as the applicant's submitted ecology report states, has limited value for wildlife. The Biodiversity Officer further advises that the ecology report looked specifically at the trees on the southern boundary and concluded that they had negligible value for roosting bats. The Biodiversity Officer concurs with this stating that there are no other features within the site where bats could roost. He advises that it is entirely likely that bats could have been seen foraging around the site, but that is not the same as roosting on site, and that the proposed development would not reduce the foraging capacity of the area, nor would it reduce the roosting potential of the site. In fact, it is the Biodiversity Officer's view that the proposed development is likely to enhance the value of the site for biodiversity.

Condition 5 of planning permission in principle application 14/00431/PPM requires the applicant to submit a programme of archaeological evaluation of the site prepared by an accredited archaeologist or archaeological organisation, and thereafter secure the implementation of the programme to the satisfaction of the Planning Authority.

A written scheme of investigation has been submitted with the application. The Council's Archaeology Officer advises that this written scheme of investigation has been undertaken to inform the required programme of archaeological evaluation and therefore this is still yet to be undertaken. The requirements to submit the programme of archaeological evaluation and secure the implementation of the programme are embodied in Condition 5 of planning permission in principle 14/00431/PPM and therefore remain in force. Thus there is no requirement to also secure this again through a condition attached to this approval of matters specified in conditions application.

The principles of the means of accessing of the proposed residential development are already decided by the grant of planning permission in principle 14/00431/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 14/00431/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, 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.

Condition 2 of planning permission in principle 14/00431/PPM requires the submission of a Green Travel Plan, to have particular regard to provision for walking, cycling and public transport access to and within the site. A Green Travel Plan has been submitted with the application and Road Services confirm it is acceptable.

Condition 3 of planning permission in principle 14/00431/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 the application and Road Services confirm it is acceptable.

Condition 4 of planning permission in principle 14/00431/PPM requires that, (i) a continuous 2 metre wide footway shall be formed and made available for use on the south side of Limeylands Road. The footpath shall extend from the western end of the existing footway on the south side of Limeylands Road to a position opposite the vehicular access junction into the application site from Limeylands Road and shall

incorporate dropped kerbs where necessary, (ii) a raised table crossing shall be formed over Limeylands Road to provide pedestrian access to the application site from the new footway to be formed on the south side of Limeylands Road in accordance with i) above, and (iii) the existing traffic calming measures provided on Limeylands Road shall be extended along the site frontage. The application drawings show the provision of all the requirements of Condition 4 of planning permission in principle 14/00431/PPM and Road Services confirm they are acceptable.

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.

Condition 6 of planning permission in principle 14/00431/PPM requires the submission of a comprehensive contaminated land investigation. The Council's Environmental Health Contaminated Land Officer has appraised the Site Investigation Reports submitted with the application and advises he is satisfied with the work that has been carried out. However he advises that further investigation is required for gas monitoring to update the gas risk assessment. As the reports must be updated to include further site-specific risk assessments of all relevant pollutant linkages the Environmental Health Contaminated Land Officer confirms the requirements of Condition 6 have not been met. The further provision of an updated Site Investigation Report to include a site-specific risk assessment of all relevant pollutant linkages are embodied Condition 6 of planning permission in principle 14/00431/PPM and therefore remain in force. Thus there is no requirement to also secure this again through a condition attached to this approval of matters specified in conditions application.

Condition 8.1 of planning permission in principle 14/00431/PPM requires a scheme of intrusive investigation works to be submitted to and approved in writing to assess ground stability in relation to any former mine workings at the site, and then completed. Condition 8.2 requires that in the event that the intrusive investigation works identify the need for remedial works to treat any areas of shallow mine workings, the Planning Authority will immediately be informed, and development shall not begin until a scheme of remedial works on the site has been submitted to and approved in writing by the Planning Authority, and thereafter have been fully implemented as so approved.

The Coal Authority has appraised the Site Investigation Reports submitted with the application and advise that they are satisfied that appropriate intrusive investigations have been carried out to establish the situation regarding coal mining legacy at the site. However, in order to comply with the requirements of Condition 8.2 of planning permission in principle 14/00431/PPM, The Coal Authority state that a detailed scheme of remedial works must be provided prior to the commencement of development of the site. The requirement for the redial work identified in the submitted Site Investigation Reports is embodied Condition 8.2 of planning permission in principle 14/00431/PPM and therefore remains in force. Thus there is no requirement to also secure this again through a condition attached to this approval of matters specified in conditions application.

The Scottish Environment Protection Agency has been consulted on the application and raise no objection to the proposed development on the matter of surface water drainage, advising that the proposed methodology for dealing with surface water drainage at the site is satisfactory.

Condition 7 of planning permission in principle 14/00431/PPM requires the submission of, (i) a topographic site survey of the site in metres AOD which includes the watercourse channel bank and bed levels, (ii) the provision of flood levels on the site in

metres AOD, and (iii) the provision of a detailed site plan and proposed finished floor levels of the residential units, all to assess the risk of flooding on the site.

To address this, the applicant has submitted a Flood Risk Assessment with confirmation of flood levels, topographic survey and detailed site plans with proposed finished floor levels of the residential units. The Scottish Environment Protection Agency (SEPA) have appraised the submitted information and advised that the housing would be sufficiently elevated above all predicted levels on site. As such, SEPA now raise no objection to the proposals, being satisfied that the development would not constitute a flood risk.

The mechanism of a financial contribution towards additional educational provision at Ormiston Primary School and Ross High School for a housing development of 120 residential units has already been secured through the grant of planning permission in principle 14/00431/PPM.

The mechanism of the provision within the residential development of 25% affordable housing units (i.e. 30 units of the proposed 120 units) is already secured through the grant of planning permission in principle 14/00431/PPM.

The Council's Economic Development and Strategic Investment service raise no objection to the details of the 30 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:

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

Reason:

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

- 4 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.

- 5 Prior to the occupation of any of the residential units hereby approved a timetable for the implementation of all the open space recreation areas indicated on the docketed site layout plan shall be submitted to and approved in advance by the Planning Authority and the open space recreation areas shall be formed and made available for use in accordance with the timetable so approved.

The open space recreation areas shall thereafter 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.

- 6 No development shall commence until temporary protective fencing has been erected in accordance with that shown in Section 3 and Appendix 1 of the docketed 'Tree Survey & Arboricultural Impact Assessment For Trees at Limeylands Road, Ormiston' and in the positions shown for it on docketed drawings nos. 3412ZZZU-01 Prot (1 of 2) and 3412ZZZU-01 Prot (2 of 2). The temporary protective fencing shall remain intact and in place 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 and maintenance of trees which are an important landscape feature of the area.

- 7 No development shall commence until a person who, through relevant education, training and experience, has gained recognised qualifications and expertise in the field of trees in relation to construction, has been employed by the developer to monitor any works within the root protection area or canopy spread of trees on or adjacent to the application site. Arboricultural monitoring shall including the supervision and reporting to the Planning Authority on the installation of the tree protection fencing and any development within the root protection area of trees to be retained.

Reason:

To ensure the retention and protection of the trees on the site which are an important landscape feature of the area.

- 8 No trees, shrubs or hedgerows which are to be retained on the site, other than the four trees with tag reference numbers 702 (Field Maple), 703 (Oak), 705 (Elm) and 706 (Elm) as shown on docketed drawing no. 3412ZZZU-01 Prot (1 of 2), shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority.

All tree management works shall be carried out under the supervision of an appointed Arboricultural Consultant in compliance with British Standard 3998: 2010 "Tree work ~ Recommendations" Section 7, Pruning and related work and Figure 2 - Positions of final cuts; leaving an overall balanced tree shape on completion of the works.

Reason:

To ensure the retention and protection of the trees on the site which are an important landscape feature of the area.

- 9 All new planting as shown on docketed drawings nos. C16-229 L003 Rev. A, C16-229 L004 Rev. A, C16-229 L005 Rev. A, C16-229 L006 Rev. A, C16-229 L007 Rev. A and C16-229 L008 Rev. A 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.

- 10 Prior to the commencement of development a detailed maintenance and management plan for all the existing planting, and the new planting as required by Condition 9 above shall be submitted to and approved in writing by the Planning Authority. The maintenance and management plan shall include a scaled coloured plan with the plot numbers shown and a key that clearly shows all communal landscape areas, including; woodland, native mixed hedgerows, amenity hedgerows, street trees, shrubs, meadows and lawns. All tree tag numbers shall be shown on this plan. The new planting shall thereafter be maintained and managed in accordance with the detail so approved unless otherwise agreed in writing by the Planning Authority.

Reason:

In order to ensure the maintenance and management of the landscaping scheme to enhance the appearance of the development in the interests of the amenity 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)