

REPORT TO: Planning Committee

MEETING DATE: Tuesday 15 August 2017

BY: Depute Chief Executive
(Partnerships and Community Services)

SUBJECT: Application for Planning Permission for Consideration

Application No. **16/00485/PPM**

Proposal Planning Permission in Principle for residential development with associated greenspace, access and engineering works

Location **Longniddry Farm
Longniddry
East Lothian
EH32 0NZ**

Applicant Redhouse Castle Ltd & Socially Conscious Capital

Per Ryden

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

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

As a statutory requirement for major development types this proposal was the subject of a Proposal of Application Notice (Ref: 15/00012/PAN) and 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 3 day "Enquiry by Design" consultation event was held in November 2013. The report also informs that a total of 184 people attended the pre-application public exhibition, which was held at the Longniddry Inn on the 19th and 20th February 2016. Attendees made a number of 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 30.7 hectares of land to the south of Longniddry, on the south side of the main east coast railway line. The land of the application site is predominantly in agricultural use. The site contains Longniddry Farmhouse and Longniddry Farm Steadings along with other agricultural buildings. The Farm Steadings and Farmhouse are both listed as being of special architectural or historic interest (Category B). Nos. 3-6 Longniddry Farm Cottages, which are located within the northern part of the application site, are also listed as being of special architectural or historic interest (Category C). The land of the application site also includes the northern end of the Coal Road (the B6363 road), Longniddry Main Street, the roundabout junction immediately to the northwest of Longniddry Railway Station, and an area of land immediately to the east of the Railway Station car park.

The site is bounded to the north by the main east coast railway line, to the east and south by agricultural land, and to the west by the Coal Road, on the other side of which is agricultural land. The residential properties of Redcoll Cottages and Limekiln Cottages are located to the south and east of the site respectively. Longniddry Station is located some 100 metres to the northeast of the site.

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

Planning permission in principle is sought for residential development of the application site with associated open space, access and engineering works.

Although the details submitted with the application indicate that the proposed residential development would consist of approximately 450 houses, the indicative masterplan notionally accommodates 474 residential units on the site.

The indicative masterplan shows how the 474 units could be accommodated on the application site, laid out around a permeable street pattern. Generally, development is shown to be more compact at the northern part of the site, with the proposed density exceeding 30 dwellings per hectare. The density of development reduces towards the southern part of the site, with a greater predominance of detached dwellings with relatively large gardens. The indicative masterplan also shows how access to the site from the Coal Road would be taken at three new access points, the central one which would serve the primary street that is shown to run through the central part of the site. Additional pedestrian/cycle access would be made to the railway station at the north end of the site and to Main Street just to the west of Longniddry Farm Cottages. A village green is proposed for the northwest part of the site. This is shown to connect with community gardens and a linear park, which is shown to run on a north to south alignment through the centre of the site. A football pitch is shown to be located within the northeast part of the site. The indicative masterplan also shows how footpaths could be provided within the site. Belts of landscaping are shown to be provided around the edges of the site.

The application is supported by a Supporting Planning Statement, a Rail Study Update, a Tree Survey and Arboricultural Constraints Report, a Design Statement, an Education Impact Analysis, a Landscape and Visual Impact Assessment, a Landscape Character Assessment, a Noise and Vibration Impact Assessment, a Drainage Strategy, a Longniddry Development Report, a Habitat Survey and Protected Species Report, a Badger Survey, a Bat Survey, an Economic Impact Assessment, a Landscape Statement, a Transport Assessment, and an Archaeology Report.

In March 2017, planning permission (Ref: 17/00194/P) was sought for the conversion of the agricultural buildings and land of Longniddry Farm Steading to be used for Class 2,

Class 3, Class 4, Class 10, holiday let (sui generis) uses, for the erection of a covered canopy for class 3 use and for associated works. Listed building consent (Ref: 17/00178/LBC) was also sought at that time for the proposed works to the listed building. Those applications are pending consideration and no decision has yet been taken on them.

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 the proposed development falls within the category of a Schedule 2 Development, being one that may require the submission of an Environmental Impact Assessment (EIA). Schedule 3 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 sets out the selection criteria for screening whether a Schedule 2 development requires an EIA. On 26 June 2015 the Council issued a formal screening opinion to the applicant. The screening opinion concludes that it is East Lothian Council's view that the proposed development is not likely to have a significant effect on the environment such that consideration of environmental information is required before any grant of planning permission in principle. It is therefore the opinion of East Lothian Council as Planning Authority that there is no requirement for the proposed housing development to be the subject of an EIA.

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 Policies DC1 (Development in the Countryside and Undeveloped Coast), 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 some 450 homes are proposed, the Interim Guidance is not a material consideration in the determination of this application for planning permission in principle and the Council requires to determine whether the proposal meets the tests of the other material planning policy considerations.

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 and sites 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.

A total of 15 written representations have been received. Six of those make objection to the principle of the proposed development and six write in support of it. Two of the letters of support are made on a pro-forma basis. The other three representations do not state whether they object to or support the proposals.

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

The objections are made on the following main grounds:

- * loss of quality farmland, which supports a multitude of wildlife;
- * lack of infrastructure to serve the proposed development;
- * road access is completely inadequate and potentially very dangerous, especially traffic joining Main Street from the Coal Road, where sight lines are considerably restricted;
- * the proposal will increase the size of the Village by 50% and will materially affect the character of the neighbourhood;
- * the proposal will cause further congestion on surroundings roads;
- * the majority of villagers do not support the proposals;
- * there could be further proposals for additional housing development;
- * the landowner is abusing their position to make money by ruining the area;
- * a new housing development adjacent to the busy and noisy train line is inappropriate;
- * it is inappropriate that affordable housing is proposed adjacent to the rail line as those residents may not be able to afford to live elsewhere;
- * new residents cannot be properly integrated village life as they will live on the other side of the dividing railway line and main road;
- * it is not practical to extend the existing primary school;
- * the proposal is contrary to the development plan;
- * there is insufficient parking in the Village to serve the proposed development;
- * objector suspects that houses will be built but not the proposed football pitches or

communal facilities; and

* the application submission does not accurately describe the “Enquiry by Design” meeting in November 2013, in which local residents who attended were unanimously opposed to the proposed development.

The grounds of objection relating to (a) the landowner allegedly abusing their position, (b) to the “Enquiry by Design” meeting, and (c) to the perceived views of one of the objectors that the majority of village residents do not support the proposals, are not material considerations in the determination of this planning application.

The letters of support are made on the following main grounds:

- * the proposal will provide much needed housing, especially for first time buyers, new families, and people looking to downsize;
- * the proposed development includes a great variety of open spaces and walking routes, making it a highly attractive location;
- * the proposed improvements to Main Street will improve road safety and will aid integration between the Village and the new development; and
- * other proposed transport works will improve road safety.

The other two representations are made on the following main grounds:

- * controls should be put in place to ensure that no houses are occupied unless and until the necessary repair works to the existing historic buildings at Longniddry Farm have been completed;
- * the representor has reservations on how the necessary social and physical connectivity with the Village can be achieved;
- * a link should be provided to the new development from the Haddington to Longniddry railway walk;
- * the applicant’s rail study is inadequate, as it only looks at the capacity of the rail service until 2036;
- * the proposed development would be poorly integrated with the Village, as there are few transport links, including only one road connection, which is also height restricted;
- * concerns over the representor’s water pipe, which runs under the land of the proposed extension of the station car park;
- * the culvert in the field must be maintained;
- * concerns over the impact of the proposed large body of water within the application site;
- * concerns over how the representor’s right of access will be retained; and
- * concerns over light and noise pollution and inconsiderate parking arising from the use of the proposed sports pitch.

The matters concerning the representor’s water pipe and their right of access are separate legal matters and not material considerations in the determination of this planning application.

Longniddry Community Council (LCC) make the following comments:

1. There are already capacity issues on peak hour trains and within the station car park, which both need to be addressed to cope with current demand before any new developments come on stream;
2. Whilst LCC appreciate the measures proposed to improve the environment on Main Street, it must not be forgotten that the A198 is part of the wider strategic road network in East Lothian. LCC has concerns over the proposed narrowing of the carriageway and the introduction of traffic signals and the impact this will have on through traffic. Some residents are concerned that some traffic may divert to alternative routes through the

Village to avoid being delayed by the traffic signals, creating a hazard on residential streets;

3. The creation of a continuous footway along the southern side of Main Street is welcomed but this will need to be carefully designed at the eastern end by the station entrance and shops;

4. The impact of the traffic signals and pedestrian crossing will alter the traffic flow through the Village and should be assessed to see if there are any negative impacts;

5. The proposed improvements to the Coal Road are welcomed and will help to encourage traffic towards the A1 at the Gladsmuir junction;

6. To avoid pupils having to cross the A198, consideration should be given to allowing them to access buses on the westbound side of the A198 in the morning and turning buses at the roundabout to drop them on the westbound side in the evening;

7. It is of deep concern to LCC that the proposed development would take place on agricultural land. General opinion appears to be that there would be reluctant approval for the Farm Steading itself being upgraded and developed as a small expansion, which would be more conducive of the existing Village;

8. It is generally felt that the proposals for at least 450 houses is just too large and will split the Village into two parts;

9. Thought needs to be given to providing suitable housing for the older generation that wish to downsize;

10. To be in keeping with the existing Village, it might be better to have less housing on the site in order to create a more spacious and pleasing development as stipulated by Wemyss & March when the Village was originally extended;

11. There should be a changing pavilion and parking to serve the proposed pitch. LCC also suggest that it should preferably be a 3G pitch which attracts less maintenance and can also be used for other sports;

12. There is apprehension that the housing development would proceed first without any community facilities such as shops, drop-in centres and play areas;

13. There are grave concerns that the existing doctor's surgery would not cope with the amount of new patients that would be generated by the new development;

14. Concerns have been raised about the suitability of existing water and sewage services within the Village and how they will cope. There is also the question of how the water table will be affected;

15. There are safety concerns about pupils who choose to walk or cycle to the primary school as they will require to cross over the Main Street. There are also concerns that many parents will not allow their children to walk or cycle to school and will instead use their vehicles to drive them, which will cause parking, congestion and road safety issues;

16. There are fears that the capacity of Preston Lodge High School will be inadequate to accommodate pupils arising from the proposed development; and

17. Works to drastically improve access to the station from the south side would require to be carried out prior to any building works taking place.

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 additional doctor's surgery provision in Longniddry, as is suggested by the Community Council.

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 PS1 (Longniddry South) of the Proposed Local Development Plan, the Council recognises its potential for residential development. Proposal PS1 allocates the site for a residential development of circa 450 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 PS1. One of these is from Longniddry Community Council. Those representations set out grounds of objection to Proposal PS1 reflecting those voiced by Longniddry Community Council and by objectors to this planning application as advised earlier in this report. 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 in part above and 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.

A small part of the application site, consisting of the Main Street and the roundabout junction immediately to the northwest of Longniddry Railway Station are located within the settlement of Longniddry.

All of the remainder of the application site is within the East Lothian countryside. By being within the countryside, this part of the application site, which constitutes the great majority of the land of the site, is covered by Policy DC1 (Development in the Countryside and Undeveloped Coast) of the adopted East Lothian Local Plan 2008. Policy DC1 provides the detailed context for the consideration of development proposals in the East Lothian countryside. The proposed housing development of this part of the application site is significantly contrary to Policy DC1 of the Local Plan.

However, this conflict with Policy DC1 of the Local Plan requires to 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 requirements of SPP and 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.

The new housing would be located on the south side of the main east coast rail line which runs to the south of the existing Village. As a new housing development, there would be a degree of difference between it and previous housing developments within the Village.

What is proposed in principle for the development of the land at Longniddry Farm would, with its permeable street pattern, road and pedestrian/cycle accesses and open spaces, be a distinctive yet attractive urban expansion of Longniddry with due regard to the existing built form of the settlement. The masterplan shows a connected and permeable framework of streets and paths across the site, which provides for both easy access within the site and with direct access to the existing Village. The street hierarchy and the incorporation of the steading buildings within the development would benefit the legibility of the site in relation to the Village and routes to the school and other facilities. The proposed housing development is shown as being laid out and designed in a 'home zone' type layout and includes in it shared surfaces, and rear parking courtyards and lanes to emphasise pedestrian/cycle use and reduce the dominance of vehicle parking.

The Council's Landscape Projects Officer notes from the applicant's Landscape Visual Assessment that visibility of the site is localised due to the site's low lying nature and containment by surrounding landform and trees. She supports the general layout of the development with its wide landscape strip providing open space, mixed tree planting and public access routes, as this will provide the proposed development with both containment and a landscape setting within the open agricultural plain and in longer range views from the Garleton Hills to the southeast. The design will enable the retention of existing large mature trees and allow planting of new large species trees to help break up the urban massing and to provide a strong landscape character to the site that is easy to navigate.

In all of this, the proposed development would be an appropriate form of housing development, subject to the submission of detailed designs.

Careful attention should be given to the detailed design and layout of the housing, to ensure that the development is satisfactorily integrated into its landscape setting. This

could be addressed through any subsequent approval of matters application(s). In this regard, the applicant's Design Statement proposes that in general the houses will be predominantly two storeys in height. In addition, the Statement notes that there will be a number of 1 and 1.5-storey cottages, as well as a limited number of 2.5 and 3-storey buildings to give added definition and variety. Such building heights would result in a reasonable density of development (26.2 houses per hectare), whilst ensuring that the development be satisfactorily integrated into its surroundings. It would be prudent to ensure that the detailed form of development generally complies with the applicant's Indicative Building Heights diagram. 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. 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 Longniddry and with its landscape setting.

The land of the application site is not in the Edinburgh Green Belt.

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, as required, by the developer.

In respect of the above criteria, 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 required under Scottish Planning Policy and SESplan Policy 7, and if so this could outweigh the considerations of Policy DC1 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 450 new houses. 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 dispersed from the main westerly part of East Lothian and does not therefore form a key component of the compact strategy. Individually and cumulatively with other new housing development, the proposed development is not in a location and of a scale so substantial and of such a cumulative impact that it could be considered 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. On the contrary, any changes to the compact strategy would likely require more housing land to be allocated in dispersed areas rather than less. Additionally this is not a site in completion with other sites in the area.

If planning permission in principle were to be granted, the details of street layout, the siting, design and external appearance of the proposed homes, the landscaping and means of access to the proposed development and the associated sports pitch 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.

With careful attention to the detailed design of it, it should be possible for the proposed development to avoid any harmful impact on the privacy or amenity of existing residential properties. Future occupants would also benefit from a satisfactory degree of privacy and amenity.

The Council's Environmental Health Service Manager has 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. He has reviewed the noise report submitted with the application and is satisfied that appropriate mitigation measures can be taken to ensure that his recommended noise criteria can be met. These measures are:

* To ensure noise associated with the East Coast Main Line and A198 Road to the North and B6363 Road to the West comply with daytime garden noise levels of 50dB(A)eq,t specified in paragraph 7.7.3.2 of BS8233:2014 "Guidance on sound insulation and noise

reduction in buildings” mitigation in the form of orientation of properties to ensure gardens are shielded from noise sources will be required.

* To ensure noise associated with the East Coast Main Line and A198 Road to the North and B6363 Road to the West comply with daytime and night-time internal noise levels specified in Table 4 of BS8233:2014 “Guidance on sound insulation and noise reduction in buildings” within any neighbouring residential property upgraded glazing and ventilation for properties with line of sight to noise sources will be required; and

* That the Rating Level, LArTr, of noise emanating from any proposed commercial units at the existing Farmhouse buildings (when measured 3.5m from the façade of any neighbouring residential property) shall be no more than 5dB (A) above the background noise level, LA90T. All measurements to be made in accordance with BS 4142: 2014 “Methods for rating and assessing industrial and commercial sound”.

He also recommends that a further noise report be provided at the detailed planning stage to specify the precise details of the mitigation to be used to ensure the required noise criteria will be met. All of these recommendations can be secured by conditions of a grant of planning permission in principle.

As it is indicatively shown, the proposed new development would be located sufficiently far away from Longniddry Farm Cottages and Longniddry Farm Steading so as not to affect the setting of those listed buildings. On this consideration the proposals do not conflict with Policy ENV3 of the adopted East Lothian Local Plan 2008 or Scottish Planning Policy: June 2014.

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. He advises that the open spaces have good connectivity within the site and to the wider Village, and are spread through the site to allow for informal recreation. He further welcomes the inclusion of community growing space as this will assist in compliance with and delivery of Section 9 of the Community Empowerment Act. He does however recommend that the long-term management arrangements for the community growing space are submitted to and approved by the Planning Authority. He further recommends that combined litter and dog waste bins should be provided by the developer at strategic points around the site to better serve routes to school and dog walking activities. These recommendations could be secured through the imposition of planning conditions. Subject to this planning control the principal of the proposed development is consistent with Policy C1 of the adopted East Lothian Local Plan 2008.

Regarding formal play provision, the Principal Amenity Officer advises that equipped play provision for a development of this size should accommodate children at least up to 12 years of age. Access to play provision for teenagers such as a MUGA and or skate facility may be required. Moreover, the spread of this should be appropriate to each discrete site, category of park and age range being catered for. Finally, the Principal Amenity Officer suggests that consideration could be given to relocating the equipped play provision currently proposed for the East Park into the proposed sports pitch area, as this would offer a slightly better spread of equipped sites, allow for a wider range of recreational activities adjacent to the formal sports pitch and allow the East Park to be designated as a quieter space for recreation. 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.

A sports pitch is shown in the indicative masterplan. The need for the sports pitch arises as a direct result of the number of homes proposed in this planning application. Consequently its delivery can be secured by an agreement under Section 75 of the Town

and Country Planning (Scotland) Act 1997. The basis of this is consistent with the test of reasonableness of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements.

In terms of the future ownership and maintenance of the playing field, the applicant proposes that they would transfer ownership of the sports pitch to the Council once it has been completed.

The Council's Service Manager for Sport, Countryside & Leisure accepts that the ownership of the sports pitch should be transferred to the Council, at no cost, and that the applicant should make a financial contribution to the Council of £66,626 towards its future maintenance. The transfer of land and the required payment of a financial contribution of a total of £66,626 towards the future maintenance of the sports pitch 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 sports pitch being provided along with the required financial contribution towards its future maintenance, the proposal is consistent with Policies C1 and INF3 of the adopted East Lothian Local Plan 2008. In respect of the transfer of land the applicant advises that it may be the case that at some point in the future proposals for further development on adjacent land may emerge and in respect of any future approval of such development the applicant's view is that the sensible option would be to re-provision the sports pitch alongside any sports provision required for any approved further development and that part of the overall site now under consideration be redeveloped. This could provide for better planning of the area were the Council minded in the future to support any such proposal. The Council's current and proposed policies for open space and sports facilities would allow for this. However, the applicant has a concern that policies may change in the future and seeks that the agreement on the transfer of land be worded to allow for the return of the land to the applicant at no cost should any further development be approved. It is feasible for the agreement to be worded to this effect without prejudicing the Council's position in considering any such proposal.

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, although he recommends that the burn within the site should be incorporated as part of a green network, and that bat boxes should be installed. The recommendations of the Biodiversity Officer could be secured through the imposition of a planning condition. Subject to this planning control the principal of the proposed development 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 Longniddry Primary and Nursery School and Preston Lodge High School.

He advises that Longniddry Primary and Nursery School and Preston Lodge High School do not have sufficient capacity to accommodate children that could arise from the proposed development at this time. 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 £3,145,050 towards the provision of additional school accommodation at Longniddry Primary and Nursery School and a contribution of £1,785,150 towards the provision of additional school accommodation at Preston Lodge High School.

The required payment of a financial contribution of a total of £4,930,200 towards the provision of additional accommodation at Longniddry Primary and Nursery School and Preston Lodge High School can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the payment of the required contribution towards educational accommodation the proposal is consistent with Policy INF3 of the adopted East Lothian Local Plan 2008, which stipulates that new housing will only be permitted where appropriate provision for infrastructure required as a consequence of the development is made. This will include funding necessary school capacity.

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 450 residential units be erected on the application site, phased in accordance with the developer's proposed phasing. 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.

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 application 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):

* improvements to Old Craighall junction - £11,799;

* improvements to Salters Road Interchange and Bankton Interchange – £22,635 and £93019.50;

* improvements to the rail network - £766,362.50;

* extension to Longniddry Station car park - £100,000;

* Musselburgh town centre improvements - £9,382.50; and

* Tranent town centre improvements – £16,200.

In addition, the applicant has agreed that their recommended road improvements to Mains Street and the Coal Road be carried out by the Council, requiring a financial contribution of £324,000 towards improvements on Main Street and £557,000 towards improvement on the Coal Road.

In respect of the matters above, Transport Scotland advise that they have concern in regard to the development impact on the junction of the A1 trunk road and the A720 trunk road (i.e. the Old Craighall Junction south of Musselburgh, at the western end of East Lothian). In this regard they have sought the relevant contribution from the developer towards mitigation of this impact. The applicant is willing to pay Transport Scotland the sum of £11,799 towards the upgrade of the Old Craighall junction. At the time of writing no formal agreement in respect of this payment to Transport Scotland has been notified to the Council and therefore any grant of planning permission in principle should be subject to the completion of an appropriate agreement, prior to the Council signing the section 75 Agreement. Transport Scotland are content with this approach and, on this basis, raise no objection to the impact of the development on the Old Craighall junction.

Network Rail advises that the proposal will contribute to a cumulative impact on Longniddry Station and on local rail services within East Lothian and that mitigation of the impact of the development is required in accordance with the evidence base informing East Lothian Council's Draft Developer Contributions Framework. It recommends that the applicant provides the financial contribution of £766,362.50 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. Again, the applicant is willing to pay Network Rail the required contribution. At the time of writing no formal agreement in respect of this payment to Network Rail has been notified to the Council and therefore any grant of planning permission in principle should be subject to the completion of an appropriate agreement, prior to the Council signing the section 75 Agreement. Network Rail is content with this approach and, on this basis, raise no objection to the impact of the development on the rail network.

In addition to the financial contribution, the applicant also agrees to transfer a small area of land required for the extension, at nil value, to be aggregated with Council controlled land for the extension. This requires to be transferred to the Council, which will carry out the works with the funding made available.

With allowance for the amounts agreed for payment to Transport Scotland and Network Rail the developer contributions towards the other required interventions can be secured by the Council 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.

A detailed scheme of environmental and traffic calming improvements to Main Street forms part of the development the subject of this application. The applicant also proposes a number of other off-site transport improvement works.

In line with the applicant's Transport Assessment, Road Services conclude that the proposed mitigation measures in place would allow the road network to operate satisfactorily for the proposed 450 units. Road Services therefore conclude that subject to the proposed mitigation works, 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 and with the road interventions proposed to Main Street and the Coal Road 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 an appropriate amount of car parking and cycle storage be provided, that a Green Travel Plan be submitted, and that construction traffic movements be controlled.

The Council's Access Officer advises that the proposed development would result in increased usage of the nearby Longniddry – Haddington cycle path along the old railway route and thereby requires a contribution of £10,000 towards the upgrading of that path. This can competently be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement.

The Access Officer notes that the revised indicative masterplan shows a shared use footpath/cycleway running along the northern boundary of the site, to the south of the A198 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 matters of drainage design and impact have been fully considered by the Scottish Environment Protection Agency (SEPA) and the Council's Team Manager - Structures, Flooding and Street Lighting respectively.

SEPA originally objected to the application on the grounds of lack of information on flood risk. Since then the applicants' consultants have provided further information on flood risk. SEPA have since withdrawn their objection and now raise no objection to the proposed development on flood risk grounds. They do however recommend that a) no built development or land-raising takes place within the 1:200 year post-development flood extent as shown in the Flood Risk Assessment by WSP dated February 2017; and b) an updated Flood Risk Assessment is provided which includes the channel design and demonstrates that any water-crossings will not increase flood risk to built development. 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 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 this recommendation could be secured through the imposition of a planning condition.

Scottish Water were consulted on the planning application but have not responded.

A Preliminary Environmental and Geotechnical Assessment has been carried out by WSP Ltd. from which they concluded that the site is of low contamination potential. They have, however, commented that there may be areas of localised contamination associated with both farming activities and potential areas of made ground. Given the proposed sensitive end use, the Council's Contaminated Land Officer recommends that an intrusive contaminated land investigation should be carried out and that any necessary remediation measures are carried out in accordance with a remediation strategy. 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.

The Coal Authority notes that the application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement for a Coal Mining Risk Assessment to be submitted.

The Council's Archaeology Officer advises that the proposed development is within a sensitive archaeological area. Because of this the Archaeology Officer recommends that a programme of archaeological works (Historic Building Recording, Watching Brief and Evaluation) 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.

RECOMMENDATION

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

1. The undernoted conditions.

2. The satisfactory conclusion of an Agreement under Section 48 of the Roads (Scotland) Act 1984, or some other legal agreement, to secure from the applicant a financial contribution of £11,799 towards road improvements at Old Craighall junction.

3. The satisfactory conclusion of an appropriate undertaking or legal agreement to secure from the applicant a financial contribution of £766,362.50 towards station and associated rail improvements within the East Lothian area.

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

(i) a financial contribution to the Council of £3,145,050 towards the provision of additional school accommodation at Longniddry Primary and Nursery School and a contribution of £1,785,150 towards the provision of additional school accommodation at Preston Lodge High School;

(ii) 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) the transfer of the land of the sports pitch at no cost to the Council (subject to wording which allows for the potential re-provisioning and return of that land as appropriate) and a financial contribution to the Council of £66,626 for the future maintenance of the sports pitch;

(iv) a financial contribution to the Council of £141,237 for road improvements to Salters Road Interchange and Bankton Interchange, Musselburgh town centre improvements and Tranent town centre improvements and a sum of £324,000 towards road improvements on Main Street and £557,000 towards road improvements on the Coal Road;

(v) a financial contribution of £100,000 towards the extension of Longniddry Station car park and the transfer of the land required for the extension to Longniddry Station car park to the Council at no cost; and

(vi) a contribution of £10,000 towards the upgrading of the Longniddry – Haddington cycle path along the old railway route.

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 Longniddry Primary and Nursery School and Preston Lodge 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 shall include details of the siting, design and external appearance of all the dwellings and other buildings, the means of access to them, the means of any enclosure of the boundaries of the site and of gardens and other subdivisions of the site and the landscaping of the site and those details shall generally accord with the Indicative Master Plan drawing no. (1503) PL02A docketed to this planning permission in principle, and shall address the following requirements:
 - a. The detailed form of the residential development shall generally accord with the Indicative Building Heights diagram detailed in Figure 81 of the Design Statement. Residential units shall be predominantly two storeys in height but the development may also include 1 and 1.5 storey cottages and a limited number of 2.5 and 3 storey buildings to give added definition and variety.
 - b. Other than in exceptional circumstances where the layout or particular building type does not permit, houses and flats shall be orientated to face the street.
 - c. Notwithstanding that shown in the Indicative Master Plan docketed to this planning permission in principle there shall be no integral garages, unless it can be justified as an exceptional design feature, or where the house and garage would not be on a primary street frontage;
 - d. Notwithstanding the Indicative Master Plan docketed to this planning permission in principle the detailed design of the layout shall accord with the principles set out in the Council's Design Standards for New Housing Areas and with Designing Streets;
 - e. The external finishes of the residential units shall be in accordance with a coordinated scheme of materials and colours that shall respect the layout of the development and shall promote render as the predominant finish to the walls of the residential units.
 - f. Notwithstanding the details shown in the Indicative Master Plan referred to above, there shall be a separation distance of at least 9 metres between facing windows of a proposed new building and the garden boundaries of existing or proposed neighbouring residential properties and a separation distance of at least 18 metres between directly facing windows of a proposed new building and the windows of existing or proposed neighbouring residential properties, all unless otherwise agreed in writing by the Planning Authority..
 - g. Unless otherwise agreed in writing with the Planning Authority the following standards shall be met. Parking for the residential development hereby approved shall be provided at a rate as set out in the East Lothian Council's "Standards for Development Roads- Part 5 Parking Standards". Private parking spaces shall be a minimum of 2.5 metres by 5 metres and spaces on the public road shall be a minimum of 2.5 metres by 6 metres. Access to private parking areas other than driveways shall be via a reinforced footway crossing and have a minimum width of 5.5 metres over the first ten metres. Private driveways shall be a minimum of 6 metres by 3 metres; double driveways shall be 5 metres by 6 metres or 3 metres by 11 metres. Pedestrian ramps to houses may encroach by up to 300mm on the width (but not the length) of driveways provided they are no greater than 150mm in height above the adjacent driveway surface;
 - h. All access roads within the development shall conform to East Lothian Council's "Standards for Development Roads" in relation to roads layout and construction, footways and footpaths, parking layout and number, street lighting and traffic calming measures.

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

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

k. There shall be no built development or land-raising within the 1:200 year post-development flood extent as shown in the Flood Risk Assessment by WSP dated February 2017.

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

Reason:

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

- 2 The details to be submitted pursuant to condition 1 shall include a delivery schedule and phasing plans that establishes the phasing and timing programme for the proposed development. It shall include the phasing and timing for the provision of footpaths/cycleways and external works such as offsite path links. It must also include for public road links, including paths, to local services, schools and the public road network. This shall also apply to the provision of drainage infrastructure, recreational facilities, landscaping and open space. The details to be submitted shall also include construction phasing plans.

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

Reason:

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

- 3 Unless otherwise approved by the Planning Authority, after consultation with Transport Scotland, the number of residential units hereby permitted within the development shall not exceed 450.

Reason:

To ensure that the scale of development does not exceed that assessed by the supporting Transport Assessment to ensure that the scale and operation of the proposed development does not adversely affect the safe and efficient operation of the trunk road network and to ensure that the Council can provide for education capacity as assessed.

- 4 Unless otherwise approved in writing by the Planning Authority:

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

Year 1	-	25 residential units
Year 2	-	50 residential units
Year 3	-	75 residential units
Year 4	-	75 residential units
Year 5	-	75 residential units
Year 6	-	75 residential units
Year 7	-	75 residential units

(b) If fewer than the specified number of residential units is completed in any one year then those shall be completed instead at Year 8 or beyond and not added to the subsequent Year.

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

- 5 No development shall take place on the site until the applicant has undertaken and reported upon a programme of archaeological work (Historic Building Recording, Watching Brief and Evaluation) in accordance with a written scheme of investigation which has been submitted by the applicant (or their agent) and approved by the planning authority

Reason:

In the interests of archaeological and natural heritage.

- 6 No development shall take place until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping. The scheme shall provide details of : the height and slopes of any mounding on or recontouring of, the site; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. Non thorn shrub species should be located adjacent to pedestrian areas. The scheme shall include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 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 existing and new planting comprised in the scheme of landscaping shall be retained and maintained unless the Planning Authority gives written consent to any variation.

Reason:

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

- 7 The details to be submitted pursuant to condition 1 above shall include full details of tree retention and tree constraints. The Tree Survey and Arboricultural Constraints report by Donald Rodger Associates Ltd dated November 2015 submitted with this application shall be used to provide the tree constraints plan for the site and shall inform the detail site layout. There is to be no development within the root protection areas, as identified by this report, of the trees to be retained on the site. 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 previous written consent of the Planning Authority

Reason:

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

- 8 No development shall take place on site until temporary protective fencing in accordance with Figure 2 of British Standard 5837_2012 "Trees in relation to design, demolition and construction" has been installed, approved by the arboriculturist and confirmed in writing by the Planning Authority. The fencing must be fixed in to the ground to withstand accidental impact from machinery, erected prior to site start and retained on site and intact through to completion of development. The position of this fencing must be as indicated on the site plan shall be positioned outwith the Root Protection Area (RPA) as defined by BS5837:2012 for all trees and approved in writing by the Planning Authority.

All weather notices should be erected on said fencing with words such as "Construction exclusion zone - Keep out". Within the fenced off areas creating the Construction Exclusion Zones the following prohibitions must apply:-

- _ No vehicular or plant access
- _ No raising or lowering of the existing ground level
- _ No mechanical digging or scraping
- _ No storage of temporary buildings, plant, equipment, materials or soil
- _ No hand digging
- _ No lighting of fires
- _ No handling discharge or spillage of any chemical substance, including cement washings

Planning of site operations should take sufficient account of wide loads, tall loads and plant with booms, jibs and counterweights (including drilling rigs), in order that they can operate without coming into contact with retained trees.

Details of any trenches or services in the fenced off areas shall require the prior consent of the Planning Authority and all trenches shall be dug and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

Any surfacing, including driveway construction, within the Root Protection Area must be carried out in strict accordance with section 7.4 of BS5837: 2012 "Trees in relation to design, demolition and construction ~ Recommendations".

Reason

In order to form Construction Exclusion Zones around retained trees and protect retained trees from damage.

- 9 No development shall take place on site until a person who has, through relevant education, training and experience, gained recognised qualifications and expertise in the field of trees in relation to construction, been employed by the developer to monitor any works in close proximity of trees on the site including the installation of the 'Terram' cellular confinement system and the installation and maintenance of temporary protective fencing. All tree work should be carried out in accordance with BS3998: 1989 'Recommendations for Tree Work' and must be approved in writing by the Planning Authority before work is carried out.

Reason:

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

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

The recommendations of the Construction Method Statement shall be implemented prior to the commencement of development.

Reason:

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

- 11 No work shall be carried out on the site unless and until an effective vehicle wheel washing facility has been installed in accordance with details to be submitted to and approved by the Planning Authority prior to its installation. Such facility shall be retained in working order and used such that no vehicle shall leave the site carrying earth and mud

in their wheels in such a quantity which causes a nuisance or hazard on the road system in the locality.

Reason:

In the interests of road safety.

- 12 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.

- 13 The details to be submitted pursuant to condition 1 above shall include for the incorporation of the burn within the site as part of a green network, the retention of trees and planting of native wildflower mixes and full details of the provision of bat boxes and bird boxes, notably barn owl boxes, as mitigation for the loss of bat and bird roosts.

Reason:

In the interests of nature conservation.

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

The artwork shall thereafter be 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.

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

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

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

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

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

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

Reason:

To ensure that the site is clear of contamination prior to the occupation of any of the buildings.

- 16 Prior to the commencement of development, an update of the Flood Risk Report, which shall include the channel design and shall demonstrate that any water-crossings will not increase flood risk to built development on the application site, shall be submitted to and approved by the Planning Authority. The Report timetable for the delivery of all identified mitigation measures shall also be submitted.

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

No built development or land-raising shall take place within the 1:200 year post-development flood extent as shown in the Flood Risk Assessment by WSP dated February 2017 unless otherwise approved by the Planning Authority in consultation with the Scottish Environment Protection Agency.

Reason:

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

- 17 Prior to the commencement of development at the application site, a scheme to connect to the public waste water network shall be submitted for the written approval of the planning authority, in consultation with Scottish Water. The scheme must demonstrate appropriate alignment of the phasing and timing of the development with the upgrade by Scottish Water at the Edinburgh PFI Waste Water Treatment Works.

Reason:

To protect people and the environment from the impact of waste water and ensure that the development can be serviced by the public waste water sewerage scheme.

- 18 Prior to the commencement of development, a vehicle tracking/swept path analysis for all internal roads and changes to external roads shall be submitted to and approved by the Planning Authority. The vehicle tracking/swept path analysis shall include for 10 metres long vehicles and refuse vehicles.

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

Reason:

In the interests of road safety.

- 19 Development of the application site shall be carried out in accordance with the following requirements:

o Unless otherwise agreed to an alternative standard in writing by the Planning Authority, a visibility splay of 4.5 metres by 90 metres shall be provided and maintained on each side of the proposed access junctions from the application site onto the B6363 such that there shall be no obstruction to visibility above a height of 1.05 metres measured from the adjacent carriageway level within the following defined area - a) A line 4.5 metres long measured along the access road from the nearside edge of the main road carriageway; b) A line 90 metres long measured along the nearside edge of the main road carriageway from the centre of the access road in both directions; and c) A straight line joining the termination of the above two lines. Details of the provision of the visibility splays shall be submitted to and approved by the Planning Authority prior to the commencement of development and thereafter shall be provided and maintained in accordance with the details above prior to the occupation of any of the approved development;

o Unless otherwise agreed in writing with the Planning Authority, prior to the

commencement of development on the site, a 30 miles per hour speed limit on the B6363 (Coal Road) shall be brought into effect. This shall be from a location to the south of the southmost access junction and shall continue northwards to Longniddry until it meets with the existing 30 miles per hour speed limit all in accordance with details to be submitted to and approved by the Planning Authority in advance.

o Prior to the occupation of any of the approved development, street lighting, in accordance with details to be submitted to and approved by the Planning Authority, shall be provided within the application site and over the full extent of the proposed 30mph speed limit on the B6363 from the existing lighting at the junction with the A198 to a point beyond the proposed southern site access.

Reason:

In the interests of road safety.

- 20 The details to be submitted pursuant to condition 1 above shall include a further noise report specifying the details of mitigation measures to ensure development is carried out in accordance with the following requirements:

i. noise associated with the East Coast Main Line and A198 Road to the North and B6363 Road to the West shall comply with daytime garden noise levels of 50dBLAeq,t specified in paragraph 7.7.3.2 of BS8233:2014 "Guidance on sound insulation and noise reduction in buildings" including for mitigation in the form of orientation of properties to ensure gardens are shielded from noise sources;

ii. noise associated with the East Coast Main Line and A198 Road to the North and B6363 Road to the West shall comply with daytime and night-time internal noise levels specified in Table 4 of BS8233:2014 "Guidance on sound insulation and noise reduction in buildings" and within any neighbouring residential property upgraded glazing and ventilation for properties with line of sight to noise sources shall provide mitigation as required.

iii. The Rating Level, LArTr, of noise emanating from any proposed commercial units at the existing Farmhouse buildings (when measured 3.5m from the façade of any neighbouring residential property) shall be no more than 5dB (A) above the background noise level, LA90T. All measurements to be made in accordance with BS 4142: 2014 "Methods for rating and assessing industrial and commercial sound".

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

Reason:

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

- 21 Prior to the commencement of development, details of how all the areas of open space and equipped areas are to be developed and maintained shall be submitted to and approved in advance by the Planning Authority. The details shall include the costings of the play provision, which shall be commensurate with the requirements of the Council's Principle Amenity Officer assessment of £533 per house (£239,850).

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

Reason:

To ensure the satisfactory maintenance of open space and equipped play areas, in the interests of the amenity of the area.

- 22 Unless otherwise agreed in writing by the Planning Authority, prior to the commencement of development details of a new continuous shared use (walking/cycling) path running along the northern boundary of the site, to the south of the A198 road. This shall be a segregated shared use route of 3 metres wide and of adoptable standard, with appropriate shared use path connections from the housing development. Details, including a timetable for its delivery, shall be submitted to and approved in advance by the Planning Authority. The details shall be based on the continuous shared use (walking/cycling) path that is indicatively shown on drawings docketed to this planning

permission. The submitted details shall show the footpath being lit and shall include road safety audits and quality audits and a timetable for completion.

The detailed design of the large area of open space indicated for the southeast part of the site shall include a recreational path network, including a circular route, both connecting to and around this open space

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

Reason:

In the interests of recreation and amenity and of road and pedestrian safety.

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

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

Reason:

In the interests of road and pedestrian safety.

- 24 Unless otherwise agreed in writing with the Planning Authority, no agricultural use or non-approved use shall be made of the Longniddry Farm Steading buildings after the first occupation of a residential property on the development site. Thereafter, the renovation and conversion of the buildings of the Longniddry Farm Steading shall be completed in accordance with grants of planning permission and listed building consent no later than 45 months from the commencement of the development.

Reason:

In the interests of the amenity and cultural heritage of the site and of the area.