

PLANNING COMMITTEE

15 AUGUST 2017

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

**WEDNESDAY 28 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 K McLeod
Councillor J McMillan
Councillor F O'Donnell
Councillor B Small
Councillor T Trotter

Other Councillors Present:

Councillor J Henderson

Council Officials Present:

Mr D Proudfoot, Head of Development
Mr I McFarlane, Service Manager – Planning
Mr C Grilli, Service Manager – Legal and Procurement
Mr K Dingwall, Team Manager – Planning Delivery
Mr D Irving, Senior Planner
Ms L Ritchie, Senior Planner
Mr M Greenshields, Transportation Planning Officer
Mr G Talac, Transportation Planning Officer
Ms L McLean, Service Manager – Strategic Asset & Capital Plan
Mr P Forsyth, Team Manager – Assets & Regulatory
Mr S Cooper, Team Manager Communications

Clerk:

Ms A Smith

Visitors Present:

Item 2 – Robin Holder, Martin Quinn
Items 3 and 5 – Mark Evesham

Apologies:

Councillor C McGinn

Declarations of Interest:

None

1. MINUTES FOR APPROVAL – PLANNING COMMITTEE 6 JUNE 2017

The minutes of the meeting of the Planning Committee of 6 June 2017 were approved.

2. PLANNING APPLICATION NO. 15/00537/PPM: PLANNING PERMISSION IN PRINCIPLE FOR RESIDENTIAL DEVELOPMENT WITH ASSOCIATED EDUCATIONAL AND COMMUNITY FACILITIES AND OPEN SPACE, LAND LOCATED TO THE SOUTH AND EAST OF WALLYFORD AND AT DOLPHINSTONE

A report was submitted in relation to Planning Application No. 15/00537/PPM. Keith Dingwall, Team Manager, Planning Delivery presented the report. He informed Members that Strawberry Corner Garden Centre had withdrawn their objection. He drew attention to several aspects of the application. He outlined the impact of the development on the rail network, highlighting capacity and modelling work issues. He indicated that an agreement with Network Rail had not been reached. Legal advice was that a separate agreement, not a Section 75 Agreement, was required with Network Rail. If Members were inclined to go against the officer recommendation the advice would be to continue this application to allow for further discussion. Regarding prematurity, Scottish Planning Policy (SPP), paragraph 34, set out the relevant circumstances. Granting planning permission in principle at this time would pre-determine decisions on the scale and location of development and thereby undermine the planning process regarding the emerging Local Development Plan (LDP). The report recommendation was therefore for refusal.

Mr Dingwall and Iain McFarlane, Service Manager, Planning, responded to questions. Further details about continuation of the application were provided. Clarification was given in respect of primary and secondary school provision. Mr McFarlane responded to queries about other sites recommended for approval, explaining that those decisions had not been central to the Proposed LDP, the scale and location of a site had to be considered; there was a clear distinction between a small site in a dispersed location and a large site key to the compact strategy of the proposed plan. In relation to the scale of the proposal compared with the proposed plan requirement housing requirements, he indicated the figure was around 6-8%. Regarding a decision on the Proposed LDP, he advised that the Reporter had completed the first stage; the second stage was more detailed, an indicative timescale was 6-9 months. In respect of the proposed rate of house build completion and school provision he said this was a balance to be agreed between the developer, Planning and Education authorities.

Robin Holder of Holder Planning Ltd, agent for the applicant, stressed that Planning Officers supported all technical aspects of the application; the single point of contention was the interpretation of SPP regarding prematurity. He quoted from this policy as regards review of emerging LDPs and consideration of applications during this period; he refuted the reason for refusal. Other sites across the county with significant objections had been recommended for approval; this application only had 2 objections. Legal advice sought indicated that the Planning Committee could take a decision when taking prematurity into account; the balance of consideration would go towards granting planning permission. In respect of the Network Rail element he stated that if the Committee were to grant permission today a clause could be added; continuation of the application would not be beneficial.

Martin Quinn of East Lothian Developments Ltd (ELD), the applicant, stated that excellent progress had been made; work was on schedule and ELD was fully committed to delivery of this site. The proposed new secondary school on the site was vital to delivery of the compact strategy; ELD would work with the Council in this regard. There was strong support for this development from the local community. Responding to points raised he clarified that 200+ units would be revoked in relation to the location of the secondary school which was why the

number varied between 600-800 units. This was a flagship project, not just for East Lothian but for the whole of Scotland.

Councillor Currie asked why a decision on this application could not wait until the Scottish Government had given their view on the Proposed LDP. Mr Quinn reiterated that the location for the secondary school meant the loss of 200+ houses and outlined the key funding issues. He added that infrastructure and utilities were in place and it was anticipated that early delivery of the site would be possible.

Local Member Councillor McLeod expressed concern that an agreement was not in place with Network Rail. He also took account of Mr McFarlane's comments and the legal opinion regarding prematurity. He would be supporting the officer's recommendation for refusal.

Councillor McMillan stated that key issues, including the need for housing in this area and the school provision, outweighed the question of timing. He had backed the Proposed LDP in terms of economic development and he would therefore be supporting this application.

Councillor Innes noted that throughout the report positive aspects of the application had been cited. The Proposed LDP was the settled view of the Council; it was a material consideration in the determination of planning applications. Members had heard from the applicant in relation to a separate agreement with Network Rail. Regarding prematurity the only issue was where this application sat in the timeframe; there were wider issues of significant importance to the Proposed LDP and to Wallyford in terms of economic regeneration, affordable housing, provision of a new primary school and community facilities. Mr McFarlane had said that the housing element equated to 6-8%; an application of this size should not be considered of a scale which would prejudice the examination of the proposed plan. He would be supporting the application.

Councillor Currie stated that the issue was purely timing; it was a judgement call for the Committee. There was a strong recommendation from the Planning Authority for refusal. He did not generally favour continuation but if certain matters needed to be addressed then this may be appropriate. He cautioned against decisions being taken before the Reporter had given their view on the Proposed LDP. The Committee should wait until that examination had been concluded; to make a decision today on this application would be to pre-empt that. He agreed with the officer's recommendation for refusal.

Councillor O'Donnell indicated that she was not convinced by the arguments put forward in support of the officer's recommendation for refusal. The Proposed LDP was the settled will of the Council. There were uncertain economic times ahead, the construction industry needed to be supported. She would be supporting the application.

Councillor Small remarked that Members had heard it could be several months before a decision was forthcoming from the Scottish Government regarding the Proposed LDP; applications could not be put on hold until then. He had been very impressed with the site, all the infrastructure was in place; this had to proceed. He supported the application.

Councillor Findlay agreed there was an issue of prematurity. He expressed serious concerns about capacity on the North Berwick train line. He remarked that the financial contribution Network Rail recommended to the applicant was in his opinion insufficient. He supported the officer's recommendation for refusal of this application.

Councillor Trotter indicated he would be supporting the officer's recommendation for refusal.

The Convener made reference to the numerous times the Wallyford application had come before the Committee; it was the most consulted planning site in East Lothian to have gone through the LDP process. There had been a huge consultation exercise with hardly any

negative comments. The amount of investment on this site was far greater than seen on any other site. Once development was completed Wallyford would be one of the most attractive towns in East Lothian with a new primary school, a new secondary school and 500 affordable homes, desperately needed in this part of the county. Regarding prematurity he remarked that this Committee had to continually make difficult decisions. He would be supporting the application. He moved to the vote on the report recommendation (for refusal):

For: 4
Against: 7
Abstentions: 0

Mr McFarlane outlined the process that would require to be carried out given the Committee's decision to grant planning permission.

Decision

The Committee agreed to grant planning permission in principle subject to:

- 1 A Section 75 Agreement in relation to developer contributions, to be determined by the Service Manager-Planning, in consultation with the Convener and local members;
- 2 A separate legal agreement between the applicant and Network Rail to secure from the applicant to Network Rail a financial contribution of £457,674;
- 3 Conditions to the grant of planning permission in principle to be determined by the Service Manager-Planning, in consultation with the Convener and local members; and
- 4 Application 14/000903/PPM be part revoked in respect of the land for the secondary school.

3. PLANNING APPLICATION NO. 16/01019/AMM: APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF PLANNING PERMISSION IN PRINCIPLE 15/00473/PPM – ERECTION OF 120 HOUSES, 40 FLATS AND ASSOCIATED WORKS, DOLPHINSTONE FARM, EDINBURGH ROAD, PRESTONPANS

A report was submitted in relation to Planning Application No. 16/01019/AMM. Daryth Irving, Senior Planner, presented the report, summarising the key points. The report recommendation was to grant consent.

In response to questions from Councillor Currie about the cemetery Mr Irving stated that this was part of the planning permission in principle application; the application before Members was for the detailed housing element only. Mr McFarlane clarified that the cemetery was not a material consideration for this application but advised that missives had been concluded between the Council and the landowner to enable the site to come to the Council for delivery as a cemetery. An update would be requested from Amenity Services and forwarded to Members.

Mark Evesham of Barratt Homes, the developer, confirmed that 160 units would be provided on this site, which included 40 affordable homes. He stated that 240 direct jobs would be provided by this project; he also gave details of the construction and economic spend. He added that if planning permission was granted work would commence in October.

Local Member Councillor Innes remarked that he had supported the original application largely due to the cemetery provision and the affordable housing element. Prestonpans had a significant number of new houses, unfortunately planning permission had been granted before the 25% rule regarding affordable housing provision had been implemented; the town did not have the same level of affordable housing as other towns in the county. He added

that although 40 affordable housing units did not seem a large amount this number would contribute significantly. He would be supporting the report recommendation.

Councillor Currie stated that provision of land for burial purposes was important as was the affordable housing element. He would be supporting the report recommendation to grant consent. He added that any possible lighting and road signage improvements to this stretch of road would be welcomed.

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

For: 11
Against: 0
Abstentions: 0

Decision

The Committee agreed to grant approval of matters specified in conditions for the proposed housing development subject to the following conditions:

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

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

- a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings;
- b. finished ground and floor levels of the development relative to existing ground levels of the site and 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.

4. PLANNING APPLICATION NO. 16/00921/AMM – 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, TANTALLON ROAD, NORTH BERWICK

A report was submitted in relation to Planning Application No. 16/00921/AMM. Linda Ritchie, Senior Planner, presented the report, summarising the key points. The report recommendation was to grant consent.

The Convener raised questions about SUDs ponds, remarking that often development sites were completed but Scottish Water would not adopt the area as the condition of SUDs ponds were not right. He queried how the Council could strengthen the conditions to ensure that an applicant got a SUDs pond to an acceptable state so that Scottish Water would adopt it. Mr McFarlane advised that this was a legal requirement for Scottish Water and as such the Council had to consider the extent to which it could control this; a developer would be expected to ensure that the final state of a SUDs pond was acceptable for adoption. He added that this issue formed ongoing discussions between local authorities, Scottish Water and the Scottish Government.

Local Member Councillor Findlay, in relation to affordable housing, expressed concern that developers had the option to make a financial contribution rather than providing these houses. He would be supporting the application.

Mr McFarlane clarified that the Council's policy on affordable housing, outlining the criteria which took the form of a hierarchy of on-site provision, off-site provision or a commuted sum. He stated that on almost all occasions affordable housing on site was secured.

Councillor Currie agreed, in respect of SUDs ponds, that developers should not be allowed to leave a site without completing work to the required standard for handover. He also agreed that provision of affordable housing on site was crucial. He supported the application.

Councillor Small commended that 5 bungalows that were to be provided; it was important to take into account the demographic of an area and having mixed housing types was welcomed. He would be supporting the report recommendation.

Councillor Innes supported all comments made; the Council should try and insist on a greater mix of housing types from developers. He would be supporting the application.

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

For: 11
Against: 0
Abstentions: 0

Decision

The Committee agreed to grant approval of matters specified in conditions for the proposed residential development subject to the following conditions:

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

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

- a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings;
- b. finished ground and floor levels of the development relative to existing ground levels of the site and 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 acoustic barrier fence hereby approved has been erected in its entirety in accordance with the details docketed to this approval. The acoustic barrier shall thereafter remain in place unless otherwise approved by the Planning Authority.

Reason:

In the interests of protecting the residential amenity of the occupiers of the 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.

- 11 Unless otherwise approved by the Planning Authority all gully 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 gully 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.

5. PLANNING APPLICATION NO. 17/00047/AMM: APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF PLANNING PERMISSION IN PRINCIPLE 14/00431/PPM – ERECTION OF 120 HOUSES AND ASSOCIATED WORKS, LAND AT LIMEYLANDS ROAD, ORMISTON

A report was submitted in relation to Planning Application No. 17/00047/AMM. Daryth Irving presented the report, summarising the key points. The report recommendation was to grant consent.

Members debated the issues relating to the application, in particular the capacity at Ormiston Primary School. The Convener indicated that the Reporter had decided that in principle the school could be extended. He expressed concern; this application was premature and Members should not be making a decision at this time. For the Committee to act appropriately the school provision had to be looked at first; there should be a report from the Education Authority indicating whether an extension to the school was possible and the Committee could consider this application after that.

Mr McFarlane stated that a decision had been made in law by the Reporter and therefore the Council should accept this. The Council had explored whether that decision could be challenged and Counsel advice was that it could not. He added that there were many cases where the school provision was not finalised when a planning application came forward for determination.

Councillor Innes also had concerns; the reason the Committee had refused the original application was because the Education Authority had said it was not possible to extend the school to meet the needs of extra pupils. To date there was no evidence that this was different however the Reporter had said it was possible to extend the school. Members needed to be convinced that the school could be extended. This was a unique position; this application should be continued for further information from the Education Authority.

Councillor Small agreed with the Convener and Councillor Innes. .

Councillor Currie stressed that any decision taken by the Committee had to be lawful.

The meeting was adjourned for clarification of advice, thereafter reconvened.

Carlo Grilli, Service Manager, Legal and Procurement, advised that as the Reporter had approved the planning permission in principle application a decision had therefore been made. A decision on the design of the school extension would be a separate application for

consideration and could not be a deciding factor, the applications could not be linked; they were two separate applications to be determined on their own merits.

Mr McFarlane reiterated his earlier remarks; planning permission in principle had been decided by the Reporter on the basis that the education provision could be provided. Significant legal advice had been sought prior to this report coming forward which had formed the basis of the officer's recommendation to grant consent. If Members were minded to continue the application on the basis that there was not a specific education provision in place that decision would not be competent as it would go against the decision of the Reporter.

The Convener stated this was a difficult position for the Committee. Advice had been provided by Legal and Planning officers. The Committee had to make a decision, even though some Members were unhappy with the situation regarding the education provision.

Councillor Currie, referring to the advice provided by officers, stated that the Committee had no alternative; this application could not be continued.

Councillor Innes asked if a condition phasing the development to the school provision could be added. Mr McFarlane advised that there was a condition attached to the planning permission in principle; the applicant was required to submit a phasing plan, this would allow the Council and the applicant to reach an agreement on the number of completions per year, this was the driver of what needed to be built as regards the school roll. He indicated there would be further dialogue with the developer, which would allow for some scope to look again at the solution regarding the school. This may not be what some Members were looking for but would retain the competence of the earlier decision.

Responding to Councillor Trotter, Mr McFarlane said the Education Authority would be seeking a solution on site and in catchment. To further clarify, a condition was not being added; the planning permission in principle application already had a condition for the requirement to submit a phasing plan.

Mr Evesham of Barratt Homes informed Members that the Section 75 Agreement was in place. If planning permission was granted, work would commence in January 2018, the 120 units included 10 bungalows.

The Convener noted that Members were not happy that the earlier decision had been taken from the Council by the Reporter but this was the position the Committee now faced. If Members were minded to support the report recommendation with the condition in the planning permission in principle application regarding phasing as outlined by Mr McFarlane he would move to the vote (to grant consent):

For: 11
Against: 0
Abstentions: 0

Decision

The Committee agreed to approve matters specified in conditions for the proposed housing development subject to the following conditions:

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

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

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

Reason:

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

- 2 Notwithstanding that which is stated on the drawings docketed to this approval of matters specified in conditions, a detailed specification of all external finishes of the houses 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.

Signed

Councillor Norman Hampshire
Convener of the Planning Committee

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

2

Application No. **16/00710/PM**
Proposal Erection of 24 houses and associated works
Location **Land To The North Of Foreshot Terrace**
 Dirleton
 East Lothian
 EH39 5DR
Applicant Muir Homes Limited
Per TMS Planning Services Ltd
RECOMMENDATION Application Refused

PLANNING ASSESSMENT

As the area of the application site is greater than 2 hectares 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 therefore cannot be decided through the Council's Scheme of Delegation. The application is 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: 16/00008/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 53 people attended the pre-application public exhibition, which was held at the Open Arms Hotel, Dirleton. Attendees made a number of queries and comments regarding the proposals. The development for which planning permission is now sought is of the same character as that which was the subject of the community engagement undertaken through the statutory pre-application consultation of the proposal.

This application relates to some 2.55 hectares of land in the East Lothian countryside

which forms the southernmost part of a larger area of agricultural land on the west side of Ware Road, on the north-eastern edge of Dirleton. The site is within Dirleton Conservation Area.

The site is bounded to the north by the remainder of the larger area of agricultural land of which the site is a part, to the east partly by Ware Road and partly by 3 residential properties, to the south by a tree belt which is the subject of a Tree Preservation Order with the B1345 public road of Foreshot Terrace beyond and to the west by an access road with residential properties beyond.

In April 2014 planning permission in principle (ref: 14/00324/PP) was sought for a residential development of part of the application site. An indicative site plan submitted with that application shows how 34 residential units might have been accommodated on the application site, how 2 areas of open space might have been formed on the southern part of the site and that access to the site might have been taken from Ware Road. On 22 August 2014 planning permission in principle 14/00324/PP was refused for the following two reasons:

1. The new build residential development proposed in principle in this application is contrary to the Council's Housing Land Supply: Interim Planning Guidance on the following considerations:

(i) it is of a scale inappropriate to the village of Dirleton;

(ii) it would not preserve but would be harmful to the character and appearance of Dirleton Conservation Area and conflicts with Development Plan policies relating to development within conservation areas;

(iii) there is a lack of existing facilities and services, therefore the need to travel would not be minimised;

(iv) given the lack of existing facilities or services within Dirleton the proposed housing would not make a demonstrable and necessary contribution to sustaining or improving educational, social or community facility provision within the local area;

(v) the north boundary of the application site is not contained within a robust, defensible boundary and the residential development of the application site would set a real precedent for subsequent future expansion to the north, the principle of which should be considered through the Local Development Plan process.

2. The proposed development would result in a highly visible and obtrusive extension of urban development into an area of agricultural land which would not integrate into its surroundings and would simply extend the northern edge of the village into the undeveloped surrounding countryside in a conspicuous and incongruous manner which would not preserve but would be harmful to the character and appearance of the Conservation Area, contrary to Policy ENV4 of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy: June 2014.

In November 2014 planning permission in principle (ref: 14/00875/PP) was again sought for a residential development of part of the application site. An indicative site plan submitted with that application shows how 21 residential units might have been accommodated on the application site and that access to the site might have been taken from Ware Road. On 23 January 2015 planning permission in principle 14/00875/PP was refused for the following two reasons:

1. The new build residential development proposed in principle in this application would result in a highly visible and obtrusive extension of urban development into an area of agricultural land which would not integrate into its surroundings and would simply extend the northern edge of the village into the undeveloped surrounding countryside in a conspicuous and incongruous manner which would not preserve but would be harmful to the character and appearance of the Conservation Area, contrary to Policy ENV4 of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy: June 2014.

2. The new build residential development proposed in principle in this application is contrary to part 5 of the Council's Housing Land Supply: Interim Planning Guidance on the following considerations:

(i) as it would not preserve but would be harmful to the character and appearance of Dirleton Conservation Area it conflicts with Development Plan policies relating to development within conservation areas;

(ii) it is not an appropriate extension of the settlement of Dirleton;

(iii) there is a lack of existing facilities and services, therefore the need to travel would not be minimised; and

(iv) the northern boundary of the application site has no clear existing natural/physical boundary which could be strengthened by the proposal and is not contained within a robust, defensible boundary. As such the residential development of the application site would set a real precedent for subsequent future expansion to the north, the principle of which should be considered through the Local Development Plan process.

Planning permission is now sought through this application for the erection on the application site of 24 houses and associated works.

The development site layout plan shows how the proposed 24 houses would be accommodated on the site along with associated access roads, parking areas, landscaping and open space. The houses would comprise of a mix of detached and terraced houses. The houses would be a mix of single storey, part two-storey and part single storey, and two storeys high.

Of the 24 houses, 18 would be detached and 6 terraced. In terms of size, of the proposed 24 houses 3 would contain 2 bedrooms, 8 would contain 3 bedrooms, 8 would contain 4 bedrooms and 5 would contain 5 bedrooms.

Of the 24 houses there would be a total of 18 private houses for sale of 4 different house types, and the provision of 6 affordable housing units which would be a mix of 2 different house types.

Vehicular, pedestrian and cycle access to the site would be taken by way of a new access junction with Ware Road at the northeast corner of the site. Further to this a pedestrian/cycle access link would be formed connecting the site to Foreshot Terrace to the south.

A central area of landscaped open space would be formed on the site. It is also shown how the tree belt which is the subject of a Tree Preservation Order along the southern part of the site would be protected and enhanced.

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 2017 sets out the selection criteria for screening whether a Schedule 2 development requires an EIA. On 13 August 2014 the Council issued a formal screening opinion to the applicant. The screening opinion concludes that it is East Lothian Council's view that the proposed development is not likely to have a significant effect on the environment such that consideration of environmental information is required before any grant of planning permission. It is therefore the opinion of East Lothian Council as Planning Authority that there is no requirement for the proposed housing development to be the subject of an EIA.

Since the registration of the application non-material amendments have been made to the application resulting in the submission of revised site layout plans and landscaping plans to show a slightly revised site layout for the proposed development and enhanced landscaping of the site.

Through separate application ref: 16/00711/P planning permission is sought for the formation of a SUDS pond to serve the housing development proposed in this application. It is indicated on the drawings for separate application ref: 16/00711/P that a woodland strip could be planted on the north side of the site the subject of this application to provide for a robust defensible landscape boundary for it, although the planting and formation of such woodland does not require planning permission. Application 16/00711/P is presented elsewhere on this Committee Agenda.

Through separate application (ref: 16/00521/PM) planning permission is sought for erection of 32 houses, 4 flats and associated works on Land At Castlemains Farm, Off Station Road, Dirleton. That application is currently pending consideration and therefore no decision has yet been made on it, however written confirmation has been received asking for it to be withdrawn. The site of application 16/00521/PM is identified as housing site NK11 in the Proposed Local Development Plan. As such it is a part of the sites which represent the settled view of the Council of sites which have potential for residential development. Proposal NK11 allocates that separate site for a residential development of circa 30 homes.

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

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

Policies 1B (The Spatial Strategy: Development Principles), 5 (Housing Land) and 7 (Maintaining a Five Year Housing Land Supply) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies DC1 (Development in the Countryside and Undeveloped Coast), DP1 (Landscape and Streetscape Character), DP2 (Design), DP4 (Design Statements), DP13 (Biodiversity and Development Sites), DP14 (Trees on or Adjacent to Development Sites), DP17 (Art Works-Percent for Art), DP20 (Pedestrians and Cyclists), DP22 (Private Parking), DP24 (Home Zones), ENV4 (Development Within Conservation Areas), ENV3 (Listed Buildings), INF3 (Infrastructure and Facilities Provision), H1 (Housing Quality and Design), H4 (Affordable Housing), C1 (Minimum Open Space Standard for New General Needs Housing Development), C2 (Play Space Provision in new General Needs Housing Development), T1 (Development Location and Accessibility) and T2 (General Transport Impact) of the adopted East Lothian Local Plan 2008 are relevant to the determination of the application.

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

Also material to the determination of the application are Sections 59 and 64 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.

Scottish Planning Policy echoes the statutory requirements of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that a planning authority must have regard to the desirability of preserving or enhancing the character or appearance of a conservation area in exercising its responsibilities in the determination of any application for planning permission for development affecting a conservation area. It is stated in Scottish Planning Policy that proposed development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character and appearance of the conservation area should be treated as preserving its character and appearance.

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

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

A total of 73 written representations have been received to the application. Of these 65 object to the proposed development, 6 are in support of it and 2 make comment on it. Many of the written objections take the form of pro-forma letters.

The main grounds of objection can be summarised as follows:

- * the site is covered by the Countryside around Towns policy of the Proposed Local Development Plan and development on the site would be contrary to that and also set a precedent for future development on such designated areas;
- * the site is not designated for housing in the Proposed Local Development Plan;
- * the proposed development is contrary to the Dirleton Conservation Area Character Statement of the current Local Plan;
- * the proposed development is of a size, scale and character out of keeping with the village of Dirleton and would detract from the visual and historic approach into the village from the north;
- * the proposed development would not preserve or enhance but would be harmful to the Conservation Area;
- * the design and layout of the proposed development is out of keeping with the Conservation Area and would not integrate into its surroundings;
- * the character of the village would change, which would be compounded with a development of land at Castlemains in Dirleton;
- * land at Castlemains is the preferred site for development in the Proposed Local Development Plan;
- * the amenity of neighbouring residential properties would be adversely affected;
- * the proposed development would lead to traffic problems and would result in a road safety hazard;
- * there is a lack of local services and facilities to cater for the proposed development and therefore the need to drive out of the village to access services will increase;
- * the proposed development would take the primary school to capacity;
- * the rail station car parks at Drem and North Berwick are at capacity;
- * new trees planted would lead to a loss of light; and
- * the application site is a feeding ground for pink footed geese and other wildlife and thus the application should be subject to Environmental Impact Assessment.

The main grounds of support for the application can be summarised as follows:

- * a small housing development can be assimilated into the village;
- * the design of the proposed development is sympathetic to the Conservation Area and the character of the village; and
- * it is a better site for development than land at Castlemains.

Gullane Area Community Council, as a consultee on the application, objects to the proposed development. The Community Council mainly object on the grounds that:

- * the site has not been designated for housing in the Proposed Local Development Plan;
- * in terms of the Council's Housing Land Supply: Interim Planning Guidance preference should be given to the site at Castlemains Place, Dirleton designated in the Proposed LDP as suitable for housing; the development of both the Castlemains Place site and the application site for housing would be unsustainable in view of the limited infrastructure in Dirleton including a lack of places at Dirleton Primary School;
- * the application site forms part of an area along the whole northern edge of Dirleton which is subject to the Countryside Around Towns Policy of the Proposed LDP;
- * the proposals conflict with the Dirleton Conservation Area Statement in that they would interrupt views of Dirleton and Dirleton Castle on the approaches to the village from the east and northeast and with the setting of Oatfield House; and
- * there is evidence that the site is regularly used for feeding by pink footed geese overwintering at Aberlady Bay nature reserve, which forms part of the Firth of Forth Special Protection Area (SPA) and thus is afforded a high level of protection under the European Habitats Directive. There is also evidence the fields are used by curlews and pheasants. Therefore an environmental impact assessment should be submitted with the application.

As stated above previously in this report it is 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 Environmental Impact Assessment.

The written objections and Gullane Area Community Council make reference to Policy DC8 of the Proposed East Lothian Local Development Plan, where Countryside Around Town designations would apply. Although the Proposed East Lothian Local Development Plan has been submitted for examination to Scottish Ministers, Policy DC8 does not at this time form part of the Development Plan and therefore it does not outweigh the provisions of Policy DC1 of the adopted East Lothian Local Plan 2008 and SESplan Policy 7.

In respect of assessment of part of the consideration of the detail of the application, one of the principal objectives of the Council's approved Design Standards for New Housing Areas is to reduce the visual dominance of the car in the streetscape of new housing developments. The applicant has addressed this principle throughout the development by use of in-curtilage parking to the side of houses, or the use of courtyard parking. This would serve to reduce the visual dominance of the car in these streetscapes. In this and in the design principles of the street layout the proposals generally respond to the requirements of the Design Standards.

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

The proposed housing development would in itself provide an acceptable residential

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

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

The site is capable of accommodating all of the proposed development including vehicular and pedestrian access and amenity space without being an overdevelopment of it. The proposed development would be of a pattern and density not inconsistent with some of the existing patterns and densities of the housing within Dirleton.

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

Regarding formal play provision, the Principal Amenity Officer advises that the existing play area provision in Dirleton is sufficient to provide for the proposed development and thus there is no requirement to provide a play area within the proposed development or to enhance the existing play facilities. On this consideration the proposed development is not contrary to Policy C2 of the adopted East Lothian Local Plan 2008.

In terms of generic wildlife interest, the Council's Biodiversity Officer raises no objection to the application, satisfied the proposal would not have a harmful impact on existing wildlife. The application site forms the southernmost part of a larger area of agricultural land on the west side of Ware Road. The Biodiversity Officer confirms that geese do feed in the large area of agricultural land on the west side of Ware Road but however, the geese mainly feed in the middle of that land and would not generally cluster close to Dirleton itself. It is his advice that the application site is sufficiently small relative to the size of the larger area of agricultural land to which it forms a part that a development of it for residential use would not have an impact on the use of the field by geese. The Biodiversity Officer is therefore satisfied that a proposed housing development on the application site would not have any adverse biodiversity impacts, consistent with Policy DP13 of the adopted East Lothian Local Plan 2008.

In respect of landscape matters the applicant has taken into consideration comments of the Council's Landscape Projects Officer in the submission of revised drawings to incorporate enhanced landscape planting, tree protection measures, planting within the site itself and the submission of a landscape management report. The Landscape Projects Officer therefore advises she is supportive of the proposed landscaping of the site subject to trees being retained on site being protected during construction works. The provision of the proposed landscaping of the site and tree protection measures can be made conditions of a grant of planning permission. On this consideration the proposed development is consistent with Policy DP14 of the adopted east Lothian Local Plan 2008.

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

The Council's Waste Services Manager raises no objection to the proposed development.

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

The listed building of Cedar Grove (Category C listed) partially bounds the site to the east. The site is well contained to the rear of that listed building and would not interrupt views of it from either Foreshot Terrace or Ware Road. Due to this the proposed development would not have a harmfully prominent or imposing visual relationship with the listed building, would not harm the setting of it and thus would allow it to remain the focus of its setting. On this consideration the proposed development of the site for residential use is not contrary to Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), Policy ENV3 of the adopted East Lothian Local Plan 2008 or Scottish Planning Policy: June 2014.

The Council's Road Services advises that they have undertaken the East Lothian Council Transport Appraisal to determine the cumulative impacts of development on both the strategic and local road network. The Transport Appraisal 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 both Local Development Plan allocations and applications for residential development not allocated in the LDP on the Transport Network. The TA has identified a number of hot spots on the network which require interventions to mitigate the impact of both Local Development Plan allocations and applications for residential development not allocated in the LDP and sets out the appropriate contribution levels for such interventions.

For this 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 - £552;
- * improvements to Salters Road Interchange and Bankton Interchange – £1,067.76 and £4,873.44;
- * improvements to the rail network - £8,545.68;
- * Musselburgh town centre improvements - £405.36;
- * Tranent town centre improvements – £699.84.

The total contribution required for transportation improvements resulting from cumulative impacts of the development is therefore £16,144.08.

In respect of the matters above, Transport Scotland advises that they have concern in regard to the development impact on the junction of the A1 trunk road and the A720 trunk road (i.e. the Old Craighall Junction south of Musselburgh, at the western end of East Lothian). In this regard they have sought a contribution from the developer towards

mitigation of this perceived impact. The applicant, Muir Homes Ltd, is willing to pay Transport Scotland a sum of £552 towards the upgrade of the Old Craighall junction. They have provided the Council with a formal legal undertaking that they would make this payment to Transport Scotland in respect of a resolution to grant planning permission for the proposed development and prior to the completion of a section 75 Agreement in respect of the application. Transport Scotland is 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 North Berwick Station and on local rail services within East Lothian and that mitigation of the impact of the development is required in accordance with the evidence base informing East Lothian Council's Draft Developer Contributions Framework. Network Rail's Scotland Route Study 2016 and its Market Study of local and long distance journeys identify for the routes between North Berwick, Drem and Edinburgh Waverley that ScotRail services will exceed 100 per cent of seating capacity (assumed to be six carriage trains) in the peak hour by the time they reach Edinburgh Waverley. The provision of two new tracks to form passing loops via new flat junctions between Prestonpans and Drem stations would allow local passenger and freight services to utilise new track between Prestonpans and Drem in order that long distance non-stopping services can overtake slower trains on this section of the East Coast Main Line, which will substantially increase timetable flexibility and contribute towards additional services. Contributions secured from developers in this area should be channelled to this project to help secure additional local rail services and capacity for the East Lothian Council area. The indicative costs of this project will be between £125m - £300m. In accordance with this and the evidence base of East Lothian Council's Draft Developer Contributions Framework Network Rail therefore seeks a developer contribution of £8,545.68. Again the applicant has provided the Council with a formal legal undertaking that they will make this payment to Network Rail following a resolution to grant planning permission for the proposed development and prior to the Council signing a section 75 Agreement in respect of the application. Network Rail are content with this approach and, on this basis, raise no objection to the impact of the development on the rail network.

With allowance for the amount covered by the formal legal undertakings for payment to Transport Scotland and to Network Rail, the developer contributions towards the other required transportation interventions of £14,092.80 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 applicant has 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.

The Council's Road Services have considered the applicant's Transport Assessment (statement) submitted with the application and raise no objection to the proposed development, being satisfied that it would be accessed safely and would not lead to a road or pedestrian safety hazard. They advise that the proposed means of access and amount and location of parking within the site are generally acceptable and that traffic likely to be generated by the proposed development could be satisfactorily accommodated on the local road network without harm to road or pedestrian safety.

Roads Services additionally recommend that:

- * Ware Road be widened to 5.5 metres from its junction with the B1345 public road of Foreshot Terrace to the proposed site access junction with Ware Road;
- * junction improvements be carried out at the junction of Ware Road with the B1345 public road of Foreshot Terrace as shown on the application drawings;
- * a 30 miles per hour (mph) speed limit be brought into effect on Ware Road from the north side of the proposed site access junction and continuing southwards to the junction of Ware Road with the B1345 public road of Foreshot Terrace, with street lighting provided over the full length of the new 30 miles per hour (mph) speed limit;
- * a visibility splay of 4.5m by 70m be provided and maintained at the proposed site access junction with Ware Road so that no obstruction lies within it above a height of 1.05 metres measured from the adjacent carriageway surface;
- * a dropped kerb pedestrian crossing point be formed on the B1345 public road of Foreshot Terrace in a position to be agreed to allow for a safe pedestrian crossing from the site's pedestrian access to Foreshot Terrace;
- * a continuous 2 metre wide footway be provided on the east side of Ware Road from the proposed site access junction to the junction of Ware Road with the B1345 public road of Foreshot Terrace. A dropped kerb tactile crossing is required on the south side of the site access junction with Ware Road;
- * 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;
- * a Green Travel Plan (GTP) be submitted and approved in consultation with Road Services. It should have particular regard to provision for walking, cycling and public transport access to and within the site, and will identify the measures to be provided, the system of management, monitoring, review, reporting and duration of the plan;
- * a Construction Method Statement to minimise the impact of construction activity on the public road network be submitted to and approved by the Planning Authority prior to the commencement of development. It should recommend mitigation measures to control construction traffic and include hours of construction work; and
- * wheel washing facilities be provided and maintained in working order during the period of operation of the site.

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

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

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

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 Economic Development & Strategic Investment Manager advises that in accordance with the Council's Affordable Housing Policy, 25% of the proposed 24 residential units require to be affordable housing units. The affordable housing component of the proposed housing development is 6 units. The Economic Development & Strategic Investment Manager advises that the mix and location of affordable units to be provided on the site is acceptable. The terms for the provision of this affordable housing requirement could be the subject of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the Council securing the affordable housing requirement, which the applicant is willing to do, the proposal would be consistent with Policy H4 of the adopted East Lothian Local Plan 2008.

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

He advises that he has considered the impact of the proposed 24 houses cumulatively with sites proposed to be allocated for residential development in the Proposed Local Development Plan in Dirleton Primary School's catchment area. He notes that there is a separate site under consideration as housing site NK11 of the Proposed Local Development Plan at Castlemains in Dirleton, which the Council recognises a potential for residential development of circa 30 homes.

The Depute Chief Executive, Resources and People Services advises that Dirleton Primary School has 4 classrooms and a 100 pupil capacity. He further advises that there is no potential to increase the capacity of the school to provide a fifth classroom due to the constrained school site and therefore any new pupil intake would have to be accommodated within the existing school footprint.

He advises that Dirleton Primary School does have sufficient capacity to accommodate the children that could arise as a result of a residential development of the application site. However, this would result in the school being at capacity with no potential to increase that capacity of the school to provide a fifth classroom due to the constrained school site. The Depute Chief Executive, Resources and People Services therefore states that this would mean that the children that could arise as a result of a residential development of housing site NK11 of the Proposed Local Development Plan at Castlemains in Dirleton could not be accommodated in the primary school due to insufficient capacity.

Therefore given that a residential development of the application site would result in there being no capacity for children arising as a direct result of a residential development of housing site NK11 of the Proposed Local Development Plan at Castlemains. If those children could not be accommodated at Dirleton Primary School due to insufficient capacity, this would directly prejudice the delivery of housing site NK11 of the Proposed Local Development Plan.

The Depute Chief Executive, Resources and People Services therefore objects to the application. This objection is given further consideration below in respect of the Council's

Interim Planning Guidance: Housing Land.

Notwithstanding these technical considerations, the primary material consideration in the determination of this application is whether or not the principle of the proposed housing development accords with development plan policy and other supplementary planning guidance and if not, whether there are material considerations that outweigh any conflict with the development plan and other supplementary planning guidance.

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. Decision-makers should also take into account any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies in Scottish Planning Policy.

The same principle should be applied where a development plan is more than five years old.

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 and is a material consideration in the determination of this application for planning permission.

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 would, in this instance, undermine the plan making process and therefore be considered premature.

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.

The site the subject of this application is not under consideration as a housing site of the Proposed Local Development Plan and thus the Council does not recognise its potential for residential development. In not being a site of the Proposed Local Development Plan the application site is not an integral part of the group of sites which the Council's settled view recognises as having the potential to meet, cumulatively, the SPP and SESplan requirements of an effective five year housing land supply.

However, housing site NK11 at Castlemains in Dirleton is identified in the Proposed Local Development Plan, as having the potential for residential development. Proposal NK11 allocates that separate site for a residential development of circa 30 homes.

It therefore requires to be considered whether in scale and/or location the application 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.

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

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

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

In respect of Policy 7 and the Interim Guidance, the Council's approval of the Proposed Local Development Plan results in the approval of sites with the potential to provide an effective five year housing land supply.

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 process of selecting and approving sites for the Proposed Local Development Plan included assessment of them through considerations which reflect the criteria of the Interim Guidance, including considerations of sustainability and effectiveness. Whilst the approved Interim Guidance need not be given significant weight in respect of sites that are integral to the strategy and sites of the Proposed LDP, its considerations of scale, location and mitigation of impacts and the related detailed criteria remain relevant.

The Interim Guidance remains a material consideration in the determination of planning applications for sites not previously allocated for housing development and not part of the Proposed Local Development Plan.

In this respect the approved Interim Planning Guidance states that the weight the Council affords its terms, and the terms of other Development Plan policies, to individual planning applications will depend on the extent to which the proposed development is able to satisfy all the following material considerations:

- 1 Effectiveness;
- 2 Scale;
- 3 Timing;
- 4 Development Plan Strategy; and
- 5 Locational Considerations.

In respect of criteria 1; effectiveness, the applicants' agent states that there are no physical constraints to the development of the site and the applicant is a house builder,

Muir Homes, who is committed to developing the site meaning in these respects it can be considered to be physically and financially capable of achieving early delivery. On these specific considerations the site can be considered to be effective.

In respect of criteria 2; scale, the proposed housing development of 24 residential units would be below the Guidance threshold of 300 units. In respect of this the Guidance states that the actual number of houses permissible on any one site or within any one settlement will be assessed against the scale and character of the specific settlement.

Given that Dirleton comprises some 220 residential properties the proposed 24 houses would have to be considered a relatively modest addition to the settlement. Dirleton has a post office, a church, hall, primary school and 2 bar/restaurants/hotels with no other community facilities. However, in terms of number of houses the proposal could not in principle be considered a harmfully significant change to the scale and residential character of the village of Dirleton.

As such the scale of the development can in principle be reasonably absorbed by the settlement. In this respect it does not conflict with criteria 2.

In respect of criteria 3; timing, the applicant is a developer. They have indicated that housing completions could be delivered in 2017/18. There is no evidence to suggest that they would not be able to develop the site within this suggested timescale.

In respect of criteria 4; development plan strategy, part (iii) states that any proposed development must not prejudice the ability to provide infrastructure capacity for proposals under consideration as a housing site, or be dependent on the potential provision of infrastructure capacity associated with any emerging Local Development Plan strategy or site. As recorded above the Council's Depute Chief Executive, Resources and People Services advises that Dirleton Primary School could, as it stands, accommodate children that could arise as a result of the proposed development. However, he objects to the application on the grounds that it would thereby remove any capacity to accommodate children that would arise as a result of a residential development of housing site NK11 of the Proposed Local Development Plan, at Castlemains in Dirleton.

Therefore a grant of planning permission for this site would take up all the spare capacity of the primary school. This would directly prejudice the ability to provide infrastructure capacity, in this case necessary school capacity, for housing site NK11 of the Proposed Local Development Plan.

Therefore on this consideration the housing development of the application site is contrary to the Council's Housing Land Supply: Interim Planning Guidance.

In respect of criteria 5; locational considerations, the application site adjoins part of the northern edge of Dirleton and therefore in this respect partially satisfies a principle of criteria 5 in that it would form an extension of an existing settlement as defined in the adopted East Lothian Local Plan 2008.

As Dirleton lies outwith the East Lothian Strategic Development Area identified in SESplan the proposed development also has to be assessed against the tests as set out in part (ii) of criteria 5 as well as the provisos set out in part (i) of criteria 5.

Criteria 5(i) sets out the following provisos where development may be acceptable, specifically where;

- (a) development of the site would not undermine green belt objectives, and
- (b) the site is an appropriate extension to an existing settlement identified in the East Lothian Local Plan 2008, and its scale and nature is in keeping with the scale and character of that settlement and the local area, and
- (c) infrastructure is available or can be made available (see also criterion 4) within a timescale that allows for early house completions, and
- (d) the site's development for housing is consistent with all other relevant development plan policies.

In regard to this the proposed development meets proviso 5(i)(a) and (b) in that the site is not within the Green Belt and the scale of the proposed development is, in principle, broadly in keeping with the scale and character of Dirleton. In regard to part 5(i)(c) Dirleton Primary School, as it stands, could accommodate children that could arise as a result of the proposed development, however, this would divert infrastructure required to support the settled view of the Council in allocating site NK11 in the Proposed Local Development Plan.

Criteria 5(ii) sets out the further provisos where development may be acceptable, specifically,

- (a) the settlement is well served by public transport, and
- (b) existing facilities and services are both available and accessible within the settlement such that the need to travel is minimised, and
- (c) the extent to which the additional housing would help make a demonstrable and necessary contribution to sustaining or improving educational, social or community facility provision within the local area may also be a material consideration.

In terms of part 5(ii)(a) the site is within close proximity of the nearest bus stops with a reasonable service to Edinburgh via Gullane, Aberlady, Longniddry, Prestonpans and Musselburgh.

In terms of part 5(ii)(b) Dirleton has some facilities and services, with a part time post office, a church, hall, primary school and 2 bar/restaurants/hotels available or accessible within the settlement.

In terms of part 5(ii)(c) the additional housing could help make a contribution to sustaining educational, social and community facilities within the local area.

On these considerations the proposed development meets all of the terms of part 5(ii) of the Interim Planning Guidance.

In respect of part (iii) of criteria 5 the proposed development would not be on land allocated for another specific use.

In respect of part (iv) of criteria 5 the proposed development, given it would form a residential extension of the existing village of Dirleton, would not in principle be incompatible with adjoining or nearby existing residential uses.

Part (v) of criteria 5 states that a proposed housing use must be capable of being contained within robust, defensible boundaries and must not set a precedent for

subsequent future expansion, the principle of which would be more appropriately considered through a development plan review.

The application site is bounded on its east side partly by Ware Road and partly by 3 residential properties, on its south side by a tree belt which is the subject of a Tree Preservation Order and on its west side by an access road with residential properties beyond. These are robust and defensible boundaries which would serve to contain the proposed development along these aforementioned boundaries. To the north side of the application site is further agricultural land with no existing natural/physical boundary. However the application drawings submitted with separate application 16/00711/P show an intention to form a woodland strip immediately to the north of the application site and thus the application site is clearly capable of being contained within such a robust, defensible boundary on its north side.

The application site is within Dirleton Conservation Area which comprises not only of the village of Dirleton itself but also large areas of surrounding agricultural land on all sides of the village. This has ensured that the setting of the village has been protected from unsympathetic development, in order retain the settlement's historic association with the surrounding agricultural land. Dirleton has a unique character dominated by the castle and the village greens. Part of its character is that on the northern edge of the village there exist 'fingers' of development that extend beyond the core of the village, following the agricultural field patterns in the area. These 'fingers' are separated by agricultural land and help to reinforce the nature of the village and its relationship with its agricultural surroundings. Development of the site would erode the effect of two of the 'fingers' to either side of the application site and would consolidate an area of built form leading to the loss of agricultural context to this part of the village.

It is stated in the Dirleton Conservation Area Character Statement of the adopted East Lothian Local Plan 2008 that development that impinges on the open countryside or woodland at the approaches to the village would adversely affect the Conservation Area. The site is prominent in views from Ware Road, a popular route with visitors to Dirleton as it leads to the beach and caravan park at Yellowcraig. The proposed development would result in a highly visible and obtrusive extension of urban development into an area of agricultural land. A proposed housing development of the site would not integrate into its surroundings and would simply extend the northern edge of the village into the undeveloped surrounding countryside in a conspicuous and incongruous manner and thus would not preserve but would be harmful to the character and appearance of the Conservation Area. Although, as shown on the drawings for separate application 16/00711/P it is intended to plant a woodland belt immediately to the north of the application site, this would take many years to establish and would not mitigate against the harm the development would cause to the character and appearance of the Conservation Area.

Thus on this forgoing considerations the proposed development of the application site is contrary to Policy ENV4 of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy: June 2014.

In respect of this harmful impact on the character and appearance of the Conservation Area further consideration must be given to part (i)(b) and (d) of Criteria 5; locational considerations of the Housing Land Supply: Interim Planning Guidance. Respectively, these state that the site's development for housing must be an appropriate extension to the settlement and be consistent with all other relevant Development Plan policies.

As stated above, the principle of a housing development of the application site is contrary to Policy ENV4 of the adopted East Lothian Local Plan 2008. Therefore as it is not

consistent with this Development Plan policy, on this consideration also, the principle of housing development of the application site is contrary to the Council's Housing Land Supply: Interim Planning Guidance.

In conclusion there are no material considerations which outweigh the new build housing development proposed in this application being contrary to the Council's Housing Land Supply: Interim Planning Guidance, Policy ENV4 of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy: June 2014.

RECOMMENDATION

It is recommended that planning permission be refused for the following reasons:

- 1 The new build residential development proposed in this application would result in a highly visible and obtrusive extension of urban development into an area of agricultural land, which would not integrate into its surroundings and would simply extend the northern edge of the village of Dirleton into the undeveloped surrounding countryside in a conspicuous and incongruous manner which would not preserve but would be harmful to the character and appearance of the Conservation Area, contrary to Policy ENV4 of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy: June 2014.
- 2 The new build residential development proposed in this application is contrary to part 5 of the Council's Housing Land Supply: Interim Planning Guidance on the following considerations:
 - (i) it is not an appropriate extension of the settlement of Dirleton;
 - (ii) as it would not preserve nor enhance but would be harmful to the character and appearance of Dirleton Conservation Area it conflicts with Development Plan policies relating to development within conservation areas;
 - (iii) it would directly prejudice the ability to provide infrastructure capacity, in this case necessary school capacity, for housing site NK11 of the Proposed Local Development 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: Tuesday 15 August 2017
BY: Depute Chief Executive
(Partnerships and Community Services)
SUBJECT: Application for Planning Permission for Consideration

3

Application No. **16/00711/P**
Proposal Formation of SUDS structure and site access road
Location **Land To The North Of Foreshot Terrace
Dirleton
East Lothian
EH39 5DR**
Applicant Muir Homes Limited
Per TMS Planning Services Ltd
RECOMMENDATION Application Refused

PLANNING ASSESSMENT

This application relates to a linear area of some 0.57 hectares of agricultural land in the East Lothian countryside and which forms part of a larger area of agricultural land on the west side of Ware Road, to the north of Dirleton. The site is within Dirleton Conservation Area.

The site is bounded to the north and south by the remainder of the larger area of agricultural land of which the site is a part, to the west by an area of grassed land and to the east by Ware Road.

Planning permission is sought for the erection on the eastern part of the site of SUDS structure and the formation of an access road to the SUDS from Ware Road. The application drawings show an intention to plant a woodland along the majority of the application site on the west side of the SUDS. Such woodland is not development, does not require planning permission and therefore does not form part of this application.

Through separate application ref: 16/00710/PM planning permission is sought for the erection of 24 houses and associated works on the agricultural land which bounds the site to the south.

The SUDS proposed in this application is intended to act as the drainage system for the separate residential development proposed in application 16/00710/PM. It is also

indicated that the woodland shown on the application drawings is intended to act as a robust defensible landscape boundary to integrate the residential development proposed in application 16/00710/PM into its landscaper setting.

Normally an application for a residential development as proposed in separate application 16/00710/PM would include within in all aspects relevant to such a proposal, including SUDS arrangements. However in this case the applicant has decided to apply for the SUDS element separately. As a standalone application there is nothing to prevent a determination of the application, notwithstanding this it is brought before Planning Committee in conjunction with application 16/00710/PM for the consideration of Members.

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

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

Policies 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies DC1 (Development in the Countryside and Undeveloped Coast), DP2 (Design) and ENV4 (Development Within Conservation Areas) 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 64 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 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that a planning authority must have regard to the desirability of preserving or enhancing the character or appearance of a conservation area in exercising its responsibilities in the determination of any application for planning permission for development affecting a conservation area. It is stated in Scottish Planning Policy that proposed development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character and appearance of the conservation area should be treated as preserving its character and appearance.

A total of 68 written representations have been received to the application. Of these 62 object to the proposed development and 6 are in support of it. Many of the written objections take the form of pro-forma letters.

The main grounds of objection can be summarised as follows:

- * the site is covered by the Countryside around Towns policy of the Proposed Local Development Plan and development on the site would be contrary to that and also set a precedent for future development on such designated areas;
- * the site is not designated for housing in the Proposed Local Development Plan;
- * the proposed development is contrary to the Dirleton Conservation Area Character Statement of the current Local Plan;

- * the proposed development is of a size, scale and character out of keeping with the village of Dirleton and would detract from the visual and historic approach into the village from the north;
- * the proposed development would not preserve or enhance but would be harmful to the Conservation Area;
- * the design and layout of the proposed development is out of keeping with the Conservation Area and would not integrate into its surroundings;
- * the character of the village would change, which would be compounded with a development of land at Castlemains in Dirleton;
- * land at Castlemains is the preferred site for development in the Proposed Local Development Plan;
- * the amenity of neighbouring residential properties would be adversely affected;
- * the proposed development would lead to traffic problems and would result in a road safety hazard;
- * there is a lack of local services and facilities to cater for the proposed development and therefore the need to drive out of the village to access services will increase;
- * the proposed development would take the primary school to capacity;
- * the rail station car parks at Drem and North Berwick are at capacity;
- * new trees planted would lead to a loss of light; and
- * the application site is a feeding ground for pink footed geese and other wildlife and thus the application should be subject to Environmental Impact Assessment.

The main grounds of support for the application can be summarised as follows:

- * a small housing development can be assimilated into the village;
- * the design of the proposed development is sympathetic to the Conservation Area and the character of the village; and
- * it is a better site for development than land at Castlemains.

Gullane Area Community Council, as a consultee on the application, objects to the proposed development. The Community Council mainly object on the grounds that:

- * the site has not been designated for housing in the Proposed Local Development Plan;
- * in terms of the Council's Housing Land Supply: Interim Planning Guidance preference should be given to the site at Castlemains Place, Dirleton designated in the Proposed LDP as suitable for housing; the development of both the Castlemains Place site and the application site for housing would be unsustainable in view of the limited infrastructure in Dirleton including a lack of places at Dirleton Primary School;
- * the application site forms part of an area along the whole northern edge of Dirleton which is subject to the Countryside Around Towns Policy of the Proposed LDP;

* the proposals conflict with the Dirleton Conservation Area Statement in that they would interrupt views of Dirleton and Dirleton Castle on the approaches to the village from the east and northeast and with the setting of Oatfield House; and

* there is evidence that the site is regularly used for feeding by pink footed geese overwintering at Aberlady Bay nature reserve, which forms part of the Firth of Forth Special Protection Area (SPA) and thus is afforded a high level of protection under the European Habitats Directive. There is also evidence the fields are used by curlews and pheasants. Therefore an environmental impact assessment should be submitted with the application.

Most of the written objections are directly related to separate application 16/00710/PM and are neither relevant nor material to the determination of this application which merely seeks planning permission for the formation of SUDS and an access road.

In respect of SUDS provision SEPA raises no objection to the application, satisfied that the applicant is providing the required level of treatment for the residential development proposed in separate application 16/00710/PM.

If the proposed SUDS and access road was to be seen in association with the residential development proposed in separate application 16/00710/PM it would have an operational requirement to be in its proposed location in the countryside and would not appear exposed or harmfully intrusive or incongruous in its landscape setting. By virtue of its nature, scale and relationship with that residential development the proposed SUDS and access road would be satisfactorily integrated into the landscape in a manner that would reflect the character and quality of place of the application site and would be compatible with its surroundings.

However, as detailed in the assessment of separate planning application 16/00710/PM, the residential development proposed in that application would not preserve but would be harmful to the character and appearance of Dirleton Conservation Area and would be contrary to part 5 of the Council's Housing Land Supply: Interim Planning Guidance and thus it is recommended planning permission for it be refused.

Therefore and in such circumstances there is no operational requirement for the SUDS and access road to be sited in this particular location in the countryside of East Lothian and therefore the SUDS and access road is not consistent with Policy DC1 of the adopted East Lothian Local Plan 2008.

RECOMMENDATION

It is recommended that planning permission be refused for the following reason:

- 1 As the development proposed in separate planning application 16/00710/PM is assessed as being unacceptable there is no operational requirement for the SUDS and access road to be sited in this particular location in the countryside of East Lothian and therefore they conflict with Policy DC1 of the adopted East Lothian Local Plan 2008.

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: Tuesday 15 August 2017
BY: Depute Chief Executive
(Partnerships and Community Services)
SUBJECT: Application for Planning Permission for Consideration

4

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.

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)