

PLANNING COMMITTEE

5 SEPTEMBER 2017

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

**TUESDAY 15 AUGUST 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 S Kempson
Councillor C McGinn
Councillor K McLeod
Councillor J McMillan
Councillor F O'Donnell
Councillor T Trotter

Other Councillors Present:

Councillor J Goodfellow
Councillor Williamson

Council Officials Present:

Mr D Proudfoot, Head of Development
Mr I McFarlane, Service Manager – Planning
Mr D Irving, Senior Planner
Mr G McLeod, Transportation Planning Officer
Ms J Mackay, Media Manager

Clerk:

Ms A Smith

Visitors Present:

Items 2 and 3 – Mr M Smith, Mr J Finlay, Ms M McNie, Mr G Robertson
Item 4 – Mr M Andrews, Mr R Feilding-Mellen, Mr G Peart, Mr D Rose, Mr I Stewart

Apologies:

Councillor W Innes
Councillor B Small

Declarations of Interest:

None

1. MINUTES FOR APPROVAL – PLANNING COMMITTEE 28 JUNE 2017

The minutes of the meeting of the Planning Committee of 28 June 2017 were approved.

2. PLANNING APPLICATION NO.16/00710/PM: ERECTION OF 24 HOUSES AND ASSOCIATED WORKS AT LAND TO THE NORTH OF FORESHOT TERRACE, DIRLETON

3. PLANNING APPLICATION NO.16/00711/P: FORMATION OF SUDS STRUCTURE AND SITE ACCESS ROAD AT LAND TO THE NORTH OF FORESHOT TERRACE, DIRLETON

Reports were submitted in relation to Planning Applications Nos. 16/00710/PM and 16/00711/P. Daryth Irving, Senior Planner, presented the reports, summarising the key points. He clarified issues raised at the site visit. He informed Members that the most recent housing development in Dirleton had been for 9 houses on Manse Road in June 2006; the East Lothian Local Plan 2000 had been applicable and there had been no policy then regarding affordable housing provision. There had been 2 previous applications for development on this site, both in 2014, both refused. He reported that a pending application (16/00521/PM) for housing on land at Castlemains Farm had been withdrawn. The report recommendations for the applications before the Committee were for refusal.

Iain McFarlane, Service Manager, Planning, responded to questions from Councillor Currie. He stated it was the settled view of the Council that the Castlemains site, rather than this site, was taken forward for inclusion in the Proposed Local Development Plan (LDP). Regarding policy context, he advised that the Planning Authority took the view that sites not part of the Proposed LDP would not be taken forward; this was set out in the report and related to the clear reasons for refusal. Councillor Currie sought further clarification; he asked if an application came forward for a site that was in the Proposed LDP it could be taken forward but if the site was not in the Proposed LDP it would be considered under the 2008 LDP and Interim Guidance. Mr McFarlane confirmed this was the case adding that the Interim Planning Guidance on Housing Land Supply set out the criteria under which such applications were determined.

Mr McFarlane responded to questions from other Members. In relation to the Castlemains site he stated there was firm interest. Regarding what constituted an appropriate extension of the settlement of Dirleton he made reference to the site selection process for the Proposed LDP, advising that it had been clear that Castlemains could form an appropriate extension whereas this site would not.

Malcolm Smith of TMS Planning Services Ltd, agent for the applicant, refuted the reasons for refusal in the officer's report. He made reference to concerns raised by Scottish Natural Heritage and Historic Scotland regarding the Castlemains site, stating that limited weight should be given to this site. He outlined the details of the application. He stated that the development was consistent with the Interim Guidance. The site and surroundings would be compatible for the Conservation Area. This development could assist with the shortfall in housing delivery figures. Planning permission for this site should be granted.

Responding to questions from Councillor McLeod about the affordable housing element Mr Smith advised that these properties would be for social rent.

John Finlay spoke against the application, also representing Dirleton Village Association (DVA). This site contravened the proposed LDP; the number of houses was too high and the mix was wrong. It was important that the balance of the Conservation Area was not undermined. The site layout and individual house types were not appropriate for a

Conservation Area; they were not right for the rural context and did not respect the Dirleton's indigenous style. The DVA was not against new development but was against inappropriate development. Regarding the SUDS application this was an engineered solution. The recommendations for refusal for both applications should be supported.

Responding to questions Mr Finlay stated that protection of all farmland to the north was crucial; DVA was very concerned that this could be a doorway to further development and was also not convinced that the woodland belt was defensible.

Mary McNie spoke against the application. This site was shown in the Proposed LDP as countryside to be protected from development; this development would impinge on agricultural or open countryside and would adversely affect the Conservation Area. According to the Conservation Strategy there should be no development on approaches to a village. The LDP favoured the Castlemains site. She also drew attention to the road and rail situation, highlighting the lack of bus services and the parking problem at Drem train station.

Graeme Robertson, immediate neighbour to the application site, spoke against the application. His key objections were there were too many houses to balance against the existing village; there was no natural boundary to the north of the site and the woodland around his property was totally inadequate as regards privacy. At present the village did not have the amenities to cope with an influx of new residents and associated traffic. He also raised the inadequate parking provision at both Drem and North Berwick stations. This picturesque village was a magnet for visitors; Dirleton should maintain its unique and historical status within East Lothian.

Tom Drysdale, representing Gullane Area Community Council (GACC), spoke against the application. GACC agreed with the officer's recommendations and reasons for refusal for these applications. The site was subject to the Countryside Around Towns Policy of the Proposed LDP. If the site and associated drainage were developed it could be capable of being extended further northwards as the boundary was neither robust nor defensible. He also raised concerns in relation to current use of the site by various types of wildlife and the adverse effective as a result of the development. GACC was disappointed that an environmental impact assessment had not been carried out. This development would be harmful to the Conservation Area and should be refused.

Local Member Councillor Findlay concurred with all points put forward by the objectors. This application was not part of the Proposed LDP; if granted it could prejudice the Castlemains site. He supported the report recommendations for refusal.

Councillor McLeod remarked that this site was in a good location; it was at the edge of the village and would cause minimal disruption. Affordable housing for rent was needed. He would be supporting the applications.

Councillor Currie made reference to the difficulties for Members in having to deal with both the existing and Proposed LDPs. Considering the application, on balance, he felt it was the right application in the wrong place; the Proposed LDP recognised this. He would be supporting the recommendations for refusal.

Councillor McMillan echoed the statement in the report that this development would be harmful to the Conservation Area. He agreed with the officer's recommendations for refusal.

Councillor Bruce expressed concerns about the possibility of future development continuing further north due to the lack of a defensible boundary. He agreed with the recommendations for refusal of these applications.

The Convener brought the discussion to a close stating that he would also be supporting the report recommendations. He moved to the vote for each application (both for refusal):

Item 2 (Application No. 16/00710/PM)

For: 9

Against: 1

Abstentions: 0

Item 3 (Application No. 16/00711/P)

For: 9

Against: 1

Abstentions: 0

Decision – Item 2 (Application No. 16/00710/PM)

The Committee agreed to refuse planning permission 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.

Decision – Item 3 (Application No. 16/00711/P)

The Committee agreed to refuse planning permission 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.
4. **PLANNING APPLICATION NO. 16/00485/PPM: PLANNING PERMISSION IN PRINCIPLE FOR RESIDENTIAL DEVELOPMENT WITH ASSOCIATED GREENSPACE, ACCESS AND ENGINEERING WORKS AT LONGNIDDRY FARM, LONGNIDDRY**

A report was submitted in relation to Planning Application No. 16/00710/PM. Mr McFarlane presented the report summarising the key points. The report recommendation was to grant consent.

Members raised numerous questions in relation to GP surgery provision, expressing their concerns. Mr McFarlane stated that NHS Lothian had been consulted during the preparation of the Proposed LDP. NHS Lothian had not stated a need for additional GP surgery provision in Longniddry; in their opinion there was no requirement for a contribution from the

developer. He stressed that the officer's recommendations had to be based on consultee responses. In response to further questions Mr McFarlane reiterated that the infrastructure requirements set out in the report were based on a cumulative assessment of all sites in the Proposed LDP by statutory consultees, including NHS Lothian. The recommendations and heads of terms were based on the cumulative assessment. Although each application was considered on its own merits the assessment had been done based on the cumulative assessment. Regarding queries about pre-emption he said the report set out clearly the consideration of scale and location. Scottish Planning Policy (SPP) referred to scale of development; the key question was whether a site was in a location that was central to the Proposed LDP, was it part of the Compact Strategy or dispersed from that Strategy. This application was of a scale of some significance but was appropriate for its location. There was consistency in the recommendations once the arguments set out in the report were examined.

Responding to questions about the possibility of adding a condition asking for a contribution from the developer to improve the current GP facility in Longniddry, Mr McFarlane stated that adding a requirement that was potentially open ended would not be competent. The developer was asked for his view. Mr Feilding-Mellen informed Members that he had met with the Harbour Medical Practice a number of times and the issue for the NHS was primarily practice running costs; Longniddry was the only satellite GP service in East Lothian and was run at a loss. NHS Lothian had said their main priority was the new facility. However, if it would satisfy Members, he would be willing to contribute £25,000/£30,000 but, as Mr McFarlane had indicated, it would have to be a fixed sum. Responding to further comments from Members Mr McFarlane indicated that the comments from the developer were helpful and although it was not usual practise an addition could be made to the Heads of Terms for the required section 75 agreement after point 4 (vi) (*page 66 of the report*), stipulating that a financial contribution of £30,000 be provided towards improvements to the Longniddry Medical Practice (satellite) surgery.

Further discussion took place. Councillor Currie formally moved for a continuation on the grounds of the need to hear directly from NHS Lothian; Councillor Bruce seconded this. The Committee voted on the amendment.

For: 5

Against: 5

Due to the equal number of votes, and in accordance with the Council's Standing Orders, the Convener used his casting vote – to determine the application today.

The Convener remarked that there seemed to be a mismatch between NHS Lothian's position and concerns Members had received from local GPs. This was an issue for the Integration Joint Board (IJB). Councillor Currie asked if a representative from NHS Lothian could be asked to attend future Planning Committees; other Members agreed this would be beneficial. Mr McFarlane confirmed he would action this.

Mr McFarlane also clarified matters in relation to questions about sports pitch provision, safe routes to school, work to renew the steading buildings and connectivity plans.

Martin Andrews, factor for the Wemyss and March Estate, joint applicant, outlined the details of the application. He gave details of the benefits of the application which would include extensions to Longniddry Primary School and Preston Lodge High School, contributions towards improvements at Longniddry station and improvements to local roads. The proposed design would fit in with East Lothian architecture. Two niche developers had been selected who were committed to the estate's vision for this area. He stated that one of the key objectives of SPP was to create successful, sustainable, well designed places and this development met this objective.

Responding to Councillor Currie regarding why this application could not wait until the Reporter had assessed the Proposed LDP, Mr Andrews stated that it was reasonable to bring forward the application at this point. Mr McFarlane added that the Proposed LDP was the settled view of the Council; it was appropriate in relation to SPP for this development to come forward. It would enable earlier delivery of housing, including affordable housing.

Gavin Peart, speaking against the application on behalf of his wife, Blythe Peart, stated that the key objections to the development were in relation to connectivity. The applicant's rail study did not reflect the projected design life of the development; it only took into account one third of the design life. Due to the height restrictions on the Lorne Bridge a standard fire engine could not use this route and would have to use the B6363. The provision of only 2 footpaths and 1 height restricted single track road between the new development and the existing village would mean that each part would be poorly connected as regards transport. This poor standard of connectivity would not be acceptable within a wholly new settlement.

David Rose, representing Longniddry Community Council (LCC) referred to two applications, this one and a second application for the steading development that had still to come forward, stating that LCC would have liked these to come forward as a joint application. He raised a number of concerns including connectivity, the number of units, flooding issues and sports pitch provision. He added that many other developers had made a community financial contribution, suggesting this could be considered as regards the John Muir Walk. Iain Stewart, also representing LCC, raised concerns about traffic, measures proposed for Main Street including traffic calming and signals and the possibility of traffic diverting to alternative routes through the village as a result. Regarding affordable housing it was essential this was provided. He also referred to serious concerns about the medical facilities.

Mr McFarlane clarified matters raised. He advised that this application was for planning permission in principle, the application for the steading had to be a detailed application with associated listed building consent; applications for change of use could not be taken in principle. That application was under consideration at present. He further clarified that SEPA dealt with flood risk, had responded and was content with the SUDS scheme. Regarding sports pitches, Amenity Services had a balance to make as regards 3g or grass pitches based on capacity and use. The traffic implications had been considered by the Roads Authority and, as with any development, monitoring would take place.

Local Member Councillor O'Donnell stated that this was an exciting prospect for Longniddry; the investment in rail and road infrastructure was welcomed. The health provision was an issue but she would take this forward through the IJB and would also raise with the Chair of NHS Lothian. The development would be a boost to local schools and would provide opportunities regarding economic development, not just during the construction phase. She would be supporting the report recommendation to grant consent.

Local Member Councillor Bruce expressed concern about the GP provision situation; he felt he could not justify a decision to support the application without seeing full details of the response from NHS Lothian. He would not be supporting the report recommendation.

Councillor Currie stressed it was important that the Reporter looked at all representations therefore the application should go through the procedure as part of the LDP process and not as a separate application. Issues and concerns would not be taken into account by the Reporter if the Committee had already determined the application. He also raised concerns about GP provision. He would not be supporting the report recommendation.

Councillor McMillan remarked, as a previous resident of the village, that Longniddry was a community where successful integration took place. He felt there was an element of quality to this development and would be supporting the application.

Councillor Findlay commented that the points Councillor Currie raised about the LDP process were valid. Points raised generally about medical provision were also valid. He appreciated the financial contribution to the rail network but stated it was not nearly enough; it represented 0.001% of what was required. He would not be supporting the application.

The Convener brought the discussion to a close. He stressed that the Proposed LDP was the settled view of the Council. He made reference to East Lothian's land supply shortage. This would be a development with an attractive centrepiece; the old buildings would be restored and brought into use. He would be supporting the recommendation to grant planning permission as set out in the report, emphasising that these houses were required to support East Lothian's land supply.

Prior to going to the vote the Convener asked the Committee if it would be supportive of the additional condition as set out by Mr McFarlane: the insertion at point 4 (vii) a financial contribution of £30,000 towards improvements to the Longniddry Medical Practice (satellite) surgery; the Committee supported the addition of this condition.

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

For: 6
Against: 4
Abstentions: 0

Decision

The Committee agreed to grant planning permission 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.

(vii) a financial contribution of £30,000 towards improvements to the Longniddry Medical Practice (satellite) surgery.

5. 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 and a lack of medical provision.

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.

Signed

Councillor Norman Hampshire
Convener of the Planning Committee

REPORT TO: Planning Committee
MEETING DATE: Tuesday 5 September 2017
BY: Depute Chief Executive
(Partnerships and Community Services)
SUBJECT: Application for Planning Permission for Consideration

2

Application No. **16/01029/AMM**

Proposal Approval of matters specified in conditions of planning permission in principle 06/00770/OUT - Erection of 140 flats and associated works

Location **Former Tesco Store And Adjacent Land
Mall Avenue
Musselburgh
East Lothian**

Applicant Dundas Estates And Development Co Ltd

Per Michael Laird Architects

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

Although this application is for the approval of matters specified in conditions of planning permission in principle 16/01029/PPM it has to be determined as a major development type application because the number of dwellings detailed is greater than 49. Accordingly, the application cannot be decided through the Council's Scheme of Delegation. It is therefore brought before the Planning Committee for a decision.

Outline planning permission 06/00770/OUT (now known as planning permission in principle) was granted in September 2008 for the principle of a mixed use development on some 8.8 hectares of land located close to Musselburgh Town Centre. The majority of that site forms part of the former Brunton Wire Works and had lain vacant as a cleared site for a number of years. The principles of the approved mixed use development the subject of outline planning permission 06/00770/OUT include a retail store, residential development, a primary health care centre, a care home for the elderly (including a day centre and associated specialist housing with support) and associated access roads and car parking. Condition 3 of outline planning permission 06/00770/OUT requires that each of the approved uses is restricted to the area of the site designated for it on the masterplan docketed to the outline planning permission. Condition 4 of outline planning permission 06/00770/OUT states that no more than 140 residential units shall be erected on the application site.

In December 2011 planning permission 11/00827/PM was granted to vary Condition 1 of planning permission 06/00770/OUT to extend the time period for the submission of Approval of Matters Specified in Condition of planning permission 06/00770/OUT by a further 3 years.

In November 2014 planning permission 14/00757/PM was again granted to vary Condition 1 of planning permission 06/00770/OUT to extend the time period for the submission of Approval of Matters Specified in Condition of planning permission 06/00770/OUT by a further 3 years.

In September 2008 planning permission 06/00769/FUL was granted for the erection of a Tesco superstore, petrol filling station, car parking and associated works on part of the former Brunton Wireworks and which formed the western part of the site granted outline planning permission 06/00770/OUT in September 2008. The Tesco store is complete and operational.

In January 2010 the approval of Reserved Matters 09/00500/REM of planning permission 06/00770/OUT was granted for the erection of a new Primary Care Centre and associated works on the south eastern part of the site. The Primary Care Centre has been constructed and is in operation.

The application site forms the northeast component of the former Brunton Wireworks site. It was last in use as a Tesco Supermarket. That retail use ceased a number of years ago and the supermarket building has since been demolished. It has since lain vacant as a cleared site for a number of years. It is within Musselburgh Town Centre. It is bounded to the north by Mall Avenue with the river Esk and its landscaped embankment beyond, to the south by an area of vacant land on which approval was given through the grant of planning permission 06/0070/OUT for the erection of the care home for the elderly. To date no application for the care home has been received. To the east are the houses of Dalrymple Loan and to the west of the site are the four storey flatted tenement buildings that are on the corner of Mall Avenue with Inveresk Road with the Tesco supermarket and its car park beyond.

The site is adjacent to the south side of the Musselburgh Conservation Area. The former Musselburgh High Church which is adjacent to the east side of the bus depot is listed as being of special architectural or historic interest (Category B). Some of the buildings on the west side of Dalrymple Loan are also listed as being of special architectural or historic interest – one Category B and the others Category C.

Approval of Matters Specified in Conditions is now sought for the erection of 140 flats on the application site.

The proposed 140 flats would be contained within 8 rectangular shaped flatted buildings. Two of the buildings (blocks 3 & 4) would front onto Mall Avenue and would be 6 stories high. Four of the buildings (block 2,4,5 & 6) would be either 4 or 5 stories high and would be positioned behind the 6 storey flatted blocks fronting onto Mall Avenue and between the existing 4 storey tenement building front onto Inveresk Road and the houses on the west side of Dalrymple Loan. Block 8 would be 3 stories high and would front onto Inveresk Road, with the gable of block 7, which would be 4 stories high and would have a frontage onto that road.

There would be a mix of one, two and three bed roomed flats (nineteen x one bed flats, ninety five x two bed flats, twenty x three bed flats and six x three bed penthouse apartments.) Of the 140 flats 129 would be for private sale and 11 would be affordable.

The proposed flatted blocks would be finished externally with buff coloured and black coloured bricks broken up with elements of dark grey coloured powder coated curtain walling and zinc cladding on some of their walls. They would have dark grey coloured aluminium framed windows and their roofs would be clad with dark blue/black coloured roof tiles.

The submitted details also include for the internal access roads, 145 parking spaces, cycle store, bin enclosures boundary treatments, landscaped open space, and associated works.

Vehicular, pedestrian and cycle access to the flats would be taken by way of an existing access junction from Inveresk Road. A separate pedestrian and cycle access would be formed from the site onto Mall Avenue.

The development would be landscaped with a mixture of hard and soft landscaping throughout the site. Existing trees on Mall Avenue adjacent to the northern boundary of the site would be retained as would some on the east and west boundaries of the site.

The application is supported by a Design and Access Statement. The Statement sets out the design principles and concepts that have been applied to the development.

The application is also supported by a Drainage Strategy Plan, a Noise Impact Assessment and a Tree Survey and Arboricultural Constraints Report.

Subsequent to the registration of this application, further drawings have been submitted showing alterations to the site layout. This has pushed the whole development some 2m south to allow a greater distance between the 2 flatted blocks adjacent to Mall Avenue and the line of mature trees on Mall Avenue. The amended drawings also to provide for refuse arrangements and to show ground surfacing additions and off site works.

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 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 2 February 2016 the Council issued a formal screening opinion to the applicant. The screening opinion concludes that it is East Lothian Council's view that a housing development of the site is not likely to have a significant effect on the environment such that consideration of environmental information is required before any grant of planning permission. It is therefore the opinion of East Lothian Council as Planning Authority that there is no requirement for the proposed housing development to be the subject of an EIA.

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

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

Relevant to the determination of the application is Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies H1 (Housing Quality and Design), ENV3 (Listed Buildings), ENV7, DP1 (Landscape and Streetscape Character), DP2 (Design), DP14 (Trees on or

Adjacent to Development Sites), T2 (General Transport Impact), DP20 (Pedestrians and Cyclists) and DP22 (Private Parking) of the adopted East Lothian Local Plan 2008.

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 Planning Policy: June 2014 and Planning Advice Note 67: Housing Quality.

Material to the determination of the application is Scottish Planning Policy: June 2014 on housing development and Scottish Government advice given in Planning Advice Note 67: Housing Quality.

Further policy and advice on design is provided in Scottish Planning Policy and Planning Advice Note 67: Housing Quality. 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.

Five written representations, two of which are from the same person, have been received in respect of this application. Four of the representations raise objections to the application.

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

The representations are summarised as follows:

* The proposed care home is not mentioned or protected in the proposals and there is concern that the area left vacant is too small to accommodate such a facility. Does the

Council own any part of this land and has been keeping it for development?

*the scale of the plan is too large for the space available for the number of flats proposed;

*The colours of the external finishes should be softened;

*The height of the buildings at 6 floors exceeds the tenements building and the highest trees on Mall Avenue. Is there any protection for these trees;

* concerns the proposed cycle stores could encourage anti-social behaviour by potentially enabling intruders to access neighbouring gardens;

* The height of block 1 and block 6 are higher than was consented through planning permission 06/00770/OUT and are unnecessarily tall. The design of the roof of block 6, which has additional parapets at roof level on the south east and north west corners, increase the mass of the end elevation and should be removed to improve the appearance from views from Dalrymple Loan;

* The new development will sit between the stone tenements on Inveresk Road and the listed buildings on Dalrymple Loan. The proposed pale buff brick and black brick with black roof would be insensitive to this setting. Grey brick and grey roof tiles would be more appropriate and would help soften the visual appearance of these large blocks. The zinc cladding should also be a mid-grey colour and not the dark grey shown;

* Impact on the privacy and amenity of neighbouring properties through overlooking and overshadowing;

* objection to the moving of the whole development 2m south as this will increase the detrimental impact of the development on the gardens and houses of Dalrymple Loan;

* The shifting of the whole development 2m south will result in the loss of the grass verge on the southern perimeter of the site, resulting in the loss of overhang room for parking; and

* The shifting of the development 2m south is based on the assumption the trees on Mall Avenue will remain as they are. Instead the trees could be rationalised which would optimise healthy growth and would improve amenity on Mall Avenue and the outlook from the development, allowing blocks 3 & 4 to be reinstated to their original position.

There is also one letter of representation from the Musselburgh Conservation Society which is written in support of the application. They applaud the high density of the development on this town centre site. However, they ask that the buff brick facing on the river frontage should be replaced by ashlar stone cladding to reflect and enhance the development's situation on the edge of the conservation area and harmonise more closely with the existing tenement at the corner of Inveresk Road.

Musselburgh & Inveresk Community council, a consultee on the application, object to the application on the grounds of design.

By the grant of planning permission in principle 06/00770/OUT, approval has been given for the principle of the erection of 140 residential units on the application site. There can therefore be no objection in principle to the erection of the 140 residential units now proposed.

Therefore, in the determination of this application the Council, as Planning Authority, can

only concern itself with the siting, design and external appearance of the development and the landscaping of and means of access to the site. In this regard the detailed proposals have to be considered against relevant development plan policy and the illustrative masterplan and conditions attached to planning permission in principle 06/00770/OUT.

The details now submitted for approval are for a scheme of development comprising 140 flats, that would be within 8 rectangular shaped flatted blocks that would be between 3 and 6 stories high and which would range between 12.5m and 21.5m in height. The total number of units proposed accords with the outline planning permission granted for the site and the mix of flats includes a range of 1, 2 and 3 bedroomed flats.

Policy DP1 (Landscape and Streetscape Character) of the adopted East Lothian Local Plan 2008 requires, inter alia, that new buildings should be well integrated into their surroundings and be of a scale and character sympathetic to their surroundings. Policy DP2 (Design) requires (i) the use of a limited palette of materials and colours and (2) that new development should complement its surroundings and which will create or contribute to a sense of place and complement local character.

The application site sits between Dalrymple Loan to the east, Inveresk Road to the west and south, and Mall Avenue to the north. To the northeast side of the site, is a large brick built building that fronts onto Mall Avenue that is in use as a bus depot. The former High Church building and a restaurant sit between that bus depot and the junction with Dalrymple Loan. To the west side of the site is a 4 storey tenement building that sits on the corner of, and fronts onto, Mall Avenue with Inveresk Road and runs down the northern end of Inveresk Road. The 4 storey tenement buildings together with the former High Church building and bus depot are of a height and mass that creates a strong presence in this part of Musselburgh Town Centre.

The two 6 storey flatted blocks proposed for the northern front part of the site would be of a significant height, size and scale. However, as they would be of a similar height to the existing 4 storey tenement buildings to the east they would not appear as overly large or dominating features in their setting. Therefore, and as they would be orientated to front onto Mall Avenue and presenting extended linear elements in the streetscape, they would create a strong street frontage with a similar presence to the existing tenement building and the other buildings in this part of Musselburgh town centre. The existing belt of mature trees on the south side of Mall Avenue would, to a degree, soften the impact of the proposed frontages of the buildings.

The 2 flatted blocks proposed for Inveresk Road would comprise a 3 storey flatted block and a 4 storey block. The 4 storey block, which would be closest to the 4 storey tenement building, would, unlike the 3 storey block, have its shorter gable side elevation fronting onto Inveresk Road and its longer elevation fronting onto the access road into the development. The 3 storey flatted building would present a long linear frontage, similar to that of the 4 storey tenement building. Due to their positioning in relation to the higher, 4 storey tenement building, these 2 proposed flatted blocks would not appear as overly large or incongruous additions to the streetscene of Inveresk Road. Like the 2 blocks proposed to front onto Mall Avenue they too would create a strong presence in the streetscape that would sit comfortably alongside the 4 storey tenement building.

The remaining 4 flatted blocks would be a mixture of 3, 4 and 5 storey's in height and thus would be lower in height than, and be of a smaller size and scale than the 2 blocks fronting onto Mall Avenue. By virtue of this and of their set back position and containment behind the existing buildings on Dalrymple Loan and Inveresk Road, they would not appear overly incongruous or prominent in views from those public places.

It is proposed that the external finish of each of the proposed blocks would be of engineering brick with elements of zinc cladding. The use of engineering brick is not a finish that is common in residential buildings in East Lothian.

However, in accordance with Policy DP2 and as a reflection of the industrial heritage of the site and the brick built buildings that previously occupied the site, the use of brick as an external finish for the blocks would in this particular circumstance be acceptable. A condition can be imposed to require the submission of a scheme of final finishes with a palette of colours for the flats, which has due regard to the finishes of other buildings in the locality. Subject to the imposition of this condition, the proposed flatted blocks would be of a scale and character sympathetic to their surroundings and would contribute to a sense of place and complement local character. Therefore the proposed flatted buildings would be acceptably designed for their place and although the proposed buildings would appear distinctive they would nonetheless add architectural interest to the area, which is characterised by a variety of buildings of a range of ages, architectural styles and external finishes. The proposed flatted buildings would not, by their size, height and massing, be out of keeping with the size, height and massing of nearby flatted buildings or with the variety of architectural styles of the other buildings in the locality. They would not appear overly intrusive or incongruous in their position within the former Brunton Wire Works site.

The proposed flatted development would be positioned sufficiently far away from the listed building of the former Musselburgh High Church and from the listed buildings on the west side of Dalrymple Loan that it would not harm the setting of those listed buildings.

The site is capable of accommodating all of the proposed development including satisfactory vehicular and pedestrian access and amenity space without being an overdevelopment of it. The proposed development would not be of a density incompatible with existing densities of development in the area.

The application site lies to the south west of the Musselburgh Conservation Area. Having regard to the current vacant state of the site and its prominent location the development proposed through this application will enhance the setting of the Conservation Area and would not be harmful to it.

The Council's Service Manager - Strategic Asset and Capital Plan Management has confirmed that the proposed layout will not prejudice the development of the adjacent site, which has planning permission in principle for a care home for the elderly. She does however advise that the location of the access road differs from that agreed when the site was conveyed to the Council and this needs to be amended. This is a separate legal matter and not a material consideration in the determination of this planning application. Given their heights, positioning and orientation the proposed buildings would not give rise to a loss of sunlight or daylight to any neighbouring residence or garden. In their respective positions, the proposed flatted buildings would not be unacceptably overbearing, to the detriment of the amenity of any neighbouring residential property.

In assessing whether or not a proposed new development would result in harmful overlooking and therefore loss of privacy to existing neighbouring residential properties it is the practice of the Council, as Planning Authority to apply the general rule of a 9 metres separating distance between the windows of a proposed new building and the garden boundaries of neighbouring residential properties and an 18 metres separating distance between directly facing windows of the proposed new building and the windows of existing neighbouring residential properties.

The windows and glazed openings of the proposed flatted buildings would accord with the 9m and 18m Council Standards in relation to neighbouring residential properties. With regards Dalrymple Loan, the east elevation of the Block 6, the block proposed to be closest to Dalrymple Loan, would be some 14m away from the rear (west) elevation boundary of the rear garden of those houses and some 45m away from the rear elevation walls of the houses. Therefore, by virtue of their positioning and distance away from any existing neighbouring residential properties, the windows and other glazed openings to be formed in the elevations of the buildings would not lead to harmful overlooking of any neighbouring residential building or private garden.

The east elevation of block 3 and the west elevation of block 4 would be within 18m of each other. There would be glazed openings within every level on each of those elevations of those flatted blocks. As those glazed openings in each of the levels of those elevations would directly face the corresponding window opposite, they would allow for harmful overlooking. Therefore, it should be made a condition of a grant of planning permission that those glazed openings be obscurely glazed. Subject to that planning control the proposed flatted building development the flats would be laid out in such a way that adheres to the normally accepted privacy and amenity criteria on overlooking and overshadowing, whilst affording the future occupants of the houses and flats an appropriate level of privacy and residential amenity. They would provide an attractive residential environment for future residents of the proposed flats.

The Council's Team Manager for Structures, Flooding & Street Lighting raises no objection to the proposed development, although he recommends that a condition be imposed on an approval of matters to ensure that further details of an investigation into the existing culvert known as the Mill Lade and any remedial measures required to be taken to deal with any potential new surface water source within the site are submitted to and approved by the Planning Authority in consultation with the Council's Structures, Flooding and Street Lighting Team Manager. This matter can be secured through a condition on an approval of matters.

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

- * The moving of the whole development some 2m southwards and away from the trees on Mall Avenue

- * Amending the landscaping proposals within the site, and

- * Removing a number of proposed footpaths outwith the site and within the grassed area of Mall Avenue.

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

Condition 6 of outline planning permission 06/00770/OUT states that no development shall take place until the applicant has, through the employ of an archaeologist or archaeological organisation, secured the implementation of a programme of archaeological work on the site of the proposed development in accordance with a written scheme of investigation which the applicant will submit to and have approved in advance by the Planning Authority. This part of the site the subject of outline planning

permission 06/00770/OUT has not yet had such an archaeological investigation undertaken. Therefore prior to development commencing an archaeological investigation should be carried out. This matter can be controlled through a condition of a grant of Approval of Matters.

As the site is within the battlefield site of the Battle of Pinkie Historic Environment Scotland has provided comments on the application. Historic Environment Scotland considers that the proposed development would have no significant impact on the battlefield landscape and thus raise no objection to the application.

On the above consideration the proposed development is consistent with Policy ENV7 of the adopted East Lothian Local Plan 2008.

In their respective positions, the proposed buildings would not harm the setting of any listed building within the vicinity of the site. On this consideration the proposed development is consistent with Policy ENV3 of the adopted East Lothian Local Plan 2008.

Condition 12 of outline planning permission 06/00770/OUT states that development shall not commence unless and until an acoustic report has been submitted to and approved in writing by the Planning Authority. A Noise Impact Assessment Report has been submitted with this application and the Council's Environmental Health Manager having assessed the details submitted raises no objection to the proposed development provided acoustic glazing is fitted within the windows of the flatted blocks. This matter can be controlled through a condition on the Approval of Matters Specified in Conditions. Subject to this planning control the Environmental Health Manager is satisfied that the occupants of the proposed residential units would benefit from a satisfactory level of privacy and residential amenity.

The Council's Environmental Health Manager also advises that whilst the impacts on local air quality, including the adjacent Air Quality Management Area in Musselburgh High Street are predicted to be negligible, a condition should be imposed on the grant of the Approval of Matters Specified in Conditions to provide 6 Electric Vehicle (EV) rapid charge points within the development. This matter can be controlled through a condition of a grant of Approval of Matters.

Condition 13 of outline planning permission 06/00770/OUT states that development shall not begin until a scheme to deal with contamination on the site has been submitted to and approved in writing by the Planning Authority. A Site Investigation Report has been submitted with the application for Approval of Matters which recommends that a Remedial Strategy be produced that details the works required to address contamination issues on the site. Subject to the submission of the Remediation Strategy and the implementation of its recommendations the Council's Contaminated Land Officer raises no objection to the application.

On all of these foregoing findings on matters of design, layout, landscaping and amenity, and subject to the imposition of conditions, the proposed development is consistent with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), Policies H1, DP1, DP2, DP14 and DP24 of the adopted East Lothian Local Plan 2008, and the Scottish Government Policy Statement entitled "Designing Streets" and Scottish Planning Policy: June 2014.

The principles of the means of accessing of the proposed residential development are already decided by the grant of planning permission in principle 06/00770/OUT. The submitted details for accessing the proposed residential units are in accordance with

these principles established by the grant of planning permission in principle 06/00770/OUT.

A total of 146 on-site car parking spaces are proposed. The Council's parking standards applicable for a development of the type and size proposed sets a need for the provision of 210 on-site parking spaces – 140 for the residents and an additional 70 parking spaces for visitors. However, the development is located in Musselburgh Town Centre and is close to the main bus routes into Edinburgh and to the 540 parking spaces of the Tesco Retail Store, and also to the council car park at Eskmills. Given this particular locational context, the Council's Road Services are satisfied that the proposed 146 spaces would be sufficient to serve the proposed development. Based on these considerations the proposed development is not a significant departure from Policy DP22 of the adopted East Lothian Local Plan 2008.

The Council's Road Services raise no objection to the submitted details provided:

- 1) Cycle parking is provided at a rate of 1 locker per flat or communal provision in a lockable room or shed;
- 2) A minimum of 6 electric car charging spaces be provided within the car parking areas of the proposed development;
- 3) The existing footway along the development frontage on Inveresk Road be relayed to match in to the materials used for the proposed development;
- 4) Bollards be installed to protect internal pedestrian only areas from indiscriminate parking;
- 5) The existing kerb line at Block 8 tie into the existing kerb line on the public road;
- 6) A Construction Method Statement to minimise the impact of construction activity on the safety and amenity of the area be submitted to and approved by the Planning Authority prior to the commencement of development; and
- 7) A Green Travel Plan or a Residential Green Travel Pack be provided to minimise private car trips and to encourage use of alternative modes of transport such as trains, buses, cycling and walking.

These matters can be made conditions of a grant of Approval of Matters. Subject to the imposition of those planning controls Road Services are satisfied that the proposed development can be safely accessed by both cars, pedestrians and cyclists, that the development would not result in unacceptable traffic congestion on the local road network, and that it would not result in a road or pedestrian safety hazard. Road Services raise no objection to the application.

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

The mechanism of a financial contribution towards additional educational provision at Musselburgh Burgh Primary School and Musselburgh Grammar School for a housing development of 140 residential units has already been secured through the grant of planning permission in principle 06/00770/OUT.

The mechanism of the provision within the residential development of 25% affordable housing units (i.e. 11 units of the proposed 45 (the number of units exceeding 96) is already secured through the grant of planning permission in principle 06/00770/OUT.

The Council's Economic Development and Strategic Investment service raise no objection to the details of the 11 affordable housing units proposed.

RECOMMENDATION

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

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

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

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

Reason:

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

- 2 Samples of all external finishes of the development, including those of the flatted buildings hereby approved, shall be submitted to and approved in advance of their use on the development by the Planning Authority and the external finishes used shall accord with the samples so approved.

Reason:

In the interests of safeguarding the character and appearance of the development.

- 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 flats and shall not be adapted or used for other purposes without the prior written approval of the Planning Authority.

Reason:

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

- 4 No 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 shall be located along the full length of the northern site boundary and across the site from east to west to the north of the retained tree in the southwest corner of the site, 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.

Reason

In order to protect retained trees from damage.

- 5 Prior to the commencement of development a scheme of landscaping shall be submitted to and approved in writing by the Planning Authority. The scheme shall provide details of: the height and slopes of any mounding on or re-contouring of the site including SUDS ponds/basin details, 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 and adjacent to the land, details of any to be retained, and measures for their protection in the course of development. Thereafter the landscaping of the development shall be in accordance with that approved landscaping plan, unless otherwise agreed in writing by the Planning Authority.

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 or completion of any part of the development hereby approved, whichever is the sooner. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar species and final size, unless the Planning Authority gives written consent to any variation. No trees or shrubs, detailed in the approved landscaping plans to be retained on the site, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority.

All tree work to trees on and adjacent to the site shall be carried out in accordance with BS3998:2010 'Recommendations for Tree Work' and shall be approved in writing by the Planning Authority before work is carried out.

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 northern boundary walls shall be constructed in accordance with detail Section A-A on the drawing titled 'Landscape Wall Construction Details' with drawing number DMR.AR(PL)018 rev P1. Should it be found that the existing foundations of the existing boundary wall are unsuitable for construction of the new garden walls then details of an alternative wall construction in accordance with BS5837:2012 'Trees in relation to design, demolition and construction' to adequately protect the roots of the existing trees to the north of the site shall be provided to the planning authority for approval prior to any works commencing.

Reason:

To safeguard the health and vitality of the existing trees on Mall Avenue which make a significant contribution to the character and visual amenity of the Conservation Area.

- 7 Only the path shown on detailed drawing 'Mall Avenue Entry Paths Existing and Proposed' with drawing number DMR.AR(PL)019 revision P3 shall be constructed on the grassed area on the south side of Mall Avenue. This path will be kept outwith the root protection areas for the existing trees along Mall Avenue and located outwith the site. Any surfacing within the Root Protection Area must be carried out in strict accordance with section 7.4 of BS5837: 2012 "Trees in relation to design, demolition and construction ~ Recommendations".

Reason:

To safeguard the health and vitality of the existing trees on Mall Avenue which make a significant contribution to the character and visual amenity of the Conservation Area.

- 8 The glazed openings on the east elevation of block 3 and the west elevation of block 4, shall prior to the occupation of each of the flats those glazed openings serve, be fitted with obscure glazing in accordance with a sample of the obscure glazing to be submitted to and approved by the Planning Authority in advance of its use on the building. The obscure glazing of the glazed openings shall accord with the sample so approved. Thereafter the glazed openings on the east elevation of block 3 and the west elevation of block 4 shall continue to be obscurely glazed unless otherwise approved by the Planning Authority.

Reason:

To safeguard the privacy and amenity of the neighbouring residential properties.

9 Unless otherwise approved in writing by the Planning Authority, the outfall for the surface water drainage system into the existing (Mill Lade) culvert in Mall Avenue shown on docketed Drawing No. J3441-002 is not hereby approved. Instead, development of the site shall not commence unless and until the following have been submitted to and approved by the Planning Authority, following consultation with the Council's Structures, Flooding and Street Lighting Team Manager:

- o Details of an alternative outfall for the surface water drainage system;
- o A Surface Water Drainage Assessment, in accordance with the 'Water Assessment and Drainage Assessment Guide' produced by the SuDS Working Party, including details of pre and post development surface water flows;
- o Confirmation that Scottish Water will vest the Surface Water Drainage System following construction.

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 and to ensure adequate protection of the water environment from surface water run-off.

10 No development shall take place until the applicant has, through the employ of an archaeologist or archaeological organisation, secured the implementation of a programme of archaeological work on the site of the proposed development in accordance with a written scheme of investigation which the applicant will submit to and have approved in advance by the Planning Authority.

Reason:

To facilitate an acceptable archaeological investigation of the site.

11 The glazing specification of windows of bedrooms in proposed residential units throughout the development site shall be such so as to provide a Sound Reduction Index equivalent to 30dB. The glazing specification of windows of living rooms in all of the residential units throughout the development site shall be such so as to provide a Sound Reduction Index equivalent to 25dB. The windows of all glazing units of noise sensitive rooms (bedrooms/living rooms) in housing throughout the development shall be provided with acoustic trickle vents.

Reason:

In the interests of the amenity of those occupying the residential units.

12 The development shall be provided with 6 Electric Vehicle (EV) "rapid charge" points. Prior to the commencement of development details of the 6 Electric Vehicle (EV) "rapid charge" points, including a timetable for their provision, shall be submitted to and approved by the Planning Authority.

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

Reasons:

To minimise the impacts of the development on the Musselburgh Air Quality Management Area.

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

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.

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

- 1) Cycle parking shall be provided at a rate of 1 locker per flat or communal provision in a lockable room or shed.
- 2) The footway on Inveresk Road in front of Unit 7 shall be a minimum width of 2 metres.

- 3) The existing footway along the development frontage on Inveresk Road shall be relayed to match in to the materials used for the proposed development. Details to be submitted for approval;
- 4) Bollards shall be required to protect internal pedestrian only areas from indiscriminate parking. Details to be submitted for approval;
- 5) The existing kerb line at Block 8 shall tie into the existing kerb line on the public road. Details to be submitted for approval;

The details to be submitted shall include a timetable for implementation.

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

Reasons:

In the interests of road and pedestrian safety.

- 15 Prior to the commencement of development, a Travel Plan to minimise private car trips and to encourage the use of alternative modes of transport such as trains, buses, cycling and walking shall be submitted to and approved by the Planning Authority. The submitted Travel Plan shall include details of the measures to be provided, the methods of management, monitoring, review, reporting and duration of the Plan.

Development shall thereafter be carried out in accordance with the Green Travel Plan so approved.

Reason:

In the interests of ensuring sustainable travel patterns.

- 16 Development shall not begin until a scheme to deal with contamination on the site has been submitted to and approved in writing by the Planning Authority. The scheme shall contain details of the proposals to deal with contamination to include:

- 1 the nature, extent and type(s) of contamination on the site,
- 2 measures to treat/remove contamination to ensure the site is fit for the use proposed,
- 3 measures to deal with contamination during construction works,
- 4 condition of the site on completion of decontamination measures.

No use shall be made of any of the components of development hereby approved unless and until the measures to decontaminate the site have been fully implemented as approved by the Planning Authority.

Reason:

To ensure that the site is clear of contamination prior to the commencement of use of any of the components of development.

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

3

Note - this application was called off the Scheme of Delegation List by Councillor O'Donnell for the following reason: There is objection from neighbours to this planning application. I believe that members of the Planning Committee would benefit from a site visit to see the impact and to come to an informed decision as to whether or not this planning application should be granted.

Application No. **17/00524/P**
Proposal Extension to house
Location **47 Links View
Port Seton
East Lothian
EH32 0EZ**
Applicant Mr Keith Stewart and Ms Irina Tilekeeva
Per Niall Young Architecture Ltd
RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

The property to which this application relates is a two storey end-terrace house and its garden located within a predominantly residential area as defined by Policy ENV1 of the adopted East Lothian Local Plan 2008. The house has a distinctive mono-pitched roofed architectural form as have all of the other houses of Links View to the west of it.

The property is bounded to the north by an area of public open space with the public road of Links Road beyond, to the east and west by neighbouring residential properties and to the south by the public road of Links View with neighbouring residential properties beyond.

Planning permission is sought for the addition of a single storey mono-pitched roof extension onto the rear (south) elevation of the existing property.

The proposed rear extension would extend some 5.7 metres along and some 3.3 metres out from the rear building line of the existing house. It would extend to a height

of some 2.7 metres from ground level to eaves height of the mono pitched roof. The roof of the proposed extension would continue along the entire length of the rear building line of the existing house, some 8.8 metres, and would be supported by a 2.7 metre post, forming a car port area. The roof of the proposed extension would extend beyond the rear building line of the proposed extension by some 0.4 metres.

The rear (south) elevation is proposed to have a glazed door opening and two glazed screen openings in the form of sliding doors. The side (west) elevation is proposed to have a glazed screen opening and the side (east) elevation is proposed to have no openings. The proposed roof would have three rooflights.

The external walls of the proposed extension would have a brick basecourse and a roughcast render finish to match the existing house. The proposed roof would be clad with zinc and the proposed doors and windows would have aluminium frames.

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.

Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policy DP6 (Extensions and Alterations to Existing Buildings) of the adopted East Lothian Local Plan 2008 are relevant to the determination of the application.

Three written objections to the application have been received. The main grounds of objection are:

- (i) The proposed extension would result in a harmful loss of parking space to the property resulting in on street parking;
- (ii) The scale of the proposed extension is excessive;
- (iii) The proposed extension is intrusive in terms of view, light and appearance from the neighbouring property to the west; and
- (iv) Concerns with existing trees on the eastern boundary.

The proposed extension would create an entrance vestibule and small sitting area. Road Services are satisfied that the two car parking spaces shown on the submitted layout drawing are sufficient to serve the house as it is to be extended. They are further satisfied that both of the spaces could be safely used.

The Council's Policy & Projects (Landscape) service raised no objection to the proposal, being satisfied that it would not result in the loss of any trees that make a significant contribution to the amenity of the area.

The proposed extension in its position on the rear (south) elevation of the house would be visible from the public road of Links View to the south of the applicant's property. By virtue of its architectural form, size, design, proportions, materials and positioning, the proposed extension would be a complementary addition to the house and would not be harmfully unsympathetic to the house or its surroundings. The proposed extension would be well contained within the application site. It would not be harmful to the character and appearance of the house or to the character and appearance of the area.

In assessing whether or not a proposed new development would result in harmful overlooking and therefore loss of privacy to existing neighbouring residential properties it is the practice of the Council, as Planning Authority to apply the general rule of a 9 metres separation distance between the windows of a proposed new development and the garden boundaries of neighbouring residential properties and an 18 metres separation distance between directly facing windows of the proposed new development and the windows of existing neighbouring residential properties.

In relation to the above, the openings on the rear (south) elevation would look onto the applicants garden ground and onto the public road of Links View beyond and so would not cause any harmful overlooking. The openings on the side (west) elevation would look onto a high fence boundary separating the applicants house from the neighbouring property at 48 Links View to the west and so would not cause any harmful overlooking or impingement of privacy.

There are no proposals to form windows or other openings in the side (east) elevation of the proposed extension. Windows or other openings could be formed in this elevation at a later date with the benefit of permitted development rights and thus without the need for planning permission. Any such openings would look onto the high boundary treatment of mature planting separating the rear garden boundary of the applicant's house and 46 Links View to the east and so would not allow for any harmful overlooking to such property.

"Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice" by P.J. Littlefair gives guidance on the impact of a proposed projecting on the daylight and sunlight received by neighbouring properties.

In the Guide it is stated that in designing new development it is important to safeguard daylight and sunlight to nearby buildings.

The Guide recommends that at least half of the garden ground of the property should receive at least two hours of sunlight on 21st March.

Application of the sunlight test on the proposed extension demonstrates that the proposed extension would cast shadow onto part of the rear garden of the neighbouring properties of 48 Links View. The small increase in the amount of overshadowing as a result of the proposed extension would not have a detrimental effect on the amount of sunlight received by the rear gardens of this property as the existing property is already set in front of the neighbouring property to the west and would receive a small amount of overshadowing currently.

Consequently, the proposed extension would not, due to its height, size, and positioning, result in a harmful loss of sunlight to the property to the west at 48 Links View. Nor would it result in a harmful loss of sunlight to any other property.

The proposed extension is consistent with Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and with Policy DP6 of the adopted East Lothian Local Plan 2008.

CONDITION:

- 1 None.

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)