

PLANNING COMMITTEE

5 SEPTEMBER 2017

ADDENDUM to Item 2

Planning Application No. 16/01029/AMM: Approval of matters specified in conditions of planning permission in principle 06/00770/OUT - erection of 140 flats and associated works at former Tesco Store and adjacent land at Mall Avenue, Musselburgh

REPORT TO: PLANNING COMMITTEE

MEETING DATE: 05 September 2017

BY: Planning Service Manager

SUBJECT: Application 16/01029/AMM for Approval of Matters Specified in Conditions of Outline Planning Permission 06/00770/OUT - the erection of 140 flats and associated works.

1 PURPOSE

- 1.1 The Planning Committee will on 05 September 2017 consider planning application 16/01029/AMM. A report of handling is on the Agenda for this meeting. It confirmed that five written representations have been received in respect of the application. The report recommends that approval of matters for the 140 flats and associated works is granted.
- 1.2 On the 29 August 2017, and subsequent to the report of handling being finalised, a further written representation was received from Grahame + Sibbald on behalf of Lothian Buses PLC. The written representation makes objection to the proposed development. A copy of the written representation is contained in a shared electronic folder to which all Members of the Committee have had access.
- 1.3 The purpose of this addendum is to make members of the Planning Committee of the grounds of objection of this further representation and to provide an assessment of them.

2 RECOMMENDATIONS

- 2.1 That permission be granted for the Approval of Matters Specified in Conditions 16/01029/AMM subject to the conditions outlined in the Report of Handling.

3 BACKGROUND

- 3.1 The further representation is made on behalf of Lothian Buses PLC, the owners of East Coast Buses Ltd. Lothian Buses PLC took over the operation of the Musselburgh Depot on Mall Avenue in June 2016. The bus depot, which is located immediately to the east of the application site, was previously operated by First Scotland East Ltd.

3.2 Their main grounds of objection are as follows:

- i) There is concern about the inclusion of the statement within Section 6.2 of the Noise Impact Assessment which states: "*No sound was observed from the bus depot located adjacent to location 1 during the site visit*". Due to the proximity of the proposed development and in particular block 4, to the bus depot there is potential for noise issues leading to complaints from the future occupiers of the flatted blocks in respect of noise from the bus depot, especially if their windows are open;
- ii) The surrounding road network will not be able to deal with the proposed development. Traffic usage of the local road network has changed since the original consent was approved. It is unclear how the proposed development will assist in achieving the Council's aim to improve transport in Musselburgh Town Centre. Given the date of the outline planning permission and as this application details the exact layout of the proposed development, the transport impacts of the proposal should have been fully assessed as part of this application;
- iii) Concern that there will be a health and safety risk with vehicles and pedestrians entering and exiting the access to Mall Avenue in close proximity to the bus depot entrance;
- iv) the proposed development does not provide a range and choice of house tenure;
- v) height of the proposed flatted blocks is above that of the consented masterplan and will overshadow the bus depot;
- vi) the development does not provide for 25% affordable housing; and
- vii) the development does not provide adequate open space.

3.3 The Noise Impact Assessment submitted with the application was carried out between 18th-26th May 2016. The sources of noise the subject of the Noise Impact Assessment were agreed with The Council's Environmental Health Manager prior to the assessment being carried and included the bus depot, which was at that time was operated by First Bus. The Council's Environmental Health Manager has been consulted on this matter and confirms that he agrees with the findings of the Noise Impact Assessment. The noise generated from road traffic could be the dominant noise source and therefore could mask any operational noise from the depot during the monitoring period. Therefore, he does not require the Noise Impact Assessment to be reassessed or updated. Furthermore, he is satisfied that adequate ventilation can be provided via acoustic trickle vents without the need to open windows. He continues to raise no objection to the proposed development, subject to the imposition of recommended condition 11.

3.4 In the determination of planning application 06/00770/OUT a Transport Appraisal was undertaken which considered the traffic impacts of the whole development including 140 flats being erected on the application site. Through the Council's decision to grant outline planning permission,

it was accepted that there was sufficient capacity in the local road network to accommodate the proposed development.

- 3.5 The Council's Roads Services have been reconsulted on the transport concerns raised in the written representation. They confirm that extensive traffic modelling has been undertaken in the preparation of the proposed Local Development Plan. This traffic modelling has considered traffic flow from all committed and new development sites within the Local Development Plan, including 140 flats being erected on the application site.
- 3.6 Moreover, the modelling identifies mitigation in the form of potential network improvements and modal shift opportunities to help deal with the associated increase in trips. Given the location of the flatted development within Musselburgh town centre, in close proximity to main bus routes into Edinburgh and with reduced parking, Road Services advise that this flatted development will encourage a modal shift from private cars to other modes of transport and will help contribute to achieving the transport improvements in the town centre. Road Services remain of the view that there is sufficient capacity in the local road network to accommodate the proposed development.
- 3.7 The vehicular access into the proposed flatted development will be from Inveresk Road. There is no proposal to form a vehicular access from Mall Avenue into the development. Therefore, there will be no road traffic entering or exiting the site onto Mall Avenue and therefore no associated road safety issues caused by cars entering and exiting the site in close proximity to the bus depot.
- 3.8 The last use of the site was as a supermarket. The main pedestrian access that was used to access the supermarket from Mall Avenue will be re-opened and will be utilised to access the flatted development. The Head of Road Services has confirmed that the footfall generated by the supermarket was greater than the footfall that will be generated by the proposed flatted development. As pedestrians accessing the supermarket via the footpath on Mall Avenue did not raise safety issues of road safety then The Head of Road Services does not foresee any such issues with the future residents accessing the development by this same footpath.
- 3.9 In most housing developments, the Council as Planning Authority would normally require a wider range of housing types and tenures. However in this case the application site is centrally located within Musselburgh Town Centre. It is located adjacent to a flatted tenemental building. In such locational circumstances it is entirely appropriate that all of the 140 units are flatted. As flatted dwellings, they allow for a higher density of development.
- 3.10 With regards overshadowing, Part 7 of Policy DP2 of the adopted East Lothian Local Plan 2008 states that "new development should ensure privacy and amenity, with particular regard to level of sunlight, daylight and overlooking". P J Littlefair -. Site layout planning for daylight and

sunlight: A Guide to good practice: is used as a guide by the Planning Authority to determine whether or not new development will impact on the daylight and sunlight received by neighbouring buildings. The guide applies mainly to domestic buildings, unless there is a specific requirement for a non-domestic building to have sufficient natural light. There is no such specific requirement for the bus depot to have natural light and therefore no requirement to apply the tests given in the Guide.

- 3.11 The provision of 11 affordable housing units is consistent with the requirements of outline planning permission 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.
- 3.12 There is sufficient open space proposed within the central avenue of the development. The application site is also within close proximity of the open space adjacent to the River Esk.

4 POLICY IMPLICATIONS

- 4.1 None.

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy

6 RESOURCE IMPLICATIONS

- 6.1 Financial - None.
- 6.2 Personnel - None.
- 6.3 Other – None.

7 BACKGROUND PAPERS

- 7.1 Report of Handling by the Planning Service Manager for application 16/01029/AMM - Approval of Matters Specified in Conditions of planning permission in principle 06/00770/OUT – Erection of 140 flats and associated works.

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DATE	31 August 2017