



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

**TUESDAY 15 AUGUST 2017
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

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 He reported that a pending application (16/00521/PM) for housing on land at Castlemains Farm had been withdrawn.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