

PLANNING COMMITTEE

5 DECEMBER 2017

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

**TUESDAY 7 NOVEMBER 2017
MAIN HALL (1st floor), TOWN HOUSE, HADDINGTON**

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Committee Members Present:

Councillor N Hampshire (Convener)
Councillor L Bruce
Councillor S Currie
Councillor J Findlay
Councillor A Forrest
Councillor C McGinn
Councillor K McLeod
Councillor J McMillan
Councillor F O'Donnell
Councillor B Small
Councillor T Trotter

Other Councillors Present:

Councillor J Goodfellow (item 2)
Councillor J Henderson (item 2)

Council Officials Present:

Mrs A Leitch, Chief Executive (Item 2)
Mr D Proudfoot, Head of Development
Mr I McFarlane, Service Manager – Planning
Mr C Grilli, Service Manager – Legal and Procurement
Ms E Wilson, Service Manager – Economic Development and Strategic Investment
Mr E John, Service Manager – Sport, Countryside and Leisure
Ms S Smith, Team Manager – Economic Development
Mr K Dingwall, Team Manager – Planning Delivery
Mr P Forsyth, Team Manager – Assets and Regulatory
Mr D Irving, Senior Planner
Ms S McQueen, Planner
Ms E Taylor, Planner
Mr M Greenshields, Senior Roads Officer
Mr G Talac, Senior Roads Officer
Mr S Pryde, Principal Amenity Officer
Ms P Bristow, Communications Officer

Clerk:

Ms A Smith

Visitors Present/Addressing the Committee:

Item 2 – Mr N Rankin, Mr S Breslin, Mr T Brock, Ms G Martin, Ms J McMinn, Ms A McIntyre, Ms G Prince, Ms H Smith, Mr M Kummerer

Item 3 – Ms L Fraser, Mr W Main, Ms J Bell

Item 4 – Mr A Agnew

Apologies:

Councillor S Kempson

Declarations of Interest:

Councillor Trotter declared an interest in item 3 due to potential employment conflict; he would leave the room for this item.

1. MINUTES FOR APPROVAL – PLANNING COMMITTEE 3 OCTOBER 2017

The minutes of the meeting of the Planning Committee of 3 October 2017 were approved.

2. PLANNING APPLICATION NO. 17/00434/P: ALTERATIONS AND EXTENSION TO THE SCOTTISH SEABIRD CENTRE AND ADJACENT SUN LOUNGE TO FORM A NATIONAL MARINE CENTRE AND ASSOCIATED WORKS AT THE SEABIRD CENTRE, VICTORIA ROAD, NORTH BERWICK

A report was submitted in relation to Planning Application No. 17/00434/P. Stephanie McQueen, Planner, presented the report, summarising the key points and the primary material planning considerations of the impact of the proposal on this part of the North Berwick Conservation Area and other heritage interests nearby and whether or not this could be considered to be outweighed by the potential economic benefits of the proposal. The proposed decision set out in the report was for refusal of the application.

In response to questions from Councillor Goodfellow, Ms McQueen clarified that the confidential commercial documents referred to in the report had been assessed by various officers but not circulated to Members. She detailed the process for publishing information on the planning portal of the Council's website. Iain McFarlane, Planning Service Manager, stated that it was not uncommon during the course of an application for applicants to make revisions or corrections; any notification period for any new submission would be assessed regarding materiality. Ms McQueen clarified what documents would be given to the Scottish Government Reporter if this application went to appeal. Following further questions from Councillor Goodfellow, Mr McFarlane stated that commercial confidentiality had to be respected; officers had made an assessment and had provided Members with a clear picture of the situation. Mark Kummerer, of MKA Economics, the Council's external economic analyst, responded to questions about the economic impact of the proposal.

Responding to Councillor Currie's query regarding land ownership, Ms McQueen advised that the Council owned an element, as did Dalrymple Estates. Regarding queries about the confidential documents, Ms McQueen confirmed that no new documents had been submitted since the report had been published that had required the recommendation to be revisited. Responding to further questions, Mr McFarlane clarified matters in respect of the principle of development. In relation to construction access, he referred to the draft Construction Management Strategy that the Scottish Seabird Centre (SSC) had recently issued to all Committee Members.

Mr Kummerer responded to Councillor O'Donnell's questions in relation to the EKOS report, clarifying the guidance regarding displacement and deadweight calculation.

Ms McQueen responded to questions from Councillor McMillan about the report assessment in relation to loss of the visual connection between Anchor Green and the harbour area. Responding to further questions, Mr McFarlane stated that Anchor Green formed a

fundamental part of the Conservation Area hence the recommendation for refusal. He highlighted the statutory duty to preserve and enhance the Conservation Area.

Neil Rankin spoke in favour of the application. The National Marine Centre (NMC) would play a key role in providing learning, skills development and leisure facilities throughout the year. The NMC aligned with many local and national tourism and economic strategies. The economic benefits of the NMC had been downplayed and the downside overstated. Visitor attractions had to diversify to succeed. He stressed that the harbour was not under threat by this proposal. The NMC would be an outstanding asset for North Berwick and East Lothian.

Mr Rankin responded to questions on other potential locations for this national facility, the viability of the SSC, innovative measures and the educational aspect.

Steven Breslin, Chief Executive of the Glasgow Science Centre (GSC) spoke on behalf of Daniel Harries, Marine Scientist at Heriot Watt University. This proposal was of national and international significance. He outlined the crucial role the NMC would play in public engagement and learning, forming strong partnerships with academia. The SSC had been successful to date but needed to diversify. He gave examples of attractions in other areas that had successfully diversified, enhancing their area; the NMC represented this opportunity for North Berwick. It would bring significant economic benefit to the town and county.

Mr Breslin responded to questions on potential economic benefits, involvement with the academic sector, visitor numbers, Heritage lottery funding and the education/skills aspect.

Grace Martin and Tom Brock, representing the SSC, addressed the Committee. Ms Martin referred to some of the many benefits the SSC had brought to the town. Lack of space was affecting future delivery plans. Public consultation had taken place, engaging many young people and teachers. The project would deliver a new education centre for use by county schools and across Scotland. There was strong support from Visit Scotland, Scottish Natural Heritage, the Scottish Government, academic institutions and many more organisations.

Ms Martin responded to questions on internship and work experience places, school attendance numbers and refusals, locating the education delivery outwith the SSC and/or the town and resource issues. Mr Brock outlined the role of the education officer and the education experience provided to young people at the SSC.

Mr Brock informed Members that this proposal had significant merit. He outlined the economic benefits for North Berwick and East Lothian; this included a Gross Value Added (GVA) increase of some £600,000 per year. The NMC would safeguard and create jobs. The proposal was in line with Council and Scottish Government strategies. He reiterated that the harbour was not under threat. Anchor Green would become a more effective public space. The SSC was at a very important crossroads, doing nothing was a threat to the charity's viability. This was a one off opportunity to deliver an innovative project.

Mr Brock answered questions about the glass bridge, location of the education centre, the confidential NMC business plan, employment opportunities and visitor numbers. He also responded to queries on the options appraisal, economic issues/impact and lottery support.

Responding to further questions from Members, Mr Kummerer provided details on the economic impact assessment and the GVA impact.

Alastair McIntyre, representing the East Lothian Yacht Club (ELYC), spoke against the application. He outlined the history and background of the ELYC. He gave details of national championships; North Berwick was one of only three venues in Great Britain to hold these events. ELYC was held in high regard in yachting circles. The proposal would have a

detrimental impact on the running of ELYC. It would adversely affect the historic harbour and Anchor Green. The proposal was a clear overdevelopment in this Conservation Area.

In response to questions, Mr McIntyre gave details of the ELYC's membership, the cadet programmes and expanded on his access concerns.

Geraldine Prince spoke against the application. She informed Members that her background was in education so she would be focusing on this aspect. The application did not include details on the teaching and learning aspect. The scale of online and outreach education programmes were not specified. The SSC only had one education officer. There was no appraisal of how the existing space could accommodate existing learners. There were many other ways the SSC could repurpose its existing exhibition, education and office space.

Ms Prince responded to various questions in relation to developing the learning experience.

Jane McMinn spoke against the application on behalf of the North Berwick Harbour Trust (NBHT). She stated that the harbour was the tourist attraction not the SSC. The NBHT had advised the SSC that there was no right of access for construction. The SSC continued to refuse to engage with the NBHT. She stressed that the proposal would be a huge threat to the NBHT and the various other harbour operations. She remarked that no one objected to marine conservation but this building was not the right proposal.

Responding to questions from Members Ms McMinn gave details of a mediation meeting held with a Member of the Scottish Parliament.

Hilary Smith, representing North Berwick Community Council (NBCC), spoke against the application. The NBCC's reasons for objection were detailed in the report and she did not intend to re-iterate these. She wished instead to draw attention to the effect of this application on the North Berwick community; there was a very visible division now in the town. People against this proposal were not against the SSC, only this particular proposal. The NBCC would like to see this application refused and steps taken going forward to build support and trust in the local community, which had been damaged with this application.

Local Member Councillor Goodfellow, not a member of the Planning Committee, said he had called in this application, as due to significant public interest it was important that the Committee made the decision. The SSC was part of the North Berwick community; it had the support of the community, as did the NMC, but there was disagreement as to whether this proposal was the best way of delivering this facility. He stated that there was an issue over lack of access for Members to the confidential commercial documents. He noted that no other options had been considered, so it was this proposal or nothing. It all hinged on whether the economic benefit outweighed the detrimental impact. He questioned the visitor numbers. He hoped the Committee would uphold the officer's recommendation for refusal.

Local Member Councillor Findlay agreed with his colleague that Members should have seen the confidential documents. He referred to the passionate debate on both sides of the argument. He noted the SSC's contribution to North Berwick and that it was now in the unenviable position of having to diversify to survive. He did not doubt that the SSC should remain in some form but the question was whether the proposal before the Committee was the right one. He referred to concerns expressed by the ELYC and the NBHT. He referred to the visual impact of the proposal. The officers stated that the application went against ten separate policies. He suggested that the SSC should give this further thought and come up with a different proposal. He supported the officer's recommendation for refusal.

Local Member Councillor Henderson, not a member of this Committee, commented that as a ward councillor it was her duty to reflect the views of her constituents. It was vital to consider this proposal appropriately. She felt that in the application much of the information presented

raised more questions than answers. Economic benefits should not necessarily take priority and the threat of closure of the SSC was not a good base to make a decision. She considered the officer's recommendation for refusal appropriate at this time. She added that re-grouping and re-engagement in the community were required.

Councillor Currie remarked that the SSC had undoubtedly been of great benefit for North Berwick and East Lothian. However, Members had to make a decision based on material planning grounds. He felt that this proposal would have a significant, unacceptable, cumulative, impact on the area. He supported the officer's recommendation for refusal.

Councillor McMillan stated that this proposal was an opportunity to look to the future. The NMC would encourage more people to come to North Berwick. It would bring innovative collaboration, working with partners, providing invaluable education. On balance, the opportunities this application presented had swayed him; he would be supporting it.

Councillor Small remarked that people primarily came to North Berwick for the charm of a family seaside resort; anything affecting the harbour and its vista put this at risk. He felt that the SSC could make better use of its current footprint. Any new proposal had to be in keeping with the town's character. He would be supporting the officer's recommendation.

Councillor O'Donnell expressed concerns about the glass bridge; it was too intrusive. She took note of Mr McFarlane's earlier comments and subsequent consequences if approval was granted. She supported the officer's recommendation for refusal.

Councillor Trotter referred to the ten policies this application contravened; this was key. He would be supporting the officer's recommendation for refusal.

Councillor McGinn indicated that the focus on employment and education had persuaded him. He would be going against the officer's recommendation and supporting the application.

The Convener concluded the debate. He agreed that the Committee should determine this application. The SSC had been a huge asset to North Berwick. The community and the economy had both to be considered in reaching a decision. The proposed development would have an impact but the question was whether this outweighed the benefits, it would bring. There was a need to make the SSC more attractive, visitor numbers were falling. This proposal was important in terms of marine conservation and education. In his opinion, the NMC would be beneficial for North Berwick, East Lothian and Scotland to an extent that would outweigh any deterrent. He would therefore be going against the officer's recommendation and supporting the application.

The Convener moved to the vote on the report recommendation (for refusal):

For: 7
Against: 4
Abstentions: 0

Decision

The Committee agreed to refuse planning permission for the following reason:

- 1 The proposed development, by virtue of its height, size, scale, bulk, massing, architectural form and external finishes and its positioning, would be an overdevelopment of the site that would appear harmfully overbearing, dominant, intrusive and exposed within its landscape setting, out of keeping with its surroundings, disruptive to views of the harbour promontory and harmful to this historic part of the North Berwick Conservation Area. As an unacceptable, dominant and overbearing form of development, it would be harmful to the character of this part of the North Berwick Conservation Area, including the open setting of Anchor Green through the blocking of the vistas between that area of open space and the harbour, and

harmful to the settings of the Category B listed buildings of 38-40 Victoria Road and the Harbour, and the setting and understanding of the scheduled ancient monument of St Andrews Church. Accordingly the proposed development is contrary to Policies ENV3, ENV4, ENV7, DP2, DP6, DP8 and C3 of the adopted East Lothian Local Plan 2008, Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), and Scottish Government guidance on development within a conservation area, on development affecting the setting of a listed building, and on development affecting a scheduled ancient monument given in Scottish Planning Policy: June 2014.

Sederunt – Councillors Findlay and Forrest left the meeting. Councillor Trotter left the meeting for the next item as he had declared an interest.

3. PLANNING APPLICATION NO. 17/00020/PPM: PLANNING PERMISSION IN PRINCIPLE FOR RESIDENTIAL DEVELOPMENT AND CEMETERY, WITH ASSOCIATED ACCESS, INFRASTRUCTURE, LANDSCAPING AND OPEN SPACE AT LAND AT NEWTONLEES FARM, DUNBAR

A report was submitted in relation to Planning Application No. 17/00020/PPM. Daryth Irving, Senior Planner, presented the report, summarising the key points. The report recommendation was for refusal of the application

Mr Irving, in response to Councillor O'Donnell, advised that SEPA's position could not be prejudged; SEPA had stated that further monitoring on the groundwater was required.

Mr McFarlane, responding to Councillor Currie's questions, clarified that the key points were the principle of development and delivery of the cemetery. Officers were recommending refusal because the Council could demonstrate an effective 5-year housing land supply, which had been formally agreed by the development industry, as discussed and approved by Members at Council the previous week. There was no requirement for a housing development on this site, which was not in the adopted 2008 East Lothian Local Plan or the proposed Local Development Plan (LDP). He stressed that if the principle of development was approved and delivery of the cemetery proved problematic there would be a degree of precedent.

Lindsay Fraser of Gladman Developments, the applicant, refuted the reasons for refusal. 1. Housing land supply: she contended that the number of sites remained to be tested in the audit, in relation to the 5-year supply there was a gap that allowed for sites like this to be developed. 2. Integration: the scheme was landscape led; it was a lower density proposal and the site would be nestled in to the landscape. 3. Cemetery: referring to SEPA's objections and the requirement to fulfil 12 months groundwater monitoring this would be completed in January 2018 and could be dealt with by a suspensive condition. The proposed cemetery would provide a much needed extension to the Deerpark cemetery.

William Main, an immediate neighbour, spoke against the application. Approval of the application would result in the loss of the rural tranquil setting and would bring considerable light and noise pollution. He highlighted road traffic concerns; there had been two serious accidents at the Broxburn junction. The infrastructure would not be able to cope. Taking account of current nearby construction work and work relating to this proposed development would result in many years of disruption. He queried long-standing discussions about extending the current cemetery. There were no car park facilities for the new cemetery.

Jacque Bell, representing Dunbar Community Council, spoke against the application, expressing numerous concerns. The site was outwith both the current Local Plan and the proposed LDP. She referred to lack of public transport provision, to concerns about further pressures on schools and the Medical Centre; the infrastructure was not in place. She

highlighted sewage and drainage issues. She referred to SEPA's objection to the proposed cemetery. The development would merge the hamlet of Broxburn into greater Dunbar and impinge on the rural setting of Newtonlees Cottages. She urged Members to uphold the officer's recommendation for refusal of this application, adding that consequences of other developments approved outwith the LDP were increasingly evident.

The Convener, and local member, referred to the calculation for housing land supply and the perception of developers regarding land supply in East Lothian. He believed there was a need for some additional land over and above the LDP sites. In his view in the east of the county there was a desperate need for affordable housing; it was for that main reason he felt the proposal was acceptable. The development would form a reasonable extension to Dunbar. Regarding the cemetery, there was concern about the capacity of the existing cemetery. This new cemetery would provide an alternative; it was the only site available. He would be going against the officer's recommendation and supporting the application.

Councillor Small referred to the decision taken at Council last week regarding housing land supply; he had supported that report recommendation and would therefore be supporting the recommendation for refusal set out in the report.

Councillor Currie highlighted the section in the report that stated '*based on the up to date 2017 Housing Land Audit the Council is able to demonstrate a 6.17 years supply of effective housing land*'. He stressed that it was worthwhile defending this policy; he would be supporting the officer's recommendation for refusal.

The Convener moved to the vote on the report recommendation:

For: 4
Against: 4
Abstentions: 0

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

Mr McFarlane outlined the process required given the Committee's decision to grant planning permission.

Decision

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

1. the conclusion of missives between the Council and the landowner for the land of the site shown for cemetery use;
2. the satisfactory conclusion of a Section 75 Agreement regarding developer contributions; and
3. conditions to the grant of planning permission in principle

Mr McFarlane advised that the Heads of Terms for the Section 75 Agreement and the conditions should be agreed between officers, the Convener and local members.

He added that in accordance with the Council's policy on time limits for completion of planning agreements it was 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 was unacceptable due to a lack of sufficient capacity at Dunbar Nursery, Primary and Grammar Schools and a lack of provision

of affordable housing contrary to, as applicable, Policies INF3 and H4 of the adopted East Lothian Local Plan 2008.

Councillor Currie questioned the status of the report approved at Council last week, given the Committee's decision, stating he would seek further clarification outwith the meeting. Mr McFarlane advised that the Council at its meeting on 31 October had taken the decision to support the officer recommendation in respect of housing land supply as agreed by the development industry and there had been clear advice from officers to refuse this application.

Sederunt – Councillor Trotter re-joined the meeting.

4. PLANNING APPLICATION NO. 17/00432/AMM: APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF PLANNING PERMISSION IN PRINCIPLE 14/00903/PPM – ERECTION OF 245 HOUSES AND ASSOCIATED WORKS AT LAND TO WEST OF SALTERS ROAD AND NORTH OF A1 AT WALLYFORD

A report was submitted in relation to Planning Application No. 17/00432/AMM. Emma Taylor, Planner, presented the report. She referred to issues raised by Members at the site visit in relation to the use of Fa'side Avenue South for construction traffic and the footpath link to the south side of Salters Road. She indicated that if Members were inclined two further conditions could be added to the grant of planning permission to address these concerns:

- Condition 11: Construction traffic shall neither access nor egress the application site to or from Fa'side Avenue South, unless otherwise approved by the Planning Authority. Reason: To safeguard the amenity of the occupants of the houses of Fa'side Avenue South and in the interests of road safety.
- Condition 12: None of the houses hereby approved shall be occupied unless and until a 2 metres wide footway has been provided on the southeast side of the A6094 road between the northwestern end of the existing footpath link that runs between Fa'side Crescent/ Fa'side Avenue South and the A6094 road, over the full extent of the new 30 mph speed limit to the southern side of the western part of the distributor road approved by planning permission in principle 14/00903/PPM and approval of matters specified in conditions 15/00136/AMM. Reason: In the interests of road safety.

Ms Taylor then summarised the key points of the application. The report recommendation was to grant consent.

Responding to questions from Councillor O'Donnell. Ms Taylor advised that the wider Wallyford masterplan detailed the provision for green spaces and play areas; in this particular site no such provision was specified. In response to further queries, Mr McFarlane reiterated the advice adding that this application responded to that masterplan. Regarding the timescale for delivery of the play facilities, he stated there was a phasing plan for the development as a whole, which included timescales for play provision.

Councillor McGinn asked when the distributor road would be adopted as it was evident at the site visit that access into the site could not continue via Fa'side Avenue South. Peter Forsyth, Assets and Regulatory Team Manager, stated that discussions were ongoing regarding timing of that adoption but he hoped it would be in the next couple of months.

Responding to Councillor Trotter's note of caution as once the road was adopted the Council would become liable for repairs, the Convener stated that a decision had been taken to adopt the road early on in the development stage to enable all traffic use of the road. Councillor Currie referred to the minute of the 3 March 2015 Planning Committee and to the conditions approved regarding the distributor road, expressing concern that a previous

Committee decision had been overturned. He asked when this new decision regarding the distributor road had been made and when local members had been advised. The Convener stated it had been changed during negotiations with the applicant. Mr McFarlane advised that the initial condition had been worded to require finish at base course level, at a minimum. Adopting the road at an earlier stage would serve some of the sites coming on stream. Councillor Currie stated he would pursue this outwith the meeting.

In response to Councillor Small's points, Ms Taylor confirmed that once adopted the distributor road could be used as the Council wished and that site traffic could also use the other road.

Mr Forsyth clarified that the Council was looking to adopt the road to allow construction of the primary school, this was the main focus of the adoption; further works would be carried out on a staged basis.

Responding to Councillor McLeod's queries about the classification of the access road off Fa'side Avenue South, Mr McFarlane stated it was a public non-classified road; Roads Services had agreed it was acceptable for use. Regarding access point queries, Ms Taylor referred to the additional condition 11.

Andrew Agnew, representing Wallyford Community Council, addressed the Committee. He raised a number of issues regarding access to the construction site. He stressed that the Fa'side area was the only part of Wallyford embattled as a route into the construction site. He highlighted the considerable disruption to residents.

Local Member Councillor McGinn indicated he would be supporting the application.

Local Member Councillor McLeod said he would be supporting the application dependent on approval of the additional conditions. He added that the residents of Wallyford had tolerated considerable disruption.

Councillor Currie noted that the additional conditions proposed would deal with issues raised at the site visit and also satisfied the concerns of Wallyford Community Council. It was important to minimise any disruption where possible. He asked that the Committee's thanks be passed to the community for their forbearance. He supported the application.

Councillor McMillan, referring to comments from the Community Council, urged the developer to have dialogue with Mr Agnew. He would be supporting the application.

Councillor O'Donnell also commented on the tolerance of the local community. She hoped the developer would take note of comments made regarding play areas, outdoor areas and the provision of non-grass pavements. She would be supporting the application.

The Convener acknowledged that local members should have been kept informed of all the details; he apologised if that had not been the case. He would be supporting the recommendation to grant planning permission as set out in the report. He moved to the vote on the report recommendation (to grant consent) with the two additional conditions as set out earlier by Ms Taylor:

For: 9

Against 0:

Abstentions: 0

Decision

The Committee agreed that approval of matters specified in conditions for the proposed residential 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 houses shown in relation to the finished ground and floor levels on the site.

Reason:

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

- 2 Notwithstanding that which is stated on the drawings docketed to this approval of matters specified in conditions, a detailed specification of all external finishes of the houses of the proposed development shall be submitted to and approved by the Planning Authority prior to the use of the finishes in the development. The external finishes of the houses shall be in accordance with a co-ordinated scheme of materials and colours that shall be submitted to and approved in advance by the Planning Authority. This co-ordinated scheme shall in detail promote render as the predominant finish to the walls of the houses, with a use of more than one render colour and with a strongly contrasting difference in the colours such that they will not each be of a light colour. All such materials used in the construction of the houses shall conform to the details so approved.

Reason:

To ensure the development is of a satisfactory appearance in the interest of the amenity of the locality.

- 3 Prior to the occupation of the last residential unit hereby approved, the proposed access roads, parking spaces and footpaths shall have been constructed on site, in accordance with the docketed drawings and those areas of land shall not thereafter be used for any other purpose than for accessing and for the parking of vehicles in connection with the residential use of the houses and shall not be adapted or used for other purposes without the prior written approval of the Planning Authority.

Reason:

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

- 4 Notwithstanding that shown on the drawings docketed to this approval of matters, all semi private and defensible spaces in front of or to the side of dwellings and to the side of parking courtyards shall be enclosed by walls/hedges/fences/ or railings to define areas of private space from public space.

Details of the form and appearance of all boundary treatments, including the 1.8m high fences within the rear gardens of the houses, shall be submitted to and approved by the Planning Authority prior to the occupation of the first house. A timetable for the provision of those boundary treatments shall be submitted to and approved in advance by the Planning Authority and shall thereafter be carried out in full accordance with the timetable so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure the satisfactory provision of appropriate boundary enclosures and in the interest of safeguarding the privacy and amenity of future residents of the development.

- 5 Notwithstanding the landscaping details hereby approved, no development shall take place until there has been submitted to and approved in writing by the Planning Authority a

comprehensive scheme of landscaping which shall provide details of: the height and slopes of any mounding on or re-contouring of, the site; tree and shrub sizes, species, habitat, siting, planting distances and a detailed programme of planting to include the future management and maintenance shall be submitted. The scheme shall include indications of all existing trees and hedgerows on and/or within 10 metres of the application site, details of any to be retained, measures for their protection in the course of development and proposals for additional planting of native or naturalised species in informal clusters. It shall include for some large species of trees to provide for large scale landscape feature trees planted at strategic locations throughout the development site with sufficient space to allow the trees to fully establish their crowns and root plates.

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 10 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.

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.

- 6 Prior to the commencement of development a detailed maintenance and management plan for the new planting as required by Condition 5 above shall be submitted to and approved in writing by the Planning Authority. The maintenance and management plan shall include a scaled coloured plan with the plot numbers shown and a key that clearly shows all communal landscape areas, including; woodland, native mixed hedgerows, amenity hedgerows, street trees, shrubs, meadows and lawns. All tree tag numbers shall be shown on this plan. The new planting shall thereafter be maintained and managed in accordance with the detail so approved unless otherwise agreed in writing by the Planning Authority.

Reason:

In order to ensure the maintenance and management of the landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area.

- 7 No houses hereby approved shall be occupied unless and until the SUDS scheme that has been submitted to the Planning Authority has been approved by the planning authority, in consultation with the Scottish Environment Protection Agency, and all work shall be carried out in accordance with the approved scheme. The details to be submitted shall include the timescale for the delivery of the SUDS scheme. Unless otherwise approved in writing, the delivery of the SUDS scheme will accord with the timescale so approved.

Reason:

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

- 8 The residential scheme of development shall comply with the following transportation requirements:

(i) all adoptable footpaths shall be 2m wide;

(ii) driveways shall have minimum dimensions of 6 metres by 3 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 m length;

(iii) within private parking areas, the minimum dimensions of a single parking space shall be 2.5 metres by 5 metres. All visitor parking spaces within these areas shall be clearly marked for visitors with the remaining private parking spaces allocated to individual dwellings;

(iv) all prospectively adoptable parking bays (i.e. that will form part of the public road) shall have minimum dimensions of 2.5 metres by 6 metres. This can be reduced to a minimum

length of 5 metres on the proviso that there is adequate road space to manoeuvre in adjacent to the parking bay;

(v) Vehicle access to private parking areas shall be via a reinforced footway crossing and have a minimum width of 5.5m over the first 10m to enable adequate two movement of vehicles;

(vi) Notwithstanding that shown on site layout drawing ref: 17052(PL)001Z an additional length of footway shall be provided at the corner of plot 211 to enable crossing to the footway to be provided adjacent to plots 204-209 and also at the corner of plot 214 to enable crossing to footway to be provided adjacent to plots 227/228.

Reason:

In the interests of road safety.

- 9 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 interest of road safety.

- 10 Prior to the occupation of any of the residential units hereby approved a timetable for the implementation of all the open space recreation areas indicated on the docketed site layout plan shall be submitted to and approved in advance by the Planning Authority and the open space recreation areas shall be formed and made available for use in accordance with the timetable so approved.

The open space recreation areas shall thereafter be used for such purposes at all times thereafter unless agreed in writing by the Planning Authority.

Reason:

To ensure the satisfactory laying out of all areas of open space in the interest of the amenity of the future occupants of the dwellings hereby approved.

- 11 Construction traffic shall neither access nor egress the application site to or from Fa'side Avenue South, unless otherwise approved by the Planning Authority.

Reason:

To safeguard the amenity of the occupants of the houses of Fa'side Avenue South and in the interests of road safety.

- 12 None of the houses hereby approved shall be occupied unless and until a 2 metres wide footway has been provided on the southeast side of the A6094 road between the northwestern end of the existing footpath link that runs between Fa'side Crescent/ Fa'side Avenue South and the A6094 road, over the full extent of the new 30 mph speed limit to the southern side of the western part of the distributor road approved by planning permission in principle 14/00903/PPM and approval of matters specified in conditions 15/00136/AMM.

Reason

In the interests of road safety.

- 5. PLANNING APPLICATION NO. 17/00849/PCL: VARIATION OF CONDITION 1C OF OUTLINE PLANNING PERMISSION 06/00770/OUT TO EXTEND THE TIME PERIOD FOR A FURTHER 3 YEARS AT TESCO STORES LIMITED, INVERESK ROAD, MUSSELBURGH**

A report was submitted in relation to Planning Application No. 17/00849/PCL. Keith Dingwall, Planning Delivery Team Manager, presented the report summarising the key points. The report recommendation was to grant consent.

In response to questions from Councillor Small about the care facility, the Convener clarified that it was the Council's responsibility to ensure this provision and that discussions were ongoing at the Integration Joint Board.

Local Member Councillor Currie stated that the 3-year period would give maximum flexibility, which was important. He referred to initial concerns when the detailed permission had been granted in relation to the access road, but noted that the Council had control in how this would be taken forward. He also commented on the location and percentage allocation of the affordable housing element. He would be supporting the recommendation.

Councillor O'Donnell remarked that the affordable housing element and the care facility were both important. She would be supporting the report recommendation.

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

For: 9
Against 0:
Abstentions: 0

Decision

The Committee agreed to grant planning permission subject to the following conditions:

- 1 Condition 1
 - (a) Before development commences written approval from the planning authority must be obtained for the details of the siting, design and external appearance of any building(s), means of access and the landscaping (collectively these are termed "reserved matters").
 - (b) Plans and particulars of the reserved matters referred to in (a) above shall be submitted for consideration by the planning authority and no work shall begin until the written approval of the authority has been given.
 - (c) Application for the approval of reserved matters shall be made to the planning authority within 12 years from the date of planning permission in principle 06/00770/OUT (i.e. on or before the 25 September 2020).

Reason:

Pursuant to Section 59 of the Town and Country Planning (Scotland) Act 1997.

- 2 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.

- 3 Each of the uses that are hereby approved shall be restricted to the area of the application site designated for it on the masterplan docketed to planning permission in principle 06/00770/OUT.

Reason:

To secure an acceptable mixed use development in the interests of the good planning of the area.

- 4 No more than 140 residential units shall be erected on the application site.

Reason:

To ensure that the site is not over developed relative to education provision in Musselburgh.

- 5 There shall be no development within any part of the application site that forms part of the Inveresk Roman Fort scheduled ancient monument. Instead that land shall be landscaped in accordance with details that shall be submitted to and approved in writing in advance by the Planning Authority.

Reason:

To safeguard the character, appearance and setting of the scheduled ancient monument and the Inveresk Conservation Area.

- 6 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.

- 8 The details to be submitted pursuant to condition 1 above shall include details of any road or footpath improvement works on or off the application site that are required to facilitate the development of the designated areas of land use within the application site as these designated areas are shown on the docketed masterplan. The road or footpath improvement works so approved shall thereafter be fully undertaken prior to the use of any part of the mixed use development that is hereby approved.

Reason:

In the interests of road safety.

- 10 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. 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 five 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.

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.

- 12 Development shall not commence unless and until an acoustic report has been submitted to and approved in writing by the Planning Authority. The report shall assess the impact of neighbouring land uses (including the operation of the existing bus depot, and the operation of the future retail store within the land designated for retail use by the docketed masterplan) on residential properties and the sheltered housing that are to be erected on the application site. The report shall identify any mitigation measures that are considered necessary to ensure that future residential properties have a satisfactory amount of amenity. Any noise mitigation measures recommended by the findings of the noise consultants report shall be put in place and made operational prior to any use being made of the residential and sheltered housing components of the development hereby approved.

Reason:

To ensure that the future residential properties have a satisfactory amount of amenity.

- 13 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.

- 14 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.

- 15 No lighting units shall be installed within the application site unless with the prior approval of the Planning Authority.

Reason:

To safeguard the amenity of surrounding residential properties.

Signed

Councillor Norman Hampshire
Convener of the Planning Committee

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

2

Note - this application was called off the Scheme of Delegation List by a) Councillor Bruce and b) Councillor Gilbert for the following reasons: a) the application has generated a lot of interest in the local area and should be brought to the full committee and b) the number of representations I have received from the local community regarding this application and the proposed development is the first of its kind in the area.

Application No. **16/00892/P**

Proposal Erection of 7 flats and associated works

Location **Clashfarquhar
37 Kings Road
Longniddry
East Lothian
EH32 0NN**

Applicant Mr R M Petrie

Per Susan Stephen Architects Ltd

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

The property to which this planning application relates is a large two storey detached house that is positioned within its own large expanse of garden ground, and which is located on the north side of Kings Road in Longniddry. The external walls of the house have a painted rendered finish and its pitched and piended roof is clad with plain clay tiles. The application site is situated within a predominantly residential area as defined by Policy ENV1 of the adopted East Lothian Local Plan 2008.

The application site is bounded to the north by land of Longniddry Golf Club, to the east by the house of 38A Kings Road and its garden ground, to the south by the public road and footpath of Kings Road on the opposite side of which are further residential properties and the junction of the public road with Campbell Road, and to the west by the house of 37A Kings Road and its garden ground.

The house and garden of 37A Kings Road to the west of the application site once formed part of the garden of the property the subject of the application and was approved by the grant of planning permission 06/00140/FUL in April 2006.

The application site measures some 2,375 square metres in area and is roughly rectangular shaped. The site is enclosed along its east boundary with the property of 38A Kings Road by hedging. Its south (roadside) boundary is enclosed by a combination of rendered wall and hedging and there are decorative metal gates flanked by rendered gate piers at the vehicular access, which is located towards the eastern end of the south (roadside) boundary. The west boundary with the property of 37A Kings Road is enclosed by a rendered wall. There is no means of enclosure along its north boundary with the land of Longniddry Golf Club. There are a number of trees located along the south, east and west boundaries of the site.

The golf course land outwith the site to the north is within an Area of Great Landscape Value.

Planning permission is sought for the erection on the site of a detached flatted building comprising 7 flats as a replacement for the existing house known as Clashfarquhar, 37 Kings Road. In association with the proposed flatted building, planning permission is also sought for the formation of hardstanding areas comprising driveway, parking area and footpaths, the erection of a bin store and cycle storage facilities, and the repositioning of the existing vehicular access further to the west including the erection of new boundary walls, gate piers and gates at that repositioned vehicular access.

To facilitate development of the proposed new flatted building, the existing detached two storey house would be demolished and cleared from the site.

The proposed detached flatted building would be positioned on the site with its front elevation facing south towards the public road of Kings Road. Its south (front) elevation would be positioned roughly parallel with the south (roadside) boundary of the site and would be set back from that boundary by some 21.5 metres. The outer edges of the roof of the proposed flatted building would have the appearance of a dual pitched roof otherwise, the majority of its roof would be flat in form. The proposed flatted building would comprise of accommodation over three floors with the second floor accommodation of the main part of the flatted building and the first floor accommodation of the eastern part of the building being predominantly in the roof space. There would be projecting gabled, curved and flat roofed components on its south (front) and north (rear) elevations. There would be flat roofed wall-head dormers on its south (front), north (rear) and east side elevations, and an inverted recessed dormer on its north (rear) elevation. Balconies enclosed by glazed balustrades would be formed on the top of the flat roofed projecting components on its south (front) and north (rear) elevations, and a further balcony area would be formed on part of the flat roof of the two storey eastern component of the proposed flatted building. There would be roof windows in its east elevation roof slope.

The proposed flatted building would be a contemporary interpretation of traditional architecture with plain glazed windows and large areas of glazing on its south (front) and north (rear) elevations. The pitched sections of its roof would be clad with red rosemary roof tiles and its external walls would be finished predominantly with a combination of smooth white render and reconstituted red sandstone. There would be some small areas of profiled zinc clad architectural detail to its external walls. External doors would be of painted timber or painted timber and glazed construction. No details of the construction materials for the windows and patio/French doors have been provided.

There would be garden ground to the north, south, east and west of the proposed flatted building, in a somewhat similar manner to that of the existing garden ground of the existing house on the site.

The proposed hardstanding areas would be formed to the south of the proposed flatted building. They would be in the forms of paved paths, hardstanding at the bin store and cycle storage facilities, a driveway and parking areas. A further 'grass-crete' surfaced area for use as a turning area for vehicles would also be formed to the south of the proposed flatted building and on the north side of the proposed driveway.

Access to the site would continue to be taken from Kings Road and it is proposed that the existing vehicular access would be repositioned some 1.5 - 2.0 metres further to the west. New 1.8 metres high rendered gate piers and 1.6 metres high render walling would be erected in new positions to each side of the repositioned vehicular access but set further back away from the public road than are the existing gate piers, gates and walling. New gates would be erected at the repositioned vehicular access.

Existing boundary enclosures along the east and west boundaries of the site would be retained in their present form and at their present height. No means of enclosure is proposed for the north boundary of the site.

A bin storage area would be formed to the east side of the repositioned vehicular access. That proposed bin store comprises of a hardstanding area enclosed by 1.8 metres high close boarded timber fencing.

A cycle storage facility would be provided in a position towards the southwest corner of the site. The lockable cycle storage structure would be of galvanised steel and timber construction and would be positioned on an existing area of paving on which a timber garden shed is presently positioned. The proposed cycle storage facility would measure some 3.0 metres in length by some 2.0 metres in width by some 2.5 metres in height.

In a Design and Access Statement (Rev C) submitted with the application it is stated that Kings Road is characterised by large houses set within large gardens and that infill development has resulted in these plots being reduced in size. It is further stated that the street is characterised by well-established gardens, high hedges and mature trees that allow only glimpses of the houses behind and soften the urban character providing a link to the green landscaped golf course beyond. The statement avers that the pitched roof with its red tile finish and hipped form reflects the character of nearby houses. The statement further avers that although the proposed flatted building would have accommodation over three floors it would have the appearance of a two-storey building due to the second floor accommodation being within the roof space of the proposed building. The statement goes on to state that the proposed development would be of a scale, density and design sympathetic to its surroundings, that parking would be well contained within the site and that landscape and boundary features important to the character of the area would be retained. It is the opinion of the author of the statement that existing neighbouring properties will experience no significant loss of privacy, amenity or daylighting as a result of the proposals and that the occupants of the proposed flatted building would also enjoy privacy and good amenity space. The statement further explains that the building would be of a traditional external design using the same recognisable palette of materials as many of the houses of Kings Road, including red tiles, white render, sandstone features and white window frames.

Since the application was registered the proposed development has been amended to:

- o reduce the bulk and massing of the proposed flatted building through the lowering in height of the eastern end of it from three storeys to two storeys, and as a result reducing the number of proposed flats from 8 to 7;
- o change the footprint of the building to slightly reduce its depth and slightly extend its length;
- o amend the fenestration of the west and east elevations to address concerns about overlooking of neighbouring residential properties;
- o amend the red application site boundary to exclude the west boundary wall with the neighbouring property of 37A Kings Road, thus identifying that that wall is not part of the application site;
- o alter the on-site parking arrangement and to include a 'grass-crete' turning area;
- o change the position of the bin store and cycle storage facilities and provide details of their dimensions and heights;
- o correctly show the position of the existing trees and show the positions of proposed new trees and relocated trees, and new lengths of hedging;
- o as a result of the changed to the driveway and parking area, alter which of the existing trees would be retained; and
- o re-position the existing vehicular access further to the west.

In addition, following comments received from the Council's Policy and Projects (Landscape) Team, a Tree Survey, Arboricultural Constraints and Implication Assessment report prepared by Donald Rodger Associates Ltd (dated June 2017) has been submitted along with a Tree Proposals and Protection plan. Following further comments received from the Council's Policy and Projects (Landscape) Team this document and drawing have been updated by documents of the same title dated August 2017. This information supersedes tree management and survey information prepared by Tree Work Scotland and information relating to the use of Cellweb Block Paving in the proposed development.

The changes to the design and form of the proposed flatted building and the reduction in the number of flats proposed in the building from 8 to 7 were a significant change to the application and because of this, the neighbours to the application site were again notified.

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 South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Plan 2008.

The proposal is for the redevelopment of an established house site within the urban area of Longniddry. On this matter, there are no policies of the South East Scotland Strategic Development Plan (SESplan) relevant to the determination of the application.

Relevant to the determination of the application are Policy 1B (The Spatial Strategy: Development Principles) of the South East Scotland Strategic Development Plan (SESplan) and Policies DP2 (Design), DP7 (Infill, Backland and Garden Ground Development), DP14 (Trees on or adjacent to Development Sites), DP22 (Private Parking), HOU4 (Affordable Housing), INF3 (Infrastructure and Facilities Provision) and T2 (General Transport Impact) of the adopted East Lothian Local Plan 2008.

Material to the determination of the application is the Scottish Government's guidance on housing quality given in Planning Advice Note 67: Housing Quality.

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

Also material to the determination of the application are the written representations received to it.

A total of 56 public representations to the application have been received. Of those 34 were received during the original statutory period to make representation to the application. Of those representations, all raised objections to the proposed development.

The remaining 22 public representations were received during the second period to make representation to the application. Of those representations, all raised objections to the proposed development.

The main grounds of objection can be summarised as follows:

1. a large and inappropriate form of development for a quiet residential street that would be an overdevelopment of the site and would thus have a negative impact on the character of the road;
2. the sheer scale of the proposed building is considerably larger than other buildings on the road and this along with the design and density of the proposals would not be sympathetic to the character of the road;
3. would greatly increase traffic on Kings Road, creating a traffic hazard, both during construction and once occupied, close to the junction of Campbell Road, which is already an accident 'black-spot', on an already very narrow busy road used by buses and through traffic as well as residents;
4. given the scale of the proposals it is unlikely that the number of parking spaces proposed would be sufficient and would lead to an increase in parking on the road, which would be harmful to road and pedestrian safety;
5. the road already has problems with speeding cars and this proposals will exacerbate that;
6. access to the site is inadequate in that sight lines are unlikely to be met and there is

not enough room for cars simultaneously entering and existing the property;

7. harmful to the visual appearance of the streetscape and in views from the golf course;

8. the significant number of additional residential properties would change the nature and character of the street, potentially affecting tourism and local services if similar developments were permitted all around this area;

9. Kings Road is characterised by large house of various styles and to allow a flatted development would set a precedent for the redevelopment of other large house plots on Kings Road and other roads for large flatted buildings and other substantial buildings that would completely alter the quality of the area, and would set a precedent for other properties following suit thereby forever changing the nature of the area;

10. in some instances individual new houses have been refused in this area, why allow a large flatted building?;

11. the increase in the occupancy of the site from 1 house to 8 flats is excessive and would detract from the current quiet ambience of the area resulting in loss of amenity to neighbouring properties;

12. the proposal would result in the loss of the existing 1930s house, which is not in disrepair for the monetary gain of the current owner of the site;

13. this is one of the few roads showing the character of the original village and the proposal would totally destroy this;

14. refuse and recycling collection for 8 units will block the already narrow pavement and will be an eyesore at the entrance to the site and when on the footpath, again negatively impacting on the character of the road;

15. the proposed development would not be compatible with the residential character and amenity of the village, which does not at present include any purpose built flatted buildings;

16. the 3-storey height, scale and massing of the proposed building would be incompatible and out of character with other buildings in the area and would appear unduly prominent;

17. the proposal would result in the loss of garden ground, specifically the garden to the south of the building would be largely given over to a driveway and parking area, that would be out of keeping with the other dwellinghouses in the street;

18. noise and disruption from construction work would be unacceptable to the amenity of existing residents;

19. the proposed building would be harmfully overbearing and imposing in the street and in its wider setting;

20. it seems likely that some or all of the proposed flats would become second homes rather than someone's permanent residence;

21. the proposed building would result in a loss of privacy and amenity for neighbouring properties through overlooking, overshadowing and an increase in noise;

22. the proposals would be inappropriate development for the village;
23. references to similar developments in North Berwick are not relevant to a site in Longniddry;
24. the design of the building is inappropriate and cumbersome;
25. by being a visual intrusion the proposed development would be harmful to the appearance of the golf course and would make it much less attractive to members and visitors, and would have an adverse effect on the club and tourism generally in East Lothian;
26. the proposed flatted building would be almost twice the width of the 2-storey element of the existing house;
27. the application does not mention how affordable housing will be dealt with;
28. the Design and Access Statement give a false perception of the character of the area;
29. the proposals would be contrary to Policies ENV1, DP1, DP7 and DP22 of the adopted East Lothian Local Plan 2008;
30. the car parking area would be very prominent and would no doubt require lighting making it even more prominent, and no lighting is shown on the drawings;
31. would have a negative effect on the general amenity of the area and would cause property values to decrease;
32. the proposed 3-storey building would be unsuitable for older residents, an important need in the village;
33. the proposed development would result in increased water run-off and reduced biodiversity as well as having negative impacts on appearance, noise, parking, drainage, upkeep and precedent;
34. the visibility splay at the vehicular access should be increased for safety reasons on this narrow road, and this would require the removal of part of the roadside hedge thus exposing this undesirable building and its car park;
35. there is no indication of how construction traffic will be managed given the narrow nature of Kings Road and surrounding streets;
36. the alterations made to the design of the building are not substantial and the proposals would still be a gross overdevelopment of the site that would be a visual intrusion in the streetscape and wider area, harmful to road safety and the amenity of neighbouring properties;
37. the altered scheme of development would still result in a large area of car parking on the southern part of the site yet even with this parking there is likely to be insufficient spaces to accommodate the parking demand associated with the occupation of the building resulting in more cars parking on this narrow road, which would be hazardous to other road users and pedestrians;
38. there must be a better location than this for a block of flats?;

39. the existing roadside hedge would not be an effective screen for the proposals as some of it would have to be removed to accommodate the proposed alterations to the vehicular access;

40. new parking areas would be too close to existing boundary treatments that are not designed to be in such close proximity to such load bearing uses;

41. glazed screens to the balconies would be insufficient to prevent harmful overlooking of neighbouring properties;

42. trees important to the visual context of the streetscape would be removed;

43. the west boundary wall height is incorrect on the application drawings and it is obvious that there would not be a 2m screen along this boundary; and

44. the proposed building would be some 547 square metres in area compared to the existing building being some 250 square metres in area, making the footprint of the proposed flatted building more than twice the size of the existing house, thus highlighting the overdevelopment of the site and the domineering effect the new building would have on its surroundings.

The matter raised by an objector regarding the impact of the proposals on property values in the area is not a material consideration in the determination of an application for planning permission.

One of the public representations highlights that part of the land of the site is not in the ownership of the applicant, specifically the west boundary wall. This matter was raised with the applicant's agent and as a result the red application site outline has been amended to exclude the west boundary wall.

Longniddry Community Council, as a consultee to the application, raise objection to the proposed development, and as summarised their concerns are:

- o that construction traffic could result in a hazard to road safety due to Kings Road, which is a bus route and main artery road of the village, being a narrow road where vehicles can have problems passing each other in normal circumstances and this situation would be exacerbated by construction vehicles stopping and / or parking on the road;

- o once built the occupants of the proposed flats would also be likely to park on the public road and this would cause an obstruction and would not facilitate the free flow of traffic on Kings Road;

- o the site is opposite the junction of Kings Road with Campbell Road, which could also prove to be a danger to other road users if large vehicles and other works vehicles are allowed to park on the roadway; and

- o heavy vehicles travelling through the narrow streets of the village in order to access the site, especially during times when children would be going to and from school could be a road safety hazard.

The application site is within a predominantly residential area as defined by Policy ENV1 of the adopted East Lothian Local Plan 2008. Policy ENV1 does not actively promote the development of land for new build residential development. The principal purpose of Policy ENV1 is to ensure that the predominantly residential character and amenity of its area of coverage is safeguarded against the impacts of land uses other than housing. However, Policy ENV1 does state that infill, backland and garden ground development will be assessed against Policy DP7 of the adopted East Lothian

Local Plan 2008.

The application site is in existing residential use for one house and associated garden ground. It is within a predominantly residential area and there are residential properties to the east, west and south of it. The erection of a detached building comprising 7 flats on the site would amount to infill housing development within a predominantly residential area, the principle of which is supported by Policy DP7 of the adopted East Lothian Local Plan 2008.

Thereafter the considerations in this case are whether, having regard to national, strategic and local planning policies, guidance and other material considerations, the design, positioning and layout of the proposed development and the works associated with this are acceptable, with due regard to their potential impact on the character, appearance and residential amenity of the area, including their impact on the amenity of neighbouring residential properties and their potential impact on the existing trees that are on and adjacent to the site.

The application site is not in a Conservation Area or an area designated as being of special historic or architectural character.

The houses of Kings Road are of differing heights and architectural styles but are generally characterised as being large houses set within their own large gardens. The properties reflect a generous scale of development with a predominantly low density. Some of the larger house plots have been subdivided, and the original low density development of the area of houses with large gardens is supplemented by some infill development. Although infill development has taken place in a number of locations along Kings Road, and the nearby Gosford Road further to the east, this new development has been in the form of individual houses, not flatted buildings. Many of the houses now extend across the majority of the width of their plots. Due to the varying heights of the roofs of the houses, there is an articulation of the roof scape along both the north and south sides of Kings Road.

The streetscape of Kings Road is characterised by a strong landscape buffer, with tree cover and extensive lengths of stone and rendered walling and high hedging, some with low walls in front of it along the roadside frontages of the properties. The predominant buildings materials in the locality are painted render for external walls with either natural slate or plain clay tile roofs.

To the east of the application site is the three storey contemporary, flat roofed house of 38A Kings Road with its distinctive cube like form and architectural design. To the west is a relatively recent infill development in the form of the two storey house of Fairways at 37A Kings Road with its off-white painted rendered walls and its dual pitched roof clad with plain clay tiles. On the opposite side of Kings Road are the detached houses of The Spinney at 6 Kings Road and Cuileann at 7 Kings Road. The house of The Spinney is single storey in height with accommodation in its roof space. Its external walls are finished with painted render and its dual pitched roof is clad with natural slates. The house of Cuileann is single storey in height with painted rendered walls and a dual pitched roof clad with plain clay tiles.

Within this part of Longniddry the plot sizes and the size of the built form of the houses varies, as do the corresponding garden sizes. In all of this the ratio of built form to undeveloped garden ground varies and consequently the area displays a mixed pattern and density of built form. It is within this wider context that the appropriateness of the proposed flatted development has also to be assessed.

The proposed development is not for an infill house but rather is for the replacement of the existing single house with a building comprising 7 flats. This form of development is nonetheless infill residential development.

The majority of the houses on the north side of Kings Road are positioned with their south (front) elevations facing and parallel with the public road. However, the south (front) elevations of the houses on the north side of Kings Road are not positioned a uniform distance away from the south boundaries of their gardens with the public road of Kings Road. Rather they are positioned differing distances away from the public road, and indeed some have their front elevations positioned at an angle to the public road.

The proposed flatted building would be positioned relatively centrally on the application site with its south (front) elevation facing towards Kings Road in a not dissimilar manner to that of the existing house. Although its south (front) elevation would be positioned some 4 metres closer to the south boundary of the site than is the south (front) elevation of the existing house, in the position proposed for it the south (front) elevation of the proposed flatted building would nonetheless respect the alignment and positioning of the south (front) elevations of the houses on the north side of Kings Road and thus would be in keeping with this characteristic of the buildings of the north side of Kings Road. In such position the proposed flatted building would be orientated similar to the existing house on the site.

At its longest point the south elevation of the proposed flatted building would be some 31 metres in length and as such would extend across the majority of the width of the application site, with only some 4.8 metres between it and the west boundary of the site, and some 3.8 metres between it and the east boundary of the site. However, many of the houses of Kings Road extend across the majority of the width of their individual plots, and thus the proposed flatted building would not be out of keeping with this characteristic of the buildings of Kings Road.

The accommodation of the proposed flatted building would be arranged over three floors, however the second floor accommodation of the main part of the proposed flatted building and the first floor accommodation of the eastern part of the building would be predominantly in the roof space of those respective parts of the proposed building. In this way although the proposed flatted building would be predominantly three storeys in height it would give the appearance of a two storey building with attic accommodation. At its highest point the roof ridge of the proposed flatted building would be some 9.20 metres above ground level. At such height, the proposed flatted building would be some 0.6 of a metre lower than the roof ridge of the existing house on the site and would be a similar height to that of the neighbouring houses to the east and west. Furthermore, with its lower eastern part, there would be articulation of the roofscape of the proposed flatted building in a not dissimilar manner to the articulation of the roofscapes of the existing house and of other houses of Kings Road, and in general the variation in the roof heights of the houses of Kings Road. At such height the proposed flatted building would fit comfortably with the varied heights of the buildings in the surrounding area and thus would be in keeping with the varied heights of the neighbouring and nearby buildings.

The footprint of the proposed flatted building would be roughly twice the size of the footprint of the existing house and thus the proposed flatted building would occupy a significantly larger proportion of the site than does the existing house. However, although many of the houses of Kings Road are large and sit within large plots there are nonetheless a number of infill properties, which occupy smaller plots and which have resulted in smaller plot sizes for the original houses and thus a higher density of

built form to garden ground. As a consequence of this, this part of Longniddry displays a mixed density and pattern of built form. Thus, although the proposed flatted building would be significantly larger than the existing house and would therefore occupy a larger portion of the site than does the existing house, it would nonetheless retain garden ground around it in a similar manner to that of the other properties of Kings Road. Moreover, the proportion of the site that would be occupied by the proposed flatted building would not be out of keeping with the other properties of Kings Road. Accordingly, although the size of the footprint of the proposed flatted building would be significantly larger than that of the existing house, it would not be so much larger as to be an overdevelopment of the site or to be harmfully out of keeping with the density of development of its surroundings.

Nonetheless, as a result of its larger footprint and its largely flat roofed form the proposed flatted building would be of a greater bulk and massing than the existing house and indeed the other houses of Kings Road. The greater bulk and massing of the building would, for the most part, be apparent only in short duration views in the gaps between the proposed flatted building and the neighbouring houses to the east and west. The majority of the trees and hedging of the south (roadside) boundary of the site would be retained in situ, including the trees and hedging of part of the southern ends of the east and west boundaries. The retention of this landscape buffer would serve to break up the bulk and massing of the proposed flatted building in such views from Kings Road and to provide immediate landscape screening and context for the proposed development. Furthermore, although the proposed flatted building would be partially visible in long range views from the B1348 classified coastal road, some 300 metres away to the north, in such views across the intervening land and vegetation of the golf course land, the scale and massing of the proposed flatted building would not appear harmfully dominant or incongruous. Thus, in its set back position on the site and with the lower height of the eastern part of it, and due to the retention of the majority of the trees and hedging of the south (roadside) boundary of the site and of the east and west boundaries of the site, the proposed flatted building would not appear unduly prominent within the streetscape or in long range views from the classified B1348 coastal road. Accordingly, as a result of its positioning on the site, the articulation of its roofscape and the retention of the existing trees and hedging of the southern part of the site, the proposed flatted building would not appear harmfully overbearing or dominant within the streetscape but rather would sit comfortably alongside the existing houses of this part of Kings Road. The requirement to retain the trees and hedging of the south (roadside) boundary of the site could be made a condition of a grant of planning permission.

The proposed flatted building would be readily visible in public views from Kings Road and from the golf course land to the north. In such views the proposed flatted building would be viewed in the context of the existing varied built form of Kings Road and in the context of the trees and hedges of the site, many of which are proposed to be retained. The proposed development would also be partially visible in long range views from the B1348 classified public coastal road that is further to the north beyond the golf course land. In such long range views of the site from that road to the north the proposed flatted building would be viewed across the golf course land and would be seen in the context of the intervening trees that intersperse that land and in the context of the built form of the other houses of Kings Road. By virtue of its size, height, scale, proportions and form the proposed flatted building would not appear harmfully intrusive, incongruous or exposed within its setting. The retention of the existing trees and the majority of the existing hedging of the south (roadside) boundary of the site and the majority of the trees of the east, west and south boundaries of the site would provide immediate landscape context and setting for the proposed flatted building. Furthermore, additional tree planting is proposed on the southern and northern parts of

the site and replacement hedging would be planted along the part of the south (roadside) boundary to the west of the altered vehicular access to compensate for the length of roadside hedging that would be removed to facilitate the formation of the visibility splay on the west side of the vehicular access. In these particular circumstances the proposed flatted building would not be harmful to the character and appearance of the area or the landscape character and appearance of the adjacent Area of Great Landscape Value to the south of the site.

Thus, on these matters of positioning, density, size and height, the proposed flatted building would not be out of keeping with the mixed character and density of the existing properties of Kings Road and would integrate with the pattern of development of this part of Kings Road. It would not be a crammed form of development and would not be harmful to the character of the area.

The proposed flatted building would be a contemporary interpretation of traditional architecture with plain glazed windows and large areas of glazing on its south (front) and north (rear) elevations.

Many of the objectors are concerned that the proposal would destroy the character of Kings Road and would set a precedent for other properties to follow suit, thereby forever changing the nature of the area. At present, Kings Road is largely characterised by large houses set in large gardens, of an architectural style and appearance similar to that of the existing house on the application site. However, in this particular case the immediate surroundings of the application site are characterised by a mix of differing architectural styles. The houses immediately to the east and west of the site are themselves infill development: one on land that was formerly part of the garden of the house of Clashfarquhar, 37 Kings Road and the other that was formerly part of the garden of the house of 38 Kings Road. The house to the east is a three storey contemporary building with a distinctive flat roofed, cube like form and architectural design. The house to the west is two-storey in height and is itself a contemporary interpretation of traditional architecture with its dual pitched roof, subservient projecting gables with bay windows and its pitched roof dormers.

The proposed flatted building would also be a contemporary interpretation of traditional architecture with the subservient projecting features of its south elevation, its areas of pitched roof clad with plain tiles and its flat roofed wall-head dormers. Positioned as it would be, in the immediate context of the mixed architectural forms and styles of the immediately neighbouring houses to the east and west, and the mixed architectural forms and styles of the other houses of Kings Road, the architectural form and design of the proposed flatted building would sit comfortably in its relationship with the other neighbouring and nearby houses and would not be out of keeping with the diverse architectural character of the area. Rather, its contemporary interpretation of traditional architecture would enrich the diverse architectural character of Kings Road and the wider area.

The external finishes of the proposed flatted building of smooth white render with reconstituted red sandstone and zinc cladding architectural detailing for its external walls and rosemary tiles and roofing membrane for its roofs would be in keeping with the palette of external finishes and colours of the houses and buildings of the area.

Although no details of the finish of the frames of the windows and glazed external doors has been indicated on the application drawings it is anticipated that these would be likely to be of aluminium/timber composite construction given the architectural style of the proposed flatted building. The use of such a finish for the frames of the windows and glazed external doors would not be inappropriate in the context of the architectural

style of the proposed flatted building and would not be harmful to the character and appearance of the area.

There is sufficient land within the site to accommodate the proposed flatted building, with a sufficient sized garden and adequate parking provision and vehicular access without there being an overdevelopment of it. Development of the site would not result in any loss of open space important to recreation or amenity requirements.

In all of this the proposed flatted building, by virtue of its size, scale, height, positioning, form, design and external finishes, would not be an incongruous or overly dominant addition to the streetscape of Kings Road, and would fit comfortably within the somewhat irregular layout of the houses in this part of Kings Road and the pattern and density of the urban built form they give to the locality. Consequently, the proposed flatted building would not appear incongruous in its setting and would not be harmful to the character and appearance of the area or the landscape character and appearance of the Area of Great Landscape Value.

In respect of concerns over precedent, the application site is unique in terms of Kings Road as it is the only site that is located between two recent contemporary infill developments. Were a future proposal to come forward for a flatted development elsewhere on Kings Road then that would need to be determined on its individual merits.

The proposed hardstanding areas to be formed to the south side of the proposed flatted building would provide off-street parking spaces for 13 cars, a turning area in the form of a 'grass-crete' surfaced turning head, and footpaths. Other than from the point of private access to the site the proposed hardstanding areas would not be readily visible. The positioning of the proposed 'grass-crete' turning area would ensure that the amount of hardstanding immediately visible from the vehicular access would be limited to a part of the driveway immediately at the entrance, the footpath to the entrance door of the flatted building and parking spaces 12 and 13 to the west of that footpath. The remaining area of driveway and parking spaces would not be readily visible in public views. The retention of the existing trees and the majority of the existing hedging of the south (roadside) boundary of the site, and the trees on the southern part of the west boundary and the trees and hedging of the southern part of the east boundary would provide immediately landscape screening and context for the proposed development and would help to integrate it into the streetscape. Furthermore, the additional proposed landscape planting to be carried out on the southern part of the site and on the northern part of the site would further aid the integration of the proposed development including the proposed hardstanding into its setting. The parking areas and driveway would be surfaced with porous paving. The turning area would be surfaced with 'grass-crete'. No details of the surface finish of the proposed footpaths have been provided. Subject to the surface of those hardstanding areas being finished with an appropriate material and the retention of the existing trees and the majority of the existing hedging of the south (roadside) boundary of the site, and the trees on the southern part of the west boundary and the trees and hedging of the southern part of the east boundary, and subject to the additional landscape planting proposed for the site, all details that could be controlled by conditions attached to a grant of planning permission, all of the hardstanding areas, in their relationship with the proposed flatted building, would not be untypical features for the garden of a flatted building. They would not be harmful to the character and appearance of the area.

The roadside boundary enclosures along the north and south sides of Kings Road include high hedges, walls of varying heights, and timber fences.

The repositioning of the existing vehicular access some 1.5 - 2.0 metres further to the west and the widening of its by some 0.5 of a metre, would in itself not harm the established character and amenity of this part of Kings Road, as the vehicular and pedestrian entrances along the north and south sides of Kings Road vary in width. In order to achieve a visibility splay of 2.5 metres by 43 metres, the repositioned and widened vehicular access would be set back from its present position by some 300mm. The new lengths of rendered wall and flanking gate piers would match the wall and gate pier arrangement of the existing vehicular access. Furthermore, a 3-4 metres length of the existing roadside hedging on the west side of the vehicular access is also required to be removed to facilitate the visibility splay and a further 11-12 metres length of that roadside hedging further to the west would also have to be cut back to achieve the visibility splay. The remaining roadside boundary hedging, which is part of the character of the area has been indicated as being retained, which would limit the disruption that the repositioned and widened vehicular access would have on the visual appearance of Kings Road. A condition should be imposed on a grant of planning permission to ensure that other than to enable the repositioning and widening of the vehicular access and the provision of the visibility splay the boundary enclosure on the south roadside boundary of the site should be retained as existing.

The new rendered walls and gate piers to be erected at the repositioned and widened vehicular access and the new gates, in their relationship with the proposed flatted building, would not be untypical features for the garden of a flatted property. Subject to details of the walls, gate piers and gates, and samples of their external finishes being submitted for the prior approval of the Planning Authority, they would be in keeping with the variety of roadside boundary enclosures of this part of Kings Road and thus would not harm the established character of the area.

The proposed bin storage area would comprise of an hardstanding area enclosed by 1.8 meters high close boarded timber fencing. In its position to the east side of the vehicular access the proposed bin store would be readily visible for short duration views when passing the vehicular access. However, it would be positioned alongside the proposed roadside boundary wall and gate pier that would flank the east side of the vehicular access and would be viewed in the context of the existing and proposed trees and hedging of the west side of the southern part of the site. In this context the proposed bin store would not appear unduly harmful or incongruous in those short duration and limited views. In time the timber of its walls would weather and the landscape planting would grow to further integrate it into its landscape setting. In its relationship with the proposed flatted building, the proposed bin store would not be untypical feature for the garden of a flatted property. It would not harm the established character of the area.

The proposed cycle storage facility would be positioned towards the southwest corner of the site on an area of existing paving slabs. The lockable cycle storage structure would be of galvanised steel and timber construction. In its position to the north of the existing trees of the south (roadside) boundary of the site, the proposed cycle storage facility would be partially screened from view by the existing trees and hedging of the south (roadside) boundary of the site. Only a small part of its upper walls and its roof would be visible from the public road of Kings Road and those parts of it would be partially screened by the canopies of the trees. Viewed in the context of the existing roadside landscaping, which is proposed to be retained, the proposed cycle storage facility would not appear harmfully prominent or intrusive within its landscape setting. In time the timber of its walls would weather further aiding its integration into its landscape setting. In its relationship with the proposed flatted building, the proposed cycle storage facility would not be untypical feature for the garden of a flatted property. It would not harm the established character of the area.

All of this development would not in its place and in association with the proposed flatted building be harmful to the character and appearance of the area or the landscape character and appearance of the Area of Great Landscape Value.

On these matters of design, layout and density of development the proposed development does not conflict with Policy 1B of the South East Scotland Strategic Development Plan (SESplan), Policies DP2 and DP7 of the adopted East Lothian Local Plan 2008 and Planning Advice Note 67: Housing Quality.

Policies DP2 and DP7 require, amongst other considerations, that new development should not result in any significant loss of daylight, sunlight or privacy to adjoining properties as a result of overshadowing or overlooking.

On the matter of the impact of the proposed flatted building on daylight and sunlight on neighbouring properties, guidance is taken from "Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice" by P.J. Littlefair.

By virtue of its height, positioning, orientation, and distance away from the neighbouring house of 38A Kings Road the proposed flatted building would not, in accordance with such guidance, give rise to harmful loss daylight to that house and therefore would not have a harmful affect on the residential amenity of that property through a loss of daylight to it.

In respect of the house of 37A Kings Road, the proposed flatted building would be positioned roughly parallel with that neighbouring house. There is only one window in the east side elevation of that neighbouring house and that window is a first floor bathroom window. In accordance with the guidance, bathrooms do not have a special requirement for daylight and thus, although the proposed flatted building is likely to somewhat restrict the daylight received by the first floor bathroom window of the east elevation of the neighbouring house of 37A Kings Road, such loss of daylight would not be harmful to the residential amenity of the occupiers of that house.

By virtue of its height, positioning, orientation, and distance away from the neighbouring properties the proposed flatted building would not, in accordance with such guidance, give rise to harmful loss of sunlight to them and therefore would not have a harmful affect on the residential amenity of those properties. The proposed flatted building would also receive a sufficient amount of daylight (skylight) and its garden a sufficient amount of sunlight.

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 building and the garden boundaries of neighbouring residential properties and an 18 metres separation distance between directly facing windows of the proposed new building and the windows of existing neighbouring residential properties.

There are no residential properties to the north of the site thus the proposed flatted building would not allow for harmful overlooking of any residential properties to the north.

The windows of the south elevation of the proposed flatted building would be positioned more than 9 metres away from the south boundary of the site and would face across the front garden and parking area of the flatted building towards the public road of Kings Road. None of the windows of that south elevation would be within 18

metres of any directly facing windows of any neighbouring houses to the south. Thus, there would be no harmful overlooking of any neighbouring residential properties to the south.

The ground floor and roof windows of the east elevation of the two storey eastern part of the proposed flatted building would be less than 9 metres away from the east boundary of the site. The east boundary is enclosed by a hedge some 2 metres in height, which is proposed to be retained at that existing height. That existing hedge is sufficient to prevent any harmful overlooking from the ground floor windows of the east elevation of the proposed flatted building. The first floor windows of the east elevation of the two storey eastern part of the proposed flatted building comprise of roof windows set into the pitched roof of that part of the proposed building. The application drawings show that the bottom sills of those roof windows would be a minimum of 1.8 metres above the first floor finished floor level of the rooms they would serve. As so positioned, those first floor roof windows would not allow for harmful overlooking of the garden of the neighbouring property of 38A Kings Road to the east. Some of those roof windows would also be less than 18 metres away from directly facing windows of the west elevation of the neighbouring house of 38A Kings Road to the east. However, due to those roof windows being positioned so that their bottom sills would be a minimum of 1.8 metres above the first floor finished floor level of the rooms they would serve, and the first floor windows of the neighbouring house of 38A Kings Road being high-level windows with their bottom sills positioned a minimum of 1.8 metres above the floor level of the rooms they serve, the first floor roof windows of the east elevation of the two-storey eastern part of the proposed flatted building would not allow for harmful overlooking of the neighbouring house to the east.

The windows of the east elevation of the three storey part of the proposed flatted building would be some 15 metres away from the east boundary of the site and thus would not allow for harmful overlooking of the garden of the neighbouring property to the east. There would be no windows of the east elevation of the three storey part of the proposed flatted building that would be within 18 metres of any directly facing windows of west elevation of the neighbouring house of 38A Kings Road to the east.

The east side of the first floor balcony of the south (front) elevation of 'Flat F' of the proposed flatted building would be some 10 metres away from the east boundary of the site and less than 18 metres away from the ground floor and first floor windows of the west elevation of the neighbouring house of 38A Kings Road. However, the ground floor and first floor windows of the west elevation of the neighbouring house of 38A Kings Road are all high-level windows, this and the existing 2 metres high boundary hedge would be sufficient to prevent harmful overlooking of the first floor and ground floor windows of the west elevation of the neighbouring house of 38A Kings Road from a person(s) sitting on that first floor balcony of the south (front) elevation of 'Flat F' of the proposed flatted building.

The east side of the first floor balcony of the north (rear) elevation of 'Flat F' of the proposed flatted building would be some 6 metres away from the east boundary of the site with the garden of the house of 38A Kings Road and thus even with the existing 2 metres high boundary hedging would allow for harmful overlooking of the garden of that neighbouring house. In order to mitigate for this, the application drawings show the provision of a 1.5 metres high obscure glazed privacy screen along the full length of the east side of the first floor balcony of the north (rear) elevation of 'Flat F' of the proposed flatted building. Subject to the submission of the details of that privacy screen being approved by the Planning Authority, a detail that could be controlled by a condition of a grant of planning permission, a privacy screen of such height above the surface of the balcony would be sufficient to prevent harmful overlooking of the neighbouring garden

ground from a person(s) sitting on that first floor balcony of the north (rear) elevation of 'Flat F' of the proposed flatted building. The east side of the first floor balcony of the north (rear) elevation of 'Flat F' of the proposed flatted building would not be within 18 metres of any directly facing windows of any neighbouring house to the east.

The east side of the second floor balcony of 'Flat G' of the proposed flatted building would be a minimum of 9 metres away from the east boundary of the site with the garden of the house of 38A Kings Road and thus would not allow for harmful overlooking of that neighbouring garden ground. Nor would the east side of the second floor balcony of 'Flat G' of the proposed flatted building be within 18 metres of any directly facing windows of any neighbouring house to the east.

Once built further windows or other glazed openings, including roof windows, could be formed at first or second floor level in the east elevation of the proposed flatted building without the need for planning permission. Such first and second floor windows or other glazed openings, including roof windows would have the potential to allow for harmful overlooking of the garden of the house of 38A Kings Road to the east. Therefore it would be prudent for the Planning Authority to remove permitted development rights for the formation of further windows or other glazed openings, including roof windows, at first and second floor level in the east elevation of the proposed flatted building. This matter could be controlled by a condition attached to a grant of planning permission for the proposed development.

Subject to the aforementioned controls requiring the retention of the existing east boundary hedge at a minimum of 2 metres in height, the provision of a 1.5 metres high privacy screen on the east side of the first floor balcony of the north (rear) elevation of 'Flat F' of the proposed flatted building and the removal of permitted development rights for the formation of additional first and second floor windows in the east elevations of the proposed flatted building, none of the windows of the east elevations of the proposed flatted building or the east sides of the balconies of the south (front) and north (rear) elevations of the proposed flatted building would allow for harmful overlooking of the neighbouring property of 38A Kings Road to the east.

The ground floor and first floor windows of the west elevation of the main three storey part of the proposed flatted building would be less than 9 metres away from the west boundary of the site and would be less than 18 metres away from ground floor and first floor windows of the east elevation of the neighbouring house of 37A Kings Road.

The west boundary is enclosed by a rendered wall that is outwith the ownership of the applicant. On the application site that wall measures some 2 metres in height, rising to some 2.2 metres in height for some 18 metres away at its northern end. The application drawings provide levels for the top of the west boundary wall of +16.64 and +16.86 respectively. At such height, the west boundary wall would be a minimum of 1.8 metres above the height of the ground floor finished floor level of the proposed flatted building, which is shown on the application drawings to have a level of +14.84. Thus, the west boundary wall would be of a sufficient height to prevent harmful overlooking of the ground floor windows of the neighbouring house of 37A Kings Road from the ground floor windows of the west elevation of the proposed flatted building.

The application drawings show one first floor window on the main west elevation of the proposed flatted building. That window would be positioned almost directly opposite a first floor window of the east elevation of the neighbouring house of 37A Kings Road to the west. However, the first floor window of the east elevation of the neighbouring house of 37A Kings Road to the west is an obscurely glazed bathroom window. As that existing first floor window of the east elevation of the neighbouring house of 37A

Kings Road is already obscurely glazed, the first floor window of the main west elevation of the proposed flatted building would not allow for harmful overlooking of that neighbouring house to the west. Furthermore, although the first floor window on the main west elevation of the proposed flatted building would be less than 9 metres away from part of the garden of the neighbouring house of 37A Kings Road, that part of the garden of the neighbouring house is a narrow strip of garden measuring some 1.5 metres in width that is located along the east side of that neighbouring house, and although private due to the enclosure of it, is not readily usable as amenity space for the occupiers of that neighbouring house. Thus, the proposed first floor window of the main west elevation of the proposed flatted building would not allow for harmful overlooking of the house and garden of 37A Kings Road to the west.

The west side of the first floor balcony of the north (rear) elevation of 'Flat D' of the proposed flatted building would be some 4.8 metres away from the west boundary of the site with the garden of the neighbouring house of 37A Kings Road. Even with the 2.0 - 2.2 metres high boundary wall, that first floor balcony would allow for harmful overlooking of the garden of that neighbouring house to the west. In order to mitigate for this, the application drawings show the provision of a 1.5 metres high obscure glazed privacy screen along the full length of the west side of the first floor balcony of the north (rear) elevation of 'Flat D' of the proposed flatted building. Subject to the submission of the details of that privacy screen being approved by the Planning Authority, a detail that could be controlled by a condition of a grant of planning permission, a privacy screen of such height above the surface of the balcony would be sufficient to prevent harmful overlooking of the neighbouring garden ground from a person(s) sitting on that first floor balcony of the north (rear) elevation of 'Flat D' of the proposed flatted building. The west side of the first floor balcony of the north (rear) elevation of 'Flat D' of the proposed flatted building would not be within 18 metres of any directly facing windows of any neighbouring house to the west.

The west side of the second floor balcony of the inverted recessed dormer of the north (rear) elevation of 'Flat G' of the proposed flatted building would be screened along its west side by the proposed roof form of the flatted building resulting in a screen of a minimum height of 1.5 metres above the surface of the balcony. Such level of screening by the roof form of the proposed flatted building would be sufficient to prevent any harmful overlooking of the neighbouring house and garden to the west.

The west side of the second floor balcony of the south (front) elevation of 'Flat G' of the proposed flatted building would be some 9.9 metres away from the west boundary of the site with the garden of the neighbouring house of 37A Kings Road. It would not be within 18 metres of any directly facing windows of the east elevation of that neighbouring house. Thus, the second floor balcony of the south (front) elevation of 'Flat G' of the proposed flatted building would not allow for harmful overlooking of the neighbouring house and garden to the west.

No second floor windows are proposed for the main west elevation of the proposed flatted building. However, once built, further windows or other glazed openings, including roof windows, could be formed at first and/or second floor level in the main west elevation of the proposed flatted building and in the west elevation of the western most projection of its north (rear) elevation without the need for planning permission. Such first and/or second floor windows or other glazed openings, including roof windows on those elements of the proposed flatted building would have the potential to allow for harmful overlooking of the house and garden of the neighbouring residential property of 37A Kings Road to the west. Therefore it would be prudent for the Planning Authority to remove permitted development rights for the formation of further windows or other glazed openings, including roof windows, at first floor and second floor level in

the main west elevation of the proposed flatted building and in the west elevation of the western most projection of its north (rear) elevation. This matter could be controlled by a condition attached to a grant of planning permission for the proposed development. In these circumstances and subject to the aforementioned planning controls, the proposed flatted building would not have a detrimental impact on the privacy and amenity of any neighbouring residential properties as a consequence of overshadowing and overlooking. The occupiers of the proposed flatted building would also have sufficient privacy and residential amenity.

On the forgoing considerations of overshadowing and overlooking the proposed development is consistent with Policies DP2 and DP7 of the adopted East Lothian Local Plan 2008.

The Council's Environmental Protection Service have no comment to make on the application and raise no objection to it.

The application site is in existing residential use for one house and associated garden ground. The existing house of Clashfarquhar has existed on the site in use as a sizeable dwelling for many years. With regard to Policies DP2 and DP7, one of the considerations in the determination of this application has to be whether the proposed development of the site for a flatted building containing 7 flats, in its difference from the long established use of the site for one substantially sized house capable of providing a high occupancy is of an appropriate scale and character for this location.

The development of the site for the proposed flatted building would continue the existing residential use of the site however with a higher intensity due to the additional number of residential units comprised within it. The use of the flatted building would not differ from the residential use of a house other than for the higher levels of occupancy and the associated higher generation of movement to and from the site.

As a house there is no planning control over the level of occupancy of the existing house of Clashfarquhar at 37 Kings Road, other than for the physical constraints of its accommodation. However, because of its size the house has the potential for higher levels of occupancy, with an associate potential for a higher generation of movement to and from the site.

Whilst undoubtedly the proposed flatted building comprising of 7 flats would have a higher level of occupancy and thus a higher associated generation of movement to and from the site than the existing house, those higher levels of occupancy and movements would not in themselves be harmful to the character and appearance and amenity of Kings Road. Furthermore, with the retention of the west and east boundary enclosures of the site and many of the trees adjacent to those boundaries, the retention of the majority of the trees and hedging of the south (roadside) boundary of the site and the provision of additional tree and hedge planting, as relevant, along the southern, east and west sides of the site, the movements associated with the proposed flatted building would be well contained within the southern part of the site, in a similar manner to the location of the majority of the movements associated with the use of the neighbouring houses.

Thus, in these circumstances, the residential use and activities of the proposed flatted building would not have a detrimental impact on the amenity of neighbouring residential properties.

Access to the site would continue to be taken from Kings Road and it is proposed that the existing vehicular access would be repositioned some 1.5 - 2.0 metres further to

the west. A driveway and parking spaces would be provided within the site, which would provide in-curtilage parking for thirteen cars. A 'grass-crete' surfaced turning area would also be provided on the north side of the proposed driveway.

The Council's Road Services advises that a visibility splay of 2.5 by 43 metres should be provided and maintained to each side of the repositioned and widened vehicular access such that there would be no obstruction to visibility above a height of 1.05 metres measured from the adjacent carriageway surface within the defined area and that any gates erected across the widened and repositioned vehicular access should not open outwards onto the public road of Kings Road. Road Services advise that the visibility splay as shown on drawing no. pl(--)-04 Rev D is acceptable.

Road Services also advise that any required amendments to street lighting apparatus provision as a result of the repositioning and widening of the vehicular access should be undertaken by or is for the applicant to make arrangements for such amendments as are deemed necessary by East Lothian Council.

Road Services further advise that the proposed seven flats would have a parking demand of 150%, being a requirement for eleven on-site parking spaces. Therefore, the on-site parking provision of thirteen parking spaces would provide the proposed flatted building with a sufficient amount of on-site parking provision.

Road Services further advise that, whilst Kings Road is not a classified public road, due to the number of residential flatted dwellings that would be provided on the site, an on-site turning area should be provided in order to ensure that vehicles can enter and exit the site in a forward gear. Road Services confirm that the 'grass-crete' surfaced on-site turning area to be provide on the north side of the proposed driveway would provide a satisfactory standard of turning for the vehicles associated with the proposed seven flats.

Road Services further advise that cycle storage at a rate of one lockable unit per flat should be provided on the site. The proposed cycle storage facility would provide 8 cycle storage bays in a communal lockable structure. This matter can be controlled by a condition attached to a grant of planning permission.

Finally, Road Services advise that a Construction Method Statement to minimise the impact of construction activity on the safety and amenity of the area should be submitted and approved by the Planning Authority prior to the commencement of development. This matter can be controlled by a condition attached to a grant of planning permission.

Subject to the aforementioned planning controls, and the access and parking arrangements being laid out as shown on the application drawings, the Council's Road Services raise no objection to the proposed development, being satisfied that it could be accessed safely and would not lead to a road or pedestrian safety hazard, and that it would be provided with a satisfactory provision of on-site parking and turning, including cycle storage. On these considerations the proposed development is consistent with Policies T2 and DP22 of the adopted East Lothian Local Plan 2008.

The existing house benefits from an established landscape setting and there are a number of trees along the south (roadside) and east and west boundaries of the site. Established hedging encloses part of its south (roadside) boundary and the east boundary of the site. Many of the trees, specifically on the southern part of the site, contribute to the landscape character of the streetscape.

The application drawings propose the removal of 11 trees from the site. Of these two trees (trees 905 and 907) are proposed to be removed for arboricultural reasons. The remaining 9 trees (trees 903, 904, 911, 912, 913, 919, 920, 921 and 924) are proposed to be removed to facilitate the proposed development. Of these 9 trees it is proposed to transplant 3 of them in new locations on the northern part of the site. In addition, 8 new trees would be planted on the site; two on the northern part of the site adjacent to the west boundary, three on the south (roadside) boundary to the west side of the repositioned and widened vehicular access, and three on the east and north sides of the proposed driveway.

The Council's Policy and Projects Team (Landscape) has considered the Tree Survey, Arboricultural Constraints and Implication Assessment report prepared by Donald Rodger Associates Ltd (dated August 2017) submitted with the application.

The Council's Policy and Projects Team confirm that the retention of the trees and hedging of the south boundary of the site is supported as this landscape buffer of the south garden of the site makes a positive contribution to the landscape character of the area and would provide immediate context to aid the integration of the proposed development in its landscape setting.

The landscape advice from the Council's Policy and Projects Team is that many of the trees that would be removed from the site are small-scale trees that are not significant to the wider landscape and streetscape setting. Many of the trees that are important to the wider landscape and streetscape setting would be retained on the site. One of those trees, tree 911 however would be required to be removed to facilitate the alterations to the vehicular access. The landscape advice is that subject to the planting of a replacement birch tree close to the west side of the altered vehicular access the removal of this tree would be acceptable.

The Council's Policy and Projects Team further advise that, although there is no objection to the transplanting of three of the existing trees in new locations on the site, given the age and timescale of the original tree planting on the site, the transplanting of those existing trees may not be successful, as the roots of those trees are likely to be have grown beyond their root-balls. Notwithstanding this, the landscape advice is that the planting of 8 new trees on the site in the positions shown for them would mitigate for the loss of 2 trees that would be removed from the site for arboricultural reasons and the 9 trees that would be removed from the site to facilitate the redevelopment of the site should the three transplanted trees not replant successfully.

The Council's Policy and Projects Team also advise that they are satisfied that with the use of cell-web construction the proposed parking spaces where they would be within the root protection areas of the trees would not be harmful to the trees.

The Council's Policy and Projects Team further advises that, subject to the proposed cycle storage facility being placed on the existing paving slabs with no other underground foundations, and that storage facility not being positioned on the site until all work on the site has been completed to ensure no accidental incursion by site traffic into the root protection area of the important retained trees along the southern boundary, the cycle storage facility would not have a harmful impact on the trees on the southern boundary of the site. This detail can be controlled by a condition attached to a grant of planning permission.

The Council's Policy and Projects Team further advises that all trees that are to be retained on the site should be protected during construction by temporary protective fencing. The requirement for protective fencing can be controlled by a condition

attached to a grant of planning permission.

Accordingly, the Council's Policy and Projects Team advises that it would be possible for those trees that are proposed to be retained to be retained on the site without any harmful impact from the proposed development.

Subject to the aforementioned planning controls relating to new tree planting, the provision of temporary fencing, the use of cell-web construction and the timing and positioning of the cycle storage facility, the Council's Policy and Projects Team raises no objection to the proposed development and is satisfied that it would not have a harmful impact on the trees to be retained on the site and thus on the landscape character of the area. Accordingly the proposed development is consistent with Policy DP14 of the adopted East Lothian Local Plan 2008.

The Council's Waste Services advises that the on-site provision for refuse and recycling storage would be of a sufficient standard. Subject to the occupiers of the proposed flats presenting their refuse and recycling containers on the kerbside of Kings Road on the nominated days of collection and returning them to their on-site storage location after servicing, Waste Services raise no objection to the proposed development. The applicant has confirmed in writing that he would undertake to secure this requirement would be included in the deeds/information to the owner(s)/occupier(s) of the proposed seven flats.

The Council's Sports Development & Community Recreation Team Manager advises that he has no comment to make on the application and thus raises no objection to the proposed development.

Policy INF3 of the adopted East Lothian Local Plan 2008 stipulates that new housing will only be permitted where appropriate provision for infrastructure required as a consequence of the development is made. This includes funding necessary school capacity.

The Council's Road Services advises that although the proposed development is not an allocated housing site of the adopted East Lothian Local Plan or the Proposed Local Development Plan, as a windfall site, it has the potential to impact on the cumulative impacts of development on both the strategic and local road network as assessed in the East Lothian Council Transport Appraisal.

The Transport Appraisal model highlighted that the development of this site will have a cumulative impact on the wider strategic road network, however, it can be accommodated within the local road network in terms of road capacity.

The Council's Transport Appraisal (TA) provides the evidence base, which has informed the Council's draft Developer Contributions Framework (DCF) and has been produced in conjunction with the Local Development Plan TA so that Road Services can assess the cumulative impacts of the Local Development Plan allocations and windfall sites on the Transport Network. The TA has identified a number of hot spots on the network, which require interventions to mitigate the impact of the Local Development Plan.

The requirement for developer contributions towards each intervention as identified through the above process is as follows (the works are detailed in the Transport Appraisal):

- o improvements to Old Craighall junction - £183.54 (£23.22 per unit);
- o improvements to Salters Road Interchange - £352.10 (£50.30 per unit);
- o improvements to Bankton Interchange - £1,446.97 (£206.71 per unit);
- o improvements to the rail network - £13,476.75 (£1,925.25 per unit);
- o Musselburgh town centre improvements - £145.95 (£20.85 per unit);
- o Tranent town centre improvements - £252.00 (£36.00 per unit).

The total contribution required for transportation improvements resulting from cumulative impacts of the development is therefore £15,857.31.

In respect of the matters above, Transport Scotland advises that they have concern in regard to the development impact on the junction of the A1 trunk road and the A720 trunk road (i.e. the Old Craighall Junction south of Musselburgh, at the western end of East Lothian). In this regard they have sought a contribution from the developer towards mitigation of this perceived impact. The applicant, Mr RM Petrie, is willing to pay Transport Scotland a sum of £183.54 (being £26.22 per unit) towards the upgrade of the Old Craighall junction. He has provided the Council with a formal legal undertaking that he will make this payment to Transport Scotland on commencement of development of the site following a grant of planning permission, were this to be the decision. Transport Scotland is content with this approach and, on this basis, raise no objection to the impact of the development on the Old Craighall junction.

Network Rail advises that the proposal will contribute to a cumulative impact on local rail services within East Lothian and that mitigation of the impact of the development is required in accordance with the evidence base informing East Lothian Council's Draft Developer Contributions Framework. Network Rail's Scotland Route Study 2016 and its Market Study of local and long distance journeys identify for the routes between North Berwick, Drem and Edinburgh Waverley that ScotRail services will exceed 100 per cent of seating capacity (assumed to be six carriage trains) in the peak hour by the time they reach Edinburgh Waverley. The provision of improved infrastructure would support local passenger services improvements and contribute to accommodating the cumulative demand by either running longer services or increasing the frequency of services or undertaking additional operational activities to improve reliability and capacity. Contributions secured from developers in this area should be channelled to this project to help secure additional local rail services and capacity for the East Lothian Council area. The indicative costs of this project will be between £125m - £300m. In accordance with this and the evidence base of East Lothian Council's Draft Developer Contributions Framework Network Rail therefore seeks a developer contribution of £13,476.75. Again the applicant have provided the Council with a formal legal undertaking that they will make this payment to Network Rail on commencement of development of the site following a grant of planning permission. Network Rail are content with this approach and, on this basis, raise no objection to the impact of the development on the rail network.

With allowance for the amount covered by the formal legal undertakings for payment to Transport Scotland and to Network Rail, the developer contributions towards the other required interventions of £2,197.02 can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the payment of the required contribution towards these transport interventions, which the applicant has confirmed in writing that they are willing to make, the proposal is consistent with Policy INF3 of the adopted East Lothian Local Plan 2008, which stipulates that new housing will only be permitted where appropriate provision for infrastructure required as a consequence of the development is made.

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

He advises that Longniddry Primary School and Preston Lodge High School do not have sufficient capacity to accommodate children that could arise from the proposed development. Thus, he would object to the application on the grounds of lack of permanent capacity at those schools unless the applicant makes a financial contribution to the Council of £48,923.00 (£6,989.00 per unit) towards the provision of additional school accommodation at Longniddry Primary School and a contribution of £27,759.00 (£3,967.00 per unit) towards the provision of additional school accommodation at Preston Lodge High School. This is a total payment of £76,692.00 (being £10,956.00 per unit).

The required payment of a financial contribution of a total of £76,692.00 towards the provision of additional accommodation at Longniddry Primary School and Preston Lodge High School can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the payment of the required contribution towards educational accommodation the proposal is consistent with Policy INF3 of the adopted East Lothian Local Plan 2008, which stipulates that new housing will only be permitted where appropriate provision for infrastructure required as a consequence of the development is made. This will include funding necessary school capacity. The applicant has confirmed in writing that he is willing to enter into such an agreement.

The Council's Economic Development & Strategic Investment Manager advises that in accordance with the Council's Affordable Housing Policy, 25% of the proposed 7 residential units require to be affordable housing units. The affordable housing component of the proposed housing development is 2 units. The Economic Development & Strategic Investment Manager advises that in lieu of providing 2 affordable units on the site, a commuted sum payment of a total of £14,800.00 (being £7,400 per unit) would be acceptable. The terms for the provision of this commuted sum towards affordable housing could be the subject of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the payment of the required commuted sum contribution towards affordable housing the proposal is consistent with Policy H4 of the adopted East Lothian Local Plan 2008. The applicant has confirmed in writing that he is willing to enter into such an agreement.

Scottish Water has been consulted on the application however no response from them to the application has been received.

The grant of planning permission is subject to:

1. 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 £183.54 towards road improvements at Old Craighall junction.
2. The satisfactory conclusion of an appropriate undertaking or legal agreement to secure from the applicant a financial contribution of £13,476.75 towards station and associated rail improvements within the East Lothian area.

3. The satisfactory prior conclusion of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 designed to:

(i) secure from the applicant a financial contribution to the Council of £76,692.00 towards the provision of additional accommodation at Longniddry Primary School and Preston Lodge High School;

(ii) secure from the applicant a financial contribution to the Council of £14,800.00 as a commuted sum in lieu of providing two affordable housing units on the site; and

(iii) secure from the applicant a financial contribution to the Council of £2,197.02 for road improvements to Salters Road Interchange and Bankton Interchange, Musselburgh town centre improvements and Tranent town centre improvements.

It is further the decision of the Planning Authority 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 School and Preston Lodge High School, a lack of provision of affordable housing, and a lack of roads and transport infrastructure improvements contrary to, as applicable, Policies INF3 and H4 of the adopted East Lothian Local Plan 2008.

CONDITIONS:

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

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

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

Reason:

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

- 2 Prior to the flatted building hereby approved being brought into use the proposed vehicle access, turning and parking arrangements and the cycle storage facility shall be laid out as shown in docketed drawing no. PL(--)-04 D, including the provision of a 'grass-crete' surfaced turning head on the north side of the driveway, and thereafter the access, turning and parking areas, including the cycle storage facility shall be retained for such uses.

A visibility splay of 2.5 metres by 43 metres shall be provided and maintained on each side of the proposed vehicular access such that there shall be no obstruction within it above a height of 1.05 metres measured from the adjacent carriageway surface, in

accordance with the details of the visibility splay shown in docketed drawing no. PL(--)
04 D.

Any gates erected at the proposed vehicular access shall only open inwards onto the site.

The applicant or developer shall undertake or arrange for any amendments to street lighting apparatus required as a result of the alterations formation of the proposed vehicular access to the satisfaction of East Lothian Council in accordance with details to be submitted to and approved in writing by the Planning Authority, unless otherwise agreed in writing by the Planning Authority

Reason:

In the interests of road safety.

- 3 A Construction Method Statement designed to minimise the impact of construction activity and the movements of construction traffic shall be submitted to and approved by the Planning Authority prior to the commencement of development on the site. It shall include any recommended mitigation measures for the control of construction traffic, including hours of construction works, routing of vehicles and delivery time restrictions, which shall be implemented, as applicable, prior to the commencement of development and during the period of development works being carried out on the application site.

The Construction Method Statement shall take account of school opening and closing hours within school term times and shall avoid movement of construction and delivery traffic during those times. The Construction Method Statement shall include temporary measures to control surface water drainage during the construction works.

Reason:

To minimise the impact of construction traffic in the interests of pedestrian, cyclists and road safety in the area and in the interests of safeguarding the amenity of the area.

- 4 A schedule and samples of the materials to be used as external finishes of the flatted building, including the colour of the frames of the windows and external doors, hereby approved shall be submitted to and approved in writing by the Planning Authority prior to their use in the development and thereafter the materials used shall accord with the samples so approved.

Reason:

To ensure that the external finishes are appropriate in the interest of safeguarding the character and appearance of the area.

- 5 Details, including their construction materials and external finishes, of the proposed gate piers, flanking rendered walls and vehicular access gates of the re-positioned and widened vehicular access shall be submitted to and approved in advance in writing by the Planning Authority prior to the erection on the site, and thereafter the gate piers, flanking rendered walls and vehicular access gates of the re-positioned and widened vehicular access shall accord with the details so approved.

Reason:

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

- 6 Details, including colours, of the surface finishes for the hardstanding areas comprising the driveway, parking spaces, footpaths and vehicular turning area, shall be submitted to and approved in advance in writing by the Planning Authority and thereafter the surface finishes used for the hardstanding areas shall accord with the details so approved.

Reason:

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

- 7 Details of the construction of the frames of the windows and glazed external doors of the flatted building hereby approved, including the colour to be applied to their external surfaces, shall be submitted to and approved in writing in advance by the Planning Authority prior to their use in the development, and thereafter the construction materials of the frames of the windows and glazed external doors and the colour to be applied to their external surfaces shall accord with the details so approved.

Reason:

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

- 8 If any lighting is proposed for the driveway and parking area, details of such lighting, including its positioning on the site shall be submitted to and approved in writing in advance by the Planning Authority prior to the installation of such lighting on the site, and thereafter the form and positioning of such lighting shall accord with the details so approved.

Reason:

In the interests of safeguarding the character and appearance of the area and the amenity of neighbouring residential properties.

- 9 No use shall be made of the first floor balcony of 'Flat F' of the flatted building hereby approved to be formed towards the eastern end of the north (rear) elevation of the flatted building unless the east side of that first floor balcony is fully enclosed by a 1.5 metres high privacy screen the details of which shall be submitted to and approved in writing in advance by the Planning Authority prior to its installation in the development. Thereafter the privacy screen as approved shall be retained in place along the full length of the east side of that balcony unless otherwise agreed by the Planning Authority.

Reason:

To prevent harmful overlooking of the garden of the neighbouring residential property to the east in the interests of safeguarding the privacy and amenity of that property.

- 10 No use shall be made of the first floor balcony of 'Flat D' of the flatted building hereby approved to be formed towards the western end of the north (rear) elevation of the flatted building unless the west side of that first floor balcony is fully enclosed by a 1.5 metres high privacy screen the details of which shall be submitted to and approved in writing in advance by the Planning Authority prior to its installation in the development. Thereafter the privacy screen as approved shall be retained in place along the full length of the west side of that balcony unless otherwise agreed by the Planning Authority.

Reason:

To prevent harmful overlooking of the garden of the neighbouring residential property to the west in the interests of safeguarding the privacy and amenity of that property.

- 11 Other than the removal of a 3-4 metres length of it immediately to the west side of the altered vehicular access and the reduction in the width of a 11-12 metres length of it immediately to the west of the removed length of it to facilitate the re-positioning and widening of the vehicular access and the provision of the visibility splay, the existing hedging that encloses the south boundary of the site shall be retained in situ and maintained at a minimum height of 2.0 metres above ground level unless otherwise approved in writing by the Planning Authority.

In the event that the existing hedge dies, becomes seriously damaged or diseased, it shall be replaced in the next planting season with mature hedge plants of the same or similar species to establish a hedge of the same length and height as specified in this condition. Details of the replacement hedge plants shall be submitted to and approved in writing by the Planning Authority prior to their planting and thereafter any replacement hedge shall be maintained, and if necessary replaced, in accordance with the

requirements set out above in this condition.

Reason:

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

- 12 The existing hedging that encloses the east boundary of the site shall be retained in situ at a minimum height of 2.0 metres unless otherwise approved by the Planning Authority.

In the event that the existing hedge dies, becomes seriously damaged or diseased, it shall be replaced in the next planting season with mature hedge plants of the same or similar species to establish a hedge of the same length and height as specified in this condition. Details of the replacement hedge plants shall be submitted to and approved in writing by the Planning Authority prior to their planting and thereafter any replacement hedge shall be maintained, and if necessary replaced, in accordance with the requirements set out above in this condition.

Reason:

To safeguard the privacy and amenity of the neighbouring property of 38A Kings Road to the east and in the interests of safeguarding the character and appearance of the area.

- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended by the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011, or any subsequent Order amending, revoking or re-enacting the 1992 Order, no further windows or other glazed openings other than those shown on the docketed drawings shall be formed in the first floor or second floor level of the east (side) elevation walls of the flatted building hereby approved, unless otherwise approved by the Planning Authority.

Reason:

To safeguard the privacy and residential amenity of the neighbouring property to the east.

- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended by the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011, or any subsequent Order amending, revoking or re-enacting the 1992 Order, no further windows or other glazed openings, including roof windows, other than those shown on the docketed drawings shall be formed in the first floor or second floor level of the main west (side) elevation wall of the flatted building hereby approved or in the west elevation of the western most projection of its north (rear) elevation, unless otherwise approved by the Planning Authority.

Reason:

To safeguard the privacy and residential amenity of the neighbouring property to the west.

- 15 Other than for the eleven trees that are shown on docketed drawing no. PL(--)-01 D and on the docketed Tree Proposals and Protection drawing no. 17474 of the Tree Survey, Arboricultural Constraints and Implication Assessment report to be removed from the site, all other existing trees on the application site shall be retained and shall not be damaged or uprooted, felled, lopped or topped without the prior written consent of the Planning Authority.

Reason:

To ensure the retention of and health of trees or shrubs on the application site which are important to the landscape character and amenity of the area.

- 16 No development shall take place on the site until temporary protective fencing in accordance with Figure 2 of British Standard 5837: 2012 "Trees in relation to design, demolition and construction" and as detailed in section 4.7 of the Tree Survey, Arboricultural Constraints and Implication Assessment report docketed to this grant of planning permission has been installed and approved by the arboriculturist, and confirmed and approved in writing by the Planning Authority.

Notwithstanding the positions for such temporary protective fencing shown on the docketed Tree Proposals and Protection drawing no. 17474 of the Tree Survey, Arboricultural Constraints and Implication Assessment report, the temporary protective fencing shall be erected on the site to also include protection of trees 917 and 918, in accordance with revised details of its form and positioning to be submitted to and approved in writing in advance by the Planning Authority.

The temporary protective fencing shall be fixed to the ground to withstand accidental impact from machinery, shall be erected prior to site start and shall be retained on the site and intact through to completion of development. It shall be positioned outwith the Root Protection Area (RPA) as defined by BS5837: 2012 for all trees.

Once erected the temporary protective fencing shall be maintained and retained in place until works on the application site have been completed and all plant and machinery associated with those works have been removed from the site.

All weather notices shall be erected on the temporary protective fencing with words such as 'Construction exclusion zone - Keep out'.

Within the fenced off areas creating the Construction Exclusion Zones:

- the existing ground level shall neither be raised nor lowered, no materials, temporary buildings, plant, machinery or surface soil shall be placed or stored and no herbicides shall be used.
- any materials whose accidental spillage would cause damage to a tree should be stored and handled well away from the outer edge of its root protection area (RPA).
- fires on site should be avoided if possible. Where they are unavoidable, they should not be lit in a position where heat could affect foliage or branches. The potential size of a fire and the wind direction should be taken into account when determining its location and it should be attended at all times until safe enough to leave.

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 be submitted to and approved in advance in writing by 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.

Reason:

In order to ensure protection of the trees within and adjacent to the application site in the interests of safeguarding the landscape character of the area.

- 17 The three parking spaces (nos. 1, 2 and 3) on the south side of the site must be constructed with "Cellweb" in accordance with the method statement of section 4.8 of the Tree Survey, Arboricultural Constraints and Implications Assessment report docketed to this grant of planning permission, and thereafter the "Cellweb" construction of those three parking spaces (nos. 1, 2 and 3) shall be retained unless otherwise agreed in writing by the Planning Authority.

Reason:

In order to ensure protection of the trees within and adjacent to the application site in the interests of safeguarding the landscape character of the area.

- 18 All planting, seeding or turfing, including the transplanting of trees 904, 919 and 921, comprised on docketed drawing no. 17474 of the docketed Tree Survey, Arboricultural Constraints and Implications Assessment report shall be carried out in the first planting and seeding season (October to March) following the occupation of any part of the flatted building or the completion of the development hereby approved, whichever is the sooner. The eight new trees and the new lengths of hedging shall be planted in the positions shown for them on docketed drawing no. 17474 of the docketed Tree Survey, Arboricultural Constraints and Implications Assessment report, unless the Planning Authority gives written consent to any variation.

Any trees or plants of the new planting, which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar species an final size, unless the Planning Authority gives written consent to any variation.

Reason:

To ensure the implementation of landscaping in the interests of the character, appearance and amenity of the area.

- 19 The bicycle storage facility hereby approved shall be sited in the position shown for it on docketed drawing no. pl(--)-04 D and shall be positioned on the existing paving slabs of that part of the site with no excavation or below ground construction. The bicycle storage facility shall be erected on the site only once all works on the site that require the provision of the temporary protective fencing have been completed, unless otherwise approved in writing by the Planning Authority.

Reason:

In order to ensure protection of the trees within and adjacent to the application site in the interests of safeguarding the landscape character of the area.

Please note that the remainder of pages relating to this item have been removed as they contain personal information (for example - names and addresses of people that have made representation)