



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

**TUESDAY 26 MARCH 2019  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

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**Committee Members Present:**

Councillor N Hampshire (Convener)  
Councillor L Bruce  
Councillor J Findlay  
Councillor N Gilbert  
Councillor S Kempson  
Councillor C McGinn  
Councillor K McLeod  
Councillor J McMillan  
Councillor J Williamson

**Other Councillors Present:**

Councillor A Forrest  
Councillor K Mackie

**Council Officials Present:**

Mr D Proudfoot, Head of Development  
Mr J Lamond, Head of Council Resources  
Mr I McFarlane, Service Manager – Planning  
Ms S Smith, Acting Service Manager – Economic Development  
Mr K Dingwall, Team Manager – Planning Delivery  
Ms C Molloy, Project Manager  
Mr A Stewart, Project Manager  
Mr P Forsyth, Team Manager – Assets and Regulatory  
Mr K Graham, Solicitor  
Ms S McQueen, Planner  
Ms E Taylor, Planner  
Ms E Clelland, Planner  
Ms M Haddow, Transportation Planning Officer  
Ms P Bristow, Communications Adviser

**Clerk:**

Ms A Smith

**Visitors Present/Addressing the Committee:**

Items 3/4 – Mr R Holder, Ms S Laidlaw, Mr N Davidson  
Item 5 – Mr J MacCallum, Ms S Thomas  
Item 6 – Mr R Holder, Ms A Leslie

**Apologies:**

Councillor W Innes

Councillor F O'Donnell

**Declarations of Interest:**

Councillor McMillan declared an interest in application nos. 18/00485/PPM and 15/00337/PM in relation to his role as the Council's spokesperson on the Innovation Park Steering Committee. He would leave the Chamber for these items.

**Change of Order of Business**

Iain McFarlane, Service Manager – Planning, asked if application no. 18/00764/PM, 7 Tantallon Road, North Berwick could be taken first as Keith Dingwall, Team Manager – Planning Delivery, had a statement for the Committee's attention. This was agreed.

**1. PLANNING APPLICATION NO. 18/00764/PM: ERECTION OF CARE HOME BUILDING (CLASS 8), HOTEL BUILDING (CLASS 7), AND ASSOCIATED WORKS AT 7 TANTALLON ROAD, NORTH BERWICK**

Mr Dingwall informed Members that the planning application submitted by the applicant, Frontier Estates (Berwick) Limited certified that they, together with East Lothian Council, owned all of the land to which the application related. However, from the Committee site visit, it had become evident that this was not the case. The agent for the applicant had since confirmed that they did not yet own any of the land to which this application related. Rather they had an option to purchase the site. Thus, the land ownership certificate that accompanied the application was incorrect, and consequently the current owner of the application site had not been formally notified of this planning application. Section 35 of the Town and Country Planning (Scotland) Act 1997 stated that a planning authority should not entertain any application for planning permission unless any person, who at the beginning of the period of 21 days ending with the date of the application, was the owner of any of the land to which the application related had been notified of the application. Consequently, the Planning Committee at this time could not take a decision on this planning application. The applicant had acknowledged their mistake and would now ensure that all land owners were formally notified of this planning application. They would also submit a revised land ownership certificate confirming this. Once this had happened, the application would be re-registered. A report on this proposal would then be brought before the next available Planning Committee.

**Decision**

The Committee agreed to continue this application.

**2. MINUTES FOR APPROVAL – PLANNING COMMITTEE 5 FEBRUARY 2019**

The minutes of the meeting of the Planning Committee of 5 February 2019 were approved.

*Sederunt: Councillor McMillan left the Chamber.*

**3. PLANNING APPLICATION NO. 18/00485/PPM: PLANNING PERMISSION IN PRINCIPLE FOR PROPOSED MIXED USE DEVELOPMENT COMPRISING RESIDENTIAL DEVELOPMENT, EDUCATION, BUSINESS, INDUSTRY, STORAGE AND DISTRIBUTION, INNOVATION HUB (INCLUDING CLASS 2,3,4,5 AND 6), EMPLOYMENT USES, COMMUNITY FACILITIES, RESIDENTIAL NEIGHBOURHOOD CENTRE (INCLUDING CLASS 1,2,3 AND 10), PLAYING FIELDS, CHANGING FACILITIES, PUBLIC PARK(S) AND ASSOCIATED WORKS AT LAND AT OLD CRAIGHALL VILLAGE, MUSSELBURGH**

A report was submitted in relation to Planning Application No. 18/00485/PPM. Mr McFarlane presented the report, summarising the key points. The report recommendation was to grant consent. He informed Members of a couple of amendments to the report conditions. Condition 1(s) (page 34) the words *at least* should be replaced with *around*. At the request of Road Services and Education Services Condition 3 (page 35) should now read (from *The details to be submitted sentence...*)

The details to be submitted shall also include construction phasing plans which set out details of:

- i) the phasing of completion, prior to the opening of the new primary school, to adoptable standard including final surfacing and operational street lighting, of all access roads, footpaths and cycleways that connect each development phase to the new primary school;
- ii) the phasing of completion and submission for Council adoption, prior to the opening of the new primary school, of pedestrian/cycle and vehicle accesses and access roads directly to and for that school.

The development of the site shall thereafter be carried out in accordance with the phasing plan so approved, unless otherwise approved in writing in advance by the Planning Authority.

Mr McFarlane responded to questions. Regarding access during the construction phase, particularly whether such traffic would avoid Old Craighall Village, he outlined the details of the first phase, advising there would be two road access points from Monktonhall Road and a Segregated Active Travel Corridor. There would also be an amended junction at QMU. Peter Forsyth, Team Manager – Assets and Regulatory, Road Services, clarified issues then raised regarding this exit slipway/junction. In relation to town centre improvements in Tranent, Mr McFarlane explained this came from translating the Developer Contributions Framework into specific purposes. He responded to questions about Musselburgh station and Network Rail's intentions. Regarding increasing parking capacity at this station Mr Forsyth said that at this stage there was no specific timeline, ongoing work as regards progress of development would be the determining factor. In relation to noise mitigation measures as regards the A1 Mr McFarlane said that the noise assessment submitted by the applicant had been considered by Environmental Protection and they were content with the assessment subject to mitigation measures as set out in the recommended conditions. The measures recommended were satisfactory and met World Health Organisation standards.

Robin Holder of Holder Planning, agent for the applicant, informed Members that this application site had been allocated by Proposal MH1 of the adopted East Lothian Local Development Plan 2018 (ELLDP). He outlined the principal points of the proposal, highlighting the different elements of this mixed use development and the range of opportunities that would be provided. He advised that land had been safeguarded as part of this proposal for future improvements to Musselburgh station. This major development would be very positive for Musselburgh and East Lothian. He informed the Committee that work would commence before the end of 2019 and it would be a 15-year build programme.

Mr Holder, along with Susan Laidlaw of Persimmon Homes Ltd., and Neil Davidson, Project Manager, answered questions from Members. In relation to whether there would be information events for the local community as the project progressed Ms Laidlaw said there were no such proposals at present but this would be considered. Mr Davidson responded to queries about factoring arrangements, advising that a tender was carried out for every project. He gave further details about the factoring process and clarified that the first phase would probably have a single factor. In relation to questions about lighting, specifically reducing the amount of darker areas in the estate, he stated that street lighting provided throughout the development would be pre-set to the Council's requirements. Safe routes to school and adopted footpaths would be well lit; there would be a lot of lighting throughout the development. The darker areas would mainly be the parking courts, which, if not adopted, would be lit with bollards. Regarding whether other house builders would be involved, Ms Laidlaw said that at present there was no clear intention to bring anyone else on to this site.

Local Member Councillor Williamson referred to the immense change to this area in particular for residents of Old Craighall, who would be the most affected. He hoped that

those residents would see some benefits from the re-routing of the B6415, improvements to bus services and upgrading of footpaths. He had concerns about how this major site would relate to the rest of Musselburgh. There were issues with opening up access to Whitehill Farm Road, which had a narrow bridge and restricted traffic movement.

Local Member Councillor Mackie, not a member of the Planning Committee, agreed with comments expressed by her ward colleague. She also had concerns about the new development joining up to Musselburgh and not being an isolated community. She welcomed the creation of the Innovation Hub. She also welcomed the new exit to the A1.

Local Member Councillor Forrest, also not a member of the Planning Committee, welcomed this application. The large employment land area was very welcome; the location, close to the A1 and to rail links, should provide excellent employment opportunities. He hoped that Persimmon Homes would work with the local community to ensure a good relationship between the new development and the existing Musselburgh community.

The Convener also welcomed this development coming forward to Committee. He referred to the long ELLDP process and the huge amount of work carried out by a small team of professional officers. This application would provide significant numbers of houses and significant employment opportunities. There would be huge community benefits. The planned road network along with pedestrian and cycle paths would all help bring the existing and new areas together. He supported the recommendation to grant planning permission.

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

For: 8  
Against: 0  
Abstentions: 0

### **Decision**

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

1. A direction to substitute the period of 3 years referred to in Section 59(2)(a)(i) and (3) of the Town and Country Planning (Scotland) Act 1997 (as amended) with a period of 15 years.
2. The undernoted conditions.
3. The satisfactory conclusion of an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997, or some other legal agreement designed to secure from the applicant:
  - (i) A financial contribution to the Council of £942,988 in respect of the 1500 residential development and of £384.55 for Area 4 and £188.61 for Area 3 employment development, each per 100 square metres of employment related development, for the provision of transport infrastructure interventions as detailed in the adopted East Lothian Local Development Plan 2018;
  - (ii) Either provision in kind of three community sports pitches and a six changing room facility, to be transferred to the Council at no cost or a financial contribution to the Council of £1,515,000 for provision of the same facilities;
  - (iii) The transfer at no cost of the land required for the new school site as shown in the applicant's masterplan, with the site formed to meet masterplan boundary perimeter levels and servicing requirements;

(iv) A financial contribution to the Council of £13,201,500 towards the provision of the new Craighall Primary School, and £6,423,000 and £628,500 towards the provision of secondary education capacity and land in Musselburgh;

(v) A financial contribution to the Council of £18,742.50 towards allotment provision.

(vi) A financial contribution to the Council of £23,590 towards the upgrading of the B6415 roundabout; and

(vii) The provision of 375 affordable housing units within the application site or if it can be demonstrated to the Council that this, or the off-site provision of 375 affordable housing units is not practicable, to secure from the applicants a commuted sum payment to the Council in lieu of such an on or off-site provision;

4. 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 an insufficient provision of transport infrastructure, community sports pitches and related changing facilities, a lack of sufficient nursery, primary and secondary school capacity, and the lack of provision of affordable housing contrary to Policies DEL1 and HOU3 of the adopted East Lothian Local Development Plan 2018.

1 The submission for approval of matters specified in conditions of this grant of planning permission in principle shall include details of the siting, design and external appearance of all the dwellings and other buildings, the means of access to them, the means of any enclosure of the boundaries of the site and of gardens and other subdivisions of the site and the landscaping of the site and those details shall generally accord with the indicative Craighall Masterplan drawing dated 1 March 2019 and docketed to this planning permission in principle, other than as required by Scottish Government Policy Designing Streets and the Council's Design Standards for New Housing Areas, and as subject to the following conditions and shall address the following requirements:

- a) Other than as proposed in the Design and Access Statement docketed to this planning permission in principle, or unless otherwise justified as an exceptional design feature, buildings on the site shall be no higher than two storeys;
- b) Other than in exceptional circumstances where the layout or particular building type does not permit, houses and flats shall be orientated to face the street;
- c) Where a building is located on a corner of more than one street, it shall have enhanced gable(s) to ensure it has an active elevation to each street it faces;
- d) Notwithstanding that shown in the Indicative Master Plan docketed to this planning permission in principle there shall be no integral garages, unless they can be justified as an exceptional design feature, or where the housing unit would not be on the primary frontage of a street;
- e) The detailed design of the layout shall accord with the principles set out in the Council's Design Standards for New Housing Areas and with Scottish Government Policy Designing Streets;
- f) The external finishes of the residential, community and employment units and all hard surfaces shall be in accordance with a coordinated scheme of materials and colours that shall respect the layout of the development and shall promote stone, reconstituted stone or render as the predominant finish to the walls of the residential units. This shall include for a variety of render colours where render is to be used;
- g) The front, rear and side boundary treatments of each residential, community and employment unit shall be in accordance with a detailed boundary treatment scheme which shall provide for wall, hedge or railing boundary treatments where those boundaries face public spaces and for other appropriate boundary treatments between individual properties where not facing public spaces;
- h) There shall be a separation distance of at least 9 metres between facing windows of a proposed new building and the garden boundaries of existing or proposed neighbouring residential properties; and a separation distance of at least 18 metres between directly facing windows of a proposed new building and the windows of existing or proposed neighbouring residential properties;
- i) Unless otherwise agreed in writing with the Planning Authority, parking for the residential, local centre, primary school and sports pitch facilities components of the development hereby approved shall be provided at a rate as set out in the East Lothian Council's "Standards for Development Roads- Part 5 Parking Standards". This shall include for cycle parking;

- j) Parking spaces in the local centre and other private parking areas shall be a minimum of 2.5 metres by 5 metres and spaces on the public road shall be a minimum of 2.5 metres by 6 metres. All visitor parking spaces within these areas shall be clearly marked for visitors with the remaining private parking spaces allocated to individual dwellings;
- k) Access to private parking areas other than driveways shall be via a reinforced footway crossing and have a minimum width of 5.5 metres over the first ten metres. All courtyard parking areas, other than those with bin stores accessible from the roadside shall be accessible to Refuse Collection Vehicles, constructed to adoptable standard and with a T-shaped turning area of 23.5 metres length if that is where bin presentation points are located;
- l) Private driveways shall be a minimum of 6 metres by 2.5 metres, double driveways shall be 5 metres by 6 metres or 3 metres by 11 metres.;
- m) The use of stone chippings for private driveways is not approved. Driveways shall be hard surfaced with permeable pavements or a surface to be agreed in writing with the Planning Authority for at least the first 6 metres of their length from the public roadway or footpath;
- n) All access roads within the development, other than as required by the above conditions, shall conform to East Lothian Council's "Standards for Development Roads" in relation to roads layout and construction, footways and footpaths, parking layout and number, street lighting and traffic calming measures. This shall also comply with ELC Design Standards for New Housing Areas and a detailed plan of street trees and street lighting to reduce forward visibility and traffic speeds within the development;
- o) Road surfaces shall be blocks (permeable or non-permeable) on straight sections of road and corners shall be constructed with asphalt finish with coloured chip or with thermoplastic screed (i.e. 'Imprint' or similar);
- p) The primary path network shall be lit (street lighting) and of a standard to allow shared use with cyclists (3.0 metres wide).
- q) A Green Travel Plan to minimise private car trips and to encourage use of alternative modes of transport such as trains, buses, cycling and walking shall be submitted to and approved by the Planning Authority prior to the housing being occupied and /or the business units coming into operation;
- r) Cycle parking for flatted residential properties shall be included at a rate of 1 space per flat. The parking shall be in the form of 1 locker per flat or communal provisions in the form of a lockable room or shed;
- s) Provision within Area 3 (Millerhill Rail Freight Loop) of the application site, as denoted in the Council's approved Development Brief, of around 20 hectares of employment land for Class 4, 5 and 6 uses of the Town and Country Planning (Use Classes) (Scotland) Order 1997;
- t) Electric vehicle charging points shall be provided at proposed community facilities such as schools, recreation and retail/employment areas and for flatted developments and groups of housing units with no private driveway. Details to be agreed with the Roads Authority.
- u) Charging points for electric buses shall be provided subject to bus routes, bus types in service and as assessment of demand carried out in consultation with the Roads Authority;
- v) Provision of recycling facilities within the development. Details to be agreed with the Council's Waste Services;

Development shall not commence on each area of the site (1-5) as denoted in the Council's approved Development Brief, unless and until all of the details specified above have been submitted to and approved in writing by the Planning Authority for that area of the site, and development shall thereafter be carried out in accordance with the details so approved.

Reason:

To enable the Planning Authority to control the development in the interests of the amenity of the development and of the wider environment and in the interests of road and rail safety.

- 2 Notwithstanding compliance with condition 1 of this grant of planning permission in principle, the detailed design of the development of the innovation park denoted as Area 4 of the Council's approved Development Brief shall include for:

- a) The safeguard of land around Musselburgh Rail Station as shown on the Plan on Page 10 of the Design and Access Statement docketed to this planning permission in principle;
- b) A detailed route for the Segregated Active Travel Corridor, to be agreed in writing with the Planning Authority and Roads Authority, taking account of assessment of the links which can be implemented to new development at Newcraighall;
- c) Safeguarding of land to allow for a potential Tram link via the disused Newcraighall railway embankment;
- d) Details of bus gate provision to control through traffic from Newcraighall to this area, to a specification and timings for implementation to be agreed with the Roads Authority;
- e) Landscaping and planting design taking account of the detailed landscape design of the southeastern and northeastern boundaries of adjacent development at Newcraighall, Edinburgh the subject of planning applications 10/03506/PPP, 15/04112/AMC and any variations thereof.

Reason:

To ensure the provision of an adequate land safeguard in compliance with Proposals T3, T9 and T11 of the adopted East Lothian Local Development Plan 2018, the provisions of the Council's approved Development Briefs Supplementary Planning Guidance and in the interests of the visual amenity of the area.

- 3 The details to be submitted pursuant to condition 1 shall include delivery schedules and phasing plans that establish the phasing and timing programme for the proposed development. It shall include the phasing and timing for the provision of education capacity, employment land, the local centre, the transportation works, the Segregated Active Travel Corridor, footpaths and cycleways and Safer Routes to School to ensure occupants of each part of the development can access the path network, external transport works such as offsite path links, the junctions of the site with the B6415 road, the provision of the junction alterations to the A1(T) trunk road. This shall also apply to the provision of drainage infrastructure, recreational facilities, landscaping and open space. The details to be submitted shall also include construction phasing plans which set out details of:
- i) the phasing of completion, prior to the opening of the new primary school, to adoptable standard including final surfacing and operational street lighting, of all access roads, footpaths and cycleways that connect each development phase to the new primary school;
  - ii) the phasing of completion and submission for Council adoption, prior to the opening of the new primary school, of pedestrian/cycle and vehicle accesses and access roads directly to and for that school.

The development of the site shall thereafter be carried out in accordance with the phasing plan so approved, unless otherwise approved in writing in advance by the Planning Authority.

Reason:

To enable the Planning Authority to control the development of the site in the interests of the good planning of the site.

- 4 Development of each area of the site, denoted as Areas 1-5 in the Council's approved Development Brief, or of any phase of development as approved in terms of Condition 3 above, shall not commence unless and until a Programme of Works (evaluation by archaeological trial trench) has been undertaken and reported upon in accordance with a written scheme of investigation which has been submitted by the applicant (or their agent) and approved by the planning authority.

The Programme of Works shall include for investigation of the historic mining tramways that are extant upon the site to establish their extent and appraise options for their retention and incorporation into the landscaping and connectivity of the site, in agreement with the Planning Authority.

Reason:

In the interests of the cultural heritage of the area.

- 5 Before any development commences on site, all flood risk assessment (FRA) documents submitted shall be consolidated to include all information provided throughout the consultation, for the approval of the planning authority in consultation with the Scottish Environment Protection Agency and thereafter all phases of development shall be carried out in accordance with the consolidated flood risk assessment, unless otherwise agreed in writing by the Planning Authority in consultation with the Scottish Environment Protection Agency.

Reason:

To ensure that all agreed information shall be carried forward within the approved FRA and that site construction shall be carried out in accordance with the conclusions of the FRA about parts of the site at flood risk, which includes the preservation of flood plain and flow pathways in perpetuity.

- 6 Prior to the commencement of development of each area of the site (1-5) as denoted in the Council's approved Development Brief, a detailed site layout for that area shall be submitted to and agreed in writing by the Planning Authority in consultation with the Scottish Environment Protection Agency. The details shall:
- a) clearly demonstrate that no development or landraising is proposed within the agreed functional floodplain extents as determined in the approved indicative masterplan dated 1 March 2019 and docketed to this planning permission in principle.
  - b) include details of SUDS provision and any required flood risk attenuation measures;
  - c) provide that finished floor levels for properties shall be set a minimum of 600mm above the predicted flood level; and

d) provide that the Sustainable Drainage Scheme not be sited within 10 metres of the railway boundary and should be designed with long term maintenance plans which meet the needs of the development.

Thereafter the development of each area so approved shall be carried out only in full accordance with such approved details.

Reason:

In the interests of flood risk management, management of the water environment and to protect the stability of the adjacent railway and the safety of the rail network.

- 7 Prior to the commencement of development within the areas denoted as Area 3 in the Council's approved Development Briefs, a Sustainable Energy and Heat Report update shall be provided. The report update shall review the feasibility of options for a district heat network for the Craighall/Millerhill area and if feasible shall set out an options appraisal, including viability considerations.

Reason:

In the interests of sustainable development and and compliance with Policy SEH1 of the adopted East Lothian Local Development Plan 2018.

- 8 All new buildings shall include Low and Zero Carbon Generating Technologies (LZCGT) to meet the energy requirements of Scottish Building Standards, Compliance with this requirement shall be demonstrated through obtaining an 'active' sustainability label through Building Standards and submission of calculations indicating the SAP Dwelling Emissions Rate (DER) or SBEM Buildings Emissions Rate (BER) with and without the use of the LZCGT. LZCGT shall reduce the DER/BER by at least 10%, rising to at least 15% for applications validated on or after 1 April 2019. For larger developments, encouragement is given to site-wide LZCGT rather than individual solutions on each separate building.

Reason:

In the interests of sustainable development and compliance with Policy SEH2 of the adopted East Lothian Local Development Plan 2018.

- 9 A Construction Method Statement (CMS) or Construction Environmental Management Plan (CEMP) shall be submitted for approval prior to the commencement of development on each area of the site (1-5) as denoted in the Council's approved Development Brief. The CMS or CEMP shall outline measures to be taken to minimise impacts upon existing and proposed sensitive receptors due to noise and dust. Unless otherwise approved in writing by the Planning Authority these shall include compliance with:

a) "Best Practice Guidance" as recommended BS5228-1: 2009 + A1:2014 "Code of practice for noise and vibration control on construction and open sites - Part 1:Noise".

b) "Best Practice Guidance" as recommended BS5228-2: 2009 + A1:2014 "Code of practice for noise and vibration control on construction and open sites - Part2: Vibration"

c) Planning Advice Note (PAN) 50 "Controlling the environmental effects of surface mineral workings: Annex B - The control of dust at surface mineral workings"

d) The Construction Method Statement or Construction Environmental Management Plan shall recommend mitigation measures to control noise, dust, construction traffic (including routes to/from site) and shall include hours of construction work and routing of traffic. It shall also provide details of utility/service drainage connections.

Notwithstanding the above, applications for approval of matters specified in conditions or for planning permission which are submitted shall include Construction Method Statement or Construction Environmental Management Plan addendums which make recommendations in respect of how pedestrians and school children can safely access Stoneyhill Primary School and/or Craighall Primary School as during construction works on the area of the site in which they reside.

The recommendations of the Construction Method Statement shall be implemented prior to the commencement of development.

Reason:

In the interests of the amenity of existing and future residents of the area and in the interests of road safety.

- 10 Applications for approval of matters specified in conditions or for planning permission for each area of the site (1-5) as denoted in the Council's approved Development Brief shall include:



- a) a report of findings arising from the intrusive site investigations, including the results of any additional gas monitoring undertaken;
- b) a layout plan which identifies appropriate zones of influence for the recorded mine entries on site, and the definition of suitable 'no-build' zones;
- c) a scheme of treatment for the recorded mine entries;
- d) a scheme of remedial works for the shallow coal workings;
- e) timescales for the implementation of those remedial works;
- f) A Remediation Strategy detailing and quantifying any works which must be undertaken in order to reduce any contamination risks to acceptable levels;
- g) A noise assessment, including of railway noise, with details of mitigation measures demonstrating compliance with the upper guideline value for daytime garden noise levels (55dBLAeq,T) specified in paragraph 7.7.3.2 of BS8233:2014 "Guidance on sound insulation and noise reduction in buildings" and details of any required upgraded specifications for glazing and ventilation to protect internal amenity and ensure compliance with daytime and night-time internal noise levels specified in Table 4 of BS8233:2014 "Guidance on sound insulation and noise reduction in buildings."

Reason:

In the interests of the safety and amenity of future residents and occupiers of the development.

- 11 Prior to any approved building being occupied, a Validation Report shall have been submitted to the Planning Authority confirming that the remedial works have been carried out on that part of the site in accordance with the Remediation Strategy; and the presence of any previously unsuspected or unforeseen contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority to determine if any additional remedial measures are required.

Reason:

In the interests of the safety and amenity of future residents and occupiers of the development.

- 12 The Rating Level, LA<sub>r</sub>Tr, of noise associated with the operation of existing or proposed commercial operations (when measured 3.5m from the façade of any proposed residential property) shall be no more than 5dB (A) above the background noise level, LA<sub>90</sub>T. All measurements to be made in accordance with BS 4142: 2014 "Methods for rating and assessing industrial and commercial sound." Noise from plant and equipment associated with existing and proposed commercial sources shall not exceed Noise Rating curve NR25 at any octave band frequency within any existing or proposed residential property. All measurements to be made with windows open at least 50mm.

Reason:

In the interests of the amenity of future residents of the development.

- 13 The number of residential units hereby permitted within the development shall not exceed 1500.

Reason:

To ensure that the scale of development does not exceed that assessed by the supporting Transport Assessment, and to ensure that the scale and operation of the proposed development does not adversely affect the safe and efficient operation of the trunk road network and to ensure adequate provision of education capacity.

- 14 Unless otherwise approved in writing by the Planning Authority:

a) Housing completions in any one year (with a year being defined as being from 1st April to 31st March the following year) shall not exceed the following completion rates:

Year 2019/20	30 residential units
Year 2020/21	60 residential units
Year 2021/22	100 residential units
Year 2022/23 to 2024/25	120 residential units per annum
Year 2025/26 to 2033/34	100 residential units per annum
Year 2034/35	50 residential units

b) If fewer than the specified number of residential units is completed in any one year then those shall be completed instead at Year 2036 or beyond and not added to the subsequent Year.

Reason:

To ensure that the completion rate of residential development within the application site accords with the provision of education capacity.

- 15 Where not already provided the developer shall provide a suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary and provision for the fence's future maintenance and renewal should be made. Details of the proposed fencing shall be submitted to the Planning Authority for approval before development is commenced and the development shall be carried out only in full accordance with such approved details.

Reason:

In the interests of public safety and the protection of Network Rail infrastructure.

- 16 Prior to the commencement of development on any area of the site (1-5) as denoted in the Council's approved Development Brief or of any phase of development as approved in terms of Condition 3 above, a long term landscape and habitat management plan shall be submitted to and approved in writing by the Planning Authority. This shall show the landscape and planting structure for the whole of the site and must demonstrate:
- a) how structured landscaping, woodland and tree planting (including specimen trees), SUDS and water features and walking and cycling routes (including safe routes to school) will be carried out throughout the development and how these will link with routes and green infrastructure around the edges of the site
  - b) an appropriate design for any landscaped and planted areas beneath overhead power lines
  - c) how the landscape structure would be implemented, maintained and managed during and after the development of the site, including details of what is expected to be adopted by the Council, what would be factored and how this will be implemented
  - d) The plan shall include a timetable for the implementation of the proposed works. Development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of the visual amenity of the area and its surroundings and to ensure compliance with the Council's approved Development Brief.

- 17 Prior to the commencement of development on each area of the site (1-5) as denoted in the Council's approved Development Brief or of any phase of development as approved in terms of Condition 3 above, a detailed landscape plan for that area shall be submitted for the approval of the Planning Authority. The detailed landscape plans shall include for the provisions of the landscape and planting structure to be approved in terms of condition 15 above and shall include that:
- a) The detailed landscape plan 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. It shall also include details of all planting and landscaping along the boundary of the site with the A1(T) trunk road and with the freight rail loop. Details shall include timescales for implementation;
  - b) Where trees/shrubs are to be planted adjacent to the railway boundary these shall be positioned at a minimum distance from the boundary which is greater than their predicted mature height. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary;
  - c) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in full accordance with such approved details in the first planting and seeding season following the occupation of buildings in that part of the development (unless otherwise approved in writing by the Planning Authority), and any trees or plants which within a period of ten years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

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, to ensure compliance with the Council's approved Development Brief and to control the impact of leaf fall on the operational railway.

- 18 The open space to be provided in the development shall generally accord with the indicative Craighall Masterplan drawing docketed to this planning permission in principle.

Prior to the commencement of development on each area of the site (1-5) as denoted in the Council's approved Development Brief or of any phase of development as approved in terms of Condition 3

above, details of and a timetable for the provision of the open space, play equipment and sports pitches, as required within that area, and of how the areas of open space, equipped areas and sports pitches within it are to be maintained, shall be submitted to and approved in advance by the Planning Authority. These shall include details of equipped and informal play areas to a specification to be agreed with the Planning Authority.

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

Reason:

To ensure the timely provision of an appropriate amount of open space, play provision and sports provision and to ensure the satisfactory maintenance of open space, equipped play areas and sports pitches in the interests of the amenity of the area.

- 19 Prior to the commencement of development on each area of the site (1-5) as denoted in the Council's approved Development Brief or of any phase of development as approved in terms of Condition 3 above, a strategy for the new speed limits and alternative travel modes within that part of the development and on the existing road network as affected shall be submitted to and approved by the Planning Authority. The strategy shall assess how these will be developed, including road safety audits and associated infrastructure (i.e. street lighting, signage etc). The strategy shall include full detailed designs for all the works on the existing public road including full road safety audits and quality audits. This shall extend into the site to offer paths and cycling facilities within the site to ensure walking and cycling are the first modes to be considered for local trips. The strategy shall also detail controlled crossings that are necessary as well as bus stops and shelters. The strategy shall also include a timetable for implementation of any new speed limits as well as when controlled crossings and bus stops and shelters should be provided. Development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road safety.

- 20 Prior to the commencement of development on each area of the site (1-5) as denoted in the Council's approved Development Brief or of any phase of development as approved in terms of Condition 3 above, a vehicle tracking/swept path analysis for all internal roads and changes to external roads shall be submitted to and approved by the Planning Authority. The vehicle tracking/swept path analysis shall include the large design rigid (in accordance with the FTA associations Designing for Deliveries) over all the roads within the proposal site and large HGV (arctic etc) as well as large buses on main distributor roads and employment areas (including local centre). It shall also include all vehicles types including buses for the external routes/works. Development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road safety.

- 21 Prior to the commencement of development, a general, overarching travel plan framework for the whole development (including school and future business/economic uses travel) shall be submitted to and approved by the Planning Authority. The framework shall include tools and mechanisms for each part of the development to use. It shall include measures to be put in place to encourage Public Transport penetration into the new settlement. It shall also include a timetable for implementation. Development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road safety.

- 22 Prior to the commencement of development on each area of the site (1-5) as denoted in the Council's approved Development Brief or of any phase of development as approved in terms of Condition 3 above, details of accommodation of bus access in respect of that area shall be provided, the details of which shall accord with the applicant's submitted indicative proposals, which is accepted as a basis of road design and location of bus stop. The details so submitted shall demonstrate how all households will have access to, and be within 400 metres of, a bus stop/route.

Reason:

In the interests of transport accessibility.

- 23 Prior to the commencement of development on each area of the site (1-5) as denoted in the Council's approved Development Brief or of any phase of development as approved in terms of Condition 3 above, a strategy to establish how traffic regulation orders and parking restrictions will be needed, particularly in the local centre around schools, public buildings and shops as well as other areas

throughout the site shall be submitted to and approved by the Planning Authority. Development should thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road safety.

24 Development of the application site shall be carried out in accordance with the following requirements:

a) Details of the implementation and design of infrastructure works onto the B6415, including realignment at Old Craighall village, junctions, road widening and delivery timescales shall be submitted to and approved by the Planning Authority. The submitted detail shall include full road safety audits and quality audits.

b) No development shall commence in the parts of the site denoted as Area 3 and 4 in the Council's approved Development Briefs Supplementary Planning Guidance prior to the completion of the proposed alterations to the junction of the A1 as indicatively shown on the drawings docketed to this planning permission in principle, to the satisfaction of the Planning Authority.

c) Prior to the commencement of development a detailed condition survey of the construction access route shall be jointly undertaken by the developer and East Lothian Council Roads Services. During the period of construction of the development a similar joint inspection shall be carried out to assess the condition of the route on each anniversary of the commencement of development. Any damage identified as a result of construction activities shall be repaired or resurfaced by the developer in compliance with the Council's specifications and requirements at no cost to the Council as Roads Authority.

d) Wheel washing facilities must be provided and maintained in working order during the period of construction of the site. All vehicles must use the wheel washing facilities to prevent deleterious materials being carried onto the public road on vehicle tyres;

Reason:

In the interests of road safety and transport accessibility.

#### **4. PLANNING APPLICATION NO. 15/00337/PM: ERECTION OF 370 HOUSES, 103 FLATS AND ASSOCIATED WORKS AT LAND AT CRAIGHALL, MUSSELBURGH**

A report was submitted in relation to Planning Application No. 15/00337/PM. Mr McFarlane presented the report, summarising the key points. The report recommendation was to grant consent.

Mr McFarlane responded to questions. Regarding the new Craighall Primary School he advised that work was ongoing in respect of the Section 75 Agreement for the transfer of land to allow for that site; work should commence in 2021, with completion in 2023 at the latest. In relation to queries about catchment anomalies, he advised that the Education Service had reviewed catchment areas. He clarified that pupils who wished to remain at their existing schools could do so but all new pupils from the new houses would go to the new primary school. There would be a temporary 'hosting' arrangement at Stoneyhill Primary School in respect of phasing of housing completions.

Mr Holder, agent for the applicant, indicated that he did not intend to make a presentation but he, along with his colleagues, would be happy to answer any questions. In response to whether 12 one bedroom flats were an adequate number Ms Laidlaw referred to market research carried out, advising that there would be a range of units within the wider site, including two bedroom flats and two bedroom terrace houses, all aimed at first time buyers. Mr Davidson clarified, in relation to any finds from the Battle of Pinkie site that a data structure report would be provided to the Council's Archaeologist. Regarding factoring arrangements, he confirmed that one factor would take over the site in phases as completion occurred. In response to a query about boundary treatments to address the significant noise from the A1, Mr Davidson stated that the buildings would have good acoustic design; there would be a variety of solutions to address this matter, which would be submitted to the Council. He clarified that nothing was proposed on the A1.

Mr McFarlane responded to further questions. Regarding green spaces/recreational areas, he said that the design and layout proposals submitted by the applicant met the requirement for open spaces within the ELLDP and met the standards in the Council's Open Space Strategy. Responding to more queries, he reiterated that the Section 75 Agreement, which covered both applications was currently being finalised. Work was ongoing regarding timings of developer contributions to ensure delivery of the new primary school when required. He clarified that any Section 75 Agreement would apply to any subsequent purchaser.

Local Member Councillor Williamson stated this was another major development for Musselburgh. There would be traffic issues for the town. He hoped that something would be done in relation to Monktonhall Terrace, the traffic situation was very difficult now and concerns had been expressed about the impact of the new developments. The new traffic lights at the Old Craighall roundabout should help. Bus services also needed looked at; hopefully this new development would encourage an increase in bus routes/services.

Councillor Findlay, referring to the noise issue, noted that the houses next to the A1 were primarily affordable housing. He asked that the Planning Service keep a careful watch on the noise issue. Responding, Mr McFarlane referred to discussions at the site visit. There were two areas of affordable housing, one close to the embankment alongside market housing and one further away alongside other market housing and that, where required, acoustic measures as outlined in the report would be followed through.

Councillor McGinn referred to his earlier comments about factoring arrangements. The Council had to ensure that developers put in place good factoring arrangements; he referred to issues with factors in other developments. He appreciated, in terms of planning considerations that this was not an issue but it was something he wished to highlight.

The Convener welcomed this application. The proposed layout was good but he did have some concerns about noise as mentioned earlier. He appreciated that Environmental Health said that appropriate measures were in place but he still had concerns. Physical barriers had been erected in some other areas in Scotland and this may need looked at. He would be supporting the recommendation to grant planning permission.

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

For: 8

Against: 0

Abstentions: 0

### **Decision**

The Committee agreed to grant planning permission subject to:

2. The undernoted conditions.

3. The satisfactory conclusion of an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997, or some other legal agreement designed to secure from the applicant:

(i) A financial contribution to the Council for 473 units of the 1500 residential unit development of the MH1 site contribution pro-rata to the contribution of £942,988 in respect of the provision of transport infrastructure interventions as detailed in the adopted East Lothian Local Development Plan 2018;

(ii) Either provision in kind of three community sports pitches and a six changing room facility, to be transferred to the Council at no cost or a financial contribution to the Council for

473 units of the 1500 residential unit development of the MH1 site contribution pro-rata to that contribution of £1,515,000 for provision of the same facilities;

(iii) A financial contribution to the Council for 473 units of the 1500 residential unit development of the MH1 site contribution pro-rata to the contributions of £13,201,500 towards the provision of the new Craighall Primary School, and £6,423,000 and £628,500 towards the provision of secondary education capacity and land in Musselburgh;

(iv) A financial contribution for 473 units of the 1500 residential unit development of the MH1 site contribution pro-rata to the £18,742.50 required for allotment provision.

(iv) A financial contribution to the Council for 473 units of the 1500 residential unit development of the MH1 site contribution pro-rata to the £23,590 towards the upgrading of the B6415 roundabout; and

(iv) The provision of 118 affordable housing units within the application site.

4. 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 an insufficient provision of transport infrastructure, community sports pitches and related changing facilities, a lack of sufficient nursery, primary and secondary school capacity, and the lack of provision of affordable housing contrary to Policies DEL1 and HOU3 of the adopted East Lothian Local Development Plan 2018.

- 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 final site setting-out drawings to a scale of not less than 1:200, giving:
  - a) the position within the application site of all elements of the proposed development and position of adjoining land and buildings;
  - b) finished ground and floor levels of the development relative to existing ground levels of the site and adjoining land and building(s). The levels shall be shown in relation to an Ordnance Bench Mark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing;
  - c) the ridge heights of the proposed houses and flatted buildings; shown in relation to the finished ground and floor levels on the site; and
  - d) open spaces adjacent to the opened culvert, including levels between these and the slope of the sides of the culvert.

Reason:

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

- 2 No development shall take place on the proposed site until the applicant has undertaken and reported upon a programme of archaeological work (evaluation) in accordance with a written scheme of investigation which has been submitted by the applicant (or their agent) and approved by the planning authority.

Reason:

In the interests of the cultural heritage of the area.

- 3 Unless otherwise approved in writing by the Planning Authority, no development shall take place on site unless and until a further scheme of intrusive investigation in respect of mine entries has been submitted to and approved by the Coal Authority. Any design changes required to the scheme of development shall have been approved in advance of development of that part of the site.

Reason:

In the interests of the safety of the development and its occupants.

- 4 No development shall take place on site unless and until:
- a) a comprehensive contaminated land investigation has been carried out and a report submitted to and approved by the Planning Authority. The report shall include a site-specific risk assessment of all relevant pollutant linkages;
  - b) Where the risk assessment identifies any unacceptable risk or risks, a detailed remediation strategy shall be submitted to the Planning Authority for approval. Prior to receipt of approval of the remediation strategy by the Planning Authority no works, other than investigative works, shall be carried out on the site;
  - c) Remediation of the site has been carried out in accordance with the approved remediation plan. Any amendments to the approved remediation plan shall not be implemented unless approved by the Planning Authority; and
  - d) On completion of the remediation works and prior to the site being occupied, a validation report has been submitted to the Planning Authority confirming that the works have been carried out in accordance with the remediation plan.

The presence of any previously unsuspected or unforeseen contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority. At this stage, further investigations may have to be carried out to determine if any additional remedial measures are required.

Reason:

In the interests of securing the removal of any contamination on the site and if the safety of future occupants of the development.

- 5 Prior to the start of construction works on site, additional gas monitoring should be carried out over a minimum period of 2 months. Following this period of monitoring, a gas risk assessment shall be submitted for the consideration and written approval of the Planning Authority. The risk assessment shall detail any appropriate gas prevention methods that may be required to ensure the site is suitable for use. If gas prevention measures are to be installed then these works should be suitably validated to the satisfaction of the Planning Authority.

Reason:

In the interests of the safety of future occupants of the site.

- 6 Before any development commences on site, all flood risk assessment (FRA) documents submitted shall be consolidated to include all information provided throughout the consultation, for the approval of the planning authority in consultation with the Scottish Environment Protection Agency and thereafter all phases of development shall be carried out in accordance with the consolidated flood risk assessment, unless otherwise agreed in writing by the Planning Authority in consultation with the Scottish Environment Protection Agency.

Reason:

To ensure that all agreed information shall be carried forward within the approved FRA and that site construction shall be carried out in accordance with the conclusions of the FRA about parts of the site at flood risk, which includes the preservation of flood plain and flow pathways in perpetuity.

- 7 Prior to the commencement of development details of the site and SUDS provision shall be submitted for the written approval of the Planning Authority in consultation with the Scottish Environment Protection Agency. The details shall:
- a) clearly demonstrate that no development or landraising is proposed within the agreed functional floodplain extents;
  - b) include details of SUDS provision and any required flood risk attenuation measures;
  - c) provide that finished floor levels for properties shall be set a minimum of 600mm above the predicted flood level; and
  - d) provide that the Sustainable Drainage Scheme not be sited within 10 metres of the railway boundary and should be designed with long term maintenance plans which meet the needs of the development.

Thereafter the development so approved shall be carried out only in full accordance with such approved details.

Reason:

In the interests of flood risk management, management of the water environment and to protect the stability of the adjacent railway and the safety of the rail network.

- 8 Boundary treatments as shown on the approved Development Layout Drawing CR DL001 Rev J are not approved. Prior to the commencement of development, a detailed boundary treatment plan for the whole of the development shall be submitted to and approved in writing by the Planning Authority. The plan so

approved shall delineate the boundaries of the development site and the front, rear and side boundary treatments of each residential plot with wall, hedge or railing boundary treatments where those boundaries face streets or public spaces and with other appropriate boundary treatments between individual properties where not facing public spaces and to include for screening of private driveways and shall take account of the findings of the Noise and Vibration Impact Assessment docketed to this planning permission. Details of materials and finishes shall be provided.

Thereafter all boundary treatments so approved shall be implemented prior to the occupation of the relevant plot.

Reason:

In the interests of the amenity of future residents of the development and of the quality of design of the development and the visual amenity of the area.

- 9 Prior to the commencement of construction of the each of the flatted buildings of the development as shown on the Layout Plan DL001 Revision J as hereby approved, details showing enhancement by additional windows, architectural features and materials of the gable elevations of each block shall be submitted to and approved in writing by the Planning Authority and thereafter the flatted buildings shall be constructed in accordance with the details so approved.

Reason:

In the interests of the quality of design of the development and the visual amenity of the area.

- 10 Prior to the construction of those houses or flats that have gables facing onto streets, open space or parking on Development Layout Plan DL001 Revision J hereby approved, details showing enhancement by additional windows, architectural features and materials of gable elevations of those flats or houses shall have been submitted to and approved in writing by the Planning Authority and thereafter those houses and flats shall be constructed in accordance with the details so approved.

Reason:

In the interests of the quality of design of the development and the visual amenity of the area.

- 11 Notwithstanding what is shown on the approved layout and elevation drawings, the use of brick as a predominant external finish is not approved and, prior to the construction of any building on site, a coordinated scheme of external materials and colour finishes of external walls and roofs of all buildings and walls shall have been submitted to and approved in writing by the Planning Authority. The scheme so approved shall respect the layout of the development and shall promote render, reconstituted stone, natural stone or appropriate contemporary cladding as the predominant finish to the walls of the residential units. This shall include for a variety of render or cladding colours where those finishes are to be used. Thereafter, unless otherwise approved in writing by the Planning Authority, the development shall be carried out in accordance with the scheme of external materials and colour finishes so approved.

Reason:

In the interests of the quality of design of the development and the visual amenity of the area.

- 12 Unless otherwise approved in writing by the Planning Authority the temporary sales cabin shown on Plot 1 of Development Layout Plan DL001 Revision J shall be removed prior to the occupation of the last residential unit of the development and the area of ground landscaped within 6 months of the removal of the cabin, to details to be agreed in advance with the Planning Authority.

Reason:

To ensure the removal of the temporary sales cabin, in the interests of the residential amenity of the area.

- 13 All houses and flats shall include Low and Zero Carbon Generating Technologies (LZCGT) to meet the energy requirements of Scottish Building Standards, Compliance with this requirement shall be demonstrated through obtaining an 'active' sustainability label through Building Standards and submission of calculations indicating the SAP Dwelling Emissions Rate (DER) or SBEM Buildings Emissions Rate (BER) with and without the use of the LZCGT. LZCGT shall reduce the DER/BER by at least 10%, rising to at least 15% for applications validated on or after 1 April 2019. For larger developments, encouragement is given to site-wide LZCGT rather than individual solutions on each separate building.

Reason:

In the interests of sustainable development and compliance with Policy SEH2 of the adopted East Lothian Local Development Plan 2018.



- 14 A detailed scheme of landscaping, including details of its implementation through phases of the development, shall be submitted to and approved in writing by the Planning Authority, prior to commencement of works on site. The scheme shall provide details of:
- a) the height and slopes of any mounding on or re-contouring of the site including SUDS basin/ponds details;
  - b) tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting;
  - c) non-thorn shrub species located adjacent to pedestrian areas;
  - d) 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;
  - e) tree planting located in communal areas and not in private gardens;
  - f) the southeast boundary levels and planting, including sections showing the levels between frontage plots and the site frontage, maximising the extent of hedgerow along the frontage to be retained and proposals for native species replacement planting as mitigation;
  - g) landscaping and planting around the pumping station and sub station denoted in the open space in the eastern corner and sub station adjacent to the equipped play area in the centre of the site on the approved Development Layout Plan DL001 Revision G mitigate their prominent positions;
  - h) the proposed SUDS basin redesigned with a more organic shape, differing side slope gradients to reduce the engineered look of the basin, omission of the grasscrete track around the basin as per advice in Sewers for Scotland 3, and with access provided only to the inlet and outlet points for maintenance and increased planting;
  - i) The landscape space to the north boundary of the site with the freight rail line combining tree planting in terms of species and positioning acceptable to Network Rail with understorey shrub planting, informal paths and areas for natural play along its length. Planting along the security fence should be kept to hedgerow thicket planting;
  - j) The open space to the south-western boundary combining tree planting of formal small species trees with understorey shrub planting, informal paths and areas for natural play along its length;
  - k) Where hedge planting is used for front garden boundaries, beech or hornbeam hedge with return around corner plots and to the front boundaries and returns of the flatted blocks;
  - l) residential street and parking area tree planting as small species to include Sorbus aucuparia varieties, small Prunus 'Sunset Boulevard' and ornamental Pear, with placement to avoid overshadowing gardens;
  - m) large species specimen trees in the main open spaces to create features at nodal points, placed in small numbers within large open spaces to include species such as lime, horse chestnut, oaks, evergreen oak, sweet chestnut, maples and with feature willows close to the watercourse;
  - n) Fastigate limes to create a formal avenue frontage;
  - o) primary routes within the site defined with formal planting such as fastigate hornbeam or fastigate pears; and
  - p) Feature corner spaces containing feature trees such as multi-stemmed birches.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with the details of implantation so approved. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar species and final size, unless the Planning Authority gives written consent to any variation. No trees or shrubs, detailed in the approved landscaping plans to be retained on the site, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority.

Reason:

In order to ensure the implementation of a landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area and to control the impact of leaf fall on the operational railway.

- 15 A full management plan for development and long-term maintenance of all landscape elements on the site shall be submitted to and approved in writing by the Planning Authority, prior to the occupation of any residential unit on site.

The maintenance of all communal landscape areas, and any hedges to private front gardens, as approved in terms of condition 8 above, shall be adopted and maintained by a Factor or a Residents Association in accordance with details to be submitted to and approved by the Planning Authority prior to the occupation of any residential units hereby approved.

Reason:

To ensure the retention and maintenance of landscaping on the site in the interest of amenity.

- 16 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (Scotland) Order 1997 (as amended), other than as shown on the drawings docketed to this planning permission no substation, pumping station, gas governor or other above ground utility infrastructure shall be installed on site without the formal approval of the Planning Authority.

Reason:

In the interests of the visual amenity of the area.

- 17 Unless otherwise agreed in writing by the Planning Authority, prior to the occupation of any residential unit of the development, the Segregated Active Travel Corridor route within the site, the surfaces of the underpasses along the northern boundary which accommodate that route and the length of the Active Travel Corridor running from the site to Queen Margaret University and the pathway route shown through the two underpasses and along the northeast boundary to the B6415 shall have been completed to an adoptable standard and brought into use and adoptable pathway connections from completed properties to those routes shall be available at all times.

Reason:

To ensure that pedestrian and cycle routes are available to occupants of the development, including provision for safe routes to school, connection with Musselburgh Rail Station, Musselburgh town centre and cycle path NCN1.

- 18 A Construction Method Statement (CMS) or Construction Environmental Management Plan (CEMP) shall be submitted for approval prior to the commencement of development. The CMS or CEMP shall outline measures to be taken to minimise impacts upon existing and proposed sensitive receptors due to noise and dust. These shall include compliance with:

"Best Practice Guidance" as recommended BS5228-1: 2009 + A1:2014 "Code of practice for noise and vibration control on construction and open sites - Part 1:Noise";

"Best Practice Guidance" as recommended BS5228-2: 2009 + A1:2014 "Code of practice for noise and vibration control on construction and open sites - Part2: Vibration"; and

Section 8 of the Institute of Air Quality Management Guidance on the assessment of dust from demolition and construction (2014) with regards to practicable control measures for reducing visible dust emissions affecting properties beyond the site boundary.

Reason:

In the interests of the residential amenity of the area.

- 19 Where not already provided the developer shall provide a suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary and provision for the fence's future maintenance and renewal should be made. Details of the proposed fencing shall be submitted to the Planning Authority for approval before development is commenced and the development shall be carried out only in full accordance with such approved details.

Reasons:

In the interests of public safety and the protection of Network Rail infrastructure.

- 20 Prior to the opening of Craighall Primary School, the following shall be provided to details and specifications to be agreed in advance with the Planning Authority:

a) an up to 4.0 metre wide footpath/cyclepath with street lighting, from the western part of the application site, under the A1 underpass to the closest boundary access gate of the primary school site;

b) an upgraded to up to 3.5 metre wide where space allows (2.0 metres minimum) shared used footway/cyclepath on the west side of B6415 between the north access junction of the development site to a point 50 metres south of the A1 overbridge;

Reason:

To ensure that pedestrian and cycle routes are available to occupants of the development, including provision for safe routes to school and connection with Old Craighall.

- 21 Prior to it being brought into use for occupants of the development, the detailed design of the north access junction to the development site from the B6415 public road shall be completed in accordance with the following, details of which shall be submitted for the prior written approval of the Planning Authority:

a) Provision and maintenance of a visibility splay of 4.5 metres by 70 metres on each side of the proposed access such that there shall be no obstruction to visibility above a height of 1.05 metres measured from the adjacent carriageway level within that area;

b) Unless otherwise agreed in writing by the Planning Authority, the junction the B6415 formed with turning from that road enhanced by a road marking scheme at the junction in the form of ladder marking 50 metres on either side of the junction, with a gap in the ladder at the junction. Lane widths shall be 3.0 metres inbound/outbound with 1.5m in the middle;

c) Provision of a Road Safety Audit completed through Stages 1 to 4, preliminary design to post-construction.

Reason:

In the interests of road safety

22 Prior to the occupation of the 301st residential unit, the south access of the development site shall be completed and brought into use. This shall access the roundabout junction with the B6415/A1 link road and exit from Old Craighall services and the detailed design of the junction shall be agreed with the Planning Authority in accordance with the re-configured design of the roundabout to accommodate the development.

Reason:

In the interests of traffic capacity management and road safety.

23 Unless otherwise agreed in writing with the Planning Authority, the implementation of the development shall accord with the following, subject to details, including timescales for implementation, to be submitted for the prior approval of the Planning Authority:

a) East and westbound bus stops with bus shelters shall be provided, adjacent/opposite to the site frontage, on the B6415 to serve the site. These shall be located and designed to provide safe access to public transport routes on the B6415. Works to provide safe pedestrian crossing points adjacent to either/both bus stops shall also be provided. Details shall be submitted for approval;

b) Street lighting shall be provided/upgraded over the full extent of the proposed site frontage on the B6415 from the ECML overbridge to the south of the A1 link road / service area roundabout;

c) The internal access road and parking areas shall be laid out as shown on Development Layout Plan DL001 Revision G;

d) All access roads shall conform to ELC Standards for Development Roads in relation to road layout and construction, footways & footpaths, parking layout and number, street lighting and traffic calming measures. This shall also comply with ELC Design Standards for New Housing Areas;

e) The Segregated Active Travel Corridor to be provided on the northern part of the site and between the site and Whitehill Farm Road/Queen Margaret University shall be a minimum 4.0 metre wide footpath/cyclepath with street lighting and surfacing to a specification to be agreed in advance with the Planning Authority;

f) Road surfaces shall be blocks (permeable or non-permeable) on straight sections of road and corners shall be constructed with asphalt finish with coloured chip or with thermoplastic screed (i.e. 'Imprint' or similar);

g) Parking for the residential elements of the development shall be provided at a rate as set out in the East Lothian Council Standards for Development Roads - Part 5 Parking Standards;

h) Vehicle accesses to private parking areas (i.e. other than driveways) shall be via a reinforced footway crossing and have a minimum width of 5.5 metres over the first 10 metres to enable adequate two way movement of vehicles;

i) Driveways shall have minimum dimensions of 6 metres by 3 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 m length. Pedestrian ramps to houses may encroach by up to 300mm on the width (but not the length) provided they are no greater than 150mm in height above the adjacent driveway surface;

j) Within residential 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;

k) Cycle parking for flats shall be included at a rate of 1 space per flat. The parking shall be in the form of 1 locker per flat or communal provisions in the form of a lockable room or shed;

l) Wheel washing facilities must be provided and maintained in working order during the period of construction of the site. All vehicles must use the wheel washing facilities to prevent deleterious materials being carried onto the public road on vehicle tyres;

m) A Construction Method Statement to minimise the impact of construction activity on the safety and amenity of the area shall be submitted to and approved by the Planning Authority prior to the

commencement of development. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic (including routes to/from site) and shall include hours of construction work. Temporary measures shall be put in place to control surface water drainage during the construction works. Routes for construction traffic shall also be included;

n) A Green Travel Plan to minimise private car trips and to encourage use of alternative modes of transport such as trains, buses, cycling and walking shall be submitted to and approved by the Planning Authority prior to the housing being occupied and /or the business units coming into operation;

o) All courtyard parking areas, other than those with bin stores accessible from the roadside shall be accessible to Refuse Collection Vehicles, constructed to adoptable standard and with a T-shaped turning area of 23.5 metres length if that is where bin presentation points are located;

p) Roadways and roadway speed tables shall be designed in detail to ensure footways connect or can cross at-grade on each speed table with road and footway levels designed with low kerb upstand and with street trees in refuge areas, to details to be agreed by the Planning Authority;

q) The use of stone chippings for private driveways is not approved. Driveways shall be hard surfaced with permeable pavements or a surface to be agreed in writing with the Planning Authority; and

r) A detailed plan of street trees and street lighting to reduce forward visibility and traffic speeds within the development,

All parking spaces, roads and footpaths/cycleways shown in the docketed drawings shall be constructed in accordance with the docketed drawings and foregoing conditions of this planning permission and shall be finished and available for use in accordance with a phasing plan for completion of residential units on the site, to be submitted for the written approval of the Planning Authority prior to the occupation of any residential unit within the development.

Reason:

To ensure the satisfactory completion of the road network in the interest of visual amenity and highway safety.

- 24 The equipped play area and informal open spaces to be provided within the site in the positions shown for them in docketed drawing Development Layout Plan DL001 Revision J shall be formed, equipped and made available for use in accordance with details, including timescales for provision, to be submitted and approved by the Planning Authority and thereafter the play area informal open spaces shall be made available for use equipped, surfaced and with boundary treatments as relevant in accordance with the details so approved.

Reason:

To ensure the provision of an appropriate equipped play area and open spaces, in the interests of the amenity of the development.

- 25 Unless otherwise agreed in writing by the Planning Authority, the following measures shall be implemented for the relevant residential units prior to the occupation of that unit:

a) Acoustic Barriers of 1.8 – 2.4m height shall be provided as detailed by thick black lines in Figure 4 of Appendix 3 of REC's Technical Report Ref: AC105702-1R3 entitled "Noise & Vibration impact assessment, Newcraighall, East Lothian" of 6th December 2018. The barriers shall be either of brick wall construction or timber fence that has a minimum mass of 5kgm<sup>-2</sup>, is close boarded, sealed at the base and be free from holes. The height of the barrier is plot specific. The precise mitigation measures required for each individual plot shall be as described in Table A4 Mitigation Strategy of REC's Technical Report of 06th December 2018; and

b) Upgraded glazing and/or ventilation units shall be provided to habitable rooms (living rooms/bedrooms) of all properties as described in Table A4 Mitigation Strategy of REC's Technical Report of 06th December 2018.

Reason:

In order to ensure compliance with daytime garden noise levels as low as practicable due to noise associated with road traffic on the A1 and B6415 and in order to ensure compliance with daytime and night-time internal noise levels specified in Table 4 of BS8233:2014 "Guidance on sound insulation and noise reduction in buildings" due to noise from road and rail traffic as described in Table A4 Mitigation Strategy of REC's Technical Report of 06th December 2018.

*Sederunt: Councillor Mackie left the Chamber; Councillor McMillan returned.*

**5. PLANNING APPLICATION NO. 18/01319/P: ERECTION OF 1 HOUSE AND ASSOCIATED WORKS AT ASHFIELD HOUSE, DUNBAR**

A report was submitted in relation to Planning Application No. 18/01319/P. Esme Clelland, Planner, presented the report, informing Members that the applicant now proposed additional hedging and planting; Road Services and the Landscape Officer were happy with the revision. An additional condition (*condition 11*) was therefore required, which she outlined:

All planting, seeding or turfing detailed in the approved 'Proposed Site/Landscaping Plan 05 Rev F' docketed to this permission shall be carried out in the first planting and seeding season following the occupation of the house hereby approved. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar species and final size, unless the Planning Authority gives written consent to any variation. No trees or shrubs, detailed in the approved landscaping plans to be retained on the site, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority.

Reason:

In order to ensure the implementation of a landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area and the character of the Dunbar Conservation Area.

Ms Clelland then summarised the key points of the application. The proposed decision set out in the report was to grant consent.

In response to the Convener's query Ms Clelland clarified that some shrubs would still have to be removed but there would be additional planting.

John MacCallum, of JM Planning Services, agent for the applicant, informed the Committee that the principle of development on site was supported by all the relevant planning policies. He referred to the previous, unsuccessful, application; he outlined the details of this new proposal, highlighting the differences. This new design was more suited to the landscape. There were no adverse residential amenity issues. All the design proposals were acceptable. He gave details of the tree survey results. He asked Members to support this application.

Siobhan Thomas, immediate neighbour, spoke against the application. She informed Members that the plot proposal enveloped all around her property. She stressed the significant height difference between the proposed house and her home, explaining how this affected her family's amenity. She outlined overlooking and privacy concerns; her family's amenity was not being protected. She suggested that this could be resolved by careful planting or careful use of trellis, which would help negate the height difference of the gardens. She urged the Committee to give consideration of privacy issues.

The Convener, a Local Member, noted from the site visit the close proximity of the Kings Court development and the difference in elevation levels. He referred to the previous unsuitable application. He indicated however that this proposal, with the amount of screening proposed, was acceptable to Planning Officers. He would be supporting the report recommendation with the addition of the new condition as set out by Ms Clelland.

Local Member Councillor Kempson remarked that she was not generally in favour of building in garden ground but in this case, following the site visit, she did not feel that the proposal would have an adverse effect on the original house. She welcomed the applicant's efforts to mitigate their neighbour's privacy concerns. She would be supporting the application.

Councillor McMillan, referring to remarks from Ms Thomas about screening/overlooking, asked if the erection of some trellis would meet her requirements. Following discussion and in response to the Convener's question, the applicant confirmed they would be willing to erect trellis. Ms Clelland stated that an extra condition (*condition 12*) would therefore be required to deal with this.

The Convener moved to the vote on the report recommendation (to grant consent) subject to the additional condition regarding landscaping (*condition 11*) as outlined by Ms Clelland and an extra condition (*condition 12*) as regards the erection of trellis.

For: 9

Against: 0

Abstentions: 0

### Decision

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

- 1 Notwithstanding the approved drawings, the flue from a wood burning stove on the house is not approved and shall not be installed.

Reason:

To protect the residential amenity of neighbouring properties from smoke and odour.

- 2 Prior to the commencement of development on site, final site setting out details shall be submitted to and approved in writing 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 Survey datum or local datum from which the Planning Authority can take measurements and shall be shown on the setting out drawing. A minimum of three benchmarks must be provided relating to fixed points outwith the development site

- c. the ridge height of the proposed house shown in relation to the finished ground and floor levels on the site.

Thereafter, the development shall be implemented in accordance with the approved details.

Reason:

To ensure that the proposal is implemented in accordance with the approved plans and allow the Planning Authority to control the development in the interests of the visual amenity of the area.

- 3 Prior to the commencement of any development on the application site, temporary protective fencing in accordance with Figure 2 of British Standard 5837\_2012 "Trees in relation to design, demolition and construction" and ground protection, all as detailed in section 1 of the Construction Method Statement dated March 2019 and docketed to this permission, has been installed, approved by the arboriculturist and this approval confirmed in writing by the Planning Authority.

The fencing must be fixed in to the ground to withstand accidental impact from machinery, erected prior to site start and retained on site and intact through to completion of development. The position of this fencing must be as indicated on the drawing 'Tree Protection Areas' numbered 06 rev E docketed to this planning permission and shall be positioned outwith the Root Protection Area (RPA) as defined by BS5837:2012 for all trees.

Clearly visible all weather notices shall be erected on the protective fencing. The notices shall read: "Construction exclusion zone - Keep out". Within the fenced off areas creating the Construction Exclusion Zones the following prohibitions must apply:-

- \_ No vehicular or plant access
- \_ No raising or lowering of the existing ground level
- \_ No mechanical digging or scraping
- \_ No storage of temporary buildings, plant, equipment, materials or soil
- \_ No hand digging
- \_ No lighting of fires
- \_ No handling discharge or spillage of any chemical substance, including cement washings

Planning of site operations should take sufficient account of wide loads, tall loads and plant with booms, jibs and counterweights (including drilling rigs), in order that they can operate without coming into contact with retained trees.

The temporary protective fencing shall be retained in its approved position for the period of construction on the site unless otherwise approved in writing by the Planning Authority.

Reason

In order to form Construction Exclusion Zones around retained trees and protect retained trees from damage.

- 4 All construction works on site shall be carried out in accordance with the Construction Method Statement March 2019 docketed to this permission.

Reason:

To ensure that the development is carried out as proposed to protect the trees on site in the interest of biodiversity and the character of the Dunbar Conservation Area.

- 5 A person, who through relevant education, training and experience, has gained recognised qualifications and expertise in the field of trees in relation to construction, shall be employed to monitor works with the Root Protection Areas of trees on the site including the installation of the temporary protective fencing and ground protection in accordance with the approved construction method statement and drawing 'Tree Protection Areas' numbered 06 rev E.

Prior to the commencement of development on the application site, details of the appointment of such a person shall be submitted and approved in writing by the Planning Authority. Thereafter, the person shall be retained for the period of construction on the site unless otherwise agreed in writing with the Planning Authority.

During construction works, an arboricultural inspection of the site shall be undertaken at least once a month monitoring compliance with the approved Construction Method Statement and detailing the current site and tree conditions. The findings of the inspection shall be detailed in a report which shall be submitted to the Planning Authority on the 15th of the month (or other date to be agreed) and approved in writing by the Planning Authority. If compliance with the approved Construction Method Statement is not demonstrated in a report then works shall cease on site until agreed in writing with the Planning Authority.

Reason:

To ensure the retention and maintenance of trees which are an important feature of the area.

- 6 Any surfacing within the Root Protection Areas shall be carried out in strict accordance with section 7.4 of BS5837: 2012 "Trees in relation to design, demolition and construction".

The path to the house hereby approved shall be constructed in accordance with the Proposed site / Landscaping Plan 05 Rev E docketed to this permission, unless otherwise agreed in writing with the Planning Authority.

Reason:

To ensure that tree roots are suitably protected in the interests of tree retention and the character of the Dunbar Conservation Area.

- 7 Prior to the commencement of development on site, full details of the footpath widening to the north of the access to Ashfield House shall be submitted to and approved in writing by the Planning Authority.

Thereafter, the detail shall be implemented as approved prior to the occupation of the house hereby approved.

Reason:

To provide safeguarded pedestrian access to the site and improve visibility for drivers egressing the site in the interest of road safety.

- 8 Prior to their use on site, full details including colours, of the materials to be used to externally finish the house hereby approved shall be submitted to and approved in writing by the Planning Authority.

Reason:

To allow the consideration of details yet to be submitted and in the interests of visual amenity and the character of the Dunbar Conservation Area.

- 9 The house hereby approved shall not be occupied unless and until the two windows in the east elevation of it are obscurely glazed in accordance with a sample of the obscure glazing to be submitted to and approved by the Planning Authority. The obscure glazing of those windows shall accord with the

sample so approved and thereafter they shall remain obscurely glazed unless otherwise approved by the Planning Authority.

Reason:

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

- 10 Windows on the house hereby approved shall be double glazed with standard non-acoustic trickle vents.

Reason:

To comply with the recommendations of the acoustic report submitted with application to protect future residents from noise from the nearby train line.

- 11 All planting, seeding or turfing detailed in the approved 'Proposed Site/Landscaping Plan 05 Rev F' docketed to this permission shall be carried out in the first planting and seeding season following the occupation of the house hereby approved. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar species and final size, unless the Planning Authority gives written consent to any variation. No trees or shrubs, detailed in the approved landscaping plans to be retained on the site, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority.

Reason:

In order to ensure the implementation of a landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area and the character of the Dunbar Conservation Area.

- 12 Prior to the commencement of development on site, full details of a trellis to be attached to the eastern boundary fence of the site where it adjoins the garden ground of 14 Kings Court, and suitable planting for the trellis, shall be submitted to and approved in writing by the Planning Authority. The trellis and planting shall be designed with the provision of additional visual screening between the application site and adjoining garden in mind. The trellis and planting shall be provided in accordance with the detail so approved prior to any occupation of the new house. The approved trellis and planting shall thereafter be retained unless otherwise agreed in writing with the Planning Authority.

Reason:

To provide additional visual screening between the site and adjoining land in the interest of residential amenity.

## **6. PLANNING APPLICATION NO. 18/01344/P: ERECTION OF 4 HOUSES, 22 FLATS AND ASSOCIATED WORKS AT LAND WEST OF JOHNNIE COPE'S ROAD, MID ROAD, PRESTONPANS**

A report was submitted in relation to Planning Application No. 18/01344/P. Emma Taylor, Planner, presented the report. She informed Members, for clarification that in relation to employment land the Reporters had not endorsed this specific designation (*page 121*). She also advised, in respect of representations, that ten were supportive not eleven as stated, as one of the individuals indicated they had not submitted a representation. She summarised the key points within the report. The proposed decision was for refusal of the application.

Ms Taylor and Mr McFarlane responded to questions. Ms Taylor explained why approving a housing development of land allocated for employment use, against the ELLDP, would set an undesirable precedent. Mr McFarlane stressed the importance of the recently adopted ELLDP, this had been a significant piece of work, widely consulted on with local communities, and that its land supply and allocations had been considered very carefully. The Reporters had looked at employment land supply in great depth. To question allocated uses, after adoption of the ELLDP by Scottish Ministers would be undermining the ELLDP. Regarding the Council's attempt in June 2017 to purchase the site for affordable housing Ms Taylor stated that at that point there had been two key differences. Firstly, the new ELLDP, which broadened employment land use, had not been adopted and secondly there had been a shortfall in housing land supply then. Responding to further queries, she clarified that if the land had not been set for employment use, that the Planning Service had no objection to the design of the houses. In relation to more questions about employment land, Mr McFarlane



reiterated that the employment land supply had been approved by Scottish Ministers and the Council would be making every effort to ensure these sites were delivered. He stressed again that going against the recommendation would undermine the ELLDP. He added that there would be the opportunity in the future for review in the context of the new Strategic Development Plan.

Mr Holder, agent for the applicant, clarified that marketing had been done due to advice from the Council that a housing development of the site was acceptable. Anne Leslie, representing the Local Affordable Rent Housing Trust (LAR), said that LAR had a very good relationship with the Council and had successfully delivered housing elsewhere in East Lothian. LAR specialised in developing local communities; she referred to their Cockenzie development. All rents would be set at mid-market rent levels. The waiting list for housing in East Lothian had around 80 people; there had been great interest in these homes. Mr Holder referred to the refusal reasons. As regards loss of business use land, he said the experts' view was of no prospect of developing the site for employment use; it had been vacant for many years despite marketing attempts. In respect of precedent he said every planning application had to be considered on its merits, he disagreed with Mr McFarlane, it was not a fundamental issue as regards the ELLDP; there were exceptional circumstances here. He reiterated that the Council's pre-application advice was that housing was suitable.

The Convener questioned why LAR had looked at a site not allocated within the ELLDP for housing. Mr Holder referred again to the Council's original advice. He added that LAR had not been made aware that the ELLDP had changed as regards employment land use allocation. Ms Leslie stated that LAR was actively looking at other sites in East Lothian but finding sites at the right price was challenging. Mr McFarlane acknowledged the advice provided previously by the Council but stressed that this had been given in very different circumstances and that different advice had been given to the applicant prior to their application being submitted, in the context of adoption of the ELLDP.

Local Member Councillor Gilbert referred to the successful LAR housing development in Cockenzie. He stressed that all 26 properties at this new development would be for mid-market rent. The Planning Service had no objection to the design of the properties; their objection was solely based on the loss of business use land. The site had been vacant since 2011 and despite considerable marketing had failed to attract interest. LAR had 80 people on their waiting list for an East Lothian property. He would be supporting the application.

Local Member Councillor Bruce said this was a difficult issue. He acknowledged the good work done by LAR. He did have concerns about setting a precedent but also had concerns about the lack of potential employment use for this site.

Councillor McGinn referred to the ELLDP and stressed the need to provide employment opportunities for the people of East Lothian. He felt it would be dangerous to set a precedent. He acknowledged LAR's contribution to local communities but would be supporting the report recommendation.

Councillor McMillan referred to the Economic Development Strategy's aim to support small businesses; a signal had to be sent to potential employers and small businesses that the Council was committed to economic growth. The prime objective had to be provision of economic development land. He would be supporting the recommendation for refusal.

Councillor McLeod referred to earlier points he had made about affordable housing; he would be supporting the application.

Councillor Findlay appreciated the requirement for affordable housing in this area however, the ELLDP was a new plan and it would set an undesirable precedent if this application was approved. He would be supporting the recommendation for refusal.

The Convener remarked that ordinarily he would support an application for affordable housing but in this case, he was unable to do so. This application went against the recently adopted ELLDP; it would send out the wrong signal to developers if the Committee approved this application. There were other more suitable sites for housing and he hoped that LAR would discuss this with the Planning Service. He supported the officer's recommendation.

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

For: 6  
Against: 3  
Abstentions: 0

**Decision**

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

- 1 The proposed housing development would result in the loss of allocated employment land that is part of the established employment land supply of Prestonpans, to the detriment of East Lothian's economy, contrary to Policy 2 of the approved South East Scotland Strategic Development Plan (SESplan), Policy EMP1 of the proposed East Lothian Local Development Plan and contrary to the Council's East Lothian Economic Development Strategy 2012 to 2022.
- 2 If approved the proposed housing development would set an undesirable precedent for the development of new housing on land elsewhere in East Lothian that is allocated for employment use, the cumulative effect of which would be the depletion of Council's supply of established land for employment use to the detriment of the economy of East Lothian.

Signed .....

Councillor Norman Hampshire  
Convener of the Planning Committee