

PLANNING COMMITTEE

26 JUNE 2019

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

**TUESDAY 4 JUNE 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

Council Officials Present:

Mr K Dingwall, Team Manager – Planning Delivery
Mr K Graham, Solicitor
Ms E Taylor, Senior Planner
Mr C Kiely, Planner
Mr R Yates, Transportation Planning Officer
Ms P Bristow, Communications Adviser

Clerk:

Ms A Smith

Apologies:

Councillor W Innes
Councillor F O'Donnell

Declarations of Interest:

None

1. MINUTES FOR APPROVAL – PLANNING COMMITTEE 7 MAY 2019

The minutes of the meeting of the Planning Committee of 7 May 2019 were approved.

2. PLANNING APPLICATION NO. 18/01283/AMM: APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF PLANNING PERMISSION IN PRINCIPLE 14/00903/PPM – ERECTION OF 74 HOUSES, 16 FLATS AND ASSOCIATED WORKS, AREA 7 LAND SOUTH FA'SIDE TERRACE, WALLYFORD

A report was submitted in relation to Planning Application No. 18/01283/AMM. Emma Taylor, Senior Planner, presented the report, summarising the key points. The report recommendation was to grant consent.

The Convener clarified, in response to Councillor McGinn's question, that there was a legal agreement regarding adoption of the spine road but that the developer had to request this before any action could be taken by Officers.

Local Member Councillor McGinn welcomed the condition regarding Fa'side Avenue. He felt that the proposal would provide a good range of properties; he welcomed that 60 affordable units would be provided. He would be supporting the application.

Local Member Councillor McLeod echoed his colleague's comments; he would be supporting the application.

Councillor Forrest also welcomed this development, which he felt would strengthen the Wallyford community. He particularly welcomed the affordable housing element and the traffic calming measures.

The Convener concurred; he also especially welcomed the affordable housing units. This development would make Wallyford a desirable place to live in East Lothian. He would be supporting the recommendation to grant planning permission as set out in the report.

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

For: 9
Against: 0
Abstentions: 0

Decision

The Committee agreed that approval of matters specified in conditions for the proposed residential development be granted subject to the following conditions:

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

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

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

Reason:

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

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

Notwithstanding that stated on the docketed drawings a number of the houses of the development shall have hipped roofs. Details of the form and location of the hipped roofed houses shall be submitted to and approved by the Planning Authority. Thereafter those hipped roof houses shall be built in accordance with the details so approved unless otherwise agreed by the Planning Authority.

Reason:

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

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

Reason:

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

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

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

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

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

(iv) all prospectively adoptable parking bays (i.e. that will form part of the public road) shall have minimum dimensions of 2.5 metres by 6 metres. This can be reduced to a minimum length of 5 metres on the proviso that there is adequate road space to manoeuvre in adjacent to the parking bay;

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

Reason:

In the interests of road safety.

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

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

Reason:

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

- 6 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 10 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

Reason:

In order to ensure the implementation of a landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area.

- 7 All of the approved landscaping as detailed in the landscape drawings docketed to this approval of matters and required by condition 6 above shall be implemented, maintained and managed in accordance with the management details approved by the landscaping scheme unless otherwise agreed in writing by the Planning Authority.

Reason:

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

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

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

Reason:

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

- 9 No work shall be carried out on the site unless and until an effective vehicle wheel washing facility has been installed in accordance with details to be submitted to and approved by the Planning Authority prior to its installation. Such facility shall be retained in working order and used such that no vehicle shall leave the site carrying earth and mud in their wheels in such a quantity which causes a nuisance or hazard on the road system in the locality.

Reason:

In the interest of road safety.

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

Reason:

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

3. PLANNING APPLICATION NO. 19/00285/PM/FUL: VARIATIONS OF CONDITIONS 4-12, 14-15 AND ADDITION OF A CONDITION RELATING TO THE METHOD STATEMENT FOR THE CONSTRUCTION OF THE BOREHOLE WITHIN AREA S OF PLANNING PERMISSION 15/00634/PM TO ALLOW PHASED DEVELOPMENT WORKS, IN RESPECT OF THE FORMATION OF ONSHORE ELECTRICAL TRANSMISSION INFRASTRUCTURE BETWEEN THORNTONLOCH AND CRYSTAL RIG II, LAND BETWEEN THORNTONLOCH AND CRYSTAL RIG WIND FARM, DUNBAR

A report was submitted in relation to Planning Application No. 19/00285/PM. Ciaran Kiely, Planner, presented the report, summarising the key points. The report recommendation was to grant consent.

In response to a query from the Convener, Keith Dingwall, Team Manager – Planning Delivery, clarified that because the conditions related to a major development any variation

had to be classed as such and therefore, according to legislation, had to be determined by the Committee.

Local Member Councillor Kempson welcomed the changes to the conditions, which she felt would reduce some of the environmental impact and improve road safety.

Councillor McMillan, echoing his colleague, hoped that these changes would improve and protect the environment. He commended the Officers for the quality of both reports before the Committee today.

The Convener, a local member, stated that this was an important piece of national infrastructure. He would be supporting the recommendation as set out in the report.

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

For: 9

Against: 0

Abstentions: 0

Decision

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

- 1 The development hereby approved shall be undertaken in accordance with the Environmental Statement docketed to this planning permission, except where altered by the conditions below, or unless otherwise agreed with the Planning Authority in writing.

Reason:

To ensure that the reported likely environmental impacts of the development are not exceeded and the mitigation measures are put in place.

- 3 Prior to the commencement of the development hereby approved, an appropriately experienced and qualified Ecological Clerk of Works (ECoW) shall be appointed following consultation with the Planning Authority and SNH. An ECoW appointed in accordance with this condition shall be in post during appropriate stages of the construction phase of the development, as agreed in writing with the Planning Authority. The ECoW's scope of work shall include monitoring compliance with the mitigation measures within the Environmental Statement and the conditions of this planning permission.

Reason:

To minimise environmental impacts during the construction phase of the development.

- 4 (I) With the exception of the Enabling Works (as defined within paragraph (II)), there shall be no commencement of the development hereby approved within Area A, Area B or Area S, until a Construction Environmental Management Plan (CEMP) in respect of that area is submitted to and approved in writing by the Planning Authority, after consultation with SEPA and, in respect of issues relating to the inter-tidal area, Marine Scotland.

(II) The Enabling Works comprise:

- i. Relocation of Crystal Rig II access track, as illustrated within drawing reference J00468-C-027(Rev B); "Enabling Works (i) Relocation of Crystal Rig II Access Track Site Plan, Section and Road Profile";
- ii. Relocation of Crystal Rig II cable, as illustrated within drawing reference J00468-C-028(Rev B); "Enabling Works (ii) Relocation of Crystal Rig II Cable Site Plan and Section";
- iii. Horizontal Directional Drill under Crystal Rig II cable, as illustrated within either drawing reference J00468-C-029(Rev B); "Enabling Works (iii) HDD Under Crystal Rig II Cable Site Plan, HDD Section and Profiles Option A" or J00468-C-030(Rev B); "Enabling Works (iii) HDD Under Crystal Rig II Cable Site Plan, HDD Section and Profiles Option B"; and
- iv. Cable protection measures for Crystal Rig II cable, as illustrated within drawing reference J00468-C-031(Rev B); "Enabling Works (iv) Crystal Rig II Cable Protection Works Site Plan and Typical Cable Protection Details".

(III) Areas A, B and S are as illustrated on drawing reference GIS 1744/011/024; "Onshore Infrastructure - Planning Conditions Illustration of Areas A, B and S", unless otherwise agreed in writing with the Planning Authority.

(IV) The CEMP shall, unless otherwise agreed with the Planning Authority in writing, include the following details:

- (a) Construction Method Statements, which shall include details of the crossing methods to be utilised along the cable route including, if appropriate, the placing in ducts of any cables laid under public roads. The Construction Method Statements shall also recommend mitigation measures to control noise and shall include hours of operation for construction work;
- (b) Pollution prevention monitoring and mitigation measures for all construction activities;
- (c) Reinstatement following the completion of the construction of the cable route, including the reinstatement of agricultural land, drainage systems and landscape resources;
- (d) Dust and air quality management plan;
- (e) Soil resource management plan, including a map showing locations of stockpiles of excavated materials, details of use and/or disposal of unsuitable subsoil, details of the management and mitigation of soil resources in accordance with best practice;
- (f) Construction noise and vibration management plan, including identification of access routes, locations of laydown areas, equipment details, details of operation, scheduling or works, mitigation measures and a scheme for noise monitoring in the event of complaints;
- (g) Habitat resource management plan for the cable route and substation, including details of tree/hedgerow removals and replacements, and the use of protective fencing and ground protection (in accordance with BS5837_2012 "Trees in relation to design, demolition and construction~ Recommendations"), tree root protection methods, and other appropriate mitigation measures;
- (h) Peat Management Plan; and
- (i) The installation approach (i.e. horizontal directional drilling or open cut trenching) for the cable landfall area at Thorntonloch beach.

(V) Thereafter, prior to the commencement of the development hereby approved within remaining Areas, Addendums to the CEMP which provides details specific to such Areas which have not previously been submitted in (I), shall be submitted to and approved in writing by the Planning Authority, after consultation with SEP A, SNH and, in respect of issues relating to the inter-tidal area, Marine Scotland. The CEMP shall, unless otherwise approved by the Planning Authority in writing, include the details listed at Condition 4 (IV) as they relate specifically to such Areas; and

(VI) The development shall thereafter be carried out in accordance with the approved CEMP (including Addendums) unless otherwise agreed with the Planning Authority in writing. For the avoidance of doubt, no development shall take place within Areas A, B or S, without details (a)-(i) as they relate to such specific area(s) having first been approved in accordance with the procedures described at (I) and (V).

Reason: To minimise environmental impacts during the construction phase of the development.

- 5 With the exception of the Enabling Works (as defined within Condition 4(II)) and the Initial Duct Works, undertaken in August 2016 in Area A (Area A as illustrated on drawing reference GIS 1744/011/024; "Onshore Infrastructure - Planning Conditions Illustration of Areas A, B and S"), there shall be no commencement of the development hereby approved until an Access Management Plan (AMP) is submitted to and approved in writing by the Planning Authority. The Access Management Plan shall detail proposals for maintaining and managing public access across the application site during the period of the development without compromising applicable health and safety requirements.

The development shall thereafter be carried out in accordance with the approved Access Management Plan unless otherwise agreed with the Planning Authority in writing.

Reason: To minimise the impact the development on public access across the application site.

- 6 (I) With the exception of the Enabling Works (as defined within Condition 4(II)) and the Initial Duct Works, undertaken in August 2016 in Area A, there shall be no commencement of the development hereby approved within Area A, Area B or Area S, until a Traffic Management Plan (TMP) for the construction phase of the development in respect of that area is submitted to and approved in writing by the Planning Authority, after consultation with Transport Scotland.

(II) Areas A, B and S are as illustrated on drawing reference GIS 1744/011/024; "Onshore Infrastructure - Planning Conditions Illustration of Areas A, B and S", unless otherwise agreed in writing with the Planning Authority.

(III) The TMP shall, unless otherwise agreed with the Planning Authority in writing, include the following details:

- a) details of identified routes to and from the construction site;
- b) details of construction compounds and details of construction access points;

- c) specific arrangements relating to the transportation of abnormal loads and procedures to ensure pedestrian safety adjacent to working areas;
- d) arrangements for minimising disruption to road users and pedestrians in those locations where open cut trenching crosses a public or private road;
- e) details of any off-site mitigation works;
- f) co-ordination of traffic movements with other major transport users;
- g) arrangements for the cleaning of wheels and chassis of construction traffic to prevent material being carried onto the public road;
- h) details of temporary construction car parks associated with the construction compounds;
- i) details of trees to be protected from construction traffic in accordance with BS5837:2012;
- j) a condition dilapidation survey, the scope of which will be agreed in advance with East Lothian Council; and
- k) A Green Travel Plan to include measures to minimise dependency on the private car to and from the construction compounds.

The TMP shall also include vehicle tracking and swept path analysis for vehicles entering and exiting the site and details of the provision of visibility splays at all vehicular accesses. It shall also include details of any road closures and suitable alternative routes during the road closures.

(IV) Thereafter, prior to the commencement of the development hereby approved within remaining Areas, Addendums to the TMP which provides details specific to such Areas which have not previously been submitted in (I), shall be submitted to and approved in writing by the Planning Authority, after consultation with Transport Scotland. The TMP shall, unless otherwise approved by the Planning Authority in writing, include the details listed at Condition 6 (I) as they relate specifically to such Areas.

(V) The development shall thereafter be carried out in accordance with the approved TMP unless otherwise agreed with the Planning Authority in writing.

Reason: In the interests of road safety.

- 7 (I) With the exception of the Enabling Works (as defined within Condition 4(II)) there shall be no commencement of the development hereby approved within Area A, Area B or Area S, until a Site Waste Management Plan (SWMP) is submitted to and approved in writing by the Planning Authority, after consultation with SEPA. The SWMP shall, unless otherwise agreed with the Planning Authority in writing, include the following details:

- (a) Details of the waste management measures to be implemented during the construction phase, including the steps to be taken to maximise the quantity of waste to be re-used and recycled;
- (b) The types and quantities of waste expected to arise during the construction phase of the Development;
- (c) The identification of the contractors to be used to ensure the waste is correctly recycled or disposed of responsibly and legally;
- (d) Information on how the quantity of waste will be measured; and
- (e) Identification of responsible personnel.

(II) Areas A, B and S are as illustrated on drawing reference GIS 1744/011/024; "Onshore Infrastructure - Planning Conditions Illustration of Areas A, B and S", unless otherwise agreed in writing with the Planning Authority.

(III) Thereafter, prior to the commencement of the development hereby approved within remaining Areas, an Addendum to the SWMP which provides details specific to such Areas which have not previously been submitted in (i), shall be submitted to and approved in writing by the Planning Authority, after consultation with SEPA. The Addendum shall provide the details referenced in (i) as they relate to such Areas; and

(IV) The development shall be carried out in accordance with the approved SWMP (including Addendum) unless otherwise agreed with the Planning Authority in writing. For the avoidance of doubt, no development shall take place within Areas A, B and/or S, without details (a)-(e) as they relate to such specific area(s) having first been approved in accordance with the procedures described at (i).

Reason: In order to minimise waste during construction and to ensure that it is properly managed.

- 8 (I) With the exception of the Enabling Works (as defined within Condition 4(II)), there shall be no commencement of the development hereby approved within Area S, until the following details, including proposed timescales, are submitted to and approved in writing by the Planning Authority:

- (a) The siting, design, external appearance and dimensions of the substation and any another permanent above-ground features, and a schedule of materials and finishes; and

(b) The proposed levels of any earthworks and the design of permanent fencing and boundary walls.

The development of Area S shall thereafter be carried out in accordance with the approved details unless otherwise agreed with the Planning Authority in writing.

(II) Area S is illustrated on drawing reference GIS 1744/011/024; "Onshore Infrastructure - Planning Conditions Illustration of Areas A, B and S", unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of the landscape character and appearance of the Lammermuir Hills Area of Great Landscape Value.

- 9 (I) With the exception of the Enabling Works (as defined within Condition 4(II)), there shall be no commencement of development within Area A, Area B or Area S, until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping as it relates to such Areas. The scheme shall provide details of: the height and slopes of any mounding on or recontouring of, the site; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. The scheme shall include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

(II) Areas A, B and S are as illustrated on drawing reference GIS 1744/011/024; "Onshore Infrastructure - Planning Conditions Illustration of Areas A, B and S", unless otherwise agreed in writing with the Planning Authority.

(III) Thereafter, prior to the commencement of the development hereby approved within remaining Areas, an Addendum to the scheme of landscaping which provides details specific to such Areas which have not previously been submitted in (i), shall be submitted to and approved in writing by the Planning Authority. The Addendum shall provide the details referenced in (I) as they relate to such Areas.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation; and

(iii) For the avoidance of doubt, no development shall take place within Areas A, B or S, without a scheme of landscaping in respect of such area(s) having first been approved in accordance with the procedures described at (i).

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.

- 10 (I) With the exception of the Enabling Works (as defined within Condition 4(II)) there shall be no commencement of the development hereby approved within Area S, until a substation drainage strategy is submitted to and approved in writing by the Planning Authority, after consultation with SEPA. Thereafter, the development shall be carried out in accordance with the approved drainage strategy unless otherwise agreed with the Planning Authority in writing.

(II) Area S is illustrated on drawing reference GIS 1744/011/024; "Onshore Infrastructure - Planning Conditions Illustration of Areas A, B and S", unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure that a suitable drainage strategy is implemented.

- 11 (I) With the exception of the Enabling Works (as defined within Condition 4(II)) and the Initial Duct Works, undertaken in August 2016 in Area A, there shall be no commencement of the development hereby approved within Area A, Area B or Area S, until a survey of European Protected Species (EPS) is carried out within Area A, Area B and Area S. Based on the findings of these surveys, if required, a Protected Species Management Plan shall be submitted to and approved in writing by the Planning Authority after consultation with SNH. The Protected Species Management Plan shall include mitigation

measures designed to safeguard any EPS within such Areas. During the construction phase of the development regular monitoring of the mitigation measures (where required) in the Protected Species Management Plan shall be carried out by the Company, or its representative.

(II) Areas A, B and S are as illustrated on drawing reference GIS 1744/011/024; "Onshore Infrastructure - Planning Conditions Illustration of Areas A, B and S", unless otherwise agreed in writing with the Planning Authority.

(III) Thereafter, prior to the commencement of the development hereby approved within remaining Areas, a survey of EPS will be carried out within that Area. Based on the findings of these surveys, if required, a Protected Species Management Plan which provides details specific to Area B which have not previously been submitted in (i), shall be submitted to and approved in writing by the Planning Authority after consultation with SNH. The Protected Species Management Plan shall include mitigation measures designed to safeguard any EPS within such Areas. During the construction phase of the development regular monitoring of the mitigation measures (where required) in the Protected Species Management Plan shall be carried out by the Company, or its representative; and

(IV) The development shall thereafter be carried out in accordance with the approved Protected Species Management Plan (s) unless otherwise agreed with the Planning Authority in writing. For the avoidance of doubt, no development shall take place within Areas A, B or S, without such surveys being undertaken and (where required) such mitigation being in place within such area(s).

Reason: To minimise disturbance to protected species during the construction phase of the development.

- 12 (I) With the exception of the Enabling Works (as defined within Condition 4(II)) and the Initial Duct Works, undertaken in August 2016 in Area A, there shall be no commencement of the development hereby approved within Area A, Area B or Area S, until the applicant has, through the employ of an archaeologist or archaeological organisation, secured the implementation of a programme of archaeological work within such areas, in accordance with a written scheme of investigation which the applicant will submit to and have approved in advance by the Planning Authority.

(II) Areas A, B and S are as illustrated on drawing reference GIS 1744/011/024; "Onshore Infrastructure - Planning Conditions Illustration of Areas A, B and S", unless otherwise agreed in writing with the Planning Authority.

(III) Thereafter, no development shall take place within remaining Areas until the applicant has, through the employ of an archaeologist or archaeological organisation, secured the implementation of a programme of archaeological work within such remaining Areas, in accordance with a written scheme of investigation which the applicant will submit to and have approved in advance by the Planning Authority; and

(IV) For the avoidance of doubt, no development shall take place within Areas A, B or S, without the implementation of an approved programme of archaeological work within such area(s).

Reason: To facilitate an acceptable archaeological investigation of the site.

- 13 Within 24 months of the permanent cessation of generation at the offshore wind farm, the Company shall confirm in writing to the Planning Authority whether or not the development hereby approved continues to be required for electricity transmission purposes.

Where the development is not required for electricity transmission purposes beyond the operational period of the offshore wind farm, within 24 months of the permanent cessation of generation at the offshore wind farm, a decommissioning and site restoration plan (the 'Demolition and Restoration Scheme') shall be submitted to and approved in writing by the Planning Authority. The Demolition and Restoration Scheme shall have due regard to the Decommissioning Programme prepared in respect of the offshore wind farm and shall include details of:

- (i) The extent of substation and cable infrastructure to be removed and details of site restoration;
- (ii) Management and timing of works;
- (iii) Environmental management provisions; and
- (iv) A traffic management plan to address any traffic impact issues during the decommissioning period.

The Demolition and Restoration Scheme shall be implemented in its entirety, unless otherwise agreed with the Planning Authority in writing.

Where the Development is required for electricity transmission purposes beyond the operational period of the offshore wind farm, within 24 months of the development no longer being required for electricity

transmission purposes, a decommissioning and site restoration plan (the 'Demolition and Restoration Scheme') shall be prepared by the Company and shall be submitted to and approved in writing by the Planning Authority. The Demolition and Restoration Scheme shall include details of:

- (i) The extent of substation and cable infrastructure to be removed and details of site restoration;
- (ii) Management and timing of works;
- (iii) Environmental management provisions; and
- (iv) A traffic management plan to address any traffic impact issues during the decommissioning period.

The Demolition and Restoration Scheme shall be implemented in its entirety, unless otherwise agreed with the Planning Authority in writing.

Reason: To ensure that the application site is satisfactorily restored in the interests of the amenity of the area.

- 14 With the exception of the Enabling Works (as defined within Condition 4(II)) and the Initial Duct Works, undertaken in August 2016 in Area A (Area A as illustrated on drawing reference GIS 1744/011/024; "Onshore Infrastructure - Planning Conditions Illustration of Areas A, B and S"), there shall be no commencement of the development hereby approved, until proposals for the realignment of existing access tracks are submitted to and approved in writing by the Planning Authority. The development shall thereafter be carried out in accordance with approved details unless otherwise agreed with the Planning Authority in writing.

Reason: To minimise the impact the development on public access within and across the application site.

- 15 (I) Prior to commencement of the development hereby approved within Area B, a detailed method statement for the cables crossing under the A 1 trunk road shall be submitted to and approved by the Planning Authority following consultation with Transport Scotland.

The development shall thereafter proceed in accordance with the details so approved.

(II) Area B is illustrated on drawing reference GIS 1744/011/024; "Onshore Infrastructure - Planning Conditions Illustration of Areas A, B and S", unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of road safety.

- 16 (I) Prior to the commencement of the borehole within Area S comprised within the Enabling Works and described in Condition 4(II) (the location of which is illustrated on drawing reference J00468-C-032(Rev B); "Enabling Works (v) Borehole Location", a detailed method statement for the construction of the borehole shall be submitted to and approved by the Planning Authority following consultation with SEPA.

The development shall thereafter proceed in accordance with the details so approved.

(II) Area S is illustrated on drawing reference GIS 1744/011/024; "Onshore Infrastructure - Planning Conditions Illustration of Areas A, B and S", unless otherwise agreed in writing with the Planning Authority.

Reason: In order to agree the specifics of this element of the development.

Signed

Councillor Norman Hampshire
Convener of the Planning Committee

REPORT TO: Planning Committee
MEETING DATE: Wednesday 26 June 2019
BY: Depute Chief Executive
(Partnerships and Community Services)
SUBJECT: Application for Planning Permission for Consideration

2

Application No. **18/00937/PPM**

Proposal Planning permission in principle for residential development with associated access, SUDS, roads, open space, future school expansion site, sports pitch and landscape works

Location **Land At Windygoul South
Tranent
East Lothian**

Applicant Walker Group (Scotland) Ltd

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

As the area of the application site is greater than 2 hectares and also the proposal is for more than 49 residential units, the development proposed in this application is, under the provisions of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, defined as a major development and thus it cannot be decided through the Council's Scheme of Delegation. The application is therefore brought before the Planning Committee for a decision.

As a statutory requirement for major development proposals this development proposal was the subject of a Proposal of Application Notice (Ref: 17/00016/PAN) and thus of community consultation prior to this application for planning permission in principle being made to the Council.

As an outcome of that and as a statutory requirement for dealing with major development type applications a pre-application consultation report is submitted with this application. The report informs that it is estimated that circa 43 people attended the pre-application public consultation event which was held for one day at the Loch Centre, Well Wynd, Tranent on the 24th January 2018 and that those attendees made a number of queries and suggestions regarding the proposals. The development for which planning permission in principle is now sought is of the same character as that which was the subject of the community engagement undertaken through the statutory pre-application consultation of the proposal.

The application site is an area of some 35 hectares of agricultural land at Windygoul on the southern edge of Tranent, the majority of which is allocated by Proposal (PROP) TT1 of the adopted East Lothian Local Development Plan 2018 (ELLDP) for circa 550 homes, the expansion of Windygoul Primary School campus as well as other community uses, infrastructure and associated works. Part of the site (approximately 1.12 hectares of land to the south of the current Windygoul Primary School campus) is also allocated by PROP TT2 for the expansion of Windygoul Primary School campus in line with PROP ED4, to accommodate the impacts generated by PROP TT1 and other housing sites in the school's catchment area. and to provide community facilities in line with PROP CF1 and PROP OS6 of the ELLDP. The land allocated by Proposal TT1 is also subject to a Development Brief which forms part of the Council's approved Supplementary Planning Guidance Development Briefs as required by the ELLDP.

The application site is bounded to the north by the Windygoul residential area of Tranent and by Windygoul Primary School, landscaped areas of open space and the southern end of the public road of Brotherstone's Way. It is bounded to the east by the B6371 public road of Ormiston Road and a core path, and beyond by agricultural land. To the south it is bounded by the farm access and agricultural and domestic buildings of Carloverock Farm with further agricultural land beyond, and at the western end of its southern boundary by Elphinstone Research Centre which is operated by Charles River Laboratories. It is bounded to the west by a core path and beyond that by further agricultural land which is land allocated in the ELLDP under PROP TT3 for employment use. Beyond the site of PROP TT3 lies the B6414 public road of Elphinstone Road. A planning application (ref: 18/00109/PM) for the erection of 187 houses, 16 flats, 4 industrial units (class 4, 5, 6), 1 retail unit (class 1) and associated works on that allocated site has been submitted to the Council and is currently pending consideration.

The site has an undulating land form with heights varying from +114 metres in the south west to +94.5 metres in the north east. Generally, however, the site slopes down from the southern edge to the northern edge. There are woodland strips bounding parts of the site, in particular between the Elphinstone Research Centre and the western end of the southern boundary of the site and between parts of the existing residential developments to the north and the northern boundary of the site.

The eastern part of the application site is within an area identified by The Coal Authority as being a Coal Mining Development High Risk Area. The western part of the site is within an area identified by The Coal Authority as being a Coal Mining Development Low Risk Area. Small areas of land throughout the site are identified as being at risk from surface water flooding.

Planning permission in principle is sought for a proposed residential development of the site to include some 561 homes and also for an expansion of the Windygoul Primary School site, a community sports pitch, a Sustainable Urban Drainage System (SUDS) detention basin, areas of open space including children's formal play areas, and for associated infrastructure including formation of vehicle accesses, internal roads and footpaths, shared use paths and landscaping.

An indicative site plan/masterplan has been submitted with the application which shows how, in principle, the development would be accommodated on the application site. It shows that two vehicular accesses would be taken into the site, one from the B6371 public road of Ormiston Road and one forming a continuation of the southern end of Brotherstone's Way. The vehicular access taken from Ormiston Road would continue as the primary spine road running westwards through the site from its junction with Ormiston Road at the eastern boundary of the site, along the full width of the site to the western

boundary where it would terminate at the boundary of the site with the boundary of the land allocated by PROP TT3 of the ELLDP for employment uses. The proposed continuation of Brotherstone's Way southwards into the site would link into the proposed primary spine road. It is indicated that residential development could take place over the majority of the site with a series of secondary and tertiary streets taken off the primary spine road to create residential developments throughout the site. It is indicated that areas of public open space and children's play areas would be located within those residential areas. It is indicated that a SUDS basin could be formed in the northeast corner of the site, with landscaped areas around it, and further landscaped areas, including new structural tree belt planting around the southern boundary of the site and green corridors linking the site to the north and south along with pockets of open space throughout the site would be created. It is indicated that a landscaped bund with an acoustic fence atop of it would be formed in the southerly most corner of the site where the site adjoins the boundary of the Elphinstone Research Centre. An area of some 1.124 hectares for the expansion of Windygoul Primary school is indicated on the north side of the primary access road and to the west side of Brotherstone's Way as it is proposed to be extended. On the west side of the proposed school expansion area an area for a community sports pitch is indicated. Bus stops are indicated along the primary road and a series of footpath and shared use paths linking into existing off site footpaths and shared use paths is indicated throughout the site.

No illustrative drawings have been submitted with the application to indicate the design of any of the residential units however the indicative site plan does provide some detail on how the residential units would be laid out in development blocks containing secondary and tertiary routes to form a series of permeable pockets of development throughout the site. The indicative site plan also includes a table indicating the mix of housing which would be provided throughout the site to include 3, 4 and 5 bedroom private housing provided in terraced, semi-detached, detached and bungalow house types and 1, 2, 3 and 4 bedroom affordable housing units provided in cottage flats, terraced, semi-detached and bungalow house types.

The application is also supported by, amongst other documents, an Archaeology Desk Based Assessment Report, an Ecology Report, a Transport Assessment, a Junction Location Report for Elphinstone Road, a Landscape and Visual Impact Assessment, a Design and Access Statement, and a Coal Mining Risk Assessment.

Since the registration of the application the indicative site plan has been amended twice, the first amendment reducing the total number of residential units to 566 and the second amendment reducing the numbers further to a total of 561. Other amendments to the indicative site plan include:

- * altering the alignment of the westernmost part of the proposed primary spine road through the site resulting in it terminating at a more southerly point along the western boundary of the site;
- * amending the number, overall size and location of affordable housing parcels (changing the number of parcels from 2 larger parcels to 3 smaller parcels with circa 60 units in each parcel);
- * amendments to the shape, design and landscaping associated with the proposed SUDS basin;
- * amended landscape treatment around the southern boundary of the site to show a more varied treatment to the landscape structure incorporating low level shrub planting and an informal path to provide a semi-rural pedestrian route around the southern edge

of the site;

*incorporating an additional green corridor linking the proposed green network on the southern boundary of the site with the main east west spine road and the sports pitch adjacent to the school expansion area;

*provision of a landscape bund and acoustic fence at the most southerly point of the site;

*the addition of indicative bus stop points to the site plan and the submission of a swept path analysis demonstrating a circular route for bus travel through the site;

* provision of a 2 metres wide path indicated to the west boundary of the site and other footpath links throughout the site.

Other additional information submitted since the registration of the application include an Air Quality Impact Assessment Method Statement, an Air Quality Assessment, a Noise Impact Assessment, a SUDS and Drainage Strategy (including a Flood Risk Assessment), Scottish Water technical approval documentation, cross section drawings through the proposed bund and acoustic fence, a drawing showing a typical section through the southern boundary perimeter path and planting, a bus tracking analysis, a housing mix schedule and open space calculations.

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 the proposed development falls within the category of a Schedule 2 Development, being one that may require the submission of an Environmental Impact Assessment (EIA). Schedule 3 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 sets out the selection criteria for screening whether a Schedule 2 development requires an EIA. On 29th September 2017 the Council issued a formal screening opinion to the applicant. The screening opinion concludes that it is East Lothian Council's view that the proposed development is not likely to have a significant effect on the environment such that consideration of environmental information is required before any grant of planning permission in principle. It is therefore the opinion of East Lothian Council as Planning Authority that there is no requirement for the proposed development to be the subject of an EIA.

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

The development plan is the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Development Plan 2018 together with its adopted supplementary guidance.

The purpose of the approved South East Scotland Strategic Development Plan (SESplan) is to set out the strategic planning framework to assist preparation of local development plans. Its policies are generally not relevant for assessing individual planning applications.

Relevant ELLDP Policies and Proposals are PROP TT1: Housing at Windygoul South, Tranent, PROP TT2: Windygoul Primary School Expansion Land, PROP ED4: Tranent Cluster Education Proposals, PROP CF1: Provision of New Sports Pitches and Changing Accommodation, PROP OS6: Allotment Sites, Policy SECF1: Safeguarded Education and Community Facilities; Policy HOU3: Affordable Housing Quota, Policy HOU4: Affordable Housing Tenure Mix, Policy OS3: Minimum Open Space Standard for

New General Needs Housing Development, Policy OS4: Play Space Provision in New General Needs Housing Development, Policy OS5: Allotment Provision, PROP OS6: Allotment Sites, Policy T1: Development Location and Accessibility, Policy T2: General Transport Impact, Policy T4: Active Travel Routes and Core Paths as part of the Green Network Strategy, PROP T9: Safeguarding of Land for Station Car Parks – Musselburgh, Longniddry, Drem, PROP T10: Safeguarding of Land for Platform lengthening – Musselburgh, Prestonpans, Longniddry, Drem and Dunbar, PROP T15: Old Craighall Junction Improvements, PROP T17: A1 Interchange Improvements (Salters Road, Dolphinstone Interchange, Bankton Interchange and Gladsmuir), PROP T21: Musselburgh Urban Traffic Control System, PROP T27: Tranent Town Centre One-Way System, PROP T28: Junction Improvements at Elphinstone Road and Edinburgh Road, Policy T31: Electric Car & Bus Charging Points, Policy T32: Transport Infrastructure Delivery Fund, Policy W3: Waste Separation and Collection, Policy NH5: Biodiversity and Geodiversity Interests, including Nationally Protected Species, Policy NH10: Sustainable Urban Drainage Systems, Policy NH11: Flood Risk, Policy NH12: Air Quality, Policy NH13: Noise, Policy CH4: Scheduled Monuments and Archaeological Sites, Policy DP1: Landscape Character, Policy DP2: Design, Policy DP3: Housing Density, Policy DP4: Major Development Sites, Policy DP8: Design Standards for New Housing Areas, Policy DP9: Development Briefs and Policy DEL1: Infrastructure and Facilities Provision.

Material to the determination of the application is the non-statutory Development Brief (TT1 – Windygoul South, Tranent) which was adopted by the Council on 30 October 2018.

Also material to the determination of the application is Scottish Planning Policy: June 2014. One of the main 'Outcomes' of Scottish Planning Policy (SPP) is to create successful, sustainable places by supporting sustainable economic growth and regeneration, and the creation of well-designed, sustainable places.

Scottish Planning Policy highlights that new housing developments should be integrated with public and active travel networks, such as footpaths and cycle routes, rather than encouraging dependence on the car. There should be connectivity between new and existing streets with walking and cycling networks, and allow for links into future areas of development.

A further material consideration is Scottish Government Policy Statement Designing Streets, and Planning Advice Note 67: Housing Quality. They provide an overview of creating places, with street design as a key consideration. They advise on the detail of how to approach the creation of well-designed streets and describe the processes which should be followed in order to achieve the best outcomes. PAN 67 states that the planning process has an essential role to play in ensuring that the design of new housing reflects a full understanding of its context in terms of its physical location and market conditions, reinforces local and Scottish identity, and is integrated into the movement and settlement patterns of the wider area. The creation of good places requires careful attention to detailed aspects of layout and movement. Developers should think about the qualities and the characteristics of places and not consider sites in isolation. New housing should take account of the wider context and be integrated into its wider neighbourhood. The quality of development can be spoilt by poor attention to detail. The development of a quality place requires careful consideration, not only to setting and layout and its setting, but also to detailed design, including finishes and materials. The development should reflect its setting, reflecting local forms of building and materials. The aim should be to have houses looking different without detracting from any sense of unity and coherence for the development or the wider neighbourhood.

Also material to the determination of the application are the written representations received to it. A total of 24 representations have been received, the majority of which raise objections to the proposals. Copies of the written representations are contained in a shared electronic folder to which all Members of the Committee have access.

The main grounds of objection are that in respect of the proposed development:

- * Existing infrastructure in Tranent including health centre, dentists, leisure centres, water and drainage, schools and town centre parking are all over stretched. Extra housing development will exacerbate these problems as well as worsening the traffic issues on the High Street during peak times;

- * The proposed junction onto the B6371 Tranent to Ormiston Road should not be allowed as the area for it has poor sight lines and is prone to flooding to a depth which results in road closures;

- * Pressure on schools with children being taught in portacabins and children's education disrupted by continual extending of schools which also leads to a loss of playground space;

- * The Windygoul area is already saturated with new housing with very little infrastructure within it to support this;

- * Loss of green space;

- * Will lead to a displacement of wildlife;

- * East Lothian has great capacity to use its agricultural land to provide local food and local jobs and this should be encouraged instead of developing it for housing;

- * Tranent is in danger of losing its character and community spirit, many incomers don't use the local facilities or shops and it is being used as a commuter town for Edinburgh;

- * Reduced air quality due to the additional traffic, which in the longer term will put even more pressure on health provision;

- * It is extremely distasteful that works have already commenced and more are planned before this planning application has been approved;

- * This development should not be approved before a main access point to Elphinstone Road can be developed;

- * The proposal will result in a high volume of traffic passing the school increasing the likelihood of an accident and an environmental impact on young children attending the school as well as congestion on Brotherstone's Way;

- * The proposal will put additional pressure on other existing roads and junctions at Windygoul and towards the town centre leading to increased congestion and air pollution;

- * Will lead to too much traffic using the A1 and Edinburgh City Bypass for work trips;

- * Number of car parking spaces proposed is insufficient;

- * The bus reversing point proposed would be totally unsuitable for a small residential estate causing additional congestion and serious accident to the children playing in the

vicinity;

- * Environmental impacts of the research facility on the proposed housing development;
- * With Brexit looming it would be wise to hold back additional construction until our future is clearer as we may be left with a surplus of housing;
- * Impact of large scale building work in known mining area and impact on existing dwellings;
- * Limited public transport links to area encouraging greater car use;
- * Added noise or anti social behaviour in communal areas like football pitches;
- * Increased dog owners leading to an even bigger dog fouling problem in the area;
- * Limited capacity on local train routes in Prestonpans and Wallyford;
- * Loss of view and loss of property values;
- * Disruption to neighbouring properties during construction phase;
- * The proposed new road through the site will lead to additional noise and pollution to neighbouring residential properties;
- * Concerns that the distributor road proposed does not align with the distributor road proposed for the adjoining site (site allocated by PROP TT3 for Employment uses in the ELLDP);
- * High ground levels on the site could result in the proposed housing development leading to harmful overlooking of existing residential properties;
- * Pre-application documents indicated there would be high density housing adjacent to George Grieve Way. If this were to happen it would lead to overlooking and overshadowing of existing neighbouring properties;
- * The proposed urban design solution does not respond positively to the requirement stated in the Draft Development Briefs Proposed Supplementary Planning Guidance to create an upgraded linear open space corridor where the core path currently exists;

Representations which do not raise objections to the application are summarised below:

- * While residential and school development is welcomed in the area, serious consideration must be given to including additional proper all weather sports facilities which will benefit the whole community;
- * This development proposal provides East Lothian Council and the developers the opportunity to be part of a lasting legacy in ensuring Tranent remains at the forefront in providing long lasting community sporting facilities for not only this generation but generations to come;
- * Tranent really needs another all weather floodlit pitch. In comparison to other towns and new development Tranent has been left behind with regards to sports facilities. If we fail to address this adequately in this new development it would send a clear signal that there is no real commitment to community sports or youth development in Tranent.

The loss of view to another property as a consequence of a development and the loss of property values are not material considerations in the determination of a planning application. Nor are any perceived implications of Brexit or the fact that additional housing may lead to additional dog fouling. If there are issues with dog fouling this can be controlled through other legislation. There is no evidence that the provision of a sports pitch would lead to harmful noise impacts or an increase in anti-social behaviour. If there were future harmful noise or anti-social issues these too would be dealt with through legislation other than planning legislation. Where residents of Tranent choose to work or shop is not a material planning consideration.

There is no evidence that any of the development proposed through this application has commenced on site. The applicant has carried out an investigation into the presence or otherwise of archaeological deposits within the site by means of intrusive trenches and it may be that this has led to concerns amongst local residents that development has commenced on site.

Tranent and Elphinstone Community Council have been consulted on the application but have not provided any comments on it.

The primary material consideration in the determination of this application is whether or not the principle of the proposed development accords with development plan policy and other supplementary planning guidance and if not, whether there are material considerations that outweigh any conflict with the development plan and other supplementary planning guidance.

East Lothian Council adopted its Local Development Plan on 27 September 2018. The ELLDP sets out a development strategy for the future of East Lothian to 2024 and beyond, as well as a detailed policy framework for guiding development. It sets out the Council's settled view of where new development should and should not occur, including housing, education, economic and retail development, new transport links, and other infrastructure. The application site is an allocation of the plan which provides part of the plan's strategy and housing land supply.

The application site is (with the exception of the areas safeguarded for the expansion of Windygoul Primary School and for the provision of community facilities), an allocated housing site (TT1: Housing at Windygoul South) in the ELLDP. Proposal TT1 of the ELLDP allocates the site for a residential development of circa 550 homes and thus the Council recognises its potential for residential development for circa 550 homes.

The Council's adopted Development Brief for the site sets out guiding principles, and indicative design, to be followed, where possible. These include (1) site access being taken from the B6371 Ormiston Road and the B6414 Elphinstone Road through the site with an additional access created from Brotherstone Way providing a link to the main access route (this should be designed to discourage heavy vehicle use and slow down traffic). The access corridor should be designed to incorporate controlled crossings and bus movements through the site; (2) suitable landscaping, provision for off road cycling and walking and well designed housing layouts along the eastern boundary of the site; (3) high quality landscaping at the southeast corner of the site to provide a gateway to the development from the south and to slow down traffic speeds on this new urban edge of the town; (4) a managed and accessible landscape edge to the southern boundary of the site with cycle and pedestrian access along this edge to facilitate connectivity within the site and beyond into Tranent; (5) in the south west corner, where the site adjoins operational employment land, separation between the uses should be secured with development offset by a minimum of 10 metres from the boundary; (6) the layout of the

site should encourage direct pedestrian and cycle routes to the school, local shop and the town centre; these links should also be made to the west and east of Gavin's Lee, to the east of George Grieve Way and into Winton Court; (7) the main open space provision should be located on the northern edge of the site to link into the existing open space to the west of the school and area for future school expansion. Open space should be provided elsewhere throughout the site in accordance with the Council's open space standards; (8) the potential for higher density housing may be explored in the area indicated to the east of the expanded school, the most convenient location for access to the school and shop; (9) the core path along the western boundary should be safeguarded. The path should be upgraded to 4 metres wide and lit for walking and cycling and should be enhanced with specimen tree planting to provide an appropriately designed landscape edge with links into both site TT1 and TT3. Notes added to the Development Brief stated that external finishes of the new development should be in muted colours to be agreed with the Planning Authority, around the edges of the site development should be no higher than 2 storeys (with the exception of the higher density area); development should front onto areas of open space to ensure that it is overlooked and surveys for noise, odour and emissions should be undertaken to consider the adjoining employment use at Elphinstone Research Centre. These should inform any necessary mitigation of negative impacts on the proposed residential development.

The Council's Policy and Projects Manager has been consulted on the application. He initially raised some concerns that the proposal, as originally submitted, didn't take full account of the relevant policies and proposals of ELLPD or of the Development Brief for the site. In particular concern was raised that the need to assess any noise, odour and emissions and to identify appropriate mitigation and buffering from the operational employment to the south of the site hadn't been fully considered. The application has since been amended, the surveys identified have been carried out and assessed by SEPA and the Council's Environmental Health Manager and amendments have been made to the proposed landscaping and mitigation along the boundaries of the site with the Research Centre including for the incorporation of an acoustic bund. The Council's Policy and Projects Manager welcomes the amendments which have been carried out and advises that the total number of residential units now proposed for the site sits comfortably with PROP TT1 and the allocation of land for circa 550 dwellings. The Policy and Projects Manager notes that the amendments include the realignment of the primary spine road connection with that indicated in the planning application (reference 18/00109/PM) for the adjoining site allocated by PROP TT3 and welcomes this change to the proposal. He also welcomes the provision of a 2 metres zone along the western boundary of the site for upgrading of the existing Core Path and notes that this assists in meeting point 9 of the Development Brief (the Brief requires the safeguarding and upgrading of the core path to be carried out between the sites of PROP TT1 and TT3 and it is therefore reasonable to expect this responsibility to be shared between the developers of the two sites, hence the proposal to create a 2 metres wide path on TT1). In relation to other path provision the Policy and Projects Manager advised that there still remains a need to increase permeability between the site and the surrounding land to the north pointing out that point 6 of the Brief seeks pedestrian and cycle links and specifically mentions where routes are sought linking to the primary school and beyond. In response to these comments the indicative site plan has been amended to increase the amount of pedestrian and cycle links to areas beyond the site.

The total number of housing units in this application is, at 561, not inconsistent with the "circa 550" for which the site is allocated. The indicative site plan submitted with the application is indicatively detailed down to the level of individual house plots and house types which could be accommodated on the site and this level of indicative detail demonstrates that the site is capable of accommodating all of the proposed development including vehicular and pedestrian access, landscaping and amenity space without

being an overdevelopment of it. The application does not include a proposal to site high density housing to the east of Brotherstone's Way at the northern edge of the site and instead it is proposed that this area be laid out as public open space with provision for public art being displayed there. This is not contrary to the Development Brief as the brief merely suggests that the "potential for higher density housing may be explored" in this area. In terms of density overall the Design and Access Statement notes that there is a higher density of housing located within the northern portion of the site which includes terraced and semi-detached dwellings. The housing to the southern portion of the site is less dense and contains a mix of larger detached family homes. The density of the proposed residential development areas would be appropriate to the requirements of Policy DP3 of the ELLDP. Accordingly, and if the Planning Committee are of a mind to grant planning permission in principle for the residential development proposed in this application then the number of residential units can be as many as 561, without being a significant departure from PROP TT1 of the ELLDP. This can be secured through a conditional grant of planning permission in principle for the proposed development.

The Design and Access Statement provides further detail on the design response to the Policy requirements and the Development Brief. It states that the new neighbourhood aims to build upon the existing important features of Tranent and surrounding area and aims to (i) contain development from the south with a new landscape fringe; (ii) form a series of new green connections linking existing landscape structure with new neighbourhoods; (iii) create a new east-west primary route; (iv) form a series of secondary open spaces throughout and (v) form a new gateway to the south incorporating both landscape and buildings. The design vision is to create a series of development blocks which integrate with the proposed new landscape structure and to ensure that each block is proportionate in scale and is integrated with green space and landscaping. The Design and Access Statement adds that the primary spine road is intended to be tree-lined with a linear structure which establishes a hierarchy of streets and will incorporate variation in the built section of the primary route – including nodes, footpaths and structure planting to ensure that this is an attractive avenue which provides secondary 'gateways' to the various pockets within the development. It notes that the use of a variety of building types and street widths will help create a distinctive character to the primary route helping to create a sense of structure to the new neighbourhood.

The Design and Access Statement goes on to describe how the secondary routes taken off the main spine road would create maximum permeability through each development block with less formal road layouts broken up by traffic calming measures and less prominent landscaping and how the tertiary routes would consist of a series of tertiary streets connected with the secondary street structure which would be shorter, more intimate streets in scale focussed on shared spaces for pedestrian and vehicles and which would incorporate a variety of house types to create an interesting street structure with buildings used to close off street vistas. The Design and Access Statement describes the architecture and form of the new neighbourhood as reflecting that of the surrounding residential areas. Residential units would incorporate pitched roofs and traditional fenestration. Primary elevations would generally address streets and lanes providing positive frontage. In instances where houses don't front onto primary roads, the applicant has indicated that these will be dual aspect. This could mean that those houses could merely contain a window in the gable elevation facing on to the primary road. This would not be an adequate design treatment for such a publicly visible elevation. Rather, and as approved recently elsewhere, those houses (which are indicated by an asterisk on the site plan) should be dual frontage. Houses are also proposed to be positioned to front onto areas of open space, thereby providing passive surveillance.. The Design and Access Statement describes the residential units as being two storey throughout (although the site plan also indicates the incorporation of some

bungalows).

What is proposed in principle for the development of the application site in terms of the layout of the residential units would be a sustainable new residential neighbourhood that makes good use of the land and would be a sympathetic extension to Tranent with due regard to the built form of the town and the locational context of the application site relative to the existing Windygoul development. In respect of the general layouts indicatively shown in the site plan these demonstrate that in principle the site could be developed for 561 residential units without harming the privacy and amenity of neighbouring residential properties through overlooking or overshadowing. It also demonstrates that in principle the 561 residential units could be laid out in such a way as to give an acceptable standard of residential amenity to their future occupants. The urban form of the new neighbourhood in principle respects and responds to the landscape and landform of the area. Whilst the design details of the Design and Access Statement and as further detailed in the indicative site plan are generally acceptable, it would be prudent to impose conditions on a grant of planning permission in principle to ensure that the details of the siting, design and external appearance of the proposed residential units, the landscaping of the site and the means of access to the proposed development would require the subsequent approval of the Planning Authority. Through the subsequent determination of such details in relation to Scottish Government Policy of Designing Street and the Council's Design Policies and Supplementary Guidance, planning control would be fully acceptable, with due regard to the need to safeguard the character and appearance of this site on the southern edge of Tranent.

In terms of landscaping, the Design and Access Statement and the indicative site plan sets out the landscape strategy for the site which includes structure planting consisting of existing and proposed new buffer planting around much of the southern boundary of the site and in areas to the north of the site, creating green connections through the site and beyond, creating a new park around the existing knoll on the southern boundary of the site and a new community park/sports pitch adjacent to the school expansion area, creating pocket parks throughout as well as formal play areas for children and forming a tree lined primary avenue.

The Council's Landscape Projects Officer has considered and commented on the proposals including the Landscape and Visual Impact Assessment (LVIA) submitted with the application. The Landscape Projects Officer advises that the main part of the site and the whole of Tranent is located within the Mayfield/Tranent Ridge landscape character area and notes that the LVIA notes typical features from this landscape character including small farm woodlands being common and distinctive features thought the area, development being contained within localised shelter woodlands which often preclude wider landscape views, views from settlement edges largely consisting of open agricultural fields and the fact that Tranent benefits from available distant views to the hills.

The Landscape Project Officer advises that several viewpoints have been included within the LVIA to assess the impact of the proposals on sensitive receptors and how any detrimental impacts can be (partly) mitigated for. She makes the following comments in relation to the viewpoints assessed in the LVIA:

* Viewpoint 1 looking south from the existing southern urban edge to Tranent at Brotherstone Way, midway along the northern site boundary, shows how the open countryside views will be lost by developing the site. This is a natural outcome with a town extension. These open countryside views will move to the new southern boundary of the town to the south side of the site, where woodland planting is not proposed. The LVIA notes that the landscape mitigation strategy will provide minimal enhancement or

screening of the proposed development.

* Viewpoint 2 looking south from the existing entrance to Tranent on the B6371 shows how setting the development back from the road edge beyond the SUDS basin and landscape edge reduces the impact of the proposals on this view. This helps to filter views of the proposal so that you are aware of development to the side but the open view southwards is retained and is less encroached upon than it would be with development right up to the road edge. The LVIA notes that the landscape mitigation strategy will help to further reduce impact of the proposals on this view.

* Viewpoint 3 southeast corner of development site from B6371 is noted as the only significant visual road impact. The LVIA notes that the development will increase the influence of settlement within this view, however the development will be read in context with and form a legible extension of the existing settlement. The development layout has helped to address and mitigate for this impact by setting development back from road edge and facing housing out of site to south and east. The significant impact is noted as localised within the vicinity of the site and this is shown in viewpoint 6 further south along the B6371 at the junction with core path route 159 where the proposed landscape mitigation of tree planting to the east end of the boundary breaks up the massing of the development reducing its impact. The proposed solid woodland planting further west along the southern boundary completely hides the houses from view when fully grown. However it should be borne in mind that the proposed new woodland will have little screening impact for its first 15 years if planted as whips.

* The site appears as part of the open countryside in Viewpoint 4 looking west from the B6355, typical of the landscape character of the area with small farm woodlands and development is contained within localised shelter woodlands precluding wider landscape views. The visual shows the extension of the edge of the settlement of Tranent as a major impact in this view. However the view is much larger when on site with your main focus being to the south towards the hills. Therefore although the proposals have a significant visual impact here, this is reduced due to this not being the main focus of the view. Landscape mitigation of setting the development back from the road edge with tree planting also helps to reduce the impact.

* The existing landform and vegetation cover screens the majority of the development in views from the B6414 Elphinstone Road to the southwest of the development as shown in viewpoint 5. What development is visible will be read in context with and as a legible extension to the existing buildings of Tranent as identified within the LVIA.

* Viewpoint 7 from the junction of the B6355 with core path route 425 at the northern edge of the New Winton Conservation Area shows the limited and not significant impact of the new development. It is read in front of the existing settlement of Tranent and will not introduce more built development into the view. The landscape mitigation strategy will help to further reduce impact of the proposals on this view with tree planting breaking up the massing or screening the proposals from view.

* The LVIA has assessed the impact on core path route 345 along the western site boundary as major adverse and significant effect due to proximity of development. LVIA notes mitigation is required for this identified as scattered native tree planting along its length. As with the B6371 setting building back from the core path and introducing open space here will help to reduce the impact on this core path.

* The LVIA has identified in section 5 a design response to significant effects of the proposals. This includes the primary measure to retain and enhance the existing boundary framework, with additional mitigation and enhancement to establish suitable

boundary treatments to all boundaries to enhance existing boundary treatments and create an appropriate landscape setting for development as indicated in figure 7 of the LVIA. The measures should also reduce the potential for significant landscape and visual effects from local roads and users of the core path network. As mitigation during construction, the LVIA recommends that the proposed landscape boundary treatment planting be implemented during the early stages of development to allow vegetation to establish early and optimise screening and visual integration. It notes that this will require a tree protection and maintenance plan to safeguard new tree planting.

In order to mitigate for the development in line with the LVIA the Council's Landscape Projects Officer recommends that structure landscape planting be conditioned to be implemented within one year of start of development on site. She recommends that before development starts on site a full structure landscape plan must be submitted together with a programme for implementation and management and maintenance to ensure that planting to provide mitigation for significant landscape and visual effects is successfully established before the housing is occupied.

The Council's Landscape Projects Officer advises that although the LVIA has been used to inform the design layout to reduce the visual impact of proposals from out with the site the same process does not appear to have been used within the site. She notes that the LVIA suggests a solid tree belt around the existing farm and research facility with just a 3m wide shrub edge to the rear of proposed properties to avoid tree encroachment to back gardens. In consultation on this application the Landscape Projects Officer raised concern with this being an insufficient offset of trees from rear gardens based on her experience with similar situations where there has been and is ongoing pressure to fell trees to enable more sunlight into gardens or quell fears over trees falling into gardens. She suggested a number of alternatives including:

- reorienting the housing so rear gardens did not back onto the trees, immediately removing overshadowing issues;
- moving the open space corridor to link the existing open space at Gavins Lee to the north of the site with the woodland around the research centre thereby improving green network and habitat links whilst moving housing further from trees; and
- providing a path walkway and less dense planting along the boundary.

The Landscape Projects Officer advises that these comments have been taken on board by the applicant to the west of the site. Housing to the western half of the site has been reoriented and moved further from the southern boundary with open space and an informal walkway provided between. The houses to the central section have been orientated to face the existing woodland around the research centre with a road and open space between them. The open space links through the site providing habitat connectivity and as noted in the supporting statement providing good pedestrian permeability through and around the new development. A bund has been introduced to the east of the research centre with a 2m high acoustic fence to the top to address noise issues within this area. The submitted sections show how this will be separated and screened from the housing and surrounding walkway with shrub and tree planting. The walkway to the south will be open to the adjacent fields and should not feel enclosed by the bund. The walkway to the west of the bund is set between a bund and woodland of the research centre and could feel enclosed. This is however a reasonably short section with an alternative route along the road should people not want to walk along this.

The Landscape Projects Officer further notes that to the east of the site, the southern boundary landscape treatment has been amended to provide a more varied treatment to the landscape structure around the existing farm with low level shrubs directly to the rear of the plots followed by an informal pedestrian path and then tree planting. The width of the shrub planting has been increased to 8m in width with a path introduced at its outer

edge and then the tree planting further south. The Landscape Projects Officer advises that providing this offset between rear gardens and tree planting should address her concerns of overshadowing. However she notes that the houses here present a solid bank of rear gardens to this boundary with little permeability into the development and adds that this could create an uncomfortable and enclosed walk from which it is felt there is no egress and could feel unsafe to users. In response to this comment the applicant has further amended this part of the proposal to add two links from the semi-rural path through to the housing to allow easy access and egress to and from the path. The Landscape Projects Officer adds that the woodland belt would be more interesting if not linear in width but winding its way along the boundary and including open glen areas that you would find naturally within woodland. She recommends that a planting plan detailing species proposed should be submitted prior to site commencement and be made a condition of consent. The tree mixture should include some large species long lived species including oaks, sycamores and limes as well as establishment species such as birch and smaller understorey species of whitebeam, hawthorn, rowan, cherry and hazel. The LVIA recommends the use of locally appropriate planting and notes beech and Scots pine in this list. These trees would be too big for the edge woodland but could be used in the large open spaces throughout the development as specimen feature trees.

The Landscape Projects Officer welcomes the amendments which have taken place in response to her initial comments in relation to the SUDS basin to ensure a more naturalistic design solution. She notes that the side slopes have been reduced to 1:6 and maintenance tracks rationalised with indicative planting shown. She notes that on the indicative site plan this appears to provide a large area of open space with areas of tree and shrub planting providing opportunities to create attractive and usable open space and a feature at the entrance to the site.

In terms of boundary treatments the Landscape Projects Officer recommends that where rear garden boundaries face or run parallel with roads these should be feature boundaries in either stone or stone with timber panel infills and not full height close board fencing. She advises that where houses are proposed side on to main road elevation they should have a double frontage or be re-orientated to face the road. An enhanced gable is unlikely to be sufficient.

The Landscape Projects Officer notes that Section 5.2 of the LVIA identifies additional mitigation and enhancement measures to promote tree, hedgerow and ornamental shrub planting along proposed residential streets and private curtilages to enhance landscape structure, provide clear edges of public/private space, slow vehicular traffic and add value, colour and texture to the street scene. This is supported by the Landscape Projects Officer and she recommends that a condition of the consent include the requirement for hedges to front gardens and for these to be factored and maintained as part of the general maintenance of the estate to ensure the retention of a valuable street feature. A factoring plan / maintenance plan clearly identifying the public, private and factor maintained areas can be conditioned to be submitted.

The Landscape Projects Officer notes that a 2m wide lit footway is required to west side of B6371 and that housing is set back from this road with a landscape strip and paths to the fronts. The Landscape Projects Officer advises that leaving this open as shown on the masterplan (without a roadside hedge) with appropriate landscape treatment including mounding, formalised tree planting, groups of trees, some areas of shrub planting and the addition of a road feature (road narrowing / central island and signage) at the southeast corner of site will help to create an active street frontage and entrance to Tranent thereby slowing traffic speeds.

In addition to controlling the matters raised above the Landscape Projects Officers

suggests conditions requiring a scheme of landscaping, planting plan with timescales and landscape maintenance be imposed. These matters could be secured through a conditional grant of planning permission in principle for the proposed development.

The Council's Access Officer made a number of comments on the application as originally submitted in relation to public access and path provision. He stressed the importance, and the policy requirements, to safeguard and upgrade the core path on the western boundary of the site and to make provision for cycle and pedestrian routes to the school, local shop and the town centre. The Development Brief advises these links should also be made to the west and east of Gavin's Lee, the east of George Grieve Way and into Winton Court. The Access Officer also recommended the provision of a path, with access to the residential development areas, being provided through the proposed woodland strip on the southern boundary of the site and to consideration being given to providing circular, recreational routes around the site. The applicant has amended the proposals in line with the comments provided by the Access Officer and additional paths have been indicated on the indicative site plan including to the west and east of Gavin's Lee, to the east of George Grieve Way and through the woodland buffer to the south of the site and linking into the residential areas around that buffer and along the western boundary of the site to provide a 2 metres wide core path. In accordance with the Development Brief an additional footpath link should be provided to link the proposed footpaths within the site with the northern boundary of the site where it meets Winton Court and this is a matter which can be addressed through a conditional grant of planning permission in principle for the proposed development. Subject to this control the cycle and footpath provision proposed through the site and connecting to wider areas is consistent with Policy T4 and with the Council's adopted Development Brief for the site.

The indicative site plan details provision of a number of good sized pockets of open space throughout the site, most of which would be linked together with green corridors and/or footpath links. The open space provided (excluding the SUDS basin and the school expansion site) complies with and exceeds the minimum open space requirements of Policy OS3 of the ELLDP.

The Council's Principal Amenity Officer raises no objection to the number or locations indicated for the provision of formal play areas throughout the site. A condition should be imposed on the grant of planning permission in principle for the proposed development requiring submission of further details of the play areas, including the play equipment to be installed and a timetable for their installation, to be submitted to and approved in advance by the Planning Authority. On this consideration the principle of the proposed development is consistent with the requirements for play provision contained in Policy OS4 of the ELLDP.

The pre-ambles to Policy TT1 states that two points of access to the site will be required and traffic shall be encouraged to route to Edinburgh Road (A199) rather than High Street. It also states that the opportunity for, or provision of vehicular and active travel connections between the B6371 and the B6414 through this site and the adjacent site proposed for employment (PROP TT3) must be secured. The applicant has demonstrated that the primary spine road proposed for this proposed development could link into the primary spine road being promoted through the current application (ref: 18/00109/PM) submitted by a different applicant for the adjoining site the subject of PROP TT3 if this adjacent road were ever to be developed. However it is important to note that planning application 18/00109/PM has not been determined and there is therefore no guarantee that this road will be formed. Notwithstanding that the applicant has designed the primary spine road to provide a link to site TT3 to the west, as continuing this link through the adjoining site and on to the B6414 is outwith the control of

the applicant, the proposal the subject of this application proposes two other points of access to the site (via Brotherstone's Way and via the B6371 in accordance with the ELLDP and supplementary guidance requirements.

The Council's Road Services have considered the Transport Statement submitted with the application and generally agree with its findings. They raise no objection to the principles of layout of the proposed development, of the site accesses from Brotherstone's Way and Ormiston Road, of parking provision indicated in the indicative site plan and of the likely impacts of additional traffic generation on the existing road network. The principles of layout of the proposed development, of the site accesses from Brotherstone's Way and Ormiston Road and of parking provision indicated in the indicative site plan are all consistent with the adopted Development Brief. Road Services recommend that the following requirements be met through a conditional grant of planning permission in principle for the proposed development:

- * All roads and paths shall conform to ELC Standards for Development Roads (as an advisory note Road Services note that the applicant should aim for all paths and footways in particular to also conform to Roads for All standards – Transport Scotland's good practice guide for inclusive design. This specifies maximum longitudinal gradients of 5%)

- * A 40mph limit is required on the Ormiston Road B6371 to the site boundary on the south and a 2m wide, lit footway should be provided to tie into the existing footway and for the full length of the site on the west side of the road to increase the urban feel and reinforce the speed limit. A 'gateway' feature at the site boundary should highlight the change in speed limit. The junction of the development core road with the Ormiston Road should incorporate a right turning lane protected by islands which will serve the dual purpose of providing crossing points to the national cycle route N196. The junction visibility splays should be 9m x 160m, unless it can be demonstrated that actual traffic speeds will in fact be close to 40mph.

- * As specified in the Transport Assessment, there should be two signalised crossings installed on Brotherstone's Way (one to replace the existing zebra crossing and one south of George Grieve Way). Additional traffic calming will be required to deter through traffic and school drop-off by car. Walking and cycling routes to the school should be prioritised, including a signalised crossing of the East-West Road through the development. Proposals for the re-design of Brotherstone's Way should be submitted for approval and built accordingly, prior to first occupation.

- * Parking for the proposed development shall be provided at a rate as set out in the East Lothian Council Standards for Development Roads – Part 5 Parking Standards. Visitor parking bays should be clearly identifiable.

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.

Vehicle accesses to private parking areas (i.e. other than driveways) shall be via a reinforced footway crossing. Within private parking areas, the minimum dimensions of a single parking space shall be 2.5 metres by 5 metres.

All prospectively adoptable parking bays (i.e. that will form part of the public road) shall have minimum dimensions of 2.5 metres by 6 metres.

Cycle parking for dwellings without private back garden with a gate (e.g. flats/mid-terraces), shall be included at a rate of 1 space per dwelling. This shall be in the form of a lockable room or shed.

* Pairs of bus stops on both sides of the road should be provided on bus routes which will serve the site, and accommodation should be made for bus access through the site such that no dwelling on occupation is more than 400m walk to the nearest useable bus stop. Bus stops (and routes to them) should be overlooked and well-lit. In particular, no dwellings to the west of Brotherstone's Way should be occupied until a suitable bus route through this part of the development is constructed, or the link road to Elphinstone Road is complete. It is not acceptable for the bus route to include a reversing manoeuvre.

* Prior to commencement of development, a swept path, or vehicle track assessment, demonstrating that a 12m bus can, without having to reverse, navigate the streets being proposed for the bus route.

* As this development contains community facilities, under Policy T31 we encourage installation of at least one dedicated EV charging space per dwelling. Additionally, we expect passive provision for a double-headed Rapid chargepoint on the public road for every 50-100 dwellings.

* A Quality Audit to independently assess walking, cycling, access and road safety aspects within and around the development should be submitted and approved by the planning authority prior to construction commencing. This will be reviewed after construction is substantially complete and the developer required to make good any issues.

* Prior to first occupation, a Travel Information Pack with information for residents to encourage use of sustainable modes of transport such as trains, buses, cycling and walking shall be submitted to and approved by the Planning Authority. The Travel Information Pack will include local bus and train timetables, local cycling and walking maps, information on bike hire / car sharing, and shall include details of how it will be distributed to residents.

* 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 delivery times) and shall include hours of construction work.

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

* Paths

All path and footway connections from a zone under construction to the existing settlement shall be constructed to an adoptable standard before the occupation of any units in that particular zone. Notwithstanding what is shown in the drawings, the following links are required:

- An additional north-south path from the north-west corner of the affordable housing to the northernmost proposed path which runs from the Ormiston Road to the school.
- The existing length of path that joins the above proposed path and runs parallel to George Grieve Way should be resurfaced to adoptable standards and lighting installed; plans should be submitted for approval and work completed accordingly
- A short link from the existing paths/footways should be provided from the south-east corner of the site to connect with the national cycle route N196 to Ormiston,

and a suitable crossing of the B6371 should be provided; this crossing may form part of the 'gateway' feature

- A path linking the main development road to the park to the east of Gavin's Lee

A number of the requirements set out above have been incorporated into the latest revised indicative site plan submitted and other supporting information. These include the provision of additional indicative bus stops as required by Road Services and a suitable bus route through the development which overcomes the need for a reversing manoeuvre.

The applicant's have amended their indicative site plan to incorporate the requirements for additional footpath links as required by the Council's Road Services, the Council's Paths Officer and also as recommended by the Council's Landscape Projects Officer and the Council's Policy and Projects Manager (although the requirement for a path linking the paths of the site with Winton Court has not been included in the indicative site plan and should therefore be secured by a condition on a grant of planning permission in principle as stated earlier in this report).. However in relation to the requirement to provide a path linking the main development road to the park to the east of Gavin's Lee as detailed in Road Services response (i.e. between the sports pitch land and the school expansion area to increase permeability between the sports pitch and the wider area) the applicant has advised they consider the delivery of this footpath should be undertaken by the Council and its cost added to the cost required for provision of the sports pitch. The Council's Road Services have advised on the total costings for providing the required 180 metres long, 3 metres wide surfaced and lit shared use path are £146,000 and based on the number of units proposed through this application, the Council's Planning Obligations Officer advises that taking account of other planned developments the contribution required for this path as a result of this application should be £120,273. This contribution can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements.

The applicants have advised that the Road Services recommendation to resurface the existing length of path that runs parallel to George Grieve Way to adoptable standards and to install lighting is unachievable for them as the path lies outwith their control. It is also outwith the Council's control. Road Services accept that although it may be desirable to resurface this path and to install lighting this is not a necessary requirement for the proposed development. The other recommendations of Road Services, which have not already been incorporated into the revisions made to the application, can be secured by a conditional grant of planning permission in principle for the proposed development.

As part of the site is within a Coal Mining Development High Risk Area The Coal Authority has been consulted on the application. A Coal Mining Mineral Risk Assessment has been submitted with the application. The Coal Authority advises that they concur with the recommendations of the Mineral Risk Assessment that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to commencement of development in order to establish the exact situation regarding coal mining legacy issues on the site. The Coal Authority recommends that should planning permission in principle be granted that intrusive investigation works be undertaken prior to the commencement of development and that in the event that the site investigations confirm the need for remedial works to treat mine entries and any areas of shallow mine workings, development shall not begin until a scheme of remedial works on the site has been submitted to and approved in writing by the Planning Authority. This can be required by a

condition of a grant of planning permission in principle.

In relation to considerations of contaminated land issues, the Council's Environmental Health Service Manager advises that taking account of the historic uses of the site and the possibility of associated contamination issues, a condition should be attached if planning permission in principle is to be granted requiring that a Geo-Environmental Assessment be carried out by the applicant with the Report on it submitted to and approved by the Planning Authority prior to any site development works taking place. This requirement can be secured through a condition attached to a grant of planning permission in principle for the proposed development.

The western part of the southern boundary of the application site shares a boundary with the Elphinstone Research Centre which is operated by Charles River Laboratories. In pre-application discussions with the Council's Environmental Health Service and the Scottish Environment Protection Agency (SEPA) the applicant was advised that assessments for noise, odour and emissions should be undertaken to consider any impact the adjoining Research Centre could have on the proposed residential development and to inform any necessary mitigation of negative impacts on the proposed residential development.

The applicant has carried out and submitted air quality and noise impact assessments which assess the noise, odour and air quality impacts that operations at the Research Centre could have on the proposed residential development.

In terms of noise impacts from the Research Centre the Environmental Health Service Manager advises that impacts from plant and equipment operating from the Research Centre have been assessed by the applicant's noise consultants and the assessment reveals that mitigation measures will be required to protect the amenity of occupiers of proposed housing from noise, primarily associated with the operation of generators on the Research site. The Environmental Health Service Manager advises that these generators comprise 2 emergency back-up generators and 5 generators used in TRIAD avoidance and capacity market schemes. He advises that these TRIAD generators will only be used for approximately 100 hours per year but that notwithstanding this relatively short duration of use, mitigation measures required to protect the amenity of the future occupants of the proposed residential development should include, but may not be limited to:

- * the construction of an acoustic barrier approx. 4 metres in height and comprising an acoustic fence atop an earth bund. The location of the barrier will be in the south portion of the site adjacent to the eastern boundary of the Research Centre;
- * placement of bungalows in the cul-de-sac beyond the barrier, to eliminate the potential for lines of sight over the top of the barrier from first floor habitable rooms;
- * positioning of principle gardens on the far side of associated dwellings from the Research Centre incinerator, to create localised acoustic screening, minimising the potential for any residual impacts; and
- * minimising habitable room glazing elements facing directly towards the Research Centre by arranging future dwellings around recognised potential noise sources with the gable end orientated towards the source; this limits the angle of view from future habitable room windows.

He recommends that mitigation measures should be such that the following design criteria should be met:

1. The Rating Level, LArTr, of noise associated with the operation of the existing research facility (when measured 3.5m from the façade of any proposed residential property) shall be no more than 5dB (A) above the background noise level, LA90T. All

measurements to be made in accordance with BS 4142: 2014 “Methods for rating and assessing industrial and commercial sound”.

2. Noise associated with the operation of any plant and/or equipment serving the existing research facility shall not exceed Noise Rating curve NR20 at any octave band frequency between the hours of 2300-0700 and Noise Rating curve NR25 at any octave band frequency between the hours of 0700-2300 within any proposed residential property. All measurements to be made with windows open at least 50mm.

The Environmental Health Manager recommends that a further noise report to demonstrate the noise mitigation measures required to ensure compliance with this design criteria together with a timetable for their implementation, should be submitted to and approved by the Planning Authority. This can be secured by a conditional grant of planning permission in principle for the proposed residential element of the development.

On this matter of noise impact, SEPA advise that they are satisfied that the Noise Impact Assessment submitted by the applicant as part of this application demonstrates that noise from those parts of the Research Centre regulated by SEPA under Pollution Prevention and Control, is unlikely to be an issue for residents of the proposed development. SEPA advise that they welcome the noise controls recommended by the Council’s Environmental Health Manager and consider these will provide good protection for the future residents from noise issues.

The Council’s Environmental Health Manager and SEPA have been involved in detailed discussions with the applicant in relation to the scoping method to be applied to assessing air quality and in particular the impact operations carried out at the Research Centre could have on the amenity of future occupants of the proposed housing in respect of air quality. Following on from establishing the methodology to be used, the Council’s Environmental Health Manager having carefully considered the Air Quality Impact Assessment has concluded that he agrees with the key findings of the Assessment which are that based upon a worst case scenario, the impact NO_x emissions from the diesel generators operating at the Research Centre would have on the proposed residential properties at the south of the site would result in a breach of the statutory 1 hour mean Nitrogen dioxide (NO₂) Air Quality Objective on a small part of the application site. This part, (which would contain 9 of the residential units proposed for the site) occupies the most southerly corner of the application site, adjacent to the eastern boundary of the Research Centre site. It is identified in a drawing titled “Air Quality Mitigation Area” submitted as part of this application.

The Council’s Environmental Health Manager, having discussed this matter with SEPA as the responsible authority for applying the provisions of the Medium Combustion Plant Directive via The Pollution Prevention and Control (Scotland) Amendment Regulations 2017, advised that the diesel generators being operated at the Research Centre are not currently subject to a permit for their operation and whether or not they will become the subject of permit controls, therefore ensuring compliance with Air Quality Objectives, depends on a number of factors including the length of time they would operate for in any year. There therefore appears to be no immediate or short term likelihood of this situation regarding air quality over this small area of the site being addressed and unless and until it is addressed the Council’s Environmental Health Manager advises that this small area of the site should not be developed for housing as occupants of such housing would suffer harmful impacts on their air quality. As such and in order to address this air quality issue on this small part of the overall site the Council’s Environmental Health Manager recommends that a condition be imposed if planning permission in principle is to be granted to ensure that no residential units shall be erected within the yellow shaded area shown in Drawing No. CAR85-902 and titled Air Quality Mitigation Area dated

01.04.2019 unless and until such times as an updated Air Quality Assessment, that demonstrates all statutory Air Quality Objectives are being, and will continue to be met, has been submitted to, and approved by, the Planning Authority. The applicant has advised that they are agreeable to this condition being imposed on a grant of planning permission in principle.

SEPA, having liaised closely with the Council's Environmental Health Manager on this matter of air quality confirm in their consultation response that no part of the operations currently on the site of the Charles River Laboratories site are covered by the provisions of the Medium Combustion Plant Directive via The Pollution Prevention and Control (Scotland) Amendment Regulations 2017 and it should not be assumed that the generators will be regulated (improved) under these Regulations at a future date. Nevertheless they accept that the area likely to be affected has been correctly identified by the Air Quality Impact Assessment and consider that that area should be excluded from development which could lead to people being exposed to poor air quality. SEPA advise that if East Lothian Council considers a condition is appropriate to ensure the risk of exposure is avoided they will accept this although they state that their preference is for the red line boundary of the application to be redrawn to exclude the affected areas.

The applicant has considered SEPA's advice and has confirmed that they consider the condition recommended by the Council's Environmental Health Manager to be acceptable to them. They do not therefore propose to exclude that area from the application site as recommended by SEPA.

In terms of odour the Environment Health Service Manager advises that he is satisfied that the Assessments carried out by the applicant have demonstrated that there will be no harmful impacts on the future occupants of the residential development proposed arising from operations carried out at the Research Centre. SEPA have made no comment on odour matters in their final consultation response to the application.

Charles River Laboratories, as operators of the Research Centre, have recently submitted a planning application (reference 19/00412/P) for a proposed extension to an existing building within their site. This planning application is pending consideration and has not yet been determined. The Council's Environmental Health Manager has advised that he is satisfied that the proposed extension would not have any significant impact upon the future residents of the housing site the subject of this application in terms of noise, odour or air quality impacts.

The Environmental Health Service Manager further advises that he has no concerns regarding impacts upon air quality, including on Tranent High Street, as a consequence of road traffic arising from the operational phase of the development.

Subject to the imposition of the aforementioned conditions relating to noise and air quality impacts future residents would benefit from a satisfactory level of privacy and residential amenity and the residential development of the site would not prejudice ongoing operation of the Research Centre.

SEPA have raised no objections on any other matters including flood risk or provision of SUDS.

Scottish Water have been consulted on the application and have raised no objections to the proposed development.

East Lothian Council's Manager for Structures, Flooding and Street Lighting has been consulted on the application. He initially requested further information from the applicant

on Flood Risk and a Water and Drainage Report as well as a SUDS and Drainage Strategy to cover outfall details and connections in the Scottish Water network. The applicant has since submitted the requested information along with further Scottish Water Technical Approvals and the Council's Manager for Structures, Flooding and Street Lighting having reviewed this information confirms that he has no objections to the proposed development on flood risk or on any other drainage matters.

Matters of sewage treatment and surface water drainage can be controlled through legislation other than planning legislation and therefore there is no requirement to secure this through conditions on a grant of planning permission. It is the responsibility of the developer to make separate application to Scottish Water for permission to connect to the public waste water and water networks.

On all of these foregoing findings on matters of design, building layout, road, pedestrian, cyclist and other transport design considerations, play provision, open space, landscaping and amenity, and subject to the imposition of conditions, the proposed development is not inconsistent with Proposals TT1, TT2, Policies OS3, OS4, T1, T2, T4, T31, DP1, DP2, DP3, DP4, DP8 and DP9 of the ELLDP, the Council's adopted development brief for the site or the Scottish Government Policy Statement entitled "Designing Streets".

An Ecological Assessment has been submitted with the application which sets out the findings of a Phase 1 Habitat Survey including a badger survey, a dusk bat survey and observation for ground nesting birds which was undertaken by the applicant in the period from February to July 2018. The Council's Principal Countryside Officer, having considered the proposals and the submitted Ecological Assessment raises no objection to this application, satisfied the proposal would not have a harmful impact on existing wildlife or on the biodiversity of the area. The proposals are therefore compliant with Policy NH5 of the adopted East Lothian Local Plan 2008 which generally presumes against new development that would have an unacceptable impact on the biodiversity of an area.

The Council's Heritage Officer advises that the application site lies in an area which contains previously identified cropmarks of a putative prehistoric enclosure. He advises that the archaeological background for the proposed development area was investigated via an Archaeological Desk Based Assessment undertaken by the applicant's Heritage Consultants and which has been submitted as part of this planning application. An assessment of the potential impacts of the proposed development upon the Historic Environment has been carried out by the applicant's Heritage Consultants and this has concluded that the potential impacts arising from this proposed development are ground disturbance impacting upon known and unknown buried archaeological remains. Because of this the Council's Heritage Officer recommends that if planning permission in principle is to be granted for this proposal, a programme of archaeological works (Evaluation by archaeological trial trench) should be carried out prior to the commencement of development. This requirement can be secured through a condition attached to a grant of planning permission in for the proposed development. This approach is consistent with Scottish Planning Policy: June 2014, Planning Advice Note 2/2011: Planning and Archaeology and with Policy CH4 of the ELLDP. Subject to this planning control, the proposed development would not have a significant adverse effect on the historic environment of this site.

Consideration must then be given to the potential impact of the proposed development on the infrastructure of the area. Policy DEL1 of the ELLDP stipulates that new housing will only be permitted where appropriate provision for infrastructure, required as a consequence of the development, is made.

The East Lothian Council Health and Social Care Partnership raises no concerns about the ability of its health and social care services to support the proposed residential development. They advise that as this site is allocated for circa 550 homes in the ELLDP it has been taken into account in planning for health care by the East Lothian Health and Social Care Partnership and they therefore have no objections to the proposal nor do they have any requirements for capital contributions to infrastructure as a result of the proposals.

Policy T32 of the ELLDP specifically relates to the package of transportation interventions to mitigate the cumulative impact of development on the transport network which have been identified by the Council in consultation with Transport Scotland. In line with Policy DEL1, relevant developments are required to contribute to the delivery of these transportation interventions, on a proportionate, cumulative pro-rata basis, as set out in Developer Contributions Framework Supplementary Guidance.

The Council's Planning Obligations Officer advises that the contributions required for each transport intervention are as detailed below:

- *Improvements to Old Craighall Junction (PROP T15): £1,675
- * Improvements to Salters Road Interchange (PROP T17): £6,547
- * Improvements to Bankton Interchange (PROP 17): £25,629
- * Musselburgh Town Centre improvements (PROP T21): £10,013
- * Tranent Town Centre Improvements (PROP T27 and T28): £55,950
- * Rail Network Improvements (PROP T9 and T10): £8,481

The total contribution required for transportation improvements resulting from cumulative impacts of the development is therefore £108,295.

The total developer contributions towards the transportation interventions of £108,295 (indexed linked) can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. The applicants have confirmed in writing that they are willing to enter into such an agreement.

Network Rail have been consulted on the application and they advise that they welcome the approach taken by East Lothian Council in Policy DEL1: Infrastructure and Facilities Provision of the ELLDP and in its Developer Contributions Framework in mitigating impacts from development on transport network capacity and contributing to sustainable economic growth. They agree with the recommendations of the Council's Planning Obligations Officer in respect of Rail Network Improvement Contributions and are content that these can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. They make no other comments on the application.

Transport Scotland have been consulted on the application and they too advise that they welcome the approach taken by East Lothian Council in Policy DEL1: Infrastructure and Facilities Provision of the ELLDP and in its Developer Contributions Framework in mitigating impacts from development on transport network capacity and contributing to sustainable economic growth. They agree with the recommendations of the Council's Planning Obligations Officer in respect of strategic transport network contributions towards improvements at the Old Craighall, Salter's Road and Bankton trunk road junctions and are content that these can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other

appropriate agreement. They make no other comments on the application

Policy OS5: Allotment Provision requires that new housing proposals of 500 or more dwellings should, if agreed with the Council's Healthy Living Manager, make provision for land within their masterplans for the delivery of allotments as part of the mix of open space types to be provided on such sites. The Council's Principle Amenity Officer has given consideration to allotment provision and is of the view that it would not be viable to require on site provision due to the relatively small number of plots this would mean, even on a site of this size. However, he does require that a commuted sum be paid for future allotment provision arising as a result of the development and for this site this would be a contribution of £7,010, which could be required through the Section 75 agreement for any grant of planning permission in principle.

PROP CF1: Provision of New Sports Pitches and Changing Accommodation of the ELLDP requires development proposals for 5 or more homes to make provision for the delivery of new sports pitches and changing accommodation in the relevant contribution zone as set out in Appendix 1 of the Plan and in the Supplementary Guidance: Developer Contributions Framework. The new facilities to be provided, and the sites within which they are to be delivered are identified in Part A of PROP CF1 and include at the site of PROP TT1 one full size grass pitch with changing facilities to be provided as part of the expansion of Windygoul Primary School. The Council's Sport, Countryside and Leisure Service advises that the proposed level of sports provision indicated on the proposed site plan by way of a full size grass sports pitch located adjacent to the school site as identified in the ELLDP measuring 100 metres x 70 metres with 10 metres wide run offs to the south and west of it and 5 metres wide run offs to the north and east of it complies with their requirements. This could be provided by the developer to a specification agreed, and transferred to the Council on completion at no cost to the Council, or otherwise subject to a developer contribution of £152,400 for the sports pitch with the applicant also being required to transfer the land for the sports pitch to the Council for zero value. The Council's Sport, Countryside and Leisure Service additionally recommend that there will be a requirement for a developers contribution towards the provision of 2 community changing rooms within the school expansion (rather than as a stand alone building) and that this will be required as part of the developer contributions towards providing additional facilities at Windygoul Primary School and will be included in the consultation response dealing with Education matters.

Sport Scotland have been consulted on the application. They have advised that there is no statutory requirement to consult them on the uses proposed in this application and they therefore have no comment to make on this application for planning permission in principle. However they do advise that sportscotland has produced design guidance for pitches, and on school playing fields and has in-house design expertise. They advise they would welcome the opportunity to input to the progress of any design proposals on new sports provision in the area.

The Council's Depute Chief Executive (Resources and People Services) informs that the application site is located within the school catchment area of Windygoul Primary School and Ross High School.

The allocation of the TT1 site for housing at Windygoul South in the ELLDP includes a requirement for the expansion of Windygoul Primary School campus as well as other community uses. PROP TT2 provides for the expansion of Windygoul Primary School campus in line with PROP ED4 to accommodate the impacts generated by PROP TT1 and other housing sites in the school's catchment area. The site of the proposed expansion of Windygoul Primary School campus lies on land in the ownership of the applicant, who is willing to transfer the land to the Council to ensure the delivery of the

future expansion of the school campus. In terms of the primary school campus land, the Depute Chief Executive (Resources and People Services) advises that due to the scale of the extension being less than previously estimated, the area of land required to be transferred to the Council for the additional school campus is 1.105 ha rather than 1.124 ha as previously estimated and indicated on the indicative site plan. He advises that 0.5 ha of this 1.1 ha is required because of existing campus deficit and 0.605 ha because of the additional capacity required to accommodate the additional building footprint and numbers of pupils from the cumulative impact of LDP development. The Depute Chief Executive (Resources and People Services) advises that the proportion of the 0.605 ha directly related to this proposal should be transferred to the Council for zero value.

In respect of primary and secondary education provision, the Depute Chief Executive (Resources and People Services) advises that Windygoul Primary School and Ross High School do not have sufficient capacity to accommodate children that could arise from the proposed development. Thus he would object to the application on the grounds of lack of permanent capacity at those schools unless the applicant makes a financial contribution to the Council of £6,147 per housing unit towards the provision of additional school accommodation at Windygoul Primary School and a contribution of £4,728 per housing unit towards the provision of additional school accommodation at Ross High School. These contributions include for the provision of community changing facilities to serve the sports pitch.

The required payment of a financial contribution of a total of £6,100,875 towards the provision of additional accommodation at Windygoul Primary School and Ross High School and the transfer of the proportion of the 0.605 ha directly related to this proposal to the Council for zero value can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the payment of the required contribution towards educational accommodation the proposal is consistent with Policy DEL1 and Proposals TT1, TT2, CF1 and ED4 of the ELLDP.

The Council's Deputy Chief Executive, Resources and People Services additionally requires that the residential development of the site be phased over a period of 8 years from 2020 onwards with any slippage in any single year being required to revert to year 2028/29, or beyond, and not added to the subsequent year unless agreed in advance in writing with the Planning Authority. This is to ensure sufficient education capacity can be provided for the pupil product of the development. This is a matter which can be controlled by way of a condition on a grant of planning permission.

In accordance with Policy HOU3 of the ELLDP a grant of planning permission in principle would require to be subject to provision of 25% of all housing units to be developed as affordable housing. The indicative site plan reflects this by detailing that 141 of the residential units would be affordable housing units. They should be provided on site either by transfer of units or serviced land. If it can be demonstrated to the Council that onsite provision is not practicable, then off-site provision will be considered. If this is not practicable, then a commuted sum will be required in lieu of on or off site provision. This, or the off-site provision of the required affordable units is not practicable, a commuted sum payment should be made to the Council in lieu of such an on or off-site provision.

The Council's Economic Development & Strategic Investment Manager advises that discussions have taken place with the applicant regarding the affordable housing areas proposed and identified in the indicative site plan. She advises that Strategic Investment and Regeneration are content with the three areas identified within the site for affordable

housing and she raises no objection to the mix and size of units indicatively proposed advising that communication should continue with the Council's Strategic Investment and Regeneration Team on the future delivery of the affordable housing. She advises that a proportion of the ground floor cottage flat properties should be to wheelchair accessible standard.

The terms for the provision of this affordable housing requirement can be the subject of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the Council securing the affordable housing requirement, which the applicant is willing to do, the proposal would be consistent with Policies HOU3 and HOU4 of the ELLDP.

Section 59 of the Town and Country Planning (Scotland) Act 1997 sets a standard duration in relation to a planning permission in principle (i.e. planning permission subject to conditions that the development in question will not be begun until certain matters have been approved by the Planning Authority). The Act requires that applications for the approval required before development can be begun must be made within 3 years from the grant of planning permission in principle but also provides that the Planning Authority can issue a direction that different time periods apply in relation to the 3 year period for making an application for approval. In respect of timescales for development this is a relatively large scale proposal phased until 2028. Therefore it may well take more than 3 years for the submission of applications for approval for all detailed matters for all areas of the application site. In this case it would therefore be prudent for the Planning Authority to direct in this case that the standard 3 year time limit should not apply and to further direct that applications for approval required before development can be begun must be made within 7 years of the grant of planning permission in principle. This timescale has been agreed with the applicant

RECOMMENDATION

It is recommended that planning permission in principle be granted 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 7 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) the transfer to the Council, at no cost, of ownership of the area of land indicatively shown on the application site plan for a sports pitch and either (a) provision by the applicant of a sports pitch on that land to a specification to be agreed in advance with the Council, to be transferred to the Council at no cost or (b) a financial contribution to the Council of £152,400 for provision of the sports pitch;
 - (ii) the transfer to the Council of 1.105 hectares of land required for the additional school campus in the area shown for this on the application site plan with that land formed to a specification to be approved by the Council;
 - (iii) the transfer to the Council, at no cost, of ownership of the proportion directly related to this proposal of the 0.605 hectares of land allocated as part of an expansion to the

campus of Windygoul Primary School which is detailed on the application site plan

(iv) a financial contribution to the Council of £3,448,467 towards the provision of additional capacity at Windygoul Primary School;

(v) a financial contribution to the Council of £2,652,408 towards the provision of additional capacity at Ross High School;

(vi) a financial contribution to the Council of £108,295 for transport improvements to Old Craighall Junction, Salters Road Interchange, Bankton Interchange, Musselburgh town centre improvements, Tranent town centre improvements and rail network improvements;

(vii) a financial contribution to the Council of £7,010 towards allotment provision;

(viii) a financial contribution to the Council of £120,273 towards provision of a path from the primary spine road towards the open space to the east of Gavin's Lee as indicated on the application site plan;

(ix) the provision of land to deliver 141 affordable housing units at an agreed mix and within agreed locations, either through the transfer of serviced land or the transfer of completed units, or the off site provision of 141 affordable housing units or in exceptional circumstances if the Council agrees to it, the transfer of an agreed commuted sum.

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 a community sports pitch, related changing facilities, allotments, paths provision, a lack of roads and transport infrastructure, a lack of sufficient primary and secondary school capacity, and the lack of provision of affordable housing contrary to Policies DEL1 and, as applicable Proposals TT1, TT2, ED4, CF1, OS6, HOU3, HOU4, OS5, and T32 of the adopted East Lothian Local Development Plan 2018.

CONDITIONS

1 The submission for approval of matters specified in conditions of this grant of planning permission in principle shall include details of the siting, design and external appearance of all the residential units, any other buildings, any artwork to be erected on the site, the means of road, pedestrian and cycle accesses, 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 Site Layout drawing with drawing reference 18006(PL)001F docketed to this planning permission in principle but additionally shall comply with the following requirements:

a) The residential units shall be no higher than two storeys in height and the external finish to their walls shall be predominantly rendered and coloured in accordance with a co-ordinated colour scheme that respects the layout of the development;

b) Other than in exceptional circumstances where the layout or particular building type does not permit, the residential units shall be orientated to face the street. Notwithstanding that shown on the docketed site plan the houses denoted with an asterisk shall have dual frontages. Otherwise 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;

c) There shall be no integral garages, unless it can be justified as an exceptional design feature, or

where the house and garage would not be on a primary or secondary street frontage;

d) The detailed design of the layout shall otherwise accord with the principles set out in the Council's Design Policies and with Scottish Government Policy Designing Streets;

e) Notwithstanding that shown in the Indicative Masterplan docketed to this planning permission in principle, there shall be at least a 9 metres separation distance between the windows of a proposed new building and the garden boundaries of neighbouring residential properties and an 18 metres separation distance between directly facing windows of the proposed new building and the windows of existing or proposed neighbouring residential properties;

f) parking for the residential development hereby approved shall be provided at a rate as set out in the East Lothian Council Standards for Development Roads- Part 5 Parking Standards;

g) all access roads shall conform to East Lothian Council Standards for Development Roads and Design Standards for New Housing Areas in relation to roads layout and construction, footways and footpaths, parking layout and number, street lighting and traffic calming measures;

h) 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 metres 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;

i) Within residential private parking areas the minimum dimensions of a single parking space shall be 2.5 metres by 5.0 metres.

j) All prospectively adoptable parking bays (i.e. that form part of the public road) shall have minimum dimensions of 2.5 metres by 6 metres.;

k) 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;

l) The front, rear and side boundary treatments of each residential, 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;

m) Unless where detailed otherwise in the docketed Site Plan drawing footpaths within the site shall be hardsurfaced in accordance with details to be agreed in writing with the Planning Authority.

No part of the development hereby approved shall be begun on the site until all of the above details have been submitted to and approved in writing by the Planning Authority. The development shall be carried out in accordance with the details so approved.

Reason:

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

2 Prior to the commencement of development a delivery schedule and phasing plans that establishes the phasing and timing programme for the proposed development shall be submitted to and approved in advance by the Planning Authority. It shall include the phasing and timing for the provision of footpaths/cycleways and external works such as offsite path links. These path links shall include

- A north-south path from the north-west corner of the affordable housing to the northernmost proposed path which runs from the Ormiston Road to the school.
- A path connection from the south-east corner of the site to connect with the national cycle route N196 to Ormiston.
- A path linking the northern part of the application site to the public road of Winton Court

It must also include for public road links, including paths, to local services, schools and the public road network. It shall further include the provision of drainage infrastructure, equipped play facilities, sports pitch, landscaping and open space. The details to be submitted shall also include construction phasing plans.

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

Reason:

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

- 3 No more than 561 residential units shall be erected on the site.

Reason:

To ensure that there is sufficient education capacity and to restrict the scale of development to that applied for.

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

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

Year 2020/21 - 30 residential units
Year 2021/22 - 118 residential units
Year 2022/23 - 60 residential units
Year 2023/24 - 105 residential units
Year 2024/25 - 105 residential units
Year 2025/26 - 60 residential units
Year 2026/27 - 60 residential units
Year 2027/28 - 23 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 2029 or beyond and not added to the subsequent year.

Reason:

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

- 5 Prior to the erection of any residential units full details of all noise mitigation measures shall be submitted to and approved in advance by the Planning Authority. The mitigation measures shall include, but may not be limited to,

- * the construction of an acoustic barrier approx. 4 metres in height and comprising an acoustic fence atop an earth bund. The location of the barrier will be in the south portion of the site adjacent to the eastern boundary of the Research Centre;
- * placement of bungalows in the cul-de-sac beyond the barrier, to eliminate the potential for lines of sight over the top of the barrier from first floor habitable rooms;
- * positioning of principle gardens on the far side of associated dwellings from the Research Centre incinerator, to create localised acoustic screening, minimising the potential for any residual impacts; and
- * minimising habitable room glazing elements facing directly towards the Research Centre by arranging future dwellings around recognised potential noise sources with the gable end orientated towards the source; this limits the angle of view from future habitable room windows.

These mitigation measures shall be such that the following design criteria shall be met:

1. The Rating Level, LArTr, of noise associated with the operation of the existing research facility (when measured 3.5m from the façade of any proposed residential property) shall be no more than 5dB (A) above the background noise level, LA90T. All measurements to be made in accordance with BS 4142: 2014 "Methods for rating and assessing industrial and commercial sound".

2. Noise associated with the operation of any plant and/or equipment serving the existing research facility shall not exceed Noise Rating curve NR20 at any octave band frequency between the hours of 2300-0700 and Noise Rating curve NR25 at any octave band frequency between the hours of 0700-2300 within any proposed residential property. All measurements to be made with windows open at least 50mm.

The details to be submitted shall also include a further noise report to demonstrate the noise mitigation measures required to ensure compliance with this design criteria, together with a

timetable for the implementation of all of the proposed noise mitigation measures.

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

Reason:

To ensure an appropriate level of acoustic screening in the interests of the amenity of the future occupants of the site.

- 6 No residential units shall be erected within the yellow shaded area shown in Drawing No. CAR85-902 and titled Air Quality Mitigation Area dated 01.04.2019 unless and until such times as an updated Air Quality Assessment, that demonstrates all statutory Air Quality Objectives are being, and will continue to be met, has been submitted to, and approved in writing by, the Planning Authority.

Reason:

To ensure an acceptable standard of air quality in the interests of the amenity of the future occupants of the site.

- 7 No development shall take place on the proposed site until the applicant has, through the employ of an archaeologist or archaeological organisation, undertaken and reported upon a programme of archaeological work (Evaluation by archaeological trial trench) in accordance with a written scheme of investigation which the application will submit to and have approved in advance by the Planning Authority.

Reason:

To facilitate an acceptable archaeological investigation of the site.

- 8 Prior to the commencement of development, to ensure that the site is clear of contamination, a Geo-Environmental Assessment shall be carried out and the following information shall be submitted to and approved by the Planning Authority:

o Phase I - A preliminary investigation incorporating a desk study, site reconnaissance, development of a conceptual model and an initial risk assessment.

o Phase II - Incorporating a site survey (ground investigation and sample analysis) and risk evaluation. It is required if the Phase I investigation has indicated that the site is potentially contaminated and the degree and nature of the contamination warrants further investigation.

o Phase III - Where risks are identified, a Remediation Strategy should be produced detailing and quantifying any works which must be undertaken in order to reduce the risks to acceptable levels.

Should remedial works be required then, prior to any residential units being occupied, a Validation Report shall be submitted to and be approved by the Planning Authority confirming that the works have been carried out in accordance with the Remediation Strategy.

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

Reason:

To ensure that the site is clear of contamination and that remediation works are acceptable prior to the occupation of any of the residential units.

- 9 Prior to the commencement of development intrusive investigation works shall be carried out at the application site in accordance with detail to be submitted to and approved in advance by the Planning Authority following consultation with The Coal Authority to assess ground stability due to former mine workings at the site. In the event that the intrusive investigation works confirm the need for remedial works to treat any areas of shallow mine workings, development shall not begin until a scheme of remedial works on the site has been submitted to and approved in writing by the Planning Authority, and thereafter have been fully implemented as so approved.

Reason:

To ensure that the site is clear of coal mining features and hazards prior to the occupation of any of the buildings.

- 10 Prior to their erection, details, including their size, form, position, appearance and colour(s), of all substations and gas governors to serve the development hereby approved shall be submitted to

and approved in advance in writing by the Planning Authority, and thereafter any substations and gas governors shall accord with the details so approved.

Reason:

To enable the Planning Authority to control the positioning, appearance, form, finishes and colour of the substations and gas governors to be used to achieve a development of good quality and appearance in the interest of the visual amenity of the area.

- 11 Prior to the commencement of development, details of all boundary enclosures to be erected on the site of the residential development, and the timescales for their provision, shall be submitted to and approved in advance by the Planning Authority. Those details shall show 1.8 metre high enclosures around rear gardens of the houses hereby approved and where rear garden boundaries face or run parallel with roads these shall be feature boundaries in either render, stone or stone with timber panel infills and not full height close boarded fencing.

Development shall thereafter be carried out in full accordance with the details so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure the satisfactory provision of the boundary enclosures in the interest of safeguarding the visual amenity of the area and to safeguard the privacy and amenity of residential properties nearby.

- 12 A Green Travel Plan (Travel Information Pack) shall be submitted to and approved by the Planning Authority prior to the occupation of any of the residential units hereby approved. The Green Travel Plan (Travel Information Pack) shall have particular regard to provision for walking, cycling and public transport access to and within the site, and will include a timetable for its implementation, details of the measures to be provided, the system of management, monitoring, review, reporting and duration of the Plan, and details of how and when it will be distributed to all residents.

The Green Travel Plan (Travel Information Pack) shall thereafter be provided to residents in accordance with the details approved.

Reason:

In the interests of ensuring sustainable travel patterns in respect of the development.

- 13 A Construction Method Statement to minimise the impact of construction activity on the safety and amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic (including routes to/from site) and shall include hours of construction work and routing of traffic.

The recommendations of the Construction Method Statement shall be fully complied with during the construction phase of the development.

Reason:

To minimise the impact of construction activity in the interests of the amenity of the area.

- 14 No work shall be carried out on the site unless and until an effective vehicle wheel washing facility has been installed in accordance with details to be submitted to and approved by the Planning Authority prior to its installation. Such facility shall be retained in working order and used such that no vehicle shall leave the site carrying earth and mud in their wheels in such a quantity which causes a nuisance or hazard on the road system in the locality.

Reason:

In the interests of road safety.

- 15 Development of the application site shall be carried out in accordance with the following transportation requirements:

a) Unless otherwise agreed to an alternative standard in writing by the Planning Authority, a visibility splay of 9 metres by 160 metres shall be provided and maintained on each side of the proposed access junction from the application site onto the B6371 such that there shall be no obstruction to visibility above a height of 1.05 metres measured from the adjacent carriageway level within the following defined area - a) A line of 9 metres long measured along the access road from the nearside edge of the main road carriageway; b) A line 160 metres long measured along the nearside edge of the main road carriageway from the centre of the access road in both directions;

and c) A straight line joining the termination of the above two lines. Details of the provision of the visibility splays shall be submitted to and approved by the Planning Authority prior to the commencement of development and thereafter shall be provided and maintained in accordance with the details above prior to the occupation of any of the approved development;

b) Unless otherwise agreed in writing with the Planning Authority the junction of the primary spine road with the B6371 Ormiston Road shall incorporate a right turning lane protected by islands which could serve the dual purpose of providing crossing points to the national cycle route N196, all in accordance with details to be submitted to and approved by the Planning Authority prior to the commencement of development. It shall be provided in accordance with details approved and prior to the occupation of any of the approved development.

c) No residential unit hereby approved shall be occupied unless and until (i) a 40 miles per hour speed limit on the B6371 (Ormiston Road) has been brought into effect from a location at the southeast corner of the site and shall continue northwards until it meets with the existing 30 miles per hour speed limit and (ii) a gateway feature is installed at the southern end of the east boundary of the site. Details of the proposed 40 miles per hour speed limit and of the proposed gateway feature shall be submitted for approval by the planning authority. These measures shall be implemented in accordance with the details as approved by the planning Authority.

d) Prior to the occupation of any residential unit hereby approved a suitable crossing of the B6371 shall be provided, in accordance with details to be submitted to and approved in advance by the Planning Authority.

e) Prior to the occupation of any residential unit hereby approved, a 2 metres wide, lit (street lighting) footway shall be provided to tie into the existing footway and for the full length of the site on the west side of the B6371 in accordance with details to be submitted to and approved in advance by the Planning Authority. .

f) Prior to the occupation of any residential unit hereby approved, a 2 metres wide, lit (street lighting) footpath shall be provided along the full length of the western edge of the site in accordance with details to be submitted to and approved in advance by the Planning Authority. .

g) prior to commencement of development a scheme of traffic calming to deter through traffic and school drop-off by car and to prioritise walking and cycling routes to Windygoul Primary School shall be submitted to and approved by the Planning Authority. The details to be submitted shall include details of two signalised crossings to be installed on Brotherstone's Way (one to replace the existing zebra crossing and one south of George Grieve Way) and a signalised crossing of the primary spine road through the development site and a timetable for provision of the signalised crossings and other traffic calming measures. These measures shall be implemented in accordance with the details as approved by the planning Authority.

Reason:
In the interests of road safety.

- 16 Unless otherwise agreed in writing by the Planning Authority prior to the occupation of any residential unit, pairs of bus stops shall be provided on both sides of the primary spine road, in accordance with details showing the number and locations of the bus stops to be submitted to and approved in advance of their construction by the Planning Authority .

Unless otherwise agreed in writing by the Planning Authority no residential units to the west of Brotherstone's Way shall be occupied unless and until a suitable bus route (which avoids the need for reversing manouevres) through this western part of the development is constructed in accordance with details to be submitted to and approved by the Planning Authority.

Reason:
In the interests of road safety.

- 17 No development shall take place until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping. The scheme shall provide details of: the height and slopes of any mounding on or re-contouring of the site including SUDS basin/ponds details; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. Non-thorn shrub species should be located adjacent to pedestrian areas. The submitted scheme of landscaping shall show planting on both sides of the bund. 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. Specific planting details shall include hedges to front gardens; oaks, sycamores and limes as well as establishment species such as birch and smaller

understorey species of whitebeam, hawthorn, rowan, cherry and hazel to the boundary woodland planting; large species feature trees in open spaces to include beech, Scots pine and oak. The scheme shall include a timetable for implementation of landscaping, and this scheme shall show that the structural landscape planting shall be implemented within 1 year of the commencement of development and shall include a tree protection and maintenance plan to safeguard new structural tree planting during the course of development.

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

Reason:

In order to ensure the implementation of a landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area.

- 18 The maintenance of all communal landscape areas, and where applicable hedges to private front gardens, shall be adopted and maintained by Estate Management or Factored 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.

- 19 Details of the play areas, including the equipment to be provided within them and a timetable for installation, shall be submitted to and approved in advance by the Planning Authority. The play areas shall be installed in accordance with the details so approved.

Prior to the commencement of development, details of how all the areas of open space and equipped play areas are to be maintained shall be submitted to and approved in advance by the Planning Authority.

The details shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the details so approved and the play areas and open space shall thereafter be maintained in accordance with the details so approved..

Reason:

To ensure the satisfactory maintenance of open space and equipped play areas, in the interests of the amenity of the area.

- 20 Prior to the commencement of development details of the proposed integrated sustainable urban drainage scheme (SUDS) for the application site shall be submitted in writing for approval by the planning authority. The integrated sustainable urban drainage scheme (SUDS) for the application site shall thereafter be fully implemented in accordance with the details as approved by the planning authority.

Reason:

To ensure the provision of a satisfactory sustainable urban drainage scheme for the application site.

- 21 Notwithstanding that detailed on the site site plan at least one electric vehicle charging point shall be provided adjacent to the approved primary spine road and to the south of the approved sports pitch. Prior to the commencement of development details of the electric vehicle charging point(s) shall be submitted to and approved in writing by the Planning Authority. The details to be submitted shall include a timetable for provision. Development shall thereafter be carried out in accordance with the details to approved and shall be retained unless other approved in writing by the Planning Authority.

Reason:

In the interests of sustainability.

- 22 Cycle parking shall be included at a rate of 1 space per flat. The cycle parking shall be in the form of 1 locker per flat or communal provisions in the form of a lockable room or shed in accordance with

details to be submitted to and approved in advance by the Planning Authority. Thereafter the cycle parking approved shall be provided and be made available for use prior to the occupation of each flatted property it is associated with and shall thereafter be retained unless other approved in writing by the Planning Authority.

Reason:

To ensure the provision and retention of cycle parking.

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

REPORT TO: Planning Committee
MEETING DATE: Wednesday 26 June 2019
BY: Depute Chief Executive
(Partnerships and Community Services)
SUBJECT: Application for Planning Permission for Consideration

3

Application No. **17/00619/PM**
Proposal Erection of 40 houses, 8 flats and associated works
Location **Land At Levenhall
Off Haddington Road
Musselburgh
East Lothian**
Applicant CALA Management Ltd
Per APT Planning and Development Ltd
RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

As the area of the application site is greater than 2 hectares, the development proposed in this application is, under the provisions of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, defined as a major development and thus it cannot be decided through the Council's Scheme of Delegation. The application is therefore brought before the Planning Committee for a decision.

As a statutory requirement for major development proposals this development proposal was the subject of a Proposal of Application Notice (Ref: 15/00010/PAN) and thus of community consultation prior to this application for planning permission being made to the Council.

As an outcome of that and as a statutory requirement for dealing with major development type applications a pre-application consultation report is submitted with this application. The report informs that some 30 people attended the pre-application public consultation event which was held for one day at the Musselburgh East Community Learning Centre on 9th February 2016 and that those attendees made a number of queries and suggestions regarding the proposals. The development for which planning permission is now sought is of the same character as that which was the subject of the community engagement undertaken through the statutory pre-application consultation of the proposal.

The application relates to some 2.9 hectares of land, which mainly consists of farmland, located at Levenhall, on the northeast edge of Musselburgh. It is bounded to the north and north east by woodland, part of which is covered by Tree Preservation Order (TPO No. 60), to the east and south east by agricultural land, to the south by the classified A199 Haddington Road and beyond by the Musselburgh East Community Learning Centre and Playing Fields and to the west by a predominantly residential area which includes the streets of Ravensheugh Crescent and Ravensheugh Road, the Category C listed building of West Lodge, small areas of open space and the Beggar's Bush Right of Way which runs alongside the southern part of the western boundary of the site and connects to Haddington Road at its southern end and to Ravensheugh Road at its northern end. Between the Beggar's Bush Right of Way and the southern part of the western boundary of the site lies a small watercourse. There are mature trees along all boundaries of the site.

The land of the application site is allocated for housing development by Proposal MH8 (Levenhall, Musselburgh) of the adopted East Lothian Local Development Plan 2018 (ELLDP). The site is also within the wider designated area of Pinkie Battlefield.

Planning permission is sought through this application for the erection on the application site of 40 houses, 8 flats and associated works. Since the registration of the application, a number of non-material amendments have been made to the application resulting in the submission of revised site layout and landscaping plans, road and footpath layouts, SUDS details and amendments to house design. The revisions include a repositioning of the proposed SUDS basin northwards into the northernmost corner of the site.

The development site layout plan shows how the proposed 40 houses and 8 flats would be accommodated on the site along with associated access roads, parking areas, landscaping, open space, paths, a substation cabinet and a SUDS basin. The houses would comprise of a mix of 28 detached, 8 semi-detached and 4 terraced houses. The houses would all be two-storey. The 8 flats would be contained within 2, two-storey flatted buildings each containing 4 flats.

In terms of size, of the proposed 40 houses 15 would contain 5 bedrooms, 12 would contain 4 bedrooms, 9 would contain 3 bedrooms and 4 would contain 2 bedrooms. All of the 8 flats would contain 1 bedroom.

The 4 terraced houses and 8 flats would be affordable housing units. The remaining 36 houses would be private houses for sale. The private houses would comprise of 9 different house types.

Vehicular, pedestrian and cycle access to the site would be taken by way of a new access into the site from the A199 Haddington Road to the south of the site. The proposed access would continue as a spine road extending northward through the site leading to a series of four courtyards which would be formed on the eastern side of it. All except two of the proposed residential units would be positioned on the eastern side of the spine road, with 34 of the private houses arranged around the three northernmost courtyards and the 12 affordable housing units arranged around the southernmost courtyard. The remaining two private houses would be positioned on the west side of the main spine road. The remainder of the land on the west side of the spine road and a smaller area of land at the southern end of the east side of the spine road would be laid out as landscaped open space with a burn running through the northernmost part of it. The proposed SUDS detention basin would be formed in the far northern corner of the site. Footpaths would be formed throughout the site along the main spine road, to connect the four courtyards and to allow access to Ravensheugh Crescent to the west

and to the agricultural land to the east/southeast of the site. Part of the stone wall which bounds the southern boundary of the site would be realigned on each side of the new vehicular access to allow for improved sightlines. A small substation cabinet would be positioned near to the site entrance on the west side of the site access.

The application is also supported by a Flood Risk Assessment (which has been revised since registration of the application), a Transport Statement, a Phase 1 Habitat Survey, an Air Quality Assessment, an Overview Tree Survey and Arboricultural Constraints Report and a Design and Access Statement.

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 the proposed development falls within the category of a Schedule 2 Development, being one that may require the submission of an Environmental Impact Assessment (EIA). Schedule 3 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 sets out the selection criteria for screening whether a Schedule 2 development requires an EIA. On 21st November 2016 the Council issued a formal screening opinion to the applicant's agent. The screening opinion concludes that it is East Lothian Council's view that the proposed development is not likely to have a significant effect on the environment such that consideration of environmental information is required before any grant of planning permission. It is therefore the opinion of East Lothian Council as Planning Authority that there is no requirement for the proposed residential development to be the subject of an EIA.

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

The development plan is the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Development Plan 2018 together with its adopted supplementary guidance.

The purpose of the approved South East Scotland Strategic Development Plan (SESplan) is to set out the strategic planning framework to assist preparation of local development plans. Its policies are generally not relevant for assessing individual planning applications.

Relevant ELLDP Policies and Proposals are PROP MH8: Levenhall, DP1: Landscape Character, DP2: Design, DP3: Housing Density, DP4: Major Development Sites, DP8: Design Standards for New Housing Areas, DP9: Development Briefs, HOU3: Affordable Housing Quota, HOU4: Affordable Housing Tenure Mix, PROP ED1: Musselburgh Cluster Education Proposals, OS3: Minimum Open Space Standard for New General Needs Housing, PROP T3: Segregated Active Travel Corridor, PROP T9: Safeguarding of Land for Station Car Parks - Musselburgh, Longniddry, Drem, PROP T10: Safeguarding of Land for Platform Lengthening - Musselburgh, Prestonpans, Longniddry, Drem and Dunbar, PROP 11: Safeguard Land for Improvements to Musselburgh Station, PROP T15: Old Craighall Junction Improvements, PROP T17: A1 Interchange Improvements, PROP T21: Musselburgh Urban Traffic Control System, PROP T27: Tranent Town Centre One-Way System, PROP T28: Junction Improvement at Elphinstone Road and Edinburgh Road, W3: Waste Separation and Collection, NH5: Biodiversity and Geodiversity Interests, including Nationally Protected Species, NH7: Protecting Soils, NH8: Trees and Development, NH10: Sustainable Drainage Systems, NH11: Flood Risk, NH12: Air Quality, T1: Development Location and Accessibility, T2: General Traffic Impacts, T32: Transport Infrastructure Delivery Fund, CH1: Listed Buildings, CH5: Battlefields, and DEL1: Infrastructure and Facilities Provision.

Material to the determination of the application are Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and Scottish Planning Policy: June 2014.

Scottish Planning Policy echoes the statutory requirements of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that in considering whether to grant planning permission for development which affects a listed building or its setting a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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

Also material to the determination of the application is the non-statutory Development Brief (MH8 Levenhall, Musselburgh) which was adopted by the Council on 30 October 2018.

Also material to the determination of the application are the written representations received to it. A total of 6 written representations have been received, 5 of which raise objections to the proposals and 1 of which neither objects to nor supports the proposals but raises concerns about land ownership boundaries between the northwest part of the application site and a neighbouring residential property. These boundary issues have since been corrected by the applicant. Copies of the written representations are contained in a shared electronic folder to which all Members of the Committee have access.

The main grounds of objection are that in respect of the proposed development:

* This, along with the large expansion of Wallyford, will lead to additional traffic generation on Musselburgh High Street, Salters Road and the junctions on to the A1 which are already under pressure and extremely busy at times and will also put further pressure on East Lothian rail services which during the morning and evening rush hour period are already at capacity.

* The fields at Goshen and Levenhall are part of a wildlife corridor. Covering this area with housing, even given the comparatively small area of this field, will block a part of this corridor and could have a detrimental effect on the local wildlife, in particular on the birds from the bird reserve at Levenhall Links but also the wild deer, foxes and hedgehogs

living in the field.

- * It would lead to a loss of Green Belt land.
- * It would lead to a loss of prime agricultural land.
- * It could result in flood risk. This piece of land has been subject to flooding in the past and building over the field could lead to a recurrence of this flooding.
- * It would lead to coalescence between Musselburgh and Wallyford and with other housing developments taking place there could be almost uninterrupted housing all the way from Edinburgh out to Longniddry. If this development was refused, it could help to preserve the identity of the settlements at Musselburgh, Wallyford and Prestonpans.
- * The proposed access into the site would result in the loss of an area of public recreational land.
- * Any further development to the East of Musselburgh for housing will have a significant impact on the progress and implementation of planning permissions for the expansion of Wallyford.
- * It seems unnecessary to concentrate so much housing in the west of the county and to build over yet another precious green space in Musselburgh.
- * It would lead to congestion on the A199 during building works.
- * There is plenty room for more housebuilding further East or South in East Lothian without further congesting the already busy Musselburgh Area.
- * It would harmfully impact on local infrastructure in terms of school and healthcare capacity and would increase the area that the police force will need to manage.
- * There is currently access from Ravensheugh Crescent to the A199 through the top gap in the stone wall which is proposed to become the new access to the proposed development and this access is required for all the walkers/cyclists who use Beggars Bush.
- * During the construction period residents of Ravensheugh Crescent will be subjected to building site noise and dust and vehicle emissions.
- * If trees are removed from the site the proposed houses could lead to harmful overlooking of the properties in Ravensheugh Crescent.

There is no evidence to suggest that development of this allocated housing site would in any way impact on the progress and implementation of planning permissions for the expansion of Wallyford where work is already well under way.

Although concerns have been raised about the loss of green belt land and prime agricultural land, by its adoption as allocated housing site MH8 the site no longer forms part of the Edinburgh Green Belt. In respect of prime agricultural land, the release of greenfield land for development will often result in loss of prime agricultural land and the use of an allocated housing site for new houses should not be in question. New developments are often constructed on good quality agricultural land when part of an agreed settlement strategy. There is therefore no conflict in this instance with Policy NH7 of the ELLDP.

Musselburgh and Inveresk Community Council have been consulted on the application but have not provided any comments on it.

The primary material consideration in the determination of this application is whether or not the principle and the detail of the proposed development accords with development plan policy and other supplementary planning guidance and if not, whether there are material considerations that outweigh any conflict with the development plan and other supplementary planning guidance.

The land of the application site is an allocated housing site (MH8: Levenhall) in the ELLDP. Proposal MH8 of the ELLDP allocates the whole of the site for a residential development of circa 65 homes and thus the Council recognises its potential for residential development for circa 65 homes.

The adopted Development Brief for the site sets out guiding principles, and indicative design, to be followed, where possible. These include (i) taking site access from the A199 with the existing stone wall being retained and where necessary reconstructed to serve the new entrance with a landscaped area being formed over the entrance of the site to create an open, informal character into the site with the built development set back to the north of this landscaped area; (ii) a landscape edge along the southern part of the west boundary; (iii) provision being made for pedestrian links to adjoining land, in particular, to the west of the site, to facilitate connectivity between the site and the coast and public transport provision; (iv) de-culverting the Ravensheugh Burn where possible within the site; (v) providing open space and potentially SUDS to the north of the site; (vi) varying the building line and roofscape along the south eastern edge of the site and ensuring external finishes are of a muted colour to avoid the new development being overly prominent in the wider landscape and (vii) providing where required an off-site controlled crossing of the A199 to ensure safe pedestrian and cycling connectivity to adjoining open spaces and local services.

The total number of housing units in this application is, at 48 units, 17 units less than the circa 65 for which the site is allocated. Supporting information submitted with the application explains some of the reasons why the total number of units proposed is less than the number allocated for this site. The applicant explains that the topography of the site is challenging with high points of +19.0 metres (east) and +17.5 metres (west) falling to a low point of approximately +11.0 metres along the burn corridor. This has restricted potential development on the western side of the burn which slopes steeply up towards the site boundary. The supporting information goes on to explain that the levels from the site access and along the central part of the site are more manageable and therefore this is where the proposed development is concentrated. Other site constraints which have restricted the developable area include culverted and exposed burns, surrounding woodland and tree protection zones and a sewer wayleave which runs through the site. Notwithstanding these site constraints the site is capable of accommodating all of the proposed development including vehicular and pedestrian access and amenity space without being an overdevelopment of it.

Although the total number of units proposed is lower than that allocated for the site, the site is small in relation to many other allocated housing sites of the ELLDP and its allocation does not make a significant contribution to the overall supply of housing over all allocated housing sites in East Lothian. It is also relevant to note that some other allocated sites of the ELLDP have seen planning permissions granted for a higher number of housing units than their site allocation.

Across all new housing sites Policy DP3 looks for a minimum of 30 houses per hectare.

This proposal would not deliver that minimum level. It would provide a reduced density. However, the preamble to Policy DP3 acknowledges that on smaller sites there may not be opportunities to absorb the required density of development in a form that complements the townscape and landscape setting of an area. Although of a lower density, the range of house types and sizes proposed would give a variation of architectural form to the development, which coupled with the orientation and layout of the buildings and the variation in roof materials, would give a degree of variety of appearance to the development. The proposed development would be of a pattern and density consistent with existing patterns and densities of housing and other development within this part of Musselburgh.

The architecture of the proposed houses and flats is of a traditional pitched roof form. It should be ensured that the use of render is the predominant wall finish as this would respect the built form of other housing developments in this part of Musselburgh. However, some use of a contrasting wall finish (i.e. reconstituted stone or facing brick) would be acceptable providing it is limited to a distinctively complete feature of the houses and respectful of their design integrity. A condition can be imposed on the grant of planning permission for the proposed development to address these matters of wall finishes.

In all of this the proposal would be an appropriate residential development of the site and whilst it would bring change to the northeast edge of the town of Musselburgh it would be well designed and integrated into its landscape and settlement setting.

The proposed housing development would provide an attractive residential environment. The houses and flats are shown to be laid out in such a way that adheres to the normally accepted privacy and amenity criteria on overlooking and overshadowing, whilst affording the future occupants of the houses and flats an appropriate level of privacy and residential amenity. Through the course of this application an amendment has been made to the design of the houses proposed on plots 16, 20, 27 and 38 of the development to remove proposals to form first floor windows on their northwesternmost elevations which would have led to harmful overlooking of other house plots within the development. In order to retain appropriate levels of privacy and amenity it will be necessary to remove permitted development rights to form first floor windows in the northwesternmost elevations of the houses on these plots (16, 20, 27 and 38). This can be controlled through a condition of a grant of planning permission.

The proposed new houses and flats would be so sited, oriented and screened such as not to harm the privacy and amenity of existing neighbouring or nearby residential properties through overlooking or overshadowing.

The areas of open space shown to be provided would provide sufficient areas of open space for informal recreation for the proposed development, consistent with Policy OS3 of the adopted East Lothian Local Development Plan 2018. There is no planning policy requirement in the ELLDP to provide formal play provision for a development of the size proposed in this application. Formal play provision is provided near to the site adjacent to the Musselburgh East Community Learning Centre and Playing Fields on the southwest side of the A199 Haddington Road.

Footpath links to the east and west of the site as well as alongside the main access to the site are proposed and these will allow for pedestrian and cycle access to the wider area including Haddington Road, Ravensheugh Crescent, the existing Beggars Bush path and to the countryside land to the east of the site.

In respect of landscape matters the existing mature tree cover which bounds much of the

site would soften and serve to integrate the proposed development into its landscape setting, breaking up the massing of the proposed development whilst gently introducing an additional extent of urban development on to this northeast edge of Musselburgh. It would ensure that the proposed development would be visible but not appear prominent or intrusive in its surroundings. The proposals respond appropriately to the character of this location in such respect.

The applicant has taken into consideration a number of comments of the Landscape Projects Officer in the submission of revised drawings to incorporate enhanced landscape planting within the site, to provide hedge planting to front garden boundaries, to provide greater articulation to the elevations of the houses on the main spine road through the site and to introduce some variation to building lines and roof materials to add visual interest to the development and on views of it from outwith the site. The Landscape Projects Officer therefore advises she is supportive of the proposed landscaping of the site subject to trees being retained on and around the site being protected during construction works and subject to the future maintenance and retention of the proposed landscaping being secured. The provision, maintenance and retention of the proposed landscaping of the site and tree protection measures as well as the landscaping of the SUDS basin can be made conditions of a grant of planning permission. On this consideration the proposed development is consistent with Policies DP1 and NH8 of the ELLDP.

The Council's Environmental Health Manager raises no objection to the proposed development, satisfied that it would not result in harm to the amenity of any neighbouring land use. He confirms that the proposal will not have any significant impact on local air quality and therefore complies with Policy NH12 of the ELLDP. He does however recommend that the development be provided with at least 1 Electric Vehicle (EV) "rapid charge" point per 10 proposed residential dwellings in the interest of local air quality and in accordance with the principles of good practice described in Environmental Protection Scotland/Royal Town Planning Institute Scotland guidance document "Delivering Cleaner Air for Scotland, January 2017". The Council's Planning Policies for EV charging points currently only apply to community facility uses and not to new residential developments and therefore this matter cannot reasonably be controlled by way of a condition on a grant of planning permission in this instance. The Council's Environmental Health Manager has no further comments on the proposed development.

On all of these foregoing findings on matters of design, layout, open space, landscaping and amenity, and subject to the imposition of conditions, the proposed development is not inconsistent with Proposal MH8 or Policies DP1, DP2, DP3, DP4, DP8, DP9, OS3, NH8, the Council's adopted development brief for the site or the Scottish Government Policy Statement entitled "Designing Streets".

Policy NH5 of the adopted East Lothian Local Plan 2008 generally presumes against new development that would have an unacceptable impact on the biodiversity of an area. The Council's Biodiversity Officer raises no objection to this application, satisfied the proposal would not have a harmful impact on existing wildlife or on the biodiversity of the area.

Historic Environment Scotland have been consulted on this application and they have raised no objection to the proposed development nor do they have any comments to make in terms of impact of the proposals on the Battle of Pinkie Battlefield Site.

The Council's Heritage Officer advises that the application site lies at the periphery of the landscape designated for the Battle of Pinkie Cleugh and there is some potential for battle related remains to be located within the site. Because of this the Heritage Officer

recommends that if planning permission is to be granted for this proposal, a programme of archaeological works (Archaeological Evaluation) should be carried out prior to the commencement of development. This requirement can be secured through a condition attached to a grant of planning permission in for the proposed development. This approach is consistent with Scottish Planning Policy: June 2014, Planning Advice Note 2/2011: Planning and Archaeology and with Policy CH5 of the ELLDP. Subject to this planning control, the proposed development would not have a significant adverse effect on the key features of the battlefield.

The proposed new houses and flats, by their siting well away from the north west side of the site would not have a harmful impact on the setting of the category C listed building to the northwest of the site. Nor would any other aspects of the proposed development have a harmfully prominent or imposing visual relationship with the listed building nor harm the setting of it. On this heritage consideration the proposed development is not contrary to Policy CH1 of the ELLDP or to Scottish Planning Policy June 2014.

Consideration must then be given to the potential impact of the proposed development on the infrastructure of the area. Policy DEL1 of the ELLDP stipulates that new housing will only be permitted where appropriate provision for infrastructure, required as a consequence of the development, is made.

The East Lothian Council Health and Social Care Partnership raises no concerns about the ability of its health and social care services to support the 48 residential units proposed. They advise that the Partnership is content that there is capacity within the three GP Practices in Musselburgh Primary Care Centre to accommodate the population growth associated with the proposed development. They advise that the Partnership continues to work closely with the Musselburgh Practices to meet current and projected need for primary care services in the area.

The Council's Sports Development & Community Recreation Manager has advised that there are no requirements for additional sports facilities to be provided as a result of this proposal.

Policy T32 of the ELLDP specifically relates to the package of transportation interventions to mitigate the cumulative impact of development on the transport network which have been identified by the Council in consultation with Transport Scotland. In line with Policy DEL1, relevant developments are required to contribute to the delivery of these transportation interventions, on a proportionate, cumulative pro-rata basis, as set out in Developer Contributions Framework Supplementary Guidance.

The Council's Planning Obligations Officer advises that the contributions required for each transport intervention are as detailed below:

- * Improvements to Salters Road Interchange (PROP T17): £9,927
- * Improvements to Bankton Interchange (PROP 17): £111
- * Musselburgh Town Centre improvements (PROP T21): £2,308
- * Tranent Town Centre Improvements (PROP T27 and T28): £2,710
- * Rail Network Improvements (PROP T9 and T10): £1,192
- * Segregated Active Travel Corridor PROP T3: £21,816

The total contribution required for transportation improvements resulting from cumulative impacts of the development is therefore £38,064.

The total developer contributions towards the transportation interventions of £38,064 (indexed linked) can be secured through an Agreement under Section 75 of the Town

and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. The applicants have confirmed in writing that they are willing to enter into such an agreement.

The Council's Road Services have considered the Transport Statement submitted with the application and raise no objection to the proposed development, being satisfied that it could be accessed safely and would not lead to a road or pedestrian safety hazard. They advise that the proposed means of access and amount and location of parking within the site are generally acceptable and that traffic likely to be generated by the proposed development could be satisfactorily accommodated on the local road network without harm to road or pedestrian safety.

Roads Services additionally recommend that:

- * a controlled crossing of the A199 be constructed close to the site access to ensure safe cycling and pedestrian connectivity to adjoining open spaces and local services such as the Musselburgh East Community Centre as well as the catchment schools;
- * a 2 metres wide, lit path suitable for walking and cycling be provided between the application site and the existing footway on Ravensheugh Crescent to facilitate access to the coast, the National Cycle Network and public transport provision on Ravensheugh Road;
- * a visibility splay of 4.5 metres by 90 metres should be provided and maintained on each side of the proposed access from Haddington Road such that there shall be no obstruction to visibility above a height of 1.05 metres measured from the adjacent carriageway surface;
- * a dropped kerb tactile crossing at the junction with Haddington Road be provided;
- * cycle parking be included at a rate of 1 space per flat. The parking should be in the form of 1 locker per flat or communal provisions in the form of a lockable room or shed;
- * a Green Travel Plan (GTP) be submitted and approved in consultation with Road Services. It should have particular regard to provision for walking, cycling and public transport access to and within the site, and will identify the measures to be provided, the system of management, monitoring, review, reporting and duration of the plan;
- * a Construction Method Statement to minimise the impact of construction activity on the public road network be submitted to and approved by the Planning Authority prior to the commencement of development. It should recommend mitigation measures to control noise, dust, construction traffic (including routes to/from the site) and shall include hours of construction work;
- * wheel washing facilities be provided and maintained in working order during the period of operation of the site.

With the imposition of conditions to cover these recommendations of Roads Services, the proposed development does not conflict with Policies T1 or T2 of the ELLDP.

The Council's Waste Services have provided comments, initially expressing reservations that the proposed road layout could cause difficulties for waste services vehicles negotiating the site. The applicants have subsequently amended the road layout to ensure that a 12 metre long waste services vehicle could satisfactorily negotiate the

proposed development and with these amendments carried out the proposal complies with Policy W3 of the ELLDP.

Details of the SUDS and other drainage details including a Flood Risk Assessment have been submitted with this application. These details have been revised during the course of the application following consultation with the Scottish Environmental Protection Agency (SEPA) and the Council's Team Manager for Structures, Flooding & Street Lighting.

SEPA advise that the Ravensheugh Burn and a tributary/lade flow through the application site and therefore, an assessment of the risk of flooding is required to inform the developable area. This proposed development along with other proposed or approved housing developments within the Ravensheugh Burn catchment have the potential to alter significantly the land use with the Ravensheugh Burn catchment, which has the potential to impact on the catchment hydrology.

SEPA have been consulted on the application and all of its supporting information including the revised consolidated flood risk assessment prepared by the applicant's flood risk consultants. Having initially objected to the proposals on the grounds of potential flood risk, SEPA now raise no objections to the proposed development and nor do they request any condition be imposed in the event that planning permission is granted. SEPA have confirmed that they are satisfied that the applicant has provided sufficient information on the replacement culvert to be formed through the site and its size, confirmation that the culvert will be kept outwith all house plots (this is detailed in the planning application drawings), and confirmation that overland flowpath from upstream of the culvert will not impact on proposed properties. Furthermore SEPA are content that the consolidated flood risk assessment report confirms that there is no risk of coastal flooding to the application site.

SEPA advise that the design of SUDS infrastructure is a matter for East Lothian Council to consider.

The Council's Team Manager for Structures, Flooding & Street Lighting also confirms that he is now satisfied with the revised proposals and clarifications provided in the consolidated flood risk assessment. He is also satisfied that the applicant has provided detailed drawings confirming that no land raising will take place within the functional floodplain and has clarified the route of the proposed 900mm culvert in the application drawings. He therefore raises no objections on flood risk grounds.

The Council's Team Manager for Structures, Flooding & Street Lighting raises no objections to the siting and design of the SUDS basin but recommends that its final design be approved by the Planning Authority and that the details of its final design shall include confirmation of Scottish Water's technical approval of the SUDS proposals.

This recommended condition can reasonably be imposed on a grant of planning permission and subject to this control the proposals are consistent with Policies NH10 and NH11 of ELLDP.

Scottish Water have been consulted on the proposals. They raise no objection and have provided comments relevant to servicing the proposed development which have been forwarded to the applicants for their information.

The Council's Deputy Chief Executive, Resources and People Services informs that the application site is located within the school catchment areas of Pinkie St Peter's Primary and Nursery School and Musselburgh Grammar School.

He advises that Pinkie St Peter's Primary and Nursery School and Musselburgh Grammar School do not have sufficient capacity to accommodate children that could arise from the proposed development. Thus he would object to the application on the grounds of lack of permanent capacity at those schools unless the applicant makes a financial contribution to the Council of £6,729 per housing unit towards the provision of additional school accommodation at Pinkie St Peter's Primary and Nursery School and a contribution of £4,073 per housing unit towards the provision of additional school accommodation at Musselburgh Grammar School. He also advises that as set out in the Council's Developer Contribution Framework, a contribution of £237 per housing unit is required towards the provision of school land for the new Musselburgh Secondary School.

The required payment of a financial contribution of a total of £529,872 towards the provision of additional accommodation at Pinkie St Peter's Primary and Nursery School and Musselburgh Grammar School and towards the provision of school land for the new Musselburgh Secondary School can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the payment of the required contribution towards educational accommodation the proposal is consistent with Policy ED1 of the ELLDP, which stipulates that new housing will only be permitted where appropriate provision for infrastructure required as a consequence of the development is made. This will include funding necessary school capacity. The applicants confirm in writing that they are willing to enter into such an agreement.

The Council's Deputy Chief Executive, Resources and People Services additionally requires that the 48 housing units be phased to prevent any more than 36 units being completed in any one year. This is to ensure sufficient education capacity can be provided for the pupil product of the development. This is a matter which can be controlled by way of a condition on a grant of planning permission.

The Council's Economic Development & Strategic Investment Manager advises that in accordance with the Council's Affordable Housing Policy, 25% of the proposed 48 residential units require to be affordable housing units. The affordable housing component of the proposed housing development is 12 units. The Economic Development & Strategic Investment Manager advises that the mix, size and location of the 12 affordable units to be provided on the site is acceptable. Although the group of 12 affordable housing units is grouped together facilitating easier management, the affordable housing is still sufficiently integrated into the overall development. The terms for the provision of this affordable housing requirement could be the subject of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the Council securing the affordable housing requirement, which the applicant is willing to do, the proposal would be consistent with Policies HOU3 and HOU4 of the ELLDP.

RECOMMENDATION

It is recommended that planning permission be granted subject to:

1. The undernoted conditions.
2. 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 £529,872 towards the provision of additional accommodation at Pinkie St Peter's Primary and Nursery School and Musselburgh Grammar School and towards the provision of school land for the new Musselburgh Secondary School;

(ii) 12 affordable residential units within the application site;

(iii) a financial contribution to the Council of £38,064 for transport improvements to Salters Road Interchange and Bankton Interchange, Musselburgh town centre improvements and Tranent town centre improvements, rail network improvements and segregated active travel corridor contributions.

3. That in accordance with the Council's policy on time limits for completion of planning agreements it is recommended that the decision should also be that in the event of the Section 75 Agreement not having been executed by the applicant, the landowner and any other relevant party within six months of the decision taken on this application, the application shall then be refused for the reason that without the developer contributions to be secured by the Agreement the proposed development is unacceptable due to a lack of sufficient school capacity, a lack of provision of affordable housing and a lack of roads and transport infrastructure improvements contrary to, as applicable, Policies ED1, DEL1, HOU3, HOU4 and T32 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 a final site setting-out drawing to a scale of not less than 1:200, giving:

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

Reason:

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

- 2 No development shall take place on the proposed site until the applicant has, through the employ of an archaeologist or archaeological organisation, undertaken and reported upon a programme of archaeological work (Archaeological Evaluation) in accordance with a written scheme of investigation which the application will submit to and have approved in advance by the Planning Authority.

Reason:

To facilitate an acceptable archaeological investigation of the site.

- 3 Prior to the commencement of development, a Construction Method Statement which sets out how the impact of construction activity on the safety and amenity of the area will be mitigated shall be submitted to and approved by the Planning Authority.

The Construction Method Statement shall include details of:

* Mitigation measures to control noise, dust, construction traffic (including routes to/from site and delivery times).

- * Hours of construction work
- * Routes for construction traffic
- * Wheel washing facilities.

Thereafter, the Construction Method Statement shall be implemented and complied with in accordance with the approved details for the period of construction of the development hereby approved.

Reason:

To retain control of the operation of construction in the interest of environmental and residential amenity.

- 4 Prior to the occupation of any of the residential units hereby approved a Green Travel Plan shall be submitted to and approved by the Planning Authority prior to the occupation of any of the residential units hereby approved.

The Green Travel Plan shall have particular regard to provision for walking, cycling and public transport access to and within the site, and will include a timetable for its implementation, details of the measures to be provided, the system of management, monitoring, review, reporting and duration of the Plan and details of how it will be distributed to residents.

Thereafter, the Green Travel Plan shall be implemented in accordance with the details so approved.

Reason:

In the interests of ensuring sustainable travel patterns in respect of the residential development.

- 5 Prior to commencement of development on site, full details of the proposed Sustainable Drainage System (SuDS) shall be submitted to and approved in writing by the Planning Authority.

The details shall include confirmation of Scottish Water's technical approval of the SuDS proposals.

Thereafter, the approved details shall be implemented as approved.

Reason:

To ensure that the final SuDS design complies with 'Sewers for Scotland 4' and can be vested by Scottish Water in the interest of flood prevention, environmental protection and the long term amenity of the area.

- 6 Unless otherwise approved in writing by the Planning Authority housing completions on the application site in any one year (with a year being defined as being from 1st April to 31st March the following year) shall not exceed 36 residential units.

Reason:

To ensure sufficient education capacity can be provided for the pupil product of the development.

- 7 Prior to the occupation of any of the residential units hereby approved a 2 metres wide, hard surfaced, lit footpath suitable for walking and cycling shall be formed to connect the existing footpath of Ravensheugh Crescent into the footpath network within the site as detailed on drawings docketed to this planning permission.

Reason:

In the interests of the safety and amenity of pedestrians and cyclists.

- 8 Prior to the occupation of the last house or flat hereby approved, the proposed access roads, parking spaces, and footpaths shall have been constructed on site in accordance with the docketed drawings.

Those areas of land shall not thereafter be used for any other purpose than for accessing and for the parking of vehicles in connection with the residential use of the houses and flats and shall not be adapted or used for other purposes without the prior written approval of the Planning Authority.

Reason:

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

- 9 Prior to the occupation of any of the flats hereby approved bin storage facilities and cycle storage

facilities shall have been formed and made available for use. The cycle parking shall be in the form of 1 locker per flat or communal provisions in the form of a lockable room or shed in accordance with details to be submitted to and approved in writing by the Planning Authority. Thereafter, the storage facilities shall be retained in use as bin and cycle storage areas.

Reason:

To ensure the provision of adequate bin and cycle storage in the interest of the residential amenity of the future occupants of the flats hereby approved and the visual amenity of the locality.

10 Prior to the commencement of development, details, including a timetable for their implementation, showing compliance with the following transportation requirements shall be submitted to and approved in writing in advance by the Planning Authority.

(i) A controlled crossing of the A199 shall be provided in close proximity to the access to the site to ensure provision of a route to the catchment schools and to ensure cycling and pedestrian connectivity to adjoining open spaces;

(ii) A visibility splay of 4.5 metres by 90 metres shall be provided and maintained on each side of the access to be formed from Haddington Road such that there shall be no obstruction to visibility above a height of 1.05 metres measured from the adjacent carriageway level;

(iii) A dropped kerb tactile crossing of the access junction shall be provided on the pedestrian desire line along the Haddington Road footway;

(iv) 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.

(v) 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.

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

Reasons:

In the interests of road and pedestrian safety.

11 No trees or shrubs, which are to be retained on the site, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the prior written consent of the Planning Authority.

Reason:

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

12 No development shall take place on site until temporary protective fencing in accordance with Figure 2 of British Standard 5837_2012 "Trees in relation to design, demolition and construction" has been installed, approved and confirmed in writing by the Planning Authority. The fencing must be fixed in to the ground to withstand accidental impact from machinery, erected prior to site start and retained on site and intact through to completion of development. The position of this fencing must be as indicated on the drawing 'Landscape Layout' with drawing number 12-01j, shall be positioned outwith the Root Protection Area (RPA) as defined by BS5837:2012 for all trees and approved in writing by the Planning Authority.

All weather notices shall be erected on said fencing with words such as "Construction exclusion zone - Keep out". Within the fenced off areas creating the Construction Exclusion Zones the following prohibitions must apply:-

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

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

Reason

In order to protect retained hedgerows and trees from damage.

- 13 Notwithstanding the details shown on landscaping plans docketed to this planning permission, a scheme of landscaping for the SUDS basin shall be submitted to and approved in writing by the Planning Authority prior to any commencement of development on the site. The scheme shall provide details of the height and slopes of the SUDS basin, a scheme of landscaping for the SUDS basin and a programme of planting for the SUDS basin.

All planting, seeding or turfing comprised in the approved details of landscaping and in the drawing titled 'Landscape Layout' with drawing number 12-01j as docketed hereto shall be carried out in the first planting and seeding season following the completion of the development or occupation of any house hereby approved, whichever is the sooner. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar species and final size, unless the Planning Authority gives written consent to any variation. No trees or shrubs, detailed in the approved landscaping plans and in the Overview Tree Survey and Arboricultural Constraints report by Donald Rodge dated July 2017 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.

- 14 The maintenance of all communal landscape areas, and hedges to private front gardens, as defined on the 'Site Plan' with drawing number 15125(PL)001-X docketed to this planning permission 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.

- 15 Notwithstanding that which is stated on the drawings docketed to this planning permission a detailed specification and samples of all external finishes of the houses, flats, garages and boundary treatments hereby approved shall be submitted to and approved by the Planning Authority prior to the use of the finishes in the development.

The external finishes of the houses and flats shall be in accordance with a co-ordinated scheme of materials and colours that shall be submitted to and approved in advance by the Planning Authority. This co-ordinated scheme shall in detail promote render as the predominant finish to the walls of the houses and flats, with a use of more than one render colour and with a strongly contrasting difference in the colours such that they will not each be of a light colour.

All such materials used in the construction of the houses, flats, garages and boundary treatments shall conform to the details so approved.

Reason:

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

- 16 A timetable for the provision of the erection of the boundary enclosures for the gardens of the houses and flats hereby approved shall be submitted to and approved in advance by the Planning Authority and development shall thereafter be carried out in full accordance with the timetable so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

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

- 17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended by Part 1 of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011), or of any subsequent Order

amending, revoking or re-enacting the 1992 Order, no windows or other glazed openings, other than those hereby approved shall be formed at first floor level within the northwesternmost elevations of the houses to be erected on plots 16, 20, 27 and 38 of the development hereby approved unless otherwise approved by the Planning Authority.

Reason:

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

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

REPORT TO: Planning Committee
MEETING DATE: Wednesday 26 June 2019
BY: Depute Chief Executive
(Partnerships and Community Services)
SUBJECT: Application for Planning Permission for Consideration

4

Application No. **19/00147/PM**
Proposal Erection of 43 houses and associated works
Location **William Crescent**
 Letham
 Haddington
 East Lothian
Applicant Mactaggart And Mickel Homes Ltd
Per Andrew Bennie Planning
RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

As the area of the application site is greater than 2 hectares the development proposed in this application is, under the provisions of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, defined as a major development and thus it cannot be decided through the Council's Scheme of Delegation. The application is therefore brought before the Planning Committee for a decision.

This planning application relates to some 2.27 hectares of former agricultural land at Letham Mains, on the western side of Haddington. The application site forms part of a larger area of land allocated by Proposal HN1 (Letham Mains) of the adopted East Lothian Local Development Plan 2018 for a mixed use development of circa 800 houses, education and community facilities, a local centre, infrastructure and associated works.

In May 2017 planning permission (Ref: 13/00519/PM) was granted for the erection of 385 houses and 48 flats on the western part of that allocated housing site. That land includes the land that is the subject of this planning application. Also in May 2017 planning permission (Ref: 14/0089/PM) was granted for the erection of 257 houses, 119 flats and associated works, including a sports pitch and two changing room facility on the eastern part of that allocated housing site.

In June 2015 planning permission (Ref: 14/00534/PCL) was granted for the erection of a primary school on the central part of that allocated housing site.

In December 2017 planning permission (Ref: 17/00105/P) was granted for the erection of 33 houses and associated works on part of the site granted planning permission 13/00519/PM, previously, as changes to that scheme of development.

In March 2018 planning permission 17/00900/P was granted for the erection of 34 houses, repositioning of plots and associated works as changes to the scheme of development the subject of 13/00519/PM. Works to implement planning permission 17/00900/P have commenced.

In August 2018 planning permission 18/00218/PM was granted for the erection of 82 residential units with associated roads, infrastructure and open space as changes to the scheme of development approved by the grant of planning permission 18/00218/PM.

Planning permissions 13/00519/PM and 14/00089/PM were granted following the conclusion of a Section 75 Legal Agreement to secure (i) affordable housing; (ii) a financial contribution towards (a) upgrading the local path network, (b) primary and secondary education provision, and (c) sports provision in Haddington; (iii) transfer to the Council, at no cost, of ownership of the site for the school that is approved by planning permission 14/00534/PCL; and (iv) the provision of the sports pitch and the two changing room facility.

Development of the housing sites has commenced.

This application site is on the western part of the site the subject of planning permission 13/00519/PM.

Planning permission is now sought for the erection of 43 houses on the site, as a change to the approved scheme of development approved by the grant of planning permission 13/00519/PPM. The changes to the approved layout would affect 40 of the house plots within the part of the Mctaggart and Mickel Homes Ltd component of the site defined as plots MM21-MM240 and to the layout of some of the parking and landscaping approved by that grant of planning permission. The proposed development would increase the number of houses to be built on this part of the site by 3. It also proposes changes to the positioning and in some cases the orientation of those houses.

The proposed development would be comprised of a mix of 3, 4 and 5 bedroomed houses together with internal access roads, parking and landscaping.

Of the 43 houses 27 would be detached and 16 would be semi detached. All the houses would be for market sale with 26 of the houses having 3 bedrooms, 7 having 4 bedrooms and 10 having 5 bedrooms.

The proposed housing would be accessed from the spine road approved by planning permission 13/00519/PM that is adjacent to the eastern side of the application site. Additionally access to the site would also be via a road leading from the first phase of development located to the north of this site which is currently under construction.

This application is supported by a Design and Access Statement, a Landscape Design Statement and an updated Flood Risk Assessment.

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

considerations indicate otherwise.

The development plan is the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Development Plan 2018.

There are no policies of the approved South East Scotland Strategic Development Plan (SESplan) that are of relevance to the determination of this application. Proposal HN1, and Policies DP2 (Design), DP4 (Major Development Sites), RCA1 (Residential Character and Amenity) DP2 (design), T1 (Development Location and Accessibility) T2 (General Transport Impact) of the East Lothian Local Development Plan 2018 are relevant to the determination of this application.

Also material to the determination of this application is the Scottish Government Policy Statement entitled “Designing Streets”. It provides an overview of creating places, with street design as a key consideration. It advises on the detail of how to approach the creation of well-designed streets and describes the processes which should be followed in order to achieve the best outcomes.

Also material to the determination of the application is the approved development framework for Letham Mains. The framework sets out the land uses expected for the allocated site and how the Council requires the site to be developed.

One objection to the application has been received. The main grounds of objection are: (i) the impact that the proposal will have on the security and privacy of neighbouring houses to the west as 12 properties would be adjacent to an existing garden, (ii) will a pathway be formed adjacent to the west boundary of the rear gardens of the 12 houses, and will it link up with a green belt the length of their communal drive, and (iii) what materials would be used.

There are no proposals to form a footpath adjacent to the west boundary of the rear gardens of the 12 houses on the west boundary of the application site. There is a linear strip identified on the site plan to the west side of the rear boundaries of the houses on the west side of the site as a “fall zone”. This is a strip of land that the Council’s landscape officer requires left undeveloped to safeguard the health and vitality of the existing trees located to the west boundary of the application site. This fall zone was required in the determination of planning permission 13/00519/PM and is again required by this application. It is intended that this linear strip will eventually become part of the established woodland.

Haddington Community Council were consulted on the application but made no comments on it.

By the grant of planning permission 13/00519/PM, approval has already been given for the erection of 433 residential units on the western part of the land of Letham Mains. However, planning permission 17/00105/P has also been granted for the erection of 33 houses on part of the land the subject of planning permission 13/00519/PM as a change to that scheme of development. This included a reduction in the number of approved residential units on this part of the larger housing site from 45 to 33. Therefore, whilst it is proposed to increase the number of houses by 3 on the part of the site through this current planning application, as there would be no increase to the 433 residential units already approved there can be no objection in principle to the erection of 43 houses on the application site, as now proposed.

The details now submitted for approval show a layout of development that is not significantly different to the layout of development already approved by planning

permission 13/00519/PM for this part of the Letham Mains site. Full regard has been had to the terms of the approved Master Plan that relates to the wider site, and is in conformity with the overall provisions of the Master Plan.

This development site by being to the south of the first phase of the much larger Letham Mains site will not be overly prominent in approaches to and from Haddington. Nonetheless, as part of the larger development the proposed housing has been carefully designed to respect its location. The houses now proposed would not cause any incongruous change to the architectural harmony, integrity and character of the scheme of housing development approved for the Letham Mains housing site by planning permission 13/00519/PM, provided there is compliance with the scheme of external finishes approved for the development as a whole by that grant of planning permission. In this regard, the predominant external wall finish should be render. However to ensure consistency with the housing development to the north, a limited number of units should be finished in stone. This matter can be controlled by a condition imposed on a grant of planning permission for the proposed houses. The proposed 43 houses are broadly consistent with the requirements of the Council's approved development framework for Letham Mains and with the Masterplan docketed to planning permissions 13/00519/PM and 14/00089/PM.

Subject to the control over their finishes the proposed houses would, by their size, height, design, finishes and layout integrate and sit comfortably with the built architectural form and layout of the existing housing of the area and with the scheme of housing development already approved for the Letham Mains site.

The site is capable of accommodating all of the proposed development including vehicular and pedestrian access without being an overdevelopment of it.

However, as part of the scheme of development the subject of planning permission 13/00519/PM the new spine road will be constructed to the east side of this application site, which includes a new vehicular crossing over the Letham Burn. No details have yet been submitted regarding the new spine road crossing or the levels it will be built at. These levels will be influenced by the levels at which this site the subject of this planning application will also be built out at and vice versa. To safeguard the visual amenity of this part of the larger Letham Mains site, particularly in views from the linear park, the levels of the Letham Burn and the southern part of the application site must be kept to the minimum possible. Therefore, a condition should be attached to any grant of planning permission that requires the submission and approval of the details of the proposed levels of this site together with the proposed levels of the new spine road/road crossing of the Letham Burn prior to works commencing on site. Subject to the approval of these levels, the development of this site would conform with the overall provisions of the Master Plan approved by the grant of planning permission 13/00519/PM.

The proposed positioning of the 43 houses and other components of the development would not prejudice the remainder of the housing development already approved in detail by planning permissions 13/00519/PM and 14/00089/PM.

The proposed houses would be laid out in such a way as to give an acceptable standard of residential amenity to their future occupants.

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

distance between directly facing windows of the proposed new building and the windows of existing neighbouring residential properties.

The proposed houses would be located sufficiently far away from the new housing to the north and east of the site so as not to adversely affect their privacy or amenity. The proposed houses would largely be so sited, orientated and screened such as not to harm the privacy and amenity of any neighbouring residential property. However to safeguard the privacy and amenity of the occupants of the house to be built on Plot 9 it should be made a condition of a grant of planning permission that: (i) the 2 first floor windows on the south elevation of the house to be built on plot 3 are obscurely glazed and (ii) that permitted development rights to install other glazed openings in the first floor of that elevation are removed.

The Council's Environmental Health Manager raises no objection to the proposed development.

On the considerations of design, layout and amenity the proposed residential development is consistent with Proposal HN1, and Policies DP2 (Design), DP4 (Major Development Sites), RCA1 (Residential Character and Amenity) DP2 (design), T2 (General Transport Impact) of the East Lothian Local Development Plan 2018 are relevant to the determination of this application.

No changes are proposed to either the size or locations of the areas of open space approved by planning permission 13/00519/PM. Similarly no changes are proposed to the equipped play areas already approved for that part of the Letham Mains housing site.

The Council's Road Services are generally satisfied with the detailed proposals for site access and parking. Subject to the following conditions:

- (i) all adoptable footpaths shall be 2m wide;
- (ii) driveways shall have minimum dimensions of 6 metres by 3 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 m length;
- (iii) within private parking areas, the minimum dimensions of a single parking space shall be 2.5 metres by 5 metres. All visitor parking spaces within these areas shall be clearly marked for visitors with the remaining private parking spaces allocated to individual dwellings;
- (iv) all prospectively adoptable parking bays (i.e. that will form part of the public road) shall have minimum dimensions of 2.5 metres by 6 metres. This can be reduced to a minimum length of 5 metres on the proviso that there is adequate road space to manoeuvre in adjacent to the parking bay;
- (v) Vehicle access to private parking areas shall be via a reinforced footway crossing and have a minimum width of 5.5m over the first 10m to enable adequate two movement of vehicles;

All of these requirements can reasonably be made conditions of the approval of matters specified in conditions for the proposed housing development.

On these foregoing transportation and other access considerations the proposed residential development is consistent with Policies T1 and T2, of the adopted East Lothian Local Development Plan 2018.

The Council's Waste Services Manager made no comment on the application.

The matter of flood risk was fully considered in the assessment of application 13/00519/PM. However SEPA in their consultation response requested that an updated Flood Risk Assessment be undertaken. This was submitted and SEPA raise no objection to the 43 houses now proposed.

As stated above, planning permissions 13/00519/PM and 14/00089/PM were granted following the conclusion of a Section 75 Legal Agreement to secure (i) affordable housing; (ii) a financial contribution towards (a) upgrading the local path network, (b) primary and secondary education provision, and (c) sports provision in Haddington; (iii) transfer to the Council, at no cost, of ownership of the site for the school that is approved by planning permission 14/00534/PCL; and (iv) the provision of the sports pitch and the two changing room facility.

The Council's Legal and Procurement Services has advised that the modification to the Legal Agreement approved by the Council in March 2018 (Ref: 18/00001/OBL) will ensure that the Section 75 Legal Agreement applies in respect of the now proposed development of 43 houses. On this basis planning permission should now be granted subject to the undernoted conditions.

RECOMMENDATION:

It is recommended that planning permission be granted subject to the undernoted conditions:

- 1 The levels at which this site shall be built out shall be kept to the minimum required for development and without compromising the visual amenity of the area.

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

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

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

Reason:

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

- 2 Notwithstanding that which is stated on the drawings docketed to this planning permission, a detailed specification of all external finishes of the houses and flats of the proposed development shall be submitted to and approved by the Planning Authority prior to the use of the finishes in the development. The external finishes of the houses and flats shall be in accordance with a co-ordinated scheme of materials and colours that shall be submitted to and approved in advance by the Planning Authority. This co-ordinated scheme shall in detail promote render as the predominant finish to the walls of the houses and flats, with a use of more than one render colour and with a strongly contrasting difference in the colours such that they will not each be of a light colour. The render colours shall have due regard to the finishes of other residential properties in Haddington. However, to ensure consistency with the housing development to the north a limited number of units shall be finished in reconstituted stone. All such materials used in the construction

of the houses and flats shall conform to the details so approved.

Reason:

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

- 3 Housing completions on the application site and otherwise on the site of planning permissions 13/00519/PM in any one year (with a year being defined as being from 1st April to 31st March the following year) shall not cumulatively exceed the following completion rates, unless otherwise approved in writing by the Planning Authority:

Year 1 (2017/18) - 0 houses
Year 2 (2018/19) - 52 houses
Year 3 (2019/20) - 98 houses
Year 4 (2020/21) - 107 houses
Year 5 (2021/22) - 84 houses
Year 6 (2022/23) - 82 houses
Year 7 (2023/24) - 10 houses

If less than the specified number of residential units are completed in any one year then those shall be completed instead at Year 8 or beyond and not added to the subsequent Year.

Reason:

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

- 4 Prior to the commencement of development, a programme for monitoring the condition of the section of the public road of West Road (the B6471) between the Oak Tree roundabout and the application site, prior to and immediately following the completion of the housing development, shall be submitted to and approved in writing by the Planning Authority. Thereafter the approved programme of monitoring shall be implemented. Any remedial works shown by the monitoring as arising from the construction of the development, shall be undertaken by the applicant within 3 months of the completion of the final monitoring undertaken, unless an alternative means of securing the works is approved in writing by the Planning Authority.

Reason:

To ensure that damage to the public road network resulting from the construction of the housing development is rectified.

- 5 Landscaping of the site shall be carried out in accordance with that shown on the landscape drawing ref .1819.L.G(92)001 docketed to this planning permission.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

Reason:

In order to ensure the implementation of a landscaping scheme to enhance the appearance of the development.

- 6 A Construction Management Plan to minimise the impact of construction activity on the amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Management Plan shall recommend mitigation measures to control noise, dust, construction traffic and shall include hours of construction work and delivery routes. It shall confirm that construction access to the site shall not be permitted via the Knox Place junction via West Road. All construction access shall instead be taken directly from West Road. The Management Plan shall also include the phasing of the development and restrictions that may be required, particularly for those travelling to existing and/or proposed schools. It shall also include details of how the habitat of the Letham Burn will be protected during the construction phase of the development.

The recommendations of the Construction Method Statement shall be implemented prior to the commencement of development. Development shall thereafter be undertaken in accordance with the details so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

To minimise the impact of construction activity in the interests of the amenity and ecology of the area.

- 7 A Travel Plan shall be submitted to and approved by the Planning Authority prior to the occupation of any of the residential units hereby approved. The Travel Plan shall have particular regard to provision for walking, cycling and public transport access to and within the site, and will include a timetable for its implementation, details of the measures to be provided, the system of management, monitoring, review, reporting and duration of the Plan.

The Travel Plan shall thereafter be implemented in accordance with the details so approved.

Reason:

In the interests of ensuring sustainable travel patterns in respect of the residential development.

- 8 No work shall be carried out on the site unless and until an effective vehicle wheel washing facility or other method of ensuring the roads are kept clear have been installed in accordance with details to be submitted to and approved by the Planning Authority prior to its installation. Such facility shall be retained in working order and used such that no vehicle shall leave the site carrying earth and mud in their wheels in such a quantity which causes a nuisance or hazard on the road system in the locality.

Reason

In the interests of road safety.

- 9 Prior to the commencement of development details of the linear park, included its proposed design and future management, shall be submitted to and approved by the Planning Authority. The submitted details shall incorporate the needs of water voles.

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

Reason:

In the interests of the ecology of the area.

- 10 No more than 300 residential units shall be occupied within the allocated Letham Mains site unless and until the school approved by the grant of planning permission 14/00534/PCL has been completed and is made available for use.

Reason:

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

- 11 The development shall comply with the following transportation requirements:

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

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

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

(iv) all prospectively adoptable parking bays (i.e. that will form part of the public road) shall have minimum dimensions of 2.5 metres by 6 metres. This can be reduced to a minimum length of 5 metres on the proviso that there is adequate road space to manoeuvre in adjacent to the parking bay;

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

Reason:

In the interests of road safety.

- 12 The 2 first floor windows on the south elevation of the house to be built on plot 3 shall be obscurely glazed and thereafter shall continue to be obscurely glazed unless otherwise agreed in writing by

the Planning Authority.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended by Part 1 of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011), or of any subsequent Order amending, revoking or re-enacting the 1992 Order, no windows or other glazed openings shall be formed within the side south elevation wall of the house hereby approved to be built on plot 3, unless otherwise approved by the Planning Authority.

Reason:

To safeguard the privacy and residential amenity of the occupants of the house to be built on the neighbouring plot 9 to the south.

- 13 Any glazed openings formed on the first floor of the protruding gable on the rear elevations of the houses to be built on plot 1 (north elevation) and plot 4 (south elevation) as shown on the site plan drawing ref:18-277(PL001 Rev C shall be obscurely glazed and thereafter shall continue to be obscurely glazed unless otherwise agreed in writing by the Planning Authority.

Reason:

To safeguard the privacy and amenity of the occupants of the houses on the neighbouring plots.

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

REPORT TO: Planning Committee
MEETING DATE: Wednesday 26 June 2019
BY: Depute Chief Executive
(Partnerships and Community Services)
SUBJECT: Application for Planning Permission for Consideration

5

Application No. **19/00443/PM**

Proposal Variation of Condition 22 of planning permission 14/00089/PM to allow temporary construction access from Pencaitland Road (A6093) for a period from 1st August 2019 to 31st August 2020

Location **Letham Mains
Haddington
East Lothian**

Applicant CALA Management Ltd.

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

This application relates to some 23.07 hectares of former agricultural land at Letham Mains, on the western edge of Haddington. This agricultural land has been allocated for a mixed use development of 800 houses, social and community facilities, a local centre and associated infrastructure by Proposal HN1 (Letham Mains, Haddington) of the adopted East Lothian Local Development Plan 2018. It is also allocated for a new pre-school and primary school by Proposal ED5 (Haddington Cluster Education proposals) of the adopted East Lothian Local Development Plan 2018.

As the area of the application site is greater than 2 hectares, the development proposed in this application is, under the provisions of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, defined as a major development and thus it cannot be decided through the Council's Scheme of Delegation. The application is therefore brought before the Planning Committee for a decision.

In May 2017 planning permission (Ref: 13/00519/PM) was granted for the erection of 385 houses and 48 flats on the western part of that allocated housing site.

Also in May 2017 planning permission (Ref: 14/00089/PM) was granted for the erection of 257 houses, 119 flats and associated works, including a sports pitch and two changing room facility on the eastern part of that allocated housing site. Access to the site would be taken from 3 new vehicular accesses to be formed on the south side of West Road.

Two new vehicular accesses would also be formed on the north side of Pencaitland Road one of which would be the southern access onto the spine road which would be the main road through the site linking West Road with Pencaitland Road. In June 2015 planning permission (Ref: 14/00534/PCL) was granted for the erection of a primary school on the central part of that allocated housing site. It is the site of planning permission 14/00089/PM to which this application relates.

In December 2017 planning permission (Ref: 17/00105/P) was granted for the erection of 33 houses and associated works on part of the site granted planning permission 13/00519/PM, previously, as changes to that scheme of development.

In April 2018 planning permission 17/00900/P was granted for the erection of 34 houses and associated works on part of the site granted planning permission 13/00519/PM, previously, as changes to that scheme of development.

In March 2018 planning permission (Ref: 17/01120/PM) was granted for the erection of 118 houses, 32 flats and associated works as changes to the scheme of development the subject of planning permission 14/00089/PM.

In August 2018 planning permission 18/00218/PM was granted for the erection of 82 residential units and associated roads, infrastructure and open space as changes to the scheme of development 13/00519/PM.

Planning permissions 13/00519/PM and 14/00089/PM were granted following the conclusion of a Section 75 Legal Agreement to secure (i) affordable housing; (ii) a financial contribution towards (a) upgrading the local path network, (b) primary and secondary education provision, and (c) sports provision in Haddington; (iii) transfer to the Council, at no cost, of ownership of the site for the school that is approved by planning permission 14/00534/PCL; and (iv) the provision of the sports pitch and the two changing room facility.

The originally concluded Section 75 Legal Agreement would not apply to any planning permission that approves the variation or amendment of planning permissions 13/00519/PM and 14/00089/PM. In this regard, in March 2018 the Council approved a modification to the existing Section 75 Legal Agreement. The approved planning permission ensures that the Planning Obligation is effective in relation to a) any amendment or variation of the CALA planning permission by them or any subsequent planning permission relating to the CALA part of the development at Letham and b) any amendment or variation of the Taylor Wimpey/Mactaggart and Mickel planning permission by either of those parties or by any subsequent planning permission relating to the Taylor Wimpey/Mactaggart and Mickel part of the site at Letham. The Council's Legal Services advises that "any amendment or variation of the CALA planning permission" includes any variation of any of the conditions of planning permission 14/00089/PM.

The two housing sites have recently commenced development with a consortium of developers on site. The housing development the subject of planning permission 14/00089/PM is well underway.

Planning permission 14/00089/PM was granted subject to the imposition of 23 conditions. Of these, condition 22 stipulates that:

" A Construction Management Plan to minimise the impact of construction activity on the amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Management Plan shall recommend mitigation

measures to control noise, dust, construction traffic and shall include hours of construction work and delivery routes. It shall confirm that construction access to the site shall not be permitted via the Knox Place junction via West Road. All construction access shall instead be taken directly from West Road. The Management Plan shall also include the phasing of the development and restrictions that may be required, particularly for those travelling to existing and/or proposed schools. It shall also include details of how the habitat of the Letham Burn will be protected during the construction phase of the development.

The recommendations of the Construction Method Statement shall be implemented prior to the commencement of development. Development shall thereafter be undertaken in accordance with the details so approved, unless otherwise approved in writing by the Planning Authority.”

The reason for the imposition of this condition was to minimise the impact of construction activity in the interests of the amenity and ecology of the area.

The applicant is now seeking to vary condition 22 of planning permission 14/00089/PM to allow construction access to be taken to the site via Pencaitland Road (A6093) for a temporary period from 1st August 2019 to 31st August 2020. For avoidance of doubt the 2 vehicular accesses to be used for temporary construction access via Pencaitland Road are already approved as vehicular accesses into the site by the grant of planning permission 14/00089/PM. Therefore the formation of those accesses does not form part of this application. What this application seeks is to vary the approved route to the site, which as condition 22 of planning permission 14/00089/PM was to be taken only directly from West Road.

The supporting statement submitted by the applicant (CALA) explains that the reasons for this variation is to ensure the delivery of its obligation to provide a sports pitch and sports pavilion as required by the S75 legal agreement associated with planning permission 14/00089/PM.

The supporting statement states that the site the subject of planning permission 14/00089/PM is bisected by the Letham Burn. Construction on the land to the north of the Letham Burn is progressing but no development has commenced on the land to the south of the Letham Burn. However, at the current rate of development, consortium groundworks and infrastructure delivery for the southern side of the Letham Burn are scheduled to commence in August 2019 including the construction of the remainder of the West Road/Pencaitland link road. Therefore, the road is not likely to reach the CALA controlled land south of the Letham Burn until March 2020.

The supporting statement further states that the Section 75 Agreement associated with planning permission 14/00089/PM requires the provision of a sports pitch and pavilion as one of the planning obligations associated with that planning permission and also with planning permission 13/00519/PM. The phasing of the sport pitch and pavilion is such that they should be available for use prior to the occupation of the 500th residential unit across the consortium site (13/00519/PM, 14/00089/PM and all variations to those planning permissions). The completion of the 500th unit is estimated to be May 2021. However, to secure the delivery of the sports pitch and pavilion on time, a serviced site for the sports pitch would have to be handed over to the specialist pitch contractor 12 months in advance of it being brought into use (May 2020). In order to meet those timescales and ensure the timely completion of the sports pits, works on the pitch would need to commence in January 2020. The supporting statement states, that this is unachievable with the current construction access restriction. Therefore, to meet their obligation to deliver the sports pitch and pavilion it is proposed to use temporary

construction accesses via Pencaitland Road to allow works to commence on the south side of the Letham Burn. For avoidance of doubt these access will be used only for the period of time until August 2020 after which the spine road would be complete. Thereafter, access will be taken from West Road and along the spine road in accordance with Condition 22 unless any further variation of that planning condition is agreed with the Planning Authority.

The applicant has submitted in support of this variation of condition application a plan indicating how construction traffic would travel to the site. It is proposed construction access to the site would be via the A1, leaving the A1 at the Gladsmuir Junction and following the B6363 onto the A6093 Pencaitland Road.

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

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

There are no relevant policies of the approved South East Scotland Strategic Development Plan (SESplan). Policies T1 (Development Location and Accessibility) and (T2 (General Transport Impact) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of this application.

One representation and two objections to the application have been received. The main grounds of objection are:

- Impact on visual amenity, design and appearance on the countryside approach on the Pencaitland Road;
- Adequacy of parking, loading and turning within the proposed site
- Road Safety – the proposed entrances will be a risk to road users;
- Traffic generation;
- Noise and disturbance resulting from use;
- Hazardous materials;
- Design and Appearance;
- Road Access;
- Knox Place is already a mainly residential area and lies in a school zone. It has frequent pedestrian traffic including pupils walking to and from Knox Academy. It already suffers heavy congestion, which will increase;
- This would add to the existing congestion and risks of accidents especially at the West Road, Court Street Junction;
- The amenity of residents living in the new houses at Letham are being given priority over the long term residents and safety of the children of Haddington.

The control of hazardous substances is a matter regulated by legislation other than Planning legislation. Therefore the movement of hazardous materials is not a material consideration in the determination of this planning application.

The two points of vehicular access from Pencaitland Road onto the site that are, if this application is approved, to be used for temporary construction access are already approved by the grant of planning permission 14/00089/PM. Through the determination of that application it has been established that the proposed accesses are acceptable in terms of their positioning, form, design and appearance and that they can be used without causing issues of road safety.

Therefore, in the determination of this application consideration can only be given to the impact of the use of the proposed new route for construction traffic on road safety and on the amenity of the occupants of nearby houses.

The matters raised in the letter of representation are:

- * The access plan does not show the site boundaries and only a small part of the Pencaitland Road is identified. It should show the entire proposed construction route;
- * Some traffic may attempt to use unsuitable routes e.g through Letham Mains Smallholdings which would raise issues of road safety.

The application drawings accurately identify the site boundaries and the access points approved by the grant of planning permission 14/00089/PM. The access plan also demonstrates that traffic will approach the access points from the west and will not come through the centre of Haddington to the east. The supporting statement submitted with the application also indicates the proposed access route for construction traffic will be from the A1 Gladsmuir Junction and onto the A6093 Pencaitland Road via the B6363 public road. There is no evidence that construction traffic would use another route, such as Letham Mains Smallholdings. However, if this were to happen then it would constitute a breach of the approved CMS of the Council could then decide whether or not they should pursue formal enforcement action.

Haddington Community Council were consulted on the application but did not respond.

The site at Letham Mains is one of East Lothian's largest allocated sites, allocated for a mixed use development including circa 800 residential units site by Policy HN1 of the adopted East Lothian Local Plan 2018. Through this allocation together with the grants of planning permission 13/00519/PM, 14/00089/PM and associated planning permissions, this will secure the delivery of circa 800 residential units on the edge of Haddington. Development of this site will make a significant contribution towards delivery of East Lothian's requirement for 10,050 homes up to 2224 as required by the Strategic Development Plan (SESplan). The build out of the site is being undertaken by a consortium of house builders and requires the delivery of shared infrastructure, including a new school, a spine road through the site linking West Road with Pencaitland Road, a linear park and a sports pitch and pavilion.

On such a large site and with a consortium of developers involved in its development the approved phasing plans and the timings of the delivery of the spine road and the sports pitch and pavilion have become out of sync. The variation of condition 22 is therefore necessary to ensure that works to develop the site and in particular works on the south side of the Letham Burn including the provision of the sports pitch and changing pavilion, can be complete in the timescales required.

The variation of the condition seeks to allow construction traffic to use Pencaitland Road as a means of accessing the site. The proposed temporary route for construction traffic as shown on the access plan submitted by the applicant would ensure that traffic approached the site entrances from the west. Therefore, construction traffic would not travel to the site via the Knox Place/Court Street junction. The proposed route would also avoid the need for construction traffic to travel in close proximity to Knox Academy. This is all in accordance with Condition 22 of planning permission 14/00089/PM, and this application does not seek to vary that.

Furthermore, the Council's Road Services advise that the proposed construction route is already used by construction traffic involved in the development of the housing sites on the south side of Pencaitland Road. They are satisfied that the proposed construction

route - the Gladsmuir Junction of the A1, the B6353 and the A6093 Pencaitland Road all have sufficient capacity to accommodate the additional construction traffic. Road Services are also satisfied that if used in the manner shown, approaching from the west, the use of Pencaitland Road for temporary construction access would not compromise road safety.

Therefore, the variation of condition 22 of planning permission 14/00089/PM to allow temporary construction access from Pencaitland Road (A6093) for a period from 1st August 2019 to 31st August 2020 does not conflict with Policy T2 of the adopted East Lothian Local Development Plan 2018.

The Council's Environmental Health and Trading Standards Service have confirmed that they have no objections to the temporary construction access to be taken from Pencaitland Road. In this they are satisfied that use of the proposed construction route would not harm the privacy or amenity of any nearby residential units.

A revised version of Planning Series Circular 3/2013 (Development Management Procedures) was published by the Scottish Government in September 2015. Annex I of the Circular gives guidance on applications for planning permission under section 42 of the Town and Country Planning (Scotland) Act 1997, as amended. The application that is the subject of this report is made under section 42 of the Act. Annex I states that "Planning authorities should attach to the new permission all of those conditions from the previous permission, where it is intended these should apply and ensure (where appropriate) that permission is granted subject to the conclusion of any appropriate planning obligation". Therefore, planning permission should be granted subject to the applied for variation to condition 22 and subject to all of those conditions from planning permission 14/00089/PM, where it is intended these should apply. In this case, the conditions that should continue to apply are 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 13 (as varied), 14, 16, 17, 18, 19, 20, 21, 22 (as varied), and 23.

RECOMMENDATION:

It is recommended that planning permission be granted subject to the undernoted conditions:

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

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

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

Reason:

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

- 2 The docketed phasing plan is not hereby approved. Instead, and prior to the commencement of development, a revised phasing plan shall be submitted to and approved in advance by the Planning Authority. The revised phasing plan shall accord with the following requirements:

- (i) The footway/ cycleway required by condition 19v) above shall be formed and made

available for use prior to the occupation of any of the residential units hereby approved;

(ii) The pedestrian crossing required by condition 19xvii) above shall be provided and made available for use prior to the school approved by planning permission 14/00534/PCL being open to pupils;

(iii) a timescale for the formation of the path running parallel to and crossing Letham Burn connecting to the south eastern corner of the site onto the A6093 Pencaitland Road; and

(iv) the access road between the B6471 road and the northern end of the site for the proposed primary school shall be formed and made available for use in the first phase of development.

The phasing of the development of the site shall be carried out in strict accordance with the revised 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.

The phasing of the development of the site shall be carried out in strict accordance with the revised 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.

- In relation to the required footway/cycleway to be provided along the southern side of the B6471 road linking the application site to the Park Lane junction with West Road (this to extend westwards to the proposed Sainsbury's (toucan) signalised crossing to provide a continuous link). The principle has been agreed but not worked through to a finalised design. This needs to be in place prior to the occupation of any houses.

- The provision of a controlled crossing over the distributor road (linking the A6093 road to the B6471) shall be in place/use prior to the school being open to the pupils.

- The provision of the pedestrian crossing to the east of the proposed public square shall consist of a zebra crossing or other suitable alternative, this shall be in place/use prior to the school being open to the pupils.

- The distributor road (linking the A6093 road to the B6471) and its access junction with the A6093 road (including the required path connection eastwards to the Letham Burn Bridge on the A6093) must be provided and open to vehicular traffic, including members of the public, prior to the occupation of any houses south of Letham Burn.

- The proposed path running parallel to and crossing Letham Burn connecting to the south eastern corner of the site onto the A6093 Pencaitland Road, shall be formed and made available for use in accordance with a timetable to be agreed in advance - from the proposed phasing plan (included in the current Masterplan) this should be provided at the end of phase 1 or prior to commencement of Phase 2 (this is currently proposed in Phase 2 but this may be at the end!).

- 3 Notwithstanding that which is stated on the drawings docketed to this planning permission, a detailed specification of all external finishes of the houses and flats of the proposed development shall be submitted to and approved by the Planning Authority prior to the use of the finishes in the development. The external finishes of the houses and flats shall be in accordance with a co-ordinated scheme of materials and colours that shall be submitted to and approved in advance by the Planning Authority. This co-ordinated scheme shall in detail promote render as the predominant finish to the walls of the houses and flats, with a use of more than one render colour and with a strongly contrasting difference in the colours such that they will not each be of a light colour. The render colours shall have due regard to the finishes of other residential properties in Haddington. However, some use of reconstituted stone would be acceptable providing it is limited to a distinctively complete feature of the houses and flats and respectful of their design integrity. All such materials used in the construction of the houses and flats shall conform to the details so approved.

Reason:

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

- 4 Prior to the commencement of development details of the bin storage facilities for the flatted properties shall be submitted to and approved in advance by the Planning Authority. Prior to the occupation of any of the flats the bin storage facilities shall have been formed in accordance with the approved details and made available for use. Thereafter, the storage facilities shall be retained in use solely as bin storage areas.

Reason:

To ensure the provision of adequate bin storage in the interest of the residential amenity of the future occupants of the flats hereby approved and the visual amenity of the locality.

- 5 No residential unit shall be occupied unless and until details of artwork to be provided on the site or at an alternative location away from the site have been submitted to and approved by the Planning Authority and the artwork as approved shall be provided prior to the occupation of the final residential unit approved for erection on the site.

Reason:

To ensure that artwork is provided in the interest of the visual amenity of the locality or the wider area.

- 6 Housing completions on the application site 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, unless otherwise approved in writing by the Planning Authority:

Year 1- 05 residential units
Year 2- 60 residential units
Year 3- 75 residential units
Year 4- 74 residential units
Year 5- 75 residential units
Year 6- 70 residential units
Year 7- 17 residential units

If less than the specified number of residential units are completed in any one year then those shall be completed instead at Year 8 or beyond and not added to the subsequent Year.

Reason:

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

- 7 No more than 300 residential units shall be occupied within the allocated Letham Mains site unless and until the school approved by the grant of planning permission 14/00534/PCL has been completed and is made available for use.

Reason:

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

- 8 Prior to the commencement of development, a revised site layout plan shall be submitted to and approved by the Planning Authority. The revised site layout plan shall comply with the following requirements:

* the northern boundary for the house on plot 153 shall be realigned such that it aligns with the north elevation of that house. The realigned boundary shall be enclosed by a 1.8 metres high stone wall;

* a 1.1 metre high stone wall shall be erected at either side of the junction between the B6471 road and the northern end of the road serving the site for the new primary school.

* the northern boundaries of the northernmost houses and flats shall be enclosed either by hedging or stone walling;

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

Reason:

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

- 9 No development shall take place until there has been submitted to and approved in writing by the

Planning Authority a scheme of landscaping. The scheme shall provide details of : the height and slopes of any mounding on or recontouring of, the site; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. The scheme shall comply with the following requirements:

* a feature tree shall be planted between the junction and both of the new sections of 1.1 metres high stone wall required by condition 10 above;

* the northern boundary of the parking court between plots 160 and 161 shall be enclosed solely by hedging;

* large species trees shall be planted on either side of the junction that is to the east of plots 169, 170 and 171;

* the landscape buffer proposed for the southern edge of the site shall include hedges and small groups of tree planting;

* boulevard tree planting shall be provided on both sides of the distributor road that extends north-westwards from the proposed roundabout access.

* a 5.0 metres wide landscape belt shall be provided to the northeast of Gateside Cottage; and

* hedge planting with trees behind it shall be provided immediately to the north of the property on plot 153.

The scheme shall also include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

Reason:

In order to ensure the implementation of a landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area.

- 10 Notwithstanding the drawings docketed to this planning permission, the east gable wall of the flats on plots 169, 170 and 171 shall not be a blank gable. It shall instead include windows within it. Prior to the commencement of development, a drawing showing compliance with the requirements of this condition shall be submitted to and approved in writing by the Planning Authority.

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

Reason:

To add visual interest to the visually prominent east gable wall of the flatted building, in the interests of the character and appearance of the area.

- 11 No development shall take place on site until the Scheduled Ancient Monument, known as Spottiswoode, enclosure 145m SSW of, has been protected by a fence, to be approved in writing by the Planning Authority, erected around the scheduled ancient monument at a distance as may be agreed in writing by the Planning Authority. Within the area so fenced off the existing ground level shall neither be raised or lowered and no materials, temporary buildings, plant, machinery or surface soil shall be placed or stored and no fires shall be lit thereon without the prior written approval of the Planning Authority. The fence shall remain in place during construction works. On the completion of construction works the fence shall be removed from the application site.

Reason:

To ensure the retention and maintenance of the Scheduled Ancient Monument, known as Spottiswoode, enclosure 145m SSW of.

- 12 Prior to the occupation of any of the houses or flats hereby approved, a scheme for the future management of the Scheduled Ancient Monument, known as Spottiswoode, enclosure 145m SSW of, shall be submitted to and approved in writing by the Planning Authority. The scheme shall comply with the following requirements:

- * The Scheduled Ancient Monument should be preserved in open grass; and
- * There should be no shrub or tree planting within the scheduled area or within 20 metres of the scheduled monument boundary.

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

Reason:

To ensure the future retention and maintenance of the Scheduled Ancient Monument, known as Spottiswoode, enclosure 145m SSW of.

- 13 Prior to the commencement of development details of the linear park, included its proposed design and future management, shall be submitted to and approved by the Planning Authority. The submitted details shall incorporate the needs of water voles.

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

Reason:

In the interests of the ecology of the area.

- 14 The areas of open space hereby approved, including the public square, football pitch and changing pavillion shall be maintained and retained for community use.

Reason:

In the interests of the amenity of the future occupants of the development hereby approved.

- 15 Prior to the commencement of development, full details of the finalised SUDS scheme shall be submitted to and approved in writing by the Planning Authority, following consultation with SEPA. Development shall thereafter be carried out in accordance with the details so approved.

Reason:

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

- 16 Prior to the commencement of development, details, including a timetable for their implementation, showing compliance with the following transportation requirements shall be submitted to and approved in writing in advance by the Planning Authority.

i) A detailed swept path assessment shall be undertaken for all of the access roads within the housing development. This shall include the access junctions onto the B6471 and the A6093. It should also be noted that pedestrian safeguards should not form any part of the manoeuvring space for the Design Vehicle. The Design Vehicle to be used in the detailed swept path assessment shall be 2.5 metres wide, and shall have a 6.1 metre wheelbase within an overall vehicle length of 10 metres;

ii) Bus shelters and bus stops shall be provided within the site;

iii) 1 secure cycle storage space shall be provided per flat;

iv) Traffic signals shall be provided on West Road (the B6471). The signals shall be linked to each other and the future Sainsbury's access junction to allow the efficient operation and management of the localised road corridor along the B6471;

v) A footway/cycleway shall be provided along the southern side of the B6471 road linking the application site to the Park Lane junction with West Road. This shall also extend westwards to the proposed Sainsbury's (toucan) signalised crossing to provide a continuous link. The footway/cycleway shall be formed in accordance with the findings of the Safety Audit docketed to this planning permission;

vi) A footway/cycleway shall be provided along the northern side of the A6093 road over the entire southern frontage of the application site;

vii) A footpath shall be formed within the site to connect to the existing footbridge over the St Laurence House Burn near to its confluence with the Letham Burn;

viii) A Quality audit to include visibility splays and removal of parking within these shall be undertaken for the application site. This shall include a risk assessment;

ix) The distributor road (linking the A6093 road to the B6471) and its access junction with the A6093 road (including the required path connection eastwards to the Letham Burn Bridge on the A6093) shall be provided and open to vehicular traffic, including members of the public, prior to the occupation of any houses south of Letham Burn, unless otherwise agreed in writing by the Planning Authority. These shall be formed in accordance with a Safety Audit that shall be undertaken for those works;

x) The proposed path running parallel to and crossing Letham Burn connecting to the south eastern corner of the site onto the A6093 Pencaitland Road, shall be formed and made available for use in accordance with a timetable to be agreed in advance;

xi) Cul-De-Sac's that are to form prospectively adoptable public roads shall normally have a minimum carriageway width of 5.5 metres, this can be reduced to 4.8 metres provided the vehicle tracking demonstrates the Design vehicle can physically manoeuvre;

xii) Within the housing areas a pedestrian safeguard is required, on at least one side, for prospectively adoptable public roads;

xiii) For all access junctions onto the distributor road linking the A6093 road to the B6471, minimum visibility splays of 2.5 metres by 43 metres are required, no obstruction shall lie within the splay above a height of 1.05 metres measured from the adjacent carriageway surface (including parking bays);

xiv) For all the crossings of the Letham Burn (both pedestrian/cycle and vehicular) details, including structural, are required;

xv) Single driveways shall be at least 6 metres long and be at least 3.0 metres wide;

xvi) Double driveways shall be at least 6 metres long and be at least 5 metres wide. Double length driveway shall be at least 11 metres long and 3 metres wide;

xvii) The pedestrian crossing to the east of the proposed public square shall consist of a zebra crossing or other suitable alternative; and

xviii) For all the crossings of the Letham Burn (both pedestrian/cycle and vehicular) details, including structural, are required;

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

Reason:

In the interests of road and pedestrian safety.

- 17 No work shall be carried out on the site unless and until an effective vehicle wheel washing facility has been installed in accordance with details to be submitted to and approved by the Planning Authority prior to its installation. Such facility shall be retained in working order and used such that no vehicle shall leave the site carrying earth and mud in their wheels in such a quantity which causes a nuisance or hazard on the road system in the locality.

Reason

In the interests of road safety.

- 18 A Travel Plan shall be submitted to and approved by the Planning Authority prior to the occupation of any of the residential units hereby approved. The Travel Plan shall have particular regard to provision for walking, cycling and public transport access to and within the site, and will include a timetable for its implementation, details of the measures to be provided, the system of management, monitoring, review, reporting and duration of the Plan.

The Travel Plan shall thereafter be implemented in accordance with the details so approved.

Reason:

In the interests of ensuring sustainable travel patterns in respect of the residential development.

- 19 A Construction Management Plan to minimise the impact of construction activity on the amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Management Plan shall recommend mitigation measures to control noise, dust, construction traffic and shall include hours of construction work and delivery routes. It shall

confirm that construction access to the site shall not be permitted via the Knox Place junction via West Road. All construction access shall instead be taken directly from West Road. Additionally up until August 2020 construction traffic can access the site via Pencaitland Road, using only the construction route as shown on the "Supporting Statement" docketed to this planning permission, between the hours of 0700-1700 Monday to Friday and 0800-1300 on a Saturday. The Management Plan shall also include the phasing of the development and restrictions that may be required, particularly for those travelling to existing and/or proposed schools. It shall also include details of how the habitat of the Letham Burn will be protected during the construction phase of the development.

The recommendations of the Construction Method Statement shall be implemented prior to the commencement of development. Development shall thereafter be undertaken in accordance with the details so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

To minimise the impact of construction activity in the interests of the amenity and ecology of the area.

- 20 Prior to the commencement of development, a programme for monitoring the condition of the section of the public road of Pencaitland Road (the B6093) between the new accesses approved by the grant of planning permission 14/00089/PM on the north side of the Pencaitland Road (B6093) and the junction with the B6363, prior to and immediately following the completion of the housing development, shall be submitted to and approved in writing by the Planning Authority. Thereafter the approved programme of monitoring shall be implemented. Any remedial works shown by the monitoring as arising from the construction of the development, shall be undertaken by the applicant within 3 months of the completion of the final monitoring undertaken, unless an alternative means of securing the works is approved in writing by the Planning Authority.

Reason:

To ensure that damage to the public road network resulting from the construction of the housing development is rectified.

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

REPORT TO: Planning Committee

MEETING DATE: Wednesday 26 June 2019

BY: Depute Chief Executive
(Partnerships and Community Services)

SUBJECT: Application for Planning Permission for Consideration

6

Application No. **18/01034/AMM**

Proposal Approval of matters specified in conditions of planning permission in principle 16/00485/PPM - Erection of 4 houses, 35 flats and associated works

Location **Longniddry Farm
Longniddry
East Lothian
EH32 0NZ**

Applicant Places for People

Per APT Planning and Development Ltd

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

Although this application is for the approval of matters specified in conditions of planning permission in principle 16/00485/PPM it has to be determined as a major development type application because the area of the application site is greater than 2 hectares. Accordingly, the application cannot be decided through the Council's Scheme of Delegation. It is therefore brought before the Planning Committee for a decision.

On 26 June 2018 planning permission in principle (Ref: 16/00485/PPM) was granted for residential development with associated greenspace, access and engineering works on some 30.7 hectares of predominantly agricultural land on the south side of the main east coast railway line at Longniddry. The site included Longniddry Farmhouse and Longniddry Farm Steadings along with other agricultural buildings. The Farm Steadings and Farmhouse are both listed as being of special architectural or historic interest, Category B. Nos. 3-6 Longniddry Farm Cottages, which are located within the northern part of the application site, are also listed as being of special architectural or historic interest, Category C. The land of the application site also includes the northern end of the Coal Road (the classified B6363 public road), Longniddry Main Street, the roundabout junction immediately to the northwest of Longniddry Railway Station and an area of land immediately to the east of the Railway Station car park. The Braid Burn

bisects the site roughly centrally on a north-south alignment.

In May 2017, planning application 17/00194/P and listed building consent application 17/00178/LBC were registered, respectively for, the conversion of the agricultural buildings/land at Longniddry Farm Steading to be used for Class 2, Class 3, Class 4, Class 10, holiday let (sui generis) uses, for the erection of a covered canopy for Class 3 use and for associated works, and for the alterations and extension to the Steading buildings to facilitate the change of use, the formation of hardstanding areas, and the demolition of a building and walls. Planning application 17/00194/P and listed building consent application 17/00178/LBC are pending consideration and no decisions have yet been taken on them.

The approval of matters specified in conditions is now sought for the erection of 4 houses, 35 flats and associated works on an area of land measuring some 4.19 hectares to the south side of the main east coast railway line at Longniddry and on part of the larger site to which planning permission in principle 16/00485/PPM and the masterplan docketed to that permission apply. The associated works include the formation of roads, footpath and parking areas, the formation of SuDS, the erection of boundary enclosures, flood mitigation measures relating to the Braid and Cadger Burns, and hard and soft landscaping.

The application site comprises land for the proposed 4 houses and 35 flats, along with land of the larger site to which planning permission in principle 16/00485/PPM applies that would comprise access roads, public open space, SuDS and the Braid Burn corridor.

The site that is the subject of planning permission in principle 16/00485/PPM is allocated for mixed use development of circa 450 houses by Proposal PS1 (Longniddry South) of the adopted East Lothian Local Development Plan 2018. A design brief for the site was approved by the Council in October 2018.

This application is one of three approval of matters specified in conditions applications (Refs: 18/01034/AMM, 18/01038/AMM and 18/01048/AMM), each submitted by a different applicant, that together relate to an area of land measuring some 11.6 hectares that comprises roughly the western part of the larger site to which planning permission in principle 16/00485/PPM applies, and which is located to the west of the Braid Burn, excluding Longniddry Farm Steadings.

The land of the application site consists of agricultural fields and a paddock, and rises gently from north to south. There is an existing line of trees on the west side of the site adjacent to the Coal Road. There are further trees on the northern part of the site and on the eastern part of the site adjacent to Longniddry Farmhouse.

The site is bounded to the north by a combination of the main east coast railway line and the residential properties of Nos. 7-8 Longniddry Farm Cottages, to the west by a combination of the classified B6363 public road (Coal Road) and further land of the larger site to which planning permission in principle 16/00485/PPM applies, to the south by further land to which planning permission in principle 16/00485/PPM applies and agricultural land, and to the east by a combination of Longniddry Farm Steadings and Longniddry Farmhouse, Nos. 3-6 Longniddry Farm Cottages and further land to which planning permission in principle 16/00485/PPM applies.

The Braid Burn runs along the eastern part of the site on a north-south alignment and the Cadger Burn runs along the western part of the site on a north-south alignment. The eastern and western parts of the application site are thus identified on the Scottish Environmental Protection Agency flood risk maps as being at risk from flooding.

Parts of the Braid Burn corridor are identified as being of biodiversity interest.

Vehicular access to the 39 residential units would be taken from the classified B6363 public road (Coal Road) at two points. One access would be a 'one-way' access road leading from the Coal Road into the housing development and the other would be a 'two-way' access road giving access to and from the Coal Road. None of the proposed 39 residential units would individually be directly accessed from the classified B6363 public road (Coal Road).

All of the 4 houses and 35 flats the subject of this application would be of tenancy tenure with Castle Rock Edinvar Housing Association managing the leasing arrangements. All of the residential units would be for independent living for people aged over 60 years. In terms of their size, all of the 4 houses and 35 flats would be 2-bedroomed units. The 4 houses would be in the form of a terrace of single storey bungalows. The majority of the flatted units (Nos. 5 to 28) would be in two storey buildings with the exception of flatted units 29 to 37, which would be located in a 3 storey building. All of the houses and flatted buildings would form a quadrangle around a centrally positioned communal courtyard garden with a vehicular pend access on its eastern side, and pedestrian pend accesses on its northern, southern and eastern sides.

The submitted details also include for the internal access roads, parking courts, boundary treatments, landscaping, areas of open space and SuDS.

Vehicular, pedestrian and cycle access to the houses and flats would be taken by way of a new access junction and road network from the classified B6363 Coal Road. Thereafter, vehicular access, pedestrian and cycle access to the houses and flats would be taken from the new roads to be created through the site. A new 'one-way' road with a junction with the B6363 Coal Road would be formed to the south of the proposed houses/flats along the alignment of what is presently the access road to Longniddry Farmhouse and Steadings. A further new road would be formed to the east and north sides of the proposed houses/flats. This new road would also provide vehicular access to the existing residential properties of Nos. 7-8 Longniddry Farm Cottages. The existing access road to Nos. 7-8 Longniddry Farm Cottages would become a cycle and pedestrian route only. Other new roads would be formed further to the south of the development allowing vehicles to exit the housing development onto the B6363 Coal Road. Car parking for the proposed 4 houses and 35 flats would be formed to the north of the proposed houses/flats and to each side of the road on the east side of the proposed development. Cycle stands would also be provided on the west side of the road on the east side of the proposed development.

The majority of the trees on the west part of the site, adjacent to the Coal Road, would be retained. New trees would be planted to the north of the road and car parking area to the north of the proposed houses/flats, and within the area of the communal courtyard garden and at its access. An area of open space ('village green') would be formed on the northern part of the site to the east of the proposed houses/flats and to the north of Longniddry Farmhouse and Steadings. The Braid Burn corridor on the eastern part of the site would create a further smaller area of open space. Further trees would be planted along each side of the new roads to the south and east side of the proposed houses/flats, and along the sides of other new roads of the development, and along the Braid Burn corridor and on the northern side of the 'village green' area of open space.

Subsequent to the registration of this application, further drawings have been submitted showing revisions to the site layout including, at the request of the Council's Landscape Officer, a change to the position of the proposed houses/flats to move them some 3

metres further away from the large mature trees on the western part of the site (adjacent to the Coal Road), and changes to the SuDS and the engineering works at the Braid Burn corridor. An amended Tree Survey and Arboricultural Constraints report (dated January 2019) and an amended Flood Risk Assessment (updated April 2019 Version 4) have also been submitted by the applicant's agent.

The following documents have been submitted in support of the application:

- Planning and Design Statement (September 2018);
- Noise Assessment of Proposed Residential development report (Project number EDI_1120, dated 21/9/2018);
- Home Owner's Travel Pack;
- Flood Risk Assessment (Updated, April 2019 Version 4);
- SuDS and Drainage Statement (revision A 24/9/18);
- Stage 2 Road Safety Audit (SPA Ref No. 4936, Rev O, September 2018);
- Archaeological Evaluation Written Scheme of Investigation (AOC Project No. 24398, dated 6th August 2018);
- Phase II Geo-Environmental & Geotechnical Interpretative Report; and
- Tree Survey and Arboricultural Constraints report.

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

The development plan is the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Development Plan 2018.

There are no policies of the approved South East Scotland Strategic Development Plan (SESplan) relevant to the determination of this application.

Proposal PS1 (Longniddry South) and Policies HOU1 (Established Housing Land), HOU3 (Affordable Housing Quota), HOU4 (Affordable Housing Tenure Mix), OS3 (Minimum Open Space Standard for New General Needs Housing Development), T1 (Development Location and Accessibility), T2 (General Transport Impact), W3 (Waste Separation and Collection), NH3 (Protection of Local Sites and Areas), NH8 (Trees and Development), NH10 (Sustainable Drainage Systems), NH11 (Flood Risk), CH1 (Listed Buildings), DP1 (Landscape Character), DP2 (Design), DP3 (Housing Density), and DP9 (Development Briefs) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of this application.

Material to the determination of the application are Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the Scottish Government's policy on development affecting a listed building or its setting given in Scottish Planning Policy: June 2014.

Scottish Planning Policy echoes the statutory requirements of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that in considering whether to grant planning permission for development which affects a listed building or its setting a planning authority shall have special regard to the desirability of preserving and enhancing the building, its setting and any features of special architectural or historic interest which it possesses.

Also material are national policy and guidance documents including Scottish Planning Policy: June 2014 (SPP) and Planning Advice Note 67: Housing Quality, Designing Streets and Designing Places.

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

Also material to the determination of the application is the development brief for allocated site PS1: Longniddry South set out in the Development Briefs Supplementary Planning Guidance 2018 and the approved masterplan for the site as approved by the grant of planning permission in principle 16/00485/PPM. The development brief sets out the land uses expected for the allocated site and how the Council requires the site to be developed.

One public representation to this application has been received. The representation raises objection to the proposed development and the grounds of objection as summarised are:

- 1) The proposed 3-storey flatted building would allow for harmful overlooking of neighbouring residential properties; and
- 2) The proposed 3-storey flatted building would dwarf nearby buildings and would appear overly dominant in views from the proposed 'village green' open space and will not punctuate views or provide proportionality.

Longniddry Community Council, a consultee, object to the proposals. Their grounds of objection as summarised include:

- i. there is no indication in the application when the enhanced pedestrian link under the railway bridge at the junction of the B6363 (Coal Road) and the A198 would be provided, and this link should be provided before any of the houses are occupied;
- ii. there is no indication in the application when the enhanced pedestrian link under the Argyle Bridge would be provided, or how the residents of the different application sites (18/01034/AMM, 18/01038/AMM and 18/01048/AMM) would access that improved pedestrian link as the different areas of housing are developed;
- iii. there should be a safe walking route for occupiers of the new houses and all footpaths should be in place before occupancy of the first house;
- iv. development of the Longniddry Farm Steading buildings should be considered in conjunction with these housing developments (18/01034/AMM, 18/01038/AMM and 18/01048/AMM) and should be developed timeously so that it does not become a derelict site amongst the housing;
- v. the Home Owner's Travel Pack promotes the benefits of walking and cycling but does not include any walking or cycling routes from the development to Longniddry village;

- vi. lack of footpath link to the railway station;
- vii. the new infrastructure (pedestrian and cycle routes) should be provided as soon as the first house is occupied in order to facilitate easy walking and cycling to local facilities;
- viii. a zebra crossing should be provided to replace the relocated existing Pelican crossing as a number of people are likely to wish to cross the road at this location adjacent to the dentist, podiatrist, bus stop and garage rather than at the Argyle Bridge;
- ix. concerns remain that traffic flow through Main Street will increase greatly as a result of new housing that is being built in many of the coastal villages, and this along with the road works through Longniddry will undoubtedly cause delays and encourage drivers to create 'rat runs' through the minor roads of the Village, resulting in danger to pedestrians including school children;
- x. the removal of the controlled crossing close to Links Road on the A198 will result in difficulty for traffic exiting from Links Road onto the A198, and this along with indiscriminate parking and deliveries to the Co-op store could lead to road safety hazards at this location;
- xi. the traffic light controlled junction at the B6363 and A198 should be in place prior to the occupation of the houses;
- xii. the proposed affordable housing for people 60 years and over is located in the wrong place and the housing should be changed to social housing as the pedestrian access would involve steps which would not be conducive for older people;
- xiii. will street lighting be installed on the Coal Road and under the Argyle Bridge and along the pathways?;
- xiv. the large trees along the east side of the Coal Road should be retained;
- xv. if the main east coast railway line is upgraded to 4 tracks how would this impact on the development;
- xvi. bridge protection should be fitted at the bridge under the railway line to prevent large vehicles from damaging the railway line;
- xvii. the pond close to the children's play park would be a hazard and should be relocated;
- xviii. would the houses be fitted with solar panels and will electric charging points be installed?;
- xix. the Home Owner's Travel Pack describes Longniddry Railway Station as having seating areas, waiting room, wheelchair access and impaired mobility set-down, when in reality it only has 'perching' seating in a cold and draughty shelter and wheelchair access and impaired mobility set-down are extremely poor to the platform that facilitates travel to Edinburgh;
- xx. who will be responsible for maintenance of the ponds, green areas and play areas?;
- xxi. concerns about existing drainage systems being able to cope with additional usage;

xxii. there are concerns about the durability of resin bonded gravel for the footpath surfaces; and

xxiii. will measures be put in place to prevent motor cycles and motorised vehicles being able to access the footpath under the Argyle Bridge?

Due to being in close proximity to the main east coast railway line, Network Rail have been consulted on the application. Network Rail advise that they raise no objection in principle to the proposed development but advise that construction works should be undertaken in a safe manner which does not disturb the operation of the neighbouring railway, and that details of any changes in ground levels, laying of foundations and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing. This information has been passed in an email to the applicant's agent. Network Rail do not raise any concerns that the proposed development could prejudice any future development of the adjacent railway.

The matter of the provision of street lighting along the part of the Coal Road commensurate with the length of the site and throughout the site is embodied in condition 19 of planning permission in principle 16/00485/PPM, which requires that prior to the occupation of any of the development street lighting shall be provided within the application site and other the full extent of the proposed 30mph speed limit on the B6363 from the existing lighting at the junction with the A198 to a point beyond the proposed southern site access.

The requirement for a financial contribution towards road improvements/alterations on Main Street and the Coal Road for the proposed housing development are embodied in the Section 75 planning obligation of planning permission in principle 16/00485/PPM.

By the grant of planning permission in principle 16/00485/PPM, approval has been given for the principle of the erection of a total of 450 houses on the larger site at Longniddry South, including the land of the current application site, following technical assessments which demonstrated that local and wider infrastructure, subject to financial contributions and conditions, can accommodate such level of development. There can therefore be no objection in principle to the erection of the 4 houses and 35 flats now proposed on this particular part of that larger site.

Therefore, in the determination of this application the Council, as Planning Authority, can only concern itself with the siting, design and external appearance of the development, the landscaping of and means of access to the site and the means of any enclosure of the boundaries of the site. In this regard, the detailed proposals have to be considered against relevant development plan policy and conditions attached to planning permission in principle 16/00485/PPM.

Policy DP3 of the adopted East Lothian Local Development Plan 2018 states that all new housing sites will be expected to achieve a minimum average density of 30 dwellings per hectare (net) using a full range of housing types and sizes.

The proposal would not achieve a minimum average density of 30 dwellings per hectare and, as such, does not comply with Policy DP3. However, that is partly because the site includes land proposed for access roads, public open space, SuDS and the Braid Burn corridor, all of which would serve not just the proposed 39 units but all of the larger housing development the subject of planning permission in principle 16/00485/PPM. Moreover, the density and layout of the proposed development is generally consistent with the density, layout and mix of house types approved in the indicative masterplan of

planning permission in principle 16/00485/PPM and accords with the number of residential units indicated in the development brief for PS1.

Designing Streets states that new housing development should create distinctive, safe and pleasant, welcoming, adaptable places that are easy to move around and resource efficient. Street layouts should be hierarchical, permeable and interconnected and should complement and should extend the surrounding street pattern. Such layouts spread vehicle traffic evenly through a site and to the surroundings, help prevent localised traffic congestion, and encourage walking and cycling. Proposed street layouts must maximise connections within the site and to surrounding streets, and ensure the movement requirements of the development strategy are met. By the design and arrangement of street types, street layouts must influence vehicle drivers preferred route choice to ensure the tertiary streets between residential blocks are less busy. It is further stated that Home Zones should be introduced to new development as part of a hierarchical, permeable and interconnected street layout.

A design brief has been adopted for allocated site PS1 (Longniddry South). The area of the current application, some 4.19 hectares, comprises approximately 14% of the whole PS1 (Longniddry South) allocation, which has an area of some 30.7 hectares.

The details now submitted for approval are for a scheme of development comprising a mix of terraced houses and flats, with the houses being single storey in height and the flatted buildings being two and three storeys in height. The total number of units proposed accords generally with the planning permission in principle granted for this part of the site. All of the houses and flats on this site are proposed as affordable housing for people aged 60 years and over, and the mix of residential units reflects this in the size and type of units proposed, including single storey houses and accessible flats with lift access provided in the three storey flatted building.

The proposed residential development would be part of the first housing phase of the western part of the wider Longniddry South development, which would form an extension to the southern edge of Longniddry. The proposed housing area would be located to the south of the main east coast railway line and would be seen in relation to this and the existing built form of the housing beyond the railway line further to the north, and eventually it would be seen in relation to other parts of the new housing development immediately to the south and east of the application site, which is not yet under construction. In all of this, the proposed residential development would be sympathetic to and would not be out of keeping with the character of the settlement and local area.

The buildings of the proposed 4 houses and 35 flats would form a quadrangle of buildings positioned around a central communal courtyard garden with a footpath encircling a grassed space with an area of seating and pergolas towards its eastern side. An enclosed communal bin storage area would be located adjacent to units 5 and 6 on the southern side of the quadrangle between a pedestrian path and the rear of unit 4. A 3-storey flatted building is proposed at the northeast corner of the group of proposed buildings. This 3-storey building is proposed as a landmark building that has been positioned to provide proportionate variety and to punctuate the view from the entrance to the site, whilst also addressing the open space of the 'village green'. The 3-storey building would be located sufficiently far from the existing buildings such that it would not harmfully dominate them.

All of the 4 proposed houses would face outwards towards the road on the eastern side of the proposed housing development. With the exception of 5 of the flatted units (some 14%), which would be directly accessed from the communal courtyard garden, the majority of the flatted units would also face outwards towards the roads and footpaths

that would encircle the proposed housing development and would be directly accessed from those roads and footpaths. This would provide an attractive street setting which would not be dominated by parking. Parking for the proposed development would be provided in a dedicated parking court to the north of the proposed group of buildings and in parking bays formed on each side of the road to the east of the group of buildings. Traffic calming measures, in the form of landscaped build outs and raised tables, are proposed to encourage lower vehicle speeds. The houses and flatted buildings and associated areas of ground, in their proposed grouping, orientations, and layout would be generally consistent with the principles of 'Home Zones' as set out in Scottish Government's policy statement entitled "Designing Streets". The proposed layout of roads, pathways and parking spaces would also generally be consistent with those principles.

When viewed alongside the other housing developments the subject of planning applications 18/01038/AMM and 18/01048/AMM, the proposed permeable street pattern, road and pedestrian/cycle accesses and open spaces would create a distinctive yet attractive urban expansion of Longniddry that would have due regard to the existing built form of the settlement. The proposed layout is broadly consistent with the pattern, layout and density of development of the approved masterplan drawing of planning permission in principle 16/00485/PPM and also is sufficiently in accordance with the development brief for PS1 (Longniddry South). In this the proposal is also consistent with Policy DP9 of the adopted East Lothian Local Development Plan 2018.

The range of houses and flats proposed and the variations in their heights as a result of their hierarchical design, rising from single storey to two storey to three storey, and accommodating the change in ground levels from north to south across the site, would give a variation of architectural form to the development, which coupled with the orientation and layout of the buildings, would give a degree of variety of appearance to the development, and would add interest and detail to views of the proposed development. The architecture of the proposed houses and flatted buildings is of a traditional pitched roof form that is reflective of arts and crafts character and the East Lothian Garden City architectural style that can be seen in other buildings of Longniddry. Architectural details include steeply pitched, hipped and gabled roofs, simple unaltered roof slopes, asymmetrical gables, sprocketed eaves, 'cat-slide' wall-head dormers, white painted timber framed windows, multi-paned astragalled windows to public elevations, simpler glazing pattern to private garden elevations, simple chimneys with multiple chimney pots, and simple metal balustrades to balconies. All of these design features add detail and interest to the proposed buildings using a simple arts and crafts language. Further variation and detail would be added to the external appearance of the proposed houses and flats through the colour of their external doors.

The external walls of all of the proposed houses and flatted buildings would be finished with a white coloured wet dash render and their roofs would be clad with natural slates. The frames, and where relevant astragals, of the windows would be of white painted timber construction and external doors would be of painted timber construction. Rainwater goods and downpipes would be black in colour. This palette of external finishes and colours would be in keeping with the distinctive arts and crafts architectural style and character of the proposed development and with the architectural style and character of the existing houses and buildings of parts of Longniddry. A condition can be imposed on a grant of approval of matters specified in conditions for the proposed development to address the matter of external finishes and colours.

The appearance of the proposed houses and flats and the narrower and more organic layout of the streets results in a distinctive local character to the proposed development that would be both reflective of the arts and crafts character of some of the houses and

buildings of Longniddry and would also be distinct in its own design, character and integrity, and is also reflected in the proposals the subject of planning applications 18/01038/AMM and 18/01048/AMM, which together with this application (Ref: 18/01034/AMM) form the western part of the wider site of planning permission in principle 16/00485/PPM. The lower density, narrower street widths, and the quadrangle layout of the proposed houses and flatted buildings with their central communal courtyard garden and short front gardens to their public elevations creates a feeling of a more intimate local scale development that has a more organic character and encourages social interaction.

The Planning and Design Statement indicates that solar panels/photovoltaic panels are proposed to be installed on the roofs of the houses and flatted buildings and that those solar/photovoltaic panels would be integrated into the roof finish and located to internal elevations wherever possible to reduce visual impact. However, no details of the position, size, form, appearance or means of fitting of the solar panels/photovoltaic panels has been provided.

If positioned on the inward facing roof slopes of the proposed quadrangle of houses and flatted buildings, the proposed solar/photovoltaic panels would not be readily visible in public views and subject to them not being an overdevelopment of the roof slope they were installed on, and if integrally fitted into the roof finish, they would be viewed against the grey colouring of the natural slate roof finish and would not appear harmfully dominant on the roof slopes and thus would not be harmful to the character and appearance of the development or of the area.

However, if position on the outward facing roof slopes of the proposed quadrangle of houses and flatted buildings, the proposed solar/photovoltaic panels would be readily visible in public views and would be likely to be harmful to the character and appearance of the proposed development. The simple clean lines of the unaltered roof slopes of the proposed houses and flatted buildings is part of their distinct architectural character and design, and the positioning, size, number, form, appearance and fitting of solar panels/photovoltaic panels on the roofs of the proposed houses and flatted buildings could have a detrimental impact on the character and appearance of the proposed development. It would therefore be prudent for the Council as Planning Authority to require details of the proposed solar/photovoltaic panels to be submitted for approval and to limit their positioning to the less public internal elevations of the quadrangle of buildings that the proposed houses and flatted buildings would form. This matter could be controlled by a condition attached to a grant of planning permission.

Notwithstanding all of the above, once built and occupied the proposed houses and flats would benefit from permitted development rights for minor alterations that could be in the form of alterations to windows, roofs, etc, and for the erection of boundary enclosures. Such alterations to the appearance of the proposed houses and flats or the erection of boundary enclosures could result in a loss of and harm to the arts and crafts and East Lothian Garden City architectural character and style of the proposed development. It would therefore be prudent for the Council as Planning Authority to remove permitted development rights for such alterations, a detail that could be controlled by a condition attached to a grant of planning permission for the proposed development.

The proposed houses and flats, due to their positioning on the application site and by virtue of their height, size and scale, architectural character and design would and external finishes, would satisfactorily integrate into their surroundings and would not appear as prominent or intrusive features within their landscape setting. This coupled with the retention of the trees along the west and parts of the east boundary of the site and the proposed landscaping along the north boundary with the main east coast railway

line, the Braid Burn corridor and along the development streets would ensure a visually attractive and cohesive development, with the proposed houses and flats visible but not appearing incongruous or intrusive in their surroundings.

Due to the topography of the land between the B6363 Coal Road, the listed buildings of 3-6 Longniddry Farm Cottages are not readily visible in public views from the Coal Road. The listed buildings of Longniddry Farmhouse and Steadings are visible in long range views from the B6363 Coal Road and their immediate setting incorporates a number of trees around their periphery.

The masterplan layout approved by the grant of planning permission 16/00485/PPM indicatively shows development of the heights now proposed in similar proximity to the listed buildings. Furthermore, the majority of the existing trees that provide landscape setting to the listed buildings would be retained. These trees would continue to afford landscape setting to the listed buildings. Accordingly, the proposed development would be set back a sufficient distance from the listed buildings of Longniddry Farmhouse and Steadings and Nos. 3-6 Longniddry Farm Cottages and would not dominate or draw focus away from those listed buildings and thus would not be harmful to the setting of those listed buildings.

Some 2.9 hectares of the application site consists of land common to this application site and to planning applications 18/01038/AMM and 18/01048/AMM, which together comprise the western part of the larger site to which planning permission in principle 16/00485/PPM applies, and includes open space, SuDS and the expanded Braid Burn corridor.

The site would be accessed from the classified B6383 public road by a network of roads and footpaths that would provide access to the 39 residential units the subject of this application and other parts of the larger site the subject of planning permission in principle 16/00485/PPM. Enhanced pedestrian links approved by the grant of planning permission in principle 16/00485/PPM would provide connections from the proposed development under the railway line to the rest of Longniddry. Further connections in the form of roads, cycle and walking paths would connect the proposed 39 residential units to the area of open space on the northern part of the site and the Braid Burn corridor.

The masterplan docketed to planning permission in principle 16/00485/PPM indicates how areas of formal and informal open space, including a sports pitch, could be located throughout the allocated site.

The site that is the subject of this approval of matters application includes the land shown on the docketed masterplan as being the location for areas of open space and includes the provision of open space and an equipped play area. It does not however show an area for sports pitch provision, as this was approved to be located on the eastern part of the larger housing site.

Open space in the form of a large grassed area or 'village green', including the provision of a children's play area, would be provided on the northern part of the site between the proposed 4 houses and 35 flats and the Argyle Bridge. Further areas of informal open space would be provided along the Braid Burn corridor.

SuDS in the form of below ground attenuation storage, two SuDS basins and a swale would be located on the eastern part of the 'village green' area of open space.

The Council's Principal Amenity Services Officer advises that open space and equipped play facilities for the site should be provided according to the larger development site the

subject of planning permission in principle 16/00485/PPM of which the application site is a part. He comments that the layout for open space shown for this application (Ref: 18/01034/AMM) appears to accord with the approved Masterplan drawing for planning permission in principle 16/00485/PPM. The requirement for details of the development and maintenance of the open space and equipped play area to be provided is controlled by condition 21 of the grant of planning permission in principle 16/00485/PPM. No details have been provided with the application for the timescale for the delivery of the open space and equipped play area or to identify all of the areas of open space and how and by whom they would be maintained and managed. It can be made a condition of a grant of planning permission that details of the equipped play facility, the timescale for delivery of it and its on-going maintenance, and to identify all of the areas of open space and how and by whom they would be maintained and managed, and to secure the delivery of all of the open space and the equipped play area be submitted for the prior approval of the Planning Authority.

The expanded Braid Burn corridor would provide informal green space that would be accessible as part of the open space within the wider site the subject of planning permission 16/00485/PPM. Although there would be some differences in levels between the lower level of the Braid Burn corridor and the levels of the adjacent road and housing development, the application drawings indicate that these level changes would be minimal, and thus, subject to these levels being adhered to during construction, this area of open space would be reasonably accessible as useable areas of amenity space.

By their positioning the areas of open space and equipped play would benefit from passive overlooking from the proposed houses and flats and from nearby public footpaths from which they would be accessed.

Accordingly, the open space and formal equipped play area detailed on the application drawings are consistent with the docketed masterplan. On this consideration, the proposed development is consistent with Policy OS3 of the adopted East Lothian Local Development Plan 2018 and with the indicative masterplan docketed to planning permission in principle 16/00485/PPM.

No details have been submitted for the position, size, form, appearance and colour(s) of any substations or gas governors to serve the proposed development. Such forms of structure can impact negatively on the character and appearance of a development and therefore it would be prudent for the Planning Authority to impose a condition requiring details of the position, size, form, appearance and colour(s) of any substations or gas governors to be submitted prior to the commencement of development on the site.

On all of these matters of design, these other components of the proposed development would not be harmful to the character and appearance of the area and would not appear incongruous in their landscape setting and would not be harmful to the character and appearance of the area. Nor would they be harmful to or detract from the setting of the listed buildings.

The proposed housing development would provide an attractive residential environment for future residents of the proposed houses and flats. The houses and flats are shown to be laid out in such a way that adheres to the normally accepted privacy and amenity criteria on overlooking and overshadowing.

The proposed public footpaths throughout the development, including the path that would cross the 'village green' area of public open space to the south of the existing residential property of No. 7-8 Longniddry Farm Cottages, would be a sufficient distance away from existing neighbouring residential properties so as not to result in harmful

overlooking or loss of privacy to any existing neighbouring residential property.

The Council's Environmental Health Manager advises that due to its position there are concerns regarding the potential impacts on occupiers of the proposed residential properties arising from noise from road and rail traffic. A Noise Assessment of Proposed Residential development report (Project number EDI_1120, dated 21/9/2018) has been submitted with the application. The Environmental Health Manager has reviewed that report and advises that he accepts the conclusions of that report. Accordingly, subject to the glazing units of the windows of the north and west facades of the proposed residential units, as shown coloured GREEN in Figure 2 of ITP Energised's Noise Report Ref EDI_1120 of 21st September 2018, being fitted with glazing and passive acoustic ventilators that provide a minimum Attenuation of 33dBRw, a detail that could be controlled by a condition attached to a grant of planning permission, the Environmental Health Manager raises no objection to the proposed development.

Subject to this planning control, the future occupants of the houses and flats would be afforded an appropriate level of privacy and residential amenity.

The application site is capable of accommodating all of the houses and flats without being an overdevelopment of the site and without being incompatible with the density of existing housing development in the area.

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

- Amended the position of the proposed houses and flatted buildings and associated development to move them some 3 metres further away from the large mature trees that bound the western part of the application site; and
- To provide an amended tree survey and arboricultural constraints report to address the treatment of the trees growing along the west boundary of the site and on the northeast part of the site adjacent to Longniddry Farm Steading and Farmhouse.

The Landscape Project Officer has reviewed this report along with the landscape drawings submitted with the application.

The Landscape Project Officer makes the following comments:

1) notes that all of the development including the roads, parking and footpaths would be outwith the root protection areas of the significant trees that line the western boundary of the application site with the B6363, and that crown work on some of these trees would be carried out to mitigate for concerns regarding shading of the proposed flatted buildings and thus impact on the amenity of the occupants of those flatted buildings. The requirement for tree works to be carried out in accordance with the Tree Survey and Arboricultural Constraints report dated January 2019 (received 7th May 2019) can be made conditional of a grant of planning permission;

2) In respect of engineering works to re-grade the land to the west of the proposed houses and flatted buildings to form a slope between the footpath and the existing ground level of the trees, the Landscape Project Officer notes that such works would encroach into the root protection area (RPA) of trees 4112, 4104 and 4088 however is satisfied that such encroachment would not have a significant impact on those trees;

3) The development has been amended to the southeast of the position of the proposed houses and flats to retain the existing track to the Farmhouse and this will impact less on

the retained Lime tree (4122);

4) All surface water and foul water pipes are shown to be located outwith the retained trees RPAs. This is supported and should be made conditional of a grant of planning permission;

5) The revised tree report dated January 2019 notes on page 3 that the recommendations in the report relate to the site as it exists at present and to the current level and pattern of usage. It notes that the degree of hazard and risk will alter if the site is developed or significantly changed and as such will require regular re-inspection and reappraisal. Given this it is recommended that a condition for ongoing tree management be included in any permission;

6) Although details of landscape planting have been provided, the Landscape Project Officer comments that the information provided only gives indicative information on the size of the new trees to be planted and their function, and that an additional tree that is required close to the position of tree 4160 to be removed is not shown and therefore the Landscape Projects Officer recommends that a finalised landscape planting scheme for the proposed development be required. This matter could be controlled by a condition attached to a grant of planning permission; and

7) Temporary fencing to protect all of the retained trees should be erected prior to the commencement of development on the site in accordance with the details shown for it on the application drawings. Arboricultural monitoring should also be carried out during construction.

Subject to the aforementioned planning controls, the Landscape Projects Officer is satisfied that the proposed development would not be harmful to the trees that would be retained on and adjacent to the site and does not object to the proposed development.

On all of these foregoing findings on matters of design, density, layout, landscaping and amenity the details submitted for approval are consistent with Policies DP1, DP2, DP3, DP9, CH1, OS3 and NH8 of the adopted East Lothian Local Development Plan 2018, the Council's approved development brief for site PS1 (Longniddry South) and Scottish Government policies and guidance given in Planning Advice Note 67: Housing Quality, Designing Streets and Designing Places.

The principles of the means of accessing of the proposed housing development are already decided by the grant of planning permission in principle 16/00485/PPM. These include vehicular access to the proposed housing being taken from the classified B6363 (Coal Road).

The submitted details for accessing the site are in accordance with these established principles of the means of accessing the residential development.

The Council's Road Services advise as follows:

i) The footpaths around the outside of the quadrangle of houses and flatted buildings and those around the communal courtyard garden should be constructed to adoptable standards with lighting;

ii) The vehicular pend access in the eastern side of the quadrangle of houses and flatted buildings should be constructed to road construction specification over the length of it where vehicular access would be required;

iii) The main pedestrian and cycle route, and 'safe route to school', from the application site to Longniddry village centre would be via a route beneath the East Coast Main Line (ECML) at the Argyle Bridge connecting to a new controlled (traffic signal) crossing of the A198 and a new footway on the south side of the A198 from the Argyle Bridge to the Railway Station. The requirement for financial contributions to enable the Council's Road Services to deliver the new controlled (traffic signal) crossing of the A198 and new footway on the south side of the A198 from the Argyle Bridge to the Railway Station are controlled through the Section 75 Legal Agreement the subject of planning permission in principle 16/00485/PPM. As the pedestrian and cycle route via the Argyle Bridge would be the 'safe route to school', Road Services advise that a condition be imposed requiring that a continuous pedestrian route from the proposed development to the Argyle Bridge be provided prior to the occupation of any one of the proposed houses or flats, that such an identified route should be constructed to adoptable standard with lighting and that no house or flat should be occupied prior to the completion of the road improvements/alterations in the vicinity of Main Street to be secured through the Section 75 Legal Agreement the subject of planning permission in principle 16/00485/PPM;

iv) The access junction of the 'one-way' road to the south of the position of the proposed houses and flatted buildings should be constructed in accordance with the recommendations within the Stage 2 Road Safety Audit submitted with the application, and a Traffic Regulation Order will be required to provide legal authority for the road to operate as 'one-way' only;

v) Based on the proposed houses and flats being occupied as affordable housing for persons 60 years and older a parking ratio of 1 space per unit is acceptable and there would be a requirement for 39 parking spaces. The off-street parking spaces for the proposed development is therefore acceptable;

vi) The north-south aligned road to the east of the proposed houses and flats would form part of the continuous pedestrian/cycle route through the site to the Argyle Bridge and as such should be constructed to adoptable standard with lighting. This length of road requires to be provided with a turning area at its northern end. The road would also provide the vehicular access to Nos. 7-8 Longniddry Farm Cottages and at its northern end the existing driveway of Nos. 7-8 Longniddry Farm Cottages would become a shared route with the proposed footpath and cycle route that crosses the northern part of the site. Road Services require that a detail of the turning area to be provided at the northern end of this length of road and of a footpath/pedestrian crossing at the junction of the footpath/cycle route with the private driveway connection and vehicle turning area be provided;

vii) To facilitate the safe interaction of pedestrians, cyclists and drivers, the layout of the east-west aligned footpath/cycle route that crosses the northern part of the site at the junction of it with the private driveway of Nos. 7-8 Longniddry Farm Cottages and with the north-south aligned road to the east of the proposed houses and flats should be amended to remove the two 90-degree corners that would compromise the safe interaction of pedestrians, cyclists and drivers;

viii) Construction access should only be taken from the classified B6363 public road (Coal Road);

ix) Subject to the provision of visibility splays of 4.5 metres by 70 metres, the proposed access roads would provide the proposed development with a safe means of vehicular access from the public road;

x) A 30 miles per hour speed limit on the B6363 (Coal Road) shall be brought into effect

prior to occupation of any part of the application site. This shall be from a location to the south of the southernmost access junction and continue northwards to Longniddry until it meets with the existing 30 miles per hour speed limit. Details to be submitted for approval;

xi) Street lighting should be provided over the full extent of the proposed 30 mph speed limit on the B6363 from the existing lighting at the junction with the A198 to a point beyond the proposed southern site access;

xii) A 'phasing plan' should be provided indicating how an adoptable footpath would be provided to serve each phase of development the subject of planning permission in principle 16/00485/PPM as it is occupied, to ensure a) That a continuous pedestrian (and cycle) path, to an adoptable standard, should be available from any occupied phase to the extent of the offsite path at the Argyll Bridge; b) That no development site or phase should be occupied until completion of the section 75 works to provide the pedestrian route beneath the ECML at Argyll Bridge;

xiii) All roadworks should be subject to Road Safety Audit, completed through Stages 1, 2, 3 and 4 (Preliminary Design, Detailed Design, Post Opening Audit and finally Post Opening Audit + 12 months. The Audit process shall be undertaken in accordance with DMRB Volume 5, Section 2, HD 19/3 or as amended by latest version;

xiv) All access roads should 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. NB the minimal level of treatment on home zone roads for streets with a single access;

xv) Vehicle access to private parking areas (i.e. other than driveways) should 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;

xvi) Driveways should 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;

xvii) Within residential private parking areas the minimum dimensions of a single parking space should 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;

xviii) Cycle parking should 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;

xix) 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;

xx) A Construction Method Statement to minimise the impact of construction activity on the safety and amenity of the area should 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; and

xxi) 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 should be submitted to and approved by the Planning Authority prior to the housing being occupied and /or the business units coming into operation.

The requirement for the 30 miles per hour speed limit and the provision of street lighting for the development are controlled through condition 19 of planning permission in principle 16/00485/PPM and therefore there is no requirement to duplicate these controls through a grant of planning permission for this matters specified in conditions application.

The requirement for the wheel washing facility is controlled through condition 11 of planning permission in principle 16/00485/PPM and therefore there is no requirement to duplicate these controls through a grant of planning permission for this matters specified in conditions application.

The requirement for the construction method statement is controlled through condition 10 of planning permission in principle 16/00485/PPM and therefore there is no requirement to duplicate these controls through a grant of planning permission for this matters specified in conditions application.

The requirements for all other road services requirements can be controlled by conditions attached to a grant of planning permission.

Road Services also recommend that EV charging points should be considered for the proposed development. Policy T31 of the adopted East Lothian Local Development Plan 2018 explains that the Council will encourage and support the principle of introducing electric vehicle (EV) charging points around both existing and proposed community facilities such as schools and retail areas, including from developers as part of new developments that contain such facilities or areas. The proposed development is for residential development only and does not include any EV charge points. Furthermore, Policy T31 does not require their provision for residential developments.

Road Services confirms that the swept path analysis for refuse vehicles has been satisfactorily demonstrated.

On these foregoing transportation and other access considerations the proposed residential development is consistent with Policies T1 and T2 of the adopted East Lothian Local Development Plan 2018.

The Council's Access Officer raises no objection to the proposed development.

The Council's Waste Services advises that they are satisfied that the swept path analysis demonstrates an appropriate layout for waste and recycling collections. However, they recommend that the turning area to the north of the proposed houses and flatted buildings be marked out as a 'no parking' area to ensure that there would be no obstruction to vehicular manoeuvres. This detail could be secured by a condition attached to a grant of planning permission.

Waste Services further advise that all waste and recycling containers should be presented at the kerbsides for collection. This information has been forwarded to the applicant's agent.

The Council's Biodiversity Officer has no comment to make on the proposed development. In light of the removal of trees along the Braid Burn corridor and the likelihood of bats in the area and as was required through the grant of planning permission in principle 16/00485/PPM it would be prudent to require that details of the installation of bat and bird boxes, notably barn owl boxes, to mitigate for the loss of habitat be submitted. This detail could be controlled by a condition attached to a grant of planning permission. Subject to such control, the proposed development would not conflict with Policy NH3 of the adopted East Lothian Local Development Plan 2018.

The Council's Environmental Health Manager (Contaminated Land) has reviewed the Phase II Geo-Environmental & Geotechnical Interpretative Report submitted with the application and advises that he is satisfied that the investigative works and subsequent assessment have been carried out in accordance with best practice guidelines and the relevant standards, and that he concurs with the findings that there is no evidence to suggest any pollutant linkages being appropriate for the site that would require remedial works to be carried out. However, given the sensitive nature of the proposed development (i.e. residential use) and in line with the risk mitigation measures outlined in the Report the Environmental Health Manager (Contaminated Land) recommends that a condition be imposed on a grant of planning permission to ensure that if the presence of any previously unsuspected or unforeseen contamination becomes evident during the development of the site it shall be brought to the Council's attention.

As part of the larger site of planning permission in principle 16/00485/PPM, a financial contribution towards additional educational provision and for the provision of affordable housing units for a housing development of 450 residential units is required.

The mechanism of the provision of a financial contribution towards additional educational provision for a housing development of 450 residential units has already been secured through the grant of planning permission in principle 16/00485/PPM.

The mechanism of the provision of 25% affordable housing within the larger site for residential development of 450 residential units (i.e. 113 units of the proposed 450 units) is already secured through the grant of planning permission in principle 16/00485/PPM. All of the 39 residential units (4 houses and 35 flats) the subject of this application (Ref: 18/01034/AMM) for matters specified in conditions of planning permission in principle 16/00485/PPM are identified as affordable housing for occupation by people aged over 60 years. The Council's Economic Development and Strategic Investment Team advise that these 39 affordable units together with the affordable housing provided in the development proposals for planning application 18/01048/AMM provides the necessary 25% of affordable housing units and is therefore acceptable. The Economic Development and Strategic Investment Team further advise that the mix of units is also acceptable. In this regard the proposal is consistent with planning permission in principle 16/00485/PPM.

Due to the location of the Braid and Cadger Burns parts of the eastern and western areas of the application site, respectively, are potentially at risk from fluvial and surface water flooding, and as such the Scottish Environment Protection Agency (SEPA) have been consulted on the application. A Flood Risk Assessment report has been submitted with the application. In their initial responses, SEPA raised objection to the proposals on the grounds of flood risk. Since then the applicant's consultants have provided further information on flood risk and the Flood Risk Assessment report has been amended twice through consultation with SEPA.

The updated version of the Flood Risk Assessment report (Updated April 2019 Version

4) prepared by KAYA Consulting Limited has been reviewed by SEPA. SEPA make the following comments:

- They assume that the latest Flood Risk Assessment report (Updated April 2019 Version 4) prepared by KAYA Consulting Limited will be accepted by the Planning Authority;

- The channel design for the realignment of the Braid Burn has been agreed with SEPA and it has been shown that there would be no increase in flood risk downstream as a result of the proposed channel realignment. However, SEPA advise that a monitoring plan is essential to ensure that any changes to the channel can be recorded and rectified if deemed necessary;

- Finished floor levels are shown to be greater than (>) 1 metre higher than the adjacent road;

- There is potential for flood water to flow in the southwest corner of the site but no development will take place within this area;

- SEPA stress the importance of setting property boundaries back from the functional floodplain to reduce the residual risk of flooding due to channel or culvert blockage, and to allow for maintenance;

- Whilst the latest Flood Risk Assessment report (Updated April 2019 Version 4) prepared by KAYA Consulting Limited notes that all new crossings would be designed to pass the 1:200 year peak flow including an allowance for climate change, Table 1 notes that no new footbridges are proposed at the site and it is noted that stepping stone features have been removed from the Braid Burn;

- The Council and applicant may wish to consider undertaking a condition assessment of the retained culverted section of the Cadger Burn;

- Consideration should be given to the sequence of development on the site, as should housing be built prior to the channel realignment taking place, the houses may be at risk of flooding and SEPA recommend that the channel realignment occurs prior to the commencement of the construction of the housing; and

- Depending on the larger masterplan, SEPA recommend that consideration be given to capturing surface water run-off from the southern boundary of the development site.

Accordingly, SEPA advise that they withdraw their objection and raise no objection to the proposed development.

The requirements for planning controls to secure the following can be controlled by conditions attached to a grant of planning permission:

- i. ensure the development is carried out in accordance with the latest Flood Risk Assessment report (Updated April 2019 Version 4) prepared by KAYA Consulting Limited;

- ii. secure a monitoring plan for the long-term management, monitoring and maintenance of the Braid Burn channel;

- iii. ensure that finished floor levels are built and maintained in accordance with the details provided;

- iv. ensure that there would be no development within the 1:200 year flood area;

- v. ensure that there would be no crossings of the Braid and Cadger Burns unless otherwise approved by the Planning Authority in consultation with SEPA; and

vi. ensure that the channel realignment of the Braid Burn is undertaken prior to the commencement of the building of any of the houses or flats.

The applicant has been made aware of SEPA's suggestion that a condition assessment of the retained culverted section of the Cadger Burn be undertaken and that consideration be given to capturing surface water run-off from the southern boundary of the development site.

Accordingly, on these considerations of flood risk, the proposed development does not conflict with Policy NH11 of the adopted East Lothian Local Development Plan 2018 or with Scottish Government guidance given on flood risk in Scottish Planning Policy: June 2014.

The Indicative masterplan docketed to planning permission in principle 16/00485/PPM indicates how three sustainable urban drainage system (SuDS) ponds could be formed on the northern part of the larger area of land of planning permission in principle 16/00485/PPM to attenuate the flow of surface water run-off. The SuDS on the current application site are shown to be positioned on the northern part of the site, towards the eastern end of the 'village green' area of open space and are in the form of a filter trench, below ground attenuation storage, two SuDS basins and a swale discharging into the Braid Burn at the northern end of the application site. Neither SEPA nor Scottish Water raise objection to the proposed development on the grounds of the SuDS. The Council's Team Manager for Structures, Flooding & Street Lighting advises that the SuDS for the proposed development are of an acceptable standard. Accordingly, the proposed development does not conflict with Policy NH10 of the adopted East Lothian Local Development Plan 2018.

Condition 5 of planning permission in principle 16/00485/PPM requires that a programme of archaeological work (Historic Building Recording, Watching Brief and Evaluation) be undertaken for the whole of the site of planning permission in principle 16/00485/PPM. The Council's Archaeology Officer advises that these archaeological works have been satisfactorily carried out as they relate to the land of this planning application (Ref: 18/01034/AMM) and planning applications 18/01038/AMM and 18/01048/AMM.

Scottish Water were consulted on the planning application and raised no objection to it.

RECOMMENDATION:

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

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

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

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

Reason:

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

- 2 In the event of the presence of any previously unsuspected or unforeseen contamination of the land on the application site being found, development shall not begin, or shall cease to continue, until a scheme to deal with contamination on the site has been submitted to and approved in writing by the Planning Authority. The scheme shall contain details of the proposals to deal with contamination to include:

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

Thereafter any mitigation measures required shall be implemented as so approved.

Before any of the houses and flats hereby approved are occupied the measures to decontaminate the site shall be fully implemented as approved by the Planning Authority.

Reason:

To ensure that the site is clear of contamination prior to the occupation of the houses and flats.

- 3 Prior to commencement of development on site, full details of the proposed Sustainable Drainage System (SuDS) shall be submitted to and approved in writing by the Planning Authority.

The details shall include confirmation of Scottish Water's technical approval of the SuDS proposals, if relevant.

Thereafter, the approved details shall be implemented as approved.

Reason:

To ensure that the final SuDS design complies with Sewers for Scotland 4 and can be vested by Scottish Water in the interest of flood prevention, environmental protection and the long term amenity of the area.

- 4 Prior to the commencement of development on the site, a delivery schedule and phasing plans for the whole of the site of planning permission 16/00485/PPM that establishes the phasing and timing programme for the proposed development. The delivery schedule and phasing plans shall include the phasing and timing for the provision of:

- i) footpaths/cycleways and external works such as on-site and off-site footpath links;
- ii) public road links, including paths, to local services, schools and the public road network;
- iii) drainage infrastructure;
- iv) recreational facilities, including open space, including the 'Village Green' and Braid Burn corridor, equipped play area and sports pitches;
- v) landscaping; and
- vi) construction phasing.

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

Reason:

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

- 5 The development hereby approved shall be carried out in accordance with the Flood Risk Assessment (updated April 2019 Version 4) prepared by KAYA Consulting Limited docketed to this grant of planning permission unless otherwise approved by the Planning Authority in consultation with the Scottish Environment Protection Agency.

Pursuant to the development hereby approved being carried out in accordance with the Flood Risk Assessment (updated April 2019 Version 4) prepared by KAYA Consulting Limited, a monitoring plan for the long-term management, monitoring and maintenance of the Braid Burn channel shall be submitted to and approved by the Planning Authority in consultation with the Scottish Environment Protection Agency. Thereafter, the long-term management, monitoring and maintenance of the Braid Burn channel shall be implemented in accordance with the details so

approved.

No built development or land-raising shall take place within the 1:200 year post-development flood extent as shown in the Flood Risk Assessment (updated April 2019 Version 4) prepared by KAYA Consulting Limited and drawing no. 1629(sk)011 docketed to this grant of planning permission unless otherwise approved by the Planning Authority in consultation with the Scottish Environment Protection Agency.

Reason:

To ensure that built development within the application site is not at risk from flooding, there is no increased in flood risk elsewhere and appropriate long-term maintenance arrangements are in place.

- 6 Other than the road crossings detailed on the drawings docketed to this grant of planning permission, there shall be no further crossings of the Braid and Cadger Burns unless otherwise approved by the Planning Authority in consultation with the Scottish Environment Protection Agency.

Reason:

To ensure that built development within the application site is not at risk from flooding and there is no increased in flood risk elsewhere.

- 7 Prior to the erection of any house or flat of the development hereby approved the channel realignment of the Braid Burn shall be carried out in accordance with the details for it in the Flood Risk Assessment (updated April 2019 Version 4) prepared by KAYA Consulting Limited and docketed to this grant of planning permission unless otherwise approved by the Planning Authority in consultation with the Scottish Environment Protection Agency.

Reason:

To ensure that built development within the application site is not at risk from flooding and there is no increased in flood risk elsewhere.

- 8 The ground floor finished floor levels of the houses and flatted buildings hereby approved shall accord with the levels shown on drawing no. 1629(sk)011 docketed to this grant of planning permission unless otherwise approved by the Planning Authority in consultation with the Scottish Environment Protection Agency.

Reason:

To ensure that built development within the application site is not at risk from flooding.

- 9 Prior to the occupation of any of the houses and flats hereby approved, the turning head of the parking court that is located to the north of the houses and flatted buildings shall be marked out as a 'no parking' area to ensure that there would be no obstruction to vehicular manoeuvres, and details of the marking out of that 'no parking' area shall be submitted to and approved in advance in writing by the Planning Authority in consultation with Road Services and Waste Services prior to the works being carried out. Thereafter, the 'no parking' area shall be marked out in accordance with the details so approved and shall be retained as such unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of road safety.

- 10 Prior to the commencement of development, details of how all the areas of open space and the equipped play area are to be developed, laid out, maintained, including details of play equipment, surfacing and enclosures, and a timetable for the their implementation shall be submitted to and approved in advance in writing by the Planning Authority. The details shall include the costings of the play provision, which shall be commensurate with the requirements of the Council's Principle Amenity Officer assessment of Planning Permission in Principle 16/00485/PPM, and shall identify and define the areas of public open space and how they would be managed and maintained.

Thereafter, the areas of open space and the equipped play area shall be installed, enclosed and thereafter retained and maintained in accordance with the details so approved.

Reason:

To ensure the satisfactory provision and maintenance of adequate play provision within the development in interests of the amenity of the area.

11 Prior to the commencement of development, details, including a timetable for their implementation, showing compliance with the following transportation requirements shall be submitted to and approved in writing in advance by the Planning Authority.

(i) The footpaths around the outside of the quadrangle of houses and flatted buildings hereby approved and those around the communal courtyard garden shall be constructed to adoptable standards with lighting;

(ii) The vehicular access of the communal courtyard garden shall be constructed to road construction specification over the section of it where vehicular access is required;

(iii) A turning area shall be provided at the northern end of the north-south aligned road to the east of the houses and flats hereby approved;

(iv) A footpath / pedestrian crossing shall be provided at the junction of the east/west aligned footpath/cycle route that crosses the northern part of the site with the private driveway of No. 7-8 Longniddry Farm Cottages and the vehicular turning area at the northern end of the north-south aligned road to the east of the houses and flats;

(v) The layout of the east-west aligned footpath/cycle route that crosses the northern part of the site at the junction of it with the private driveway of Nos. 7-8 Longniddry Farm Cottages and with the north-south aligned road to the east of the proposed houses and flats shall be amended to remove the two 90-degree corners that would compromise the safe interaction of pedestrians, cyclists and drivers;

(vi) Visibility splays of 4.5 metres by 70 metres shall be provided and maintained on each side of each of the proposed access junctions from the application site onto the B6363 (Coal Road) such that there shall be no obstruction to visibility above a height of 1.05 metres measured from the adjacent carriageway level within the area defined below: - (a) a line 4.5 meters long measured along the access road from the nearside edge of the main road carriageway.; (b) a line 70 metres long measured along the nearside edge of the main road carriageway from the centre of the access road in both directions; and (c) a straight line joining the termination of the above two lines;

(vii) Vehicle access 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;

(viii) 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;

(ix) 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;

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

(xi) A revised 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.

Development shall thereafter be carried out in accordance with the details so approved unless otherwise approved by the Planning Authority in consultation with the Roads Authority.

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. NB the minimal level of treatment on home zone roads for streets with a single access.

Reason:

In the interests of road and pedestrian safety.

12 All roadworks shall be subject to Road Safety Audit, completed through Stages 1, 2, 3 and 4 (Preliminary Design, Detailed Design, Post Opening Audit and finally Post Opening Audit + 12

months. The Audit process shall be undertaken in accordance with DMRB Volume 5, Section 2, HD 19/3 or as amended by latest version. Thereafter, all roads and footpaths shall be constructed in accordance with the Road Safety Audit details so approved.

Reason:

In the interests of road and pedestrian safety.

- 13 Prior to the occupation of any one of the houses or flats hereby approved, a continuous footpath route between the development hereby approved and the Argyle Bridge at the northeast corner of the application site shall be provided in accordance with the details of its route and the timetable for its delivery to be submitted to and approved in advance in writing by the Planning Authority. The continuous length of footpath shall be constructed to adoptable standards with lighting in accordance with East Lothian Council's Standards for Development Roads. The details and timetable shall show that the footpath would be provided to each site prior to the occupation of the houses/flats on that site.

Thereafter, the continuous footpath route shall be provided and delivered in accordance with the details so approved.

Reason:

In the interests of road and pedestrian safety and to provide a safe route to schools.

- 14 No house or flat hereby approved shall be occupied unless and until the following road improvements/alterations in the vicinity of Main Street Longniddry have been completed:

1) a new controlled (traffic signal) crossing of the A198 located to provide the most direct route across the A198 public road from the development via the Argyle Bridge; and

2) the provision of an adoptable/lit path from the pedestrian crossing to the Argyle Bridge.

Reason:

In the interests of safeguarding road and pedestrian safety.

- 15 Construction access to the development hereby approved shall be taken from the classified B6363 public road (Coal Road) only unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of road and pedestrian safety and to safeguard vegetation important to the appearance and environment of the development.

- 16 Other than to comply with the requirements of conditions 11, 12, 13, 14 and 15, prior to the occupation of any one of the houses or flats hereby approved, the proposed access roads, parking spaces and footpaths shall have been constructed on site, in accordance with the docketed drawings and those areas of land shall not thereafter be used for any other purpose than for accessing and for the parking of vehicles in connection with the residential use of the houses and flats and shall not be adapted or used for other purposes without the prior written approval of the Planning Authority.

Reason:

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

- 17 Samples and a schedule of the materials and external finishes, including colours, of the roofs, walls, windows, doors, window sills, lintels, balcony structures, as relevant, of the houses and flatted buildings hereby approved and of the boundary enclosures also hereby approved shall be submitted to and approved in advance in writing by the Planning Authority prior to their use in the development hereby approved, and thereafter the materials and external finishes used for the roofs, walls, windows, doors, window sills, lintels, balcony structures, as relevant, of the houses and flatted buildings and for the boundary enclosures shall accord with the details so approved.

The slate to be used to clad the roofs of the houses and flatted buildings hereby approved shall be a natural slate.

The render to be used for the finish of the external walls of the houses and flatted buildings hereby approved shall be a wet dash render.

Reason:

To enable the Planning Authority to control the materials, finishes and colour to be used to achieve a development of good quality and appearance in the interest of the visual amenity of the area.

- 18 Prior to the occupation of the flats hereby approved the glazing units of the windows of the north and west facades of the flats, as shown coloured GREEN in Figure 2 of ITP Energised's Noise Report Ref EDI_1120 of 21st September 2018 docketed to this grant of planning permission for matters specified in conditions, shall be fitted with glazing and passive acoustic ventilators that provide a minimum Attenuation of 33dBRw.

Such glazing units and ventilators shall thereafter be retained in the windows of the north and west facades of the flats hereby approved unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of protecting the internal amenity of the occupiers of the proposed flats from noise associated with road and rail traffic.

- 19 The solar panels/photovoltaic panels to be installed on the roofs of the houses and flatted buildings hereby approved shall be integrated into the roofs and shall not sit proud of the upper surface of the roofing material of the roofs, and shall be positioned on the internal elevations of the quadrangle of buildings only.

Details of the solar panels/photovoltaic panels, including their size, form, number, positioning and means of attachment to the roofs of the houses and flatted buildings hereby approved, shall be submitted to and approved in writing in advance by the Planning Authority prior to their installation in the development hereby approved. Thereafter the solar panels/photovoltaic panels used and their means of attachment to the roofs of the houses and flatted buildings shall accord with the details so approved.

Reason:

To enable the Planning Authority to control the materials, finishes and colour to be used to achieve a development of good quality and appearance in the interest of the visual amenity of the area.

- 20 Details of any new wall and roof mounted vents and flues to be installed on the houses and flats hereby approved shall be submitted to and approved in advance by the Planning Authority. Details shall include 1:5 or 1:10 section drawings and brochures showing the size, design and numbers of the proposed wall mounted vents and flues to be concealed as much as possible and for visible parts of all vents and flues to match as closely as possible the colour of the part of the building to which they would adjoin.

Reason:

In the interests of safeguarding the character, integrity and appearance of the development hereby approved.

- 21 Details and samples, including colours, of the surface finishes for the hardstanding areas comprising parking areas, footpaths and cycleways shall be submitted to and approved in advance in writing by the Planning Authority prior to their use in the development hereby approved, and thereafter the materials used for the surface finishes of the hardstanding areas shall accord with the details so approved.

Reason:

To enable the Planning Authority to control the materials, finishes and colour to be used to achieve a development of good quality and appearance in the interest of the visual amenity of the area.

- 22 Prior to the commencement of development, details of all boundary enclosures to be erected on the site of the residential development, and the timescales for their provision, shall be submitted to and approved in advance by the Planning Authority. Those details shall show 1.8 metre high enclosures around rear gardens of the houses hereby approved.

Development shall thereafter be carried out in full accordance with the details so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure the satisfactory provision of the boundary enclosures in the interest of safeguarding the visual amenity of the area and to safeguard the privacy and amenity of residential properties nearby.

- 23 All externally fitted service meter boxes of the houses and flats hereby approved shall be coloured to match as closely as possible the colour of the external wall of the house/flat to which they are attached, and details of the position, size, form, appearance and colour of all externally fitted service meter boxes shall be submitted to and approved in writing in advance by the Planning Authority prior to their installation on the houses and flatted buildings. Thereafter, any externally fitted service meter boxes fitted shall accord with the details so approved.

Reason:

To enable the Planning Authority to control the materials, finishes and colour to be used to achieve a development of good quality and appearance in the interest of the visual amenity of the area.

- 24 Prior to the commencement of development, details, including their size, form, position, appearance and colour(s), of all substations and gas governors to serve the development hereby approved shall be submitted to and approved in writing by the Planning Authority, and thereafter any substations and gas governors shall accord with the details so approved.

Reason:

To enable the Planning Authority to control the positioning, appearance, form, finishes and colour of the substations and gas governors to be used to achieve a development of good quality and appearance in the interest of the visual amenity of the area.

- 25 Details of the provision of bat boxes and bird boxes, notably barn owl boxes, as mitigation for the loss of bat and bird roosts shall be submitted to and approved in writing in advance by the Planning Authority and thereafter, bat boxes and bird boxes shall be installed as so approved. The bat boxes and bird boxes shall thereafter be retained, unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of nature conservation.

- 26 No development shall take place on site until temporary protective fencing in accordance with Figure 2 of British Standard BS5837: 2012 "Trees in relation to design, demolition and construction" has been installed on the site, approved by the arboriculturist and approved in writing by the Planning Authority.

The fencing shall 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 titled 'Site Plan Tree Works' with drawing number erz/17/18/P14 Rev C, shall be positioned outwith the Root Protection Area (RPA) as defined by BS5837: 2012 for all trees and approved in writing by the Planning Authority.

All weather notices shall be erected on said temporary protective fencing with words such as "Construction exclusion zone - keep out". Within the fenced off areas creating the construction exclusion zones, the following prohibitions shall apply:

- No vehicular or plant access;
- No raising or lowering of the existing ground levels;
- 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 shall take sufficient account of wide loads, tall loads and plant with booms, jibs and counterweights (including drilling rigs), in order that they can operate without coming into contact with retained trees.

Reason:

In order to form construction exclusion zone around retained trees and protect retained trees from damage to ensure the retention of trees and vegetation which are an important feature of the area.

- 27 No development shall take place on site until a person who has, through relevant education, training and experience, gained recognised qualifications and expertise in the field of trees in relation to construction, been employed by the developer to monitor any works in close proximity of trees on the site or within the Root Protection Areas of the trees on the site, including, but not exclusively, the formation of footpaths, the installation and maintenance of temporary protection fencing and all works within the construction exclusion zone as identified on drawing no.

erz/17/18/P14 Rev C docketed to this grant of planning permission.

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.

The arboriculturist shall be present on site during any works within the root protection areas to ensure compliance with condition 26 and shall submit a report to the council confirming correct installation to include photographs.

Reason:

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

- 28 Any surfacing within the root protection area of any retained tree shall be carried out in strict accordance with section 7.4 of BS5837: 2012 "Trees in relation to design, demolition and construction" and docketed drawing no. erz/17/18/DS02 rev A, and shall be monitored and approved by the arboriculturist.

Reason:

To ensure the retention of the trees on the site which are an important landscape feature of the area.

- 29 Notwithstanding that which is shown on drawing nos. erz/17/18/P17 Rev C, erz/17/18/DP01/2 Rev C and erz/17/18/DP08 Rev C, a scheme of landscaping shall be submitted to and approved in writing by the Planning Authority. The scheme shall provide details of: the height and slopes of any mounding on or re-contouring of the site including SUDS basin/ponds details; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. Non-thorn shrub species should be located adjacent to pedestrian areas. The scheme shall include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development.

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

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 ensure the retention and maintenance of the trees on the site which are an important landscape feature of the area.

- 30 Prior to the commencement of development, a tree management plan shall be submitted to and approved in writing by the Planning Authority. This tree management plan shall include an annual programme of inspection and works for the existing trees on the site. All trees within the application site are to be inspected annually by a qualified and experienced arboriculturist. All tree work shall be carried out in accordance with BS3998: 1989 'Recommendations for Tree Work' and be approved in writing by the Planning Authority before work is carried out. Thereafter, all tree works shall be implemented in accordance with the approved tree management plan.

Reason:

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

- 31 The development hereby approved shall be carried out in accordance with the Tree Survey and Arboricultural Constraints report docketed to this grant of planning permission and all tree work shall be carried out in accordance with BS3998: 1989 'Recommendations for Tree Work' and shall be approved in writing by the Planning Authority before the work is carried out.

Reason:

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

- 32 There shall be no excavations, formation or installation of underground services for the development hereby approved within the Construction Exclusion Zone formed by the temporary protective fencing the subject of condition 26 of this planning permission unless otherwise approved in writing by the Planning Authority.

Reason:

To protect the roots of the retained trees on and adjacent to the site that are important to the wider landscape character and amenity of the area.

- 33 No trees or bushes which are to be retained on the site shall be damaged or uprooted, felled, lopped, or topped without the prior written consent of the Planning Authority.

Reason:

To ensure the retention of vegetation important to the appearance and environment of the development.

- 34 No development shall be commenced on site unless and until written evidence that a contract has been entered into for the provision as affordable housing of all of the 4 houses and 35 flats hereby approved has been submitted to and agreed by the Planning Authority. Thereafter the development shall only be used for affordable housing unless otherwise approved.

Reason:

In order to ensure the development is operated as affordable housing and is therefore compliant with the Council's policies for the provision of affordable housing and standards for car parking provision.

- 35 Notwithstanding the provisions of Parts 1 and 1ZA of Schedule 1 and Class 7 of Part 2 of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended by The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011, or any subsequent Order amending, revoking or re-enacting that Order, no development other than that hereby approved or approved in compliance with any of the above planning conditions, shall take place on the houses and flats or within the curtilages of the houses and flats hereby approved or elsewhere on the application site without the prior permission of the Planning Authority.

Reason:

To safeguard the character and appearance of the development and its landscape setting.

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

REPORT TO: Planning Committee
MEETING DATE: Wednesday 26 June 2019
BY: Depute Chief Executive
(Partnerships and Community Services)
SUBJECT: Application for Planning Permission for Consideration

7

Application No. **18/01038/AMM**

Proposal Approval of matters specified in conditions of planning permission in principal 16/00485/PPM - Erection of 47 houses, 12 flats and associated works

Location **Longniddry Farm
Longniddry
East Lothian
EH32 0NZ**

Applicant Zero C

Per APT Planning and Development Ltd

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

Although this application is for the approval of matters specified in conditions of planning permission in principle 16/00485/PPM it has to be determined as a major development type application because the area of the application site is greater than 2 hectares and the number of dwellings detailed is greater than 49. Accordingly the application cannot be decided through the Council's Scheme of Delegation. It is therefore brought before the Planning Committee for a decision.

On 26 June 2018 planning permission in principle (Ref: 16/00485/PPM) was granted for residential development with associated greenspace, access and engineering works on some 30.7 hectares of predominantly agricultural land on the south side of the main east coast railway line at Longniddry. The site included Longniddry Farmhouse and Longniddry Farm Steadings along with other agricultural buildings. The Farm Steadings and Farmhouse are both listed as being of special architectural or historic interest, Category B. Nos. 3-6 Longniddry Farm Cottages, which are located within the northern part of the application site, are also listed as being of special architectural or historic interest, Category C. The land of the application site also includes the northern end of the Coal Road (the classified B6363 public road), Longniddry Main Street, the roundabout junction immediately to the northwest of Longniddry Railway Station and an area of land

immediately to the east of the Railway Station car park. The Braid Burn bisects the site roughly centrally on a north-south alignment.

In May 2017, planning application 17/00194/P and listed building consent application 17/00178/LBC were registered, respectively for, the conversion of the agricultural buildings/land at Longniddry Farm Steading to be used for Class 2, Class 3, Class 4, Class 10, holiday let (sui generis) uses, for the erection of a covered canopy for Class 3 use and for associated works, and for the alterations and extension to the Steading buildings to facilitate the change of use, the formation of hardstanding areas, and the demolition of a building and walls. Planning application 17/00194/P and listed building consent application 17/00178/LBC are pending consideration and no decisions have yet been taken on them.

The approval of matters specified in conditions is now sought for the erection of 47 houses, 12 flats and associated works on an area of land measuring some 5.13 hectares to the south side of the main east coast railway line at Longniddry and thus on part of the larger site to which planning permission in principle 16/00485/PPM and the masterplan docketed to that permission apply. The associated works include the formation of roads, footpath and parking areas, the formation of SuDS, the erection of boundary enclosures, flood mitigation measures relating to the Braid and Cadger Burns, and hard and soft landscaping.

The application site comprises the proposed 47 houses and 12 flats, along with land of the larger site to which planning permission in principle 16/00485/PPM applies that would comprise access roads, public open space, SuDS and the Braid Burn corridor.

The site that is the subject of planning permission in principle 16/00485/PPM is allocated for mixed use development of circa 450 houses by Proposal PS1 (Longniddry South) of the adopted East Lothian Local Development Plan 2018. A design brief for the site was approved by the Council in October 2018.

This application is one of three approval of matters specified in conditions applications (Refs: 18/01034/AMM, 18/01038/AMM and 18/01048/AMM), each submitted by a different applicant, that together relate to an area of land measuring some 11.6 hectares that comprises roughly the western part of the larger site to which planning permission in principle 16/00485/PPM applies, and which is located to the west of the Braid Burn, excluding Longniddry Farm Steadings.

The land of the application site consists of agricultural fields and a paddock, and rises gently from north to south. There is an existing line of trees outwith the application site to the northwest adjacent to the Coal Road. There are further trees on the northern part of the site and on the eastern part of the site adjacent to Longniddry Farmhouse.

The site is bounded to the north by a combination of the main east coast railway line, the residential properties of Nos. 7-8 Longniddry Farm Cottages and further land of the larger site to which planning permission in principle 16/00485/PPM applies, to the west by a combination of the classified B6363 public road (Coal Road) and further land of the larger site to which planning permission in principle 16/00485/PPM applies, to the south by further land to which planning permission in principle 16/00485/PPM applies and agricultural land, and to the east by a combination of Longniddry Farm Steadings and Longniddry Farmhouse, Nos. 3-6 Longniddry Farm Cottages and further land to which planning permission in principle 16/00485/PPM applies.

The Braid Burn runs along the eastern part of the site on a north-south alignment and the Cadger Burn runs along the western part of the site on a north-south alignment. The

eastern and western parts of the application site are thus identified on the Scottish Environmental Protection Agency flood risk maps as being at risk from flooding.

Parts of the Braid Burn corridor are identified as being of biodiversity interest.

Vehicular access to the 59 residential units would be taken from the classified B6363 public road (Coal Road) via a new access junction and road. The new access junction would serve a new road that would form the principal street/spine road for the development the subject of planning permission in principle 16/00485/PPM from which secondary streets would be accessed. None of the proposed 59 residential units would individually be directly accessed from the classified B6363 public road (Coal Road).

All of the 47 houses and 12 flats the subject of this application would be for private sale. In terms of their size, the proposed houses and flats would comprise a mix of 2-bed flats, 2-bed houses, 3-bed houses and 4-bed houses. The mix of property types would be: 6 x 2-bed flats, 6 x 2-bed flats above garages (i.e. coach house flats), 5 x 2-bed houses, 28 x 3-bed houses and 14 x 4-bed houses. Six of the 2-bed flats would be accommodated in a detached 3-storey building. Each of the remaining six 2-bed flats would be accommodated primarily in the first floor of two storey buildings that would accommodate garages at ground floor level. There would be two single storey houses (bungalows). One would be detached and the other would form the end of a row of 4 houses. There would be 3 no detached one and a half storey houses. The remaining 42 houses would all be 2-storey in height and would be either detached, semi-detached or terraced. Terraces would vary between 3 and 6 houses in length. The majority of the proposed houses and flatted buildings would face towards the principal roads of the proposed development however some, including the flats above garages, one of the single storey bungalows and all of the detached one and a half storey houses would directly face onto the back lanes/courts. Some of the houses on the eastern part of the site would face towards a pedestrian/cycle path with vehicular access to their rear only. All of the houses would be provided with garden ground. With the exception of plots 41 to 44, which would face towards the Coal Road and would have longer front gardens, the majority of the proposed houses would have short front gardens to the public streets.

The submitted details also include for the internal access roads, parking courts, boundary treatments, landscaping, areas of open space and SuDS.

Vehicular, pedestrian and cycle access to the houses and flats would be taken by way of a new access junction and road network from the classified B6363 Coal Road. Thereafter, vehicular access, pedestrian and cycle access to the houses and flats would be taken from the new roads to be created through the site. A new principal street/spine road (Road B) with a junction with the B6363 Coal Road would be formed to the south of the proposed housing development. A further new one-way road (Road A), that is part of planning application 18/01034/AMM, would be formed to the north of the proposed housing development. The housing development would be split into two main blocks by the formation of a further road (Road C) on a north-south alignment. Smaller back lanes (Roads D and E) and footpaths in each of the two blocks would further subdivide the housing into smaller groupings. The majority of the private car parking associated with the proposed houses and flats would be located to the rear of the houses and flats and would be accessed from the back lanes/courts. The exception to this would be plots 46, 53 and 75, which would each have a driveway to the side of the house. Visitor parking would primarily be provided on-street on Roads B and C. Cycle parking for the flatted building comprising plots 76-81 would be provided in a secure building at a rate of 1 space per flat.

The majority of the trees on the northern and eastern parts of the site, adjacent to Longniddry Farmhouse and Steadings and 3-6 Longniddry Farm Cottages would be

retained. An area of open space ('village green') would be formed on the northern part of the site to the north of Longniddry Farmhouse and Steadings. A further strip of open space would be located on the western edge of the proposed housing development adjacent to the B6363 Coal Road and the Cadger Burn. The Braid Burn corridor on the eastern part of the site would create a further area of open space. Landscaping works, including the planting of new trees, would be carried out on the 'village green' area of open space on the northern part of the site and on the western area of open space and along the Braid Burn corridor. Further trees would be planted along the sides of the new roads and back lanes and within the gardens of some of the proposed houses/flats.

Subsequent to the registration of this application, further drawings have been submitted showing revisions to:

- a) the site layout including changes to the position of plot 98 and the garages of plots 70 and 71;
- b) the positions of projecting components and windows of a number of the houses;
- c) the SuDS and the engineering works at the Braid Burn corridor;
- d) at the request of the Council's Landscape Officer an amended Tree Survey and Arboricultural Constraints report (dated January 2019) has been submitted; and
- e) an amended Flood Risk Assessment (updated April 2019 Version 4) has been submitted.

The following documents have been submitted in support of the application:

- Planning and Design Statement (September 2018);
- Noise Assessment of Proposed Residential development report (Project number EDI_1120, dated 21/9/2018);
- Home Owner's Travel Pack;
- Flood Risk Assessment (Updated, April 2019 Version 4);
- SuDS and Drainage Statement (revision A 24/9/18);
- Stage 2 Road Safety Audit (SPA Ref No. 4936, Rev O, September 2018);
- Archaeological Evaluation Written Scheme of Investigation (AOC Project No. 24398, dated 6th August 2018);
- Phase II Geo-Environmental & Geotechnical Interpretative Report; and
- Tree Survey and Arboricultural Constraints report.

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

The development plan is the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Development Plan 2018.

There are no relevant policies of the approved South East Scotland Strategic Development Plan (SESplan).

Proposal PS1 (Longniddry South) and Policies HOU1 (Established Housing Land), HOU3 (Affordable Housing Quota), HOU4 (Affordable Housing Tenure Mix), OS3 (Minimum Open Space Standard for New General Needs Housing Development), OS4 (Play Space Provision in new General Needs Housing Development), T1 (Development Location and Accessibility), T2 (General Transport Impact), W3 (Waste Separation and Collection), NH3 (Protection of Local Sites and Areas), NH8 (Trees and Development), NH10 (Sustainable Drainage Systems), NH11 (Flood Risk), CH1 (Listed Buildings), DP1 (Landscape Character), DP2 (Design), DP3 (Housing Density), and DP9 (Development Briefs) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of this application.

Material to the determination of the application are Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the Scottish Government's policy on development affecting a listed building or its setting given in Scottish Planning Policy: June 2014.

Scottish Planning Policy echoes the statutory requirements of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that in considering whether to grant planning permission for development which affects a listed building or its setting a planning authority shall have special regard to the desirability of preserving and enhancing the building, its setting and any features of special architectural or historic interest which it possesses.

Also material are national policy and guidance documents including Scottish Planning Policy: June 2014 (SPP), and Planning Advice Note 67: Housing Quality, Designing Streets and Designing Places.

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

Also material to the determination of the application is the development brief for allocated site PS1: Longniddry South set out in the Development Briefs Supplementary Planning Guidance 2018 and the approved masterplan for the site as approved by the grant of planning permission in principle 16/00485/PPM. The development brief sets out the land uses expected for the allocated site and how the Council requires the site to be developed.

Two public representations to this application has been received. Both of the representations raise objections to the proposed development and the grounds of objection as summarised are:

1. the proposals would result in the loss of top grade agricultural land that should be kept for farming;
2. there are already too many houses being built in the area and the infrastructure (roads, railway) is not there to support this;
3. the houses are too close together, with too few green areas;
4. inadequate parking provision;
5. the houses would not be the style of housing that is required in the village for older people and first time buyers;

6. access to the village by car via the Lorne Bridge is difficult and there will be congestion on the Coal Road;
7. pedestrian access via the Argyle Bridge is not shown on these plans;
8. the Braid burn should not be altered as it supports a lot of wildlife and there doesn't seem to be any purpose to altering its course;
9. the development will result in pollution from idling cars, and light pollution from all these additional properties resulting in detrimental impacts on the community and wildlife;
10. the development would not satisfy affordable housing requirements; and
11. the proposals will irreversibly change Longniddry for the worse with what was once a close knit community forced into another faceless, charmless town of dull uninspiring architecture to attract city workers.

Longniddry Community Council, a consultee, object to the proposals. Their grounds of objection as summarised include:

- i. there is no indication in the application when the traffic lighted junction improvements and enhanced pedestrian link under the railway bridge (Lorne Bridge) at the junction of the B6363 (Coal Road) and the A198 would be provided, and these should be provided before any of the houses are occupied;
- ii. there is no indication in the application when the enhanced pedestrian link under the Argyle Bridge would be provided, or how the residents of the different application sites (18/01034/AMM, 18/01038/AMM and 18/01048/AMM) would access that improved pedestrian link as the different areas of housing are developed and including the development of Longniddry Farm Steadings;
- iii. there should be a safe walking route for occupiers of the new houses and all footpaths should be in place before occupancy of the first house;
- iv. development of the Longniddry Farm Steading buildings should be considered in conjunction with these housing developments (18/01034/AMM, 18/01038/AMM and 18/01048/AMM) and should be developed timeously so that it does not become a derelict site amongst the housing;
- v. the Home Owner's Travel Pack promotes the benefits of walking and cycling but does not include any walking or cycling routes from the development to Longniddry village;
- vi. lack of footpath link to the railway station;
- vii. new infrastructure (pedestrian and cycle routes) should be provided as soon as the first house is occupied in order to facilitate easy walking and cycling to local facilities;
- viii. a zebra crossing should be provided to replace the relocated existing Pelican crossing as a number of people are likely to wish to cross the road at this location adjacent to the dentist, podiatrist, bus stop and garage rather than at the Argyle Bridge;
- ix. concerns remain that traffic flow through Main Street will increase greatly as a result of new housing that is being built in many of the coastal villages, and this along with the road works through Longniddry will undoubtedly cause delays and encourage drivers to create 'rat runs' through the minor roads of the Village, resulting in danger to pedestrians

including school children;

x. the removal of the controlled crossing close to Links Road on the A198 will result in difficulty for traffic exiting from Links Road onto the A198, and this along with indiscriminate parking and deliveries to the Co-op store could lead to road safety hazards at this location;

xi. the traffic light controlled junction at the B6363 and A198 should be in place prior to the occupation of the houses;

xii. the proposed affordable housing for people 60 years and over is located in the wrong place and the housing should be changed to social housing as the pedestrian access would involve steps which would not be conducive for older people;

xiii. will street lighting be installed on the Coal Road and under the Argyle Bridge and along the pathways?;

xiv. the large trees along the east side of the Coal Road should be retained;

xv. if the main east coast railway line is upgraded to 4 tracks how would this impact on the development;

xvi. bridge protection should be fitted at the bridge under the railway line to prevent large vehicles from damaging the railway line;

xvii. the pond close to the children's play park would be a hazard and should be relocated;

xviii. would the houses be fitted with solar panels and will electric charging points be installed?;

xix. the Home Owner's Travel Pack describes Longniddry Railway Station as having seating areas, waiting room, wheelchair access and impaired mobility set-down, when in reality it only has 'perching' seating in a cold and draughty shelter and wheelchair access and impaired mobility set-down are extremely poor to the platform that facilitates travel to Edinburgh;

xx. who will be responsible for maintenance of the ponds, green areas and play areas?;

xxi. concerns about existing drainage systems being able to cope with additional usage;

xxii. there are concerns about the durability of resin bonded gravel for the footpath surfaces; and

xxiii. will measures be put in place to prevent motor cycles and motorised vehicles being able to access the footpath under the Argyle Bridge?

The affordable housing for people 60 years and over is not part of this application for matters specified in conditions but rather is the subject of planning application 18/01034/AMM and stands to be considered through the assessment of that application. Thus, the matter of the positioning of the affordable housing for people 60 years and over is not a material consideration in the determination of this application for matters specified in conditions.

The matter of the provision of street lighting along the part of the Coal Road commensurate with the length of the site and throughout the site is embodied in condition

19 of planning permission in principle 16/00485/PPM, which requires that prior to the occupation of any of the development street lighting shall be provided within the application site and other the full extent of the proposed 30mph speed limit on the B6363 from the existing lighting at the junction with the A198 to a point beyond the proposed southern site access.

The requirement for a financial contribution towards road improvements/alterations on Main Street and the Coal Road for the proposed housing development are embodied in the Section 75 planning obligation of planning permission in principle 16/00485/PPM.

Due to being in close proximity to the main east coast railway line, Network Rail have been consulted on the application. Network Rail advise that they raise no objection in principle to the proposed development but advise that construction works should be undertaken in a safe manner which does not disturb the operation of the neighbouring railway, and that details of any changes in ground levels, laying of foundations and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing. This information has been passed in an email to the applicant's agent. Network Rail do not raise any concerns that the proposed development could prejudice any future development of the adjacent railway.

By the grant of planning permission in principle 16/00485/PPM, approval has been given for the principle of the erection of a total of 450 houses on the larger site at Longniddry South, including the land of the current application site, following technical assessments which demonstrated that local and wider infrastructure, subject to financial contributions and conditions, can accommodate such level of development. There can therefore be no objection in principle to the erection of the 47 houses and 12 flats now proposed on this particular part of that larger site.

Although concerns have been raised about the loss of prime agricultural land through the use of the site for housing development, the principle of the use of this site for housing development is established through the grant of planning permission in principle 16/00485/PPM and the use of an allocated housing site for new homes should not be in question.

Therefore, in the determination of this application the Council, as Planning Authority, can only concern itself with the siting, design and external appearance of the development, the landscaping of and means of access to the site and the means of any enclosure of the boundaries of the site. In this regard, the detailed proposals have to be considered against relevant development plan policy and conditions attached to planning permission in principle 16/00485/PPM.

Policy DP3 of the adopted East Lothian Local Development Plan 2018 states that all new housing sites will be expected to achieve a minimum average density of 30 dwellings per hectare (net) using a full range of housing types and sizes.

The proposal would not achieve a minimum average density of 30 dwellings per hectare and, as such, does not comply with Policy DP3. However, that is partly because the site includes land proposed for access roads, public open space, SuDS and the Braid Burn corridor, all of which would serve not just the proposed 59 units but all of the larger housing development the subject of planning permission in principle 16/00485/PPM. Moreover, the density and layout of the proposed development is generally consistent with the density, layout and mix of house types approved in the indicative masterplan of planning permission in principle 16/00485/PPM and accords with the number of residential units indicated in the development brief for PS1.

Designing Streets states that new housing development should create distinctive, safe and pleasant, welcoming, adaptable places that are easy to move around and resource efficient. Street layouts should be hierarchical, permeable and interconnected and should complement and should extend the surrounding street pattern. Such layouts spread vehicle traffic evenly through a site and to the surroundings, help prevent localised traffic congestion, and encourage walking and cycling. Proposed street layouts must maximise connections within the site and to surrounding streets, and ensure the movement requirements of the development strategy are met. By the design and arrangement of street types, street layouts must influence vehicle drivers preferred route choice to ensure the tertiary streets between residential blocks are less busy. It is further stated that Home Zones should be introduced to new development as part of a hierarchical, permeable and interconnected street layout.

A design brief has been adopted for allocated site PS1 (Longniddry South). The area of the current application, some 5.13 hectares, comprises approximately 17% of the whole PS1 (Longniddry South) allocation, which has an area of some 30.7 hectares.

The details now submitted for approval are for a scheme of development comprising a mix of detached, semi-detached, and terraced houses and for flats consisting of a single flatted building and above garage flats (i.e. coach house flats). Houses would be single, one and a half and two storeys in height and flatted buildings would be two or three storeys in height. The total number of units proposed accords generally with the planning permission in principle granted for this part of the site. All of the 47 houses and 12 flats the subject of this application would be for private sale and the mix of residential units includes a range of sizes and types, including flatted buildings and single storey houses.

The proposed residential development would be part of the first housing phase of the western part of the wider Longniddry South development, which would form an extension to the southern edge of Longniddry. The proposed housing area would be located to the south of the main east coast railway line and would be seen in relation to this and the existing built form of the housing beyond the railway line further to the north, and eventually it would be seen in relation to other parts of the new housing development immediately to the south and east of the application site, which is not yet under construction. In all of this, the proposed residential development would be sympathetic to and would not be out of keeping with the character of the settlement and local area.

The majority of the proposed houses and flatted buildings would face towards the principal roads of the proposed development however some, including the flats above garages, one of the single storey bungalows and all of the detached one and a half storey houses would directly face onto the back lanes/courts. Some of the houses on the eastern part of the site would face towards a pedestrian/cycle path with vehicular access only to their rear. All of the houses would be provided with garden ground. With the exception of plots 41 to 44, which would have longer front gardens, the majority of the proposed houses would have short front gardens to the public street.

The varying heights of the proposed houses and flatted buildings and an articulation of the building lines of their front elevations with the public roads and footpaths they would face towards would add interest to the streetscape. Gables at junctions would include windows to allow for passive overlooking not just from primary elevations. Due to the changes in levels over the site from north to south, terraces of houses would have stepped rooflines adding further detail and breaking up their massing. The 3-storey flatted building located at the eastern end of the principal street/spine road (Road B) would be a focal building at a prominent location overlooking the Braid Burn corridor and Mill Pond area adding further interest to the streetscape. This building along with the single and 2-storey houses would add proportionate variety to the heights of the proposed housing development and would

punctuate the views into and out from the eastern side of this part of the larger housing development the subject of planning permission 16/00485/PPM, whilst also addressing the open space of the Braid Burn corridor.

Parking for the proposed houses and flatted buildings would be primarily located to the rear of the houses and flats and would be accessed from the back lanes/courts. Road widths would be narrowed with on-street visitor parking and traffic calming measures, and the back lanes/courts would be short in length with widths narrowing. All of this would encourage lower vehicle speeds on primary streets and in back lanes/courts. In all of this the proposed housing development would provide an attractive street setting which would not be dominated by parking.

In the design principles of the street layout, the proposals generally respond to the requirements of Designing Streets. The houses and flatted buildings and associated areas of ground, in their proposed grouping, orientations, and layout would be generally consistent with the principles of 'Home Zones' as set out in Scottish Government's policy statement entitled "Designing Streets". The proposed layout of roads, pathways and parking spaces would also generally be consistent with those principles.

When viewed alongside the other housing developments the subject of planning applications 18/01034/AMM and 18/01048/AMM, the proposed permeable street pattern, road and pedestrian/cycle accesses and open spaces would create a distinctive yet attractive urban expansion of Longniddry that would have due regard to the existing built form of the settlement on the northern side of the main east coast railway line. The proposed layout is broadly consistent with the pattern, layout and density of development of the approved masterplan drawing of planning permission in principle 16/00485/PPM and also is sufficiently in accordance with the development brief for PS1 (Longniddry South). In this the proposal is also consistent with Policy DP9 of the adopted East Lothian Local Development Plan 2018.

The range of houses and flats proposed and the variations in their heights as a result of both hierarchical design, rising from single storey to three storey and subtle differences in floor to ceiling heights, and accommodating the change in ground levels across the site from north to south, would give a variation of architectural form to the development, which coupled with the orientation and layout of the buildings, would give a degree of variety of appearance to the development, and would add interest and detail to views of the proposed development. The architecture of the proposed houses and flatted buildings is of a traditional pitched roof form that is reflective of arts and crafts character and the East Lothian Garden City architectural style that can be seen in other buildings of Longniddry. Details and styles vary from simpler houses to those with a more imposing stature within the streetscape. Architectural details include steeply pitched, hipped and gabled roofs, simple unaltered roof slopes, asymmetrical gables, sprocketed eaves, pitched roof dormers, entrance porches, white painted timber framed windows, a variety of multi-paned astragal windows, window and door surrounds, and simple chimneys with multiple chimneypots. All of these design features add detail and interest to the proposed buildings using a simple arts and crafts language. Further variation and detail would be added to the external appearance of the proposed houses and flats through the colour of their external walls, window bands, doors, garage doors, and rainwater goods/downpipes.

The finish of the external walls of the majority of the proposed houses and flatted buildings would be a coloured wet dash render and their roofs would be clad with either natural slates or natural clay pantiles. The exception to this would be the house on plot 86, which would have a natural stone finish to its front elevation only. Plot 86 is located on the eastern side of the development the subject of this application facing eastwards towards the Mill Pond area of Longniddry Steading. It would be a focal building roughly halfway

along the eastern streetscape of the proposed housing development and its stone frontage would add interest and detail to the streetscape. The frames, and where relevant astragals, of the windows of the proposed houses and flats would be of white painted timber construction and external doors would be of painted timber construction. House plots 40 to 45 would face towards the B6363 Coal Road and would be the most publicly viewed plots of the proposed development, being readily visible in the southern approach to the Lorne Bridge and the rest of Longniddry. The houses on plots 40 to 44 would each have white coloured rendered walls and a natural clay pantile roof finish. The house on plot 45 would have 'polar white' coloured rendered walls and a natural slate roof finish. The colour palette of these houses when seen alongside the white coloured render and slate roofs of the flatted buildings the subject of planning application 18/01034/AMM would result in a homogeneity of colour along the Coal Road. As this is the most publicly visible part of the proposed development, it would be preferred if there was more variety in the palette of render colours for these house plots.

Otherwise, the palette of external finishes and colours for the proposed 47 houses and 12 flats would be in keeping with the distinctive arts and crafts architectural style, character and integrity of the proposed development and with the architectural style and character of the existing houses and buildings of parts of Longniddry. A condition can be imposed on a grant of approval of matters specified in conditions for the proposed development, including for plots 40 to 45, to address the matter of external finishes and colours.

The appearance of the proposed houses and flats and the narrower and more organic layout of the streets results in a distinctive local character to the proposed development that would be both reflective of the arts and crafts character of some of the houses and buildings of Longniddry and would also be distinct in its own design, character and integrity, and is also reflected in the proposals the subject of planning applications 18/01034/AMM and 18/01048/AMM, which together with this application (Ref: 18/01038/AMM) form the western part of the wider site of planning permission in principle 16/00485/PPM. The lower density and narrower street widths, with many houses having only short front gardens, and the inclusion of housing in the back lanes/courts creates a feeling of a more local scale development that has a more organic character and encourages social interaction.

The Planning and Design Statement indicates that solar panels/photovoltaic panels are proposed to be installed on the roofs of the houses and flatted buildings and that those solar/photovoltaic panels would be integrated into the roof finish and located to rear elevations or outbuildings wherever possible to reduce visual impact. Drawing no. A-102 Rev B (roof material) provides indicative details of the positioning of the solar panels/photovoltaic panels. In the majority of cases, the proposed solar panels/photovoltaic panels are shown to be located on the rear elevations of houses or outbuildings and would be visible primarily from the back lanes/courts (Roads D and E). However, there are instances where the proposed solar panels/photovoltaic panels are shown to be located on the front (principal) or side elevations of the houses and thus would be readily visible in public views in the streetscape from the primary street/Spine Road (Road B) or secondary street (Road C). No details of the position, size, form, appearance or means of fitting of the solar panels/photovoltaic panels on the houses and flatted buildings has been provided.

If positioned on the rear facing roof slopes of the proposed houses and flatted buildings or on the less public side elevation roof slopes of the proposed house and flatted buildings, or on the less public roof slopes of outbuildings, the proposed solar/photovoltaic panels would not be readily visible in public views and subject to them not being an overdevelopment of the roof slope they were installed on, and if integrally fitted into the roof finish, they would be unlikely to appear harmfully dominant on the roof slopes and thus

would not be harmful to the character and appearance of the development or of the area.

However, if positioned on the front (principal) roof slopes or side elevation roof slopes fronting a road of the proposed houses and flatted buildings, the proposed solar/photovoltaic panels would be readily visible in public views and would be likely to be harmful to the character and appearance of the proposed development. The simple clean lines of the unaltered roof slopes of the proposed houses and flatted buildings is part of their distinct architectural character and design, and the positioning, size, number, form, appearance and fitting of solar panels/photovoltaic panels on the roofs of the proposed houses and flatted buildings could have a detrimental impact on the character and appearance of the proposed development. It would therefore be prudent for the Council as Planning Authority to require details of the proposed solar/photovoltaic panels to be submitted for approval and to limit their positioning to the rear and less public elevations of the proposed houses, flatted buildings and garages. This matter could be controlled by a condition attached to a grant of planning permission.

Notwithstanding all of the above, once built and occupied the proposed houses and flats would benefit from permitted development rights for minor alterations that could be in the form of alterations to windows, roofs, etc, and for the erection of boundary enclosures. Such alterations to the appearance of the proposed houses and flats or the erection of boundary enclosures could result in a loss of and harm to the arts and crafts and East Lothian Garden City architectural character and style of the proposed development. It would therefore be prudent for the Council as Planning Authority to remove permitted development rights for such alterations, a detail that could be controlled by a condition attached to a grant of planning permission for the proposed development.

The proposed houses and flats, due to their positioning on the application site and by virtue of their height, size and scale, architectural character and design would and external finishes, would satisfactorily integrate into their surroundings and would not appear as prominent or intrusive features within their landscape setting. This coupled with the retention of the trees to the northwest of them and the trees on parts of the east boundary of the site and the proposed landscaping along the north boundary with the main east coast railway line, on the western part of the site, along the Braid Burn corridor and along the development streets would ensure a visually attractive and cohesive development, with the proposed houses and flats visible but not appearing incongruous or intrusive in their surroundings.

Due to the topography of the land between the B6363 Coal Road, the listed buildings of 3-6 Longniddry Farm Cottages are not readily visible in public views from the Coal Road. The listed buildings of Longniddry Farmhouse and Steadings are visible in long range views from the B6363 Coal Road and their immediate setting incorporates a number of trees around their periphery.

The masterplan layout approved by the grant of planning permission 16/00485/PPM indicatively shows development of the heights now proposed in similar proximity to the listed buildings. Furthermore, the majority of the existing trees that provide landscape setting to the listed buildings would be retained. These trees would continue to afford landscape setting to the listed buildings. Accordingly, the proposed development would be set back a sufficient distance from the listed buildings of Longniddry Farmhouse and Steadings and Nos. 3-6 Longniddry Farm Cottages and would not dominate or draw focus away from those listed buildings and thus would not be harmful to the setting of those listed buildings.

Some 2.9 hectares of the application site consists of land common to this application site and to planning applications 18/01034/AMM and 18/01048/AMM, which together comprise

the western part of the larger site to which planning permission in principle 16/00485/PPM applies, and includes open space, SuDS and the expanded Braid Burn corridor.

The site would be accessed from the classified B6383 public road by a network of roads and footpaths that would provide access to the 59 residential units the subject of this application and other parts of the larger site the subject of planning permission in principle 16/00485/PPM. Enhanced pedestrian links approved by the grant of planning permission in principle 16/00485/PPM would provide connections from the proposed development under the railway line to the rest of Longniddry. Further connections in the form of roads, cycle and walking paths would connect the proposed 59 residential units to the area of open space on the northern part of the site and the Braid Burn corridor.

The masterplan docketed to planning permission in principle 16/00485/PPM indicates how areas of formal and informal open space, including a sports pitch, could be located throughout the allocated site.

The site that is the subject of this approval of matters application includes the land shown on the docketed masterplan as being the location for areas of open space and includes the provision of open space and an equipped play area. It does not however show an area for sports pitch provision, as this was approved to be located on the eastern part of the larger housing site.

Open space in the form of a large grassed area or 'village green', including the provision of a children's play area, would be provided on the northern part of the site between Longniddry Farmhouse and Steadings and the main east coast railway line and the Argyle Bridge. Further areas of informal open space would be provided along the Braid Burn corridor on the eastern part of the site and on the western part of the site adjacent to the B6363 Coal Road and the Cadger Burn.

SuDS in the form of below ground attenuation storage, two SuDS basins and a swale would be located on the eastern part of the 'village green' area of open space.

The Council's Principal Amenity Services Officer advises that open space and equipped play facilities for the site should be provided according to the larger development site the subject of planning permission in principle 16/00485/PPM of which the application site is a part. He comments that the layout for open space shown for this application (Ref: 18/01038/AMM) appears to accord with the approved Masterplan drawing for planning permission in principle 16/00485/PPM. The requirement for details of the development and maintenance of the open space and equipped play area to be provided is controlled by condition 21 of the grant of planning permission in principle 16/00485/PPM. No details have been provided with the application for the timescale for the delivery of the open space and equipped play area or to identify all of the areas of open space and how and by whom they would be maintained and managed. It can be made a condition of a grant of planning permission that details of the equipped play facility, the timescale for delivery of it and its on-going maintenance, and to identify all of the areas of open space and how and by whom they would be maintained and managed, and to secure the delivery of all of the open space and the equipped play area be submitted for the prior approval of the Planning Authority.

The expanded Braid Burn corridor would provide informal green space that would be accessible as part of the open space within the wider site the subject of planning permission 16/00485/PPM. Although there would be some differences in levels between the lower level of the Braid Burn corridor and the levels of the adjacent road and housing development, the application drawings indicate that these level changes would be minimal, and thus, subject to these levels being adhered to during construction, this area

of open space would be reasonably accessible as useable areas of amenity space.

By their positioning the areas of open space and equipped play would benefit from passive overlooking from the proposed houses and flats and from nearby proposed footpaths from which they would be accessed.

Accordingly, the open space and formal equipped play area detailed on the application drawings are consistent with the docketed masterplan. On this consideration, the proposed development is consistent with Policies OS3 and OS4 of the adopted East Lothian Local Development Plan 2018 and with the indicative masterplan docketed to planning permission in principle 16/00485/PPM.

No details have been submitted for the position, size, form, appearance and colour(s) of any substations or gas governors to serve the proposed development. Such forms of structure can impact negatively on the character and appearance of a development and therefore it would be prudent for the Planning Authority to impose a condition requiring details of the position, size, form, appearance and colour(s) of any substations or gas governors to be submitted prior to the commencement of development on the site.

On all of these matters of design, these other components of the proposed development would not be harmful to the character and appearance of the area and would not appear incongruous in their landscape setting and would not be harmful to the character and appearance of the area. Nor would they be harmful to or detract from the setting of the listed buildings.

The proposed housing development would provide an attractive residential environment for future residents of the proposed houses and flats. The majority of the houses and flats are shown to be laid out in such a way that adheres to the normally accepted privacy and amenity criteria on overlooking and overshadowing, whilst affording the future occupants of the houses and flats an appropriate level of privacy and residential amenity. Where there are instances that do not meet the normally accepted privacy and amenity criteria those instances are primarily in relation to distances across the new public streets. In these cases, the narrower street layout is an integral component of the design ethos of the proposed development to reflect a more compact and organic arrangement of buildings and streets with natural passive overlooking of streets and footpaths and between properties which is reflective of the tighter street patterns in parts of some historic towns and villages of East Lothian.

In the cases of plots 44 and 93, a first floor window of that respective house/flat, as relevant, would allow for harmful overlooking of neighbouring properties by virtue of being less than 9 metres away from neighbouring private garden ground. In order to mitigate for such loss of privacy, these respective first floor windows could be obscure glazed and the application drawings show such obscure glazing of these respective first floor windows. The requirement for the provision of such obscure glazing can be controlled by a condition attached to a grant of planning permission.

In the case of the flat on plot 63, the east side of the first floor balcony would be less than 9 metres away from the private garden ground to the rear of plot 55. In order to mitigate for such loss of privacy, the east side of the first floor balcony should be enclosed by a privacy screen, a minimum of 1.5 metres in height and the application drawings show such a privacy screen is proposed for the east side of the first floor balcony. The requirement for the provision of such a privacy screen along the full length of the east side of the first floor balcony of plot 63 can be controlled by a condition attached to a grant of planning permission.

The detached garage buildings on plots 44 and 82 are proposed to be two-storeys in height: each comprising double garage at ground floor level and first floor accommodation including W.C. facilities. The Planning and Design Statement explains that the first floor accommodation is proposed as a 'home office' use. There is nothing within the planning application to indicate that the ancillary accommodation proposed for the first floor of each of the detached garage buildings is to be used as a separate unit or used for commercial purposes. Subject to the first floor accommodation of each of these two garage buildings being used incidental to the use and enjoyment of the houses on the respective plots, the 'home office' use of the first floor accommodation of each of these two garage buildings would not be harmful to the residential character and appearance of the proposed housing development and would not be harmful to the privacy and amenity of any neighbouring house or flat. This matter can be controlled by a condition attached to a grant of planning permission.

The proposed public footpaths throughout the development, including the path that would pass to the west side of the proposed development and the path that would cross the 'village green' area of public open space to the south of the existing residential property of No. 7-8 Longniddry Farm Cottages, would be a sufficient distance away from existing and proposed neighbouring residential properties so as not to result in harmful overlooking or loss of privacy to any existing or proposed neighbouring residential property.

Thus, on balance and taking account of the design integrity and ethos of the proposed development, and subject to the aforementioned planning controls, the proposed development would afford the future occupants of the houses and flats an appropriate level of privacy and residential amenity and would not be harmful to the privacy and amenity of any existing neighbouring residential property.

The Council's Environmental Health Manager advises that due to its position there are concerns regarding the potential impacts on occupiers of the proposed residential properties arising from noise from road and rail traffic. A Noise Assessment of Proposed Residential development report (Project number EDI_1120, dated 21/9/2018) has been submitted with the application. The Environmental Health Manager has reviewed that report and advises that he accepts the conclusions of that report. Accordingly, subject to the glazing units of the windows of plots 40 to 45 (inclusive) and 86 to 92 (inclusive), as shown coloured GREEN in Figure 2 of ITP Energised's Noise Report Ref EDI_1120 of 21st September 2018, being fitted with glazing and passive acoustic ventilators that provide a minimum Attenuation of 33dBRw, a detail that could be controlled by a condition attached to a grant of planning permission, the Environmental Health Manager raises no objection to the proposed development.

Subject to this planning control, the future occupants of the houses and flats would be afforded an appropriate level of privacy and residential amenity.

The application site is capable of accommodating all of the houses and flats without being an overdevelopment of the site and without being incompatible with the density of existing housing development in the area.

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

- o Amended the position of the new tree planting on the western part of the site; and
- o To provide an amended tree survey and arboricultural constraints report to address the treatment of the trees growing on the northeast part of the site adjacent to Longniddry Farm Steading and Farmhouse.

The Landscape Project Officer has reviewed this report along with the landscape drawings submitted with the application.

The Landscape Project Officer makes the following comments:

1) notes that the soft landscaping scheme has been amended to include additional large species feature/marker trees to the west boundary of the site with the B6363 Coal Road, to remove roses from the shrub and hedge mix, and to change the species of trees to the rear courts;

2) All surface water and foul water pipes are shown to be located outwith the retained trees RPAs. This is supported and should be made conditional of a grant of planning permission;

3) The revised tree report dated January 2019 notes on page 3 that the recommendations in the report relate to the site as it exists at present and to the current level and pattern of usage. It notes that the degree of hazard and risk will alter if the site is developed or significantly changed and as such will require regular re-inspection and reappraisal. Given this it is recommended that a condition for ongoing tree management be included in any permission;

4) Although details of landscape planting have been provided, the Landscape Project Officer comments that the information provided only gives indicative information on the size of the new trees to be planted and their function, and that an additional tree that is required close to the position of tree 4160 to be removed is not shown and therefore the Landscape Projects Officer recommends that a finalised landscape planting scheme for the proposed development be required. This matter could be controlled by a condition attached to a grant of planning permission; and

5) Temporary fencing to protect all of the retained trees should be erected prior to the commencement of development on the site in accordance with the details shown for it on the application drawings. Arboricultural monitoring should also be carried out during construction.

Subject to the aforementioned planning controls, the Landscape Projects Officer is satisfied that the proposed development would not be harmful to the trees that would be retained on and adjacent to the site and does not object to the proposed development.

On all of these foregoing findings on matters of design, density, layout, landscaping and amenity the details submitted for approval are consistent with Policies DP1, DP2, DP3, DP9, CH1, OS3, OS4 and NH8 of the adopted East Lothian Local Development Plan 2018, the Council's approved development brief for site PS1 (Longniddry South) and Scottish Government policies and guidance given in Planning Advice Note 67: Housing Quality, Designing Streets and Designing Places.

The principles of the means of accessing of the proposed housing development are already decided by the grant of planning permission in principle 16/00485/PPM. These include vehicular access to the proposed housing being taken from the classified B6363 (Coal Road).

The submitted details for accessing the site are in accordance with these established principles of the means of accessing the residential development.

The Council's Road Services advise as follows:

1. The access roads into the development site are identified as Road A, to the north of the site; Road B (spine road) which is the central and main access into the site and Road C which is the most southerly, of the 3 proposed access junctions to the site from the B6363. The access road junctions have been subject to a Road Safety Audit. The 3 junctions will be located within a 30mph section of the B6363, as a Traffic Regulation Order will have been promoted by East Lothian Council as roads authority;

2. The main pedestrian and cycle route, and 'safe route to school', from the application site to Longniddry village centre would be via a route beneath the East Coast Main Line (ECML) at the Argyle Bridge connecting to a new controlled (traffic signal) crossing of the A198 and a new footway on the south side of the A198 from the Argyle Bridge to the Railway Station. The requirement for financial contributions to enable the Council's Road Services to deliver the new controlled (traffic signal) crossing of the A198, a new footway on the south side of the A198 from the Argyle Bridge to the Railway Station, and other road improvements are controlled through the Section 75 Legal Agreement the subject of planning permission in principle 16/00485/PPM. As the pedestrian and cycle route via the Argyle Bridge would be the 'safe route to school', Road Services advise that a condition should be imposed requiring that a continuous pedestrian route from the proposed development to the Argyle Bridge be provided prior to the occupation of any one of the proposed houses or flats, that such an identified route should be constructed to adoptable standard with lighting and that no house or flat should be occupied prior to the completion of the road improvements/alterations in the vicinity of Main Street to be secured through the Section 75 Legal Agreement the subject of planning permission in principle 16/00485/PPM;

3. It has been demonstrated that the proposed housing layout could accommodate a 12 metre refuse collection vehicle (RCV). RCV access would be from Roads A, B and C of the proposed development. Through further development the subject of planning permission in principle 16/00485/PPM, these roads would extend eastwards and southwards respectively. Until such time as that further development to the east and south is undertaken, RCVs (and other vehicles) will require to turn at the end points of these roads in order to return to the B6363 in a forward gear. As turning provision for RCV's may be dependent on further development of the site, RCV (and other vehicle) turning at the terminal points of access roads shall be demonstrated within a Quality Audit or phasing plan for development to ensure this is accommodated as development proceeds;

4. East Lothian Council adopted parking standards require that parking should be provided at 1.5 spaces for houses with up to 5 habitable rooms; and 2.25 spaces for houses with 6 habitable rooms or more. However, and in order to minimise the impact of on-street parking in these areas, if 2 no. parking spaces can be provided to serve each property in the form of a driveway/double driveway, car port or useable garage, then this will be acceptable. Road Services note that the garages would have minimum internal dimensions of 3.0 metres (width) by 6.0 metres (length). With the exception of plots 65, 68, 72, 93, 96, 97 and 98, all of the houses and flats would have at least 1 driveway parking space and 1 garage or car barn space. Plots nos. 65, 68, 72, 93, 96, 97 and 98 only have garage or car barn space provision. Plots 68, 72, 96 and 97 are each shown to have 2 garage/car barn spaces. Plots 65, 93 and 98 are each shown to have 1 garage/car barn space. The garage/car barn parking spaces for plots 65, 93 and 98 should not have a garage door fitted and should be considered as a car port/useable driveway parking space. For plots 68, 72, 96 and 97, one each of their garage/car barn parking spaces should not be fitted with a vehicular door and thus should be considered as a car port/useable driveway parking space. The application drawings show that all of the garage/car barn spaces for plots 65, 68, 72, 93, 96, 97 and 98 are shown to not have a vehicular door fitted and thus form car port/car barn parking spaces. The requirement that no vehicular doors be fitted at these garage/car barn parking spaces can be controlled by a

condition attached to a grant of matters specified in conditions. Subject to this control Road Services are satisfied that there is a sufficient parking provision for the proposed development;

5. Street lighting columns should be positioned to ensure that they would not be struck by vehicles and in particular refuse collection vehicles (RCV) as this would lead to ongoing maintenance and replacement of street lighting columns. Roads D and E should be constructed to an adoptable standard and should accommodate a 12 metre RCV and should have street lighting, road drainage and service strip;

6. There is an adoptable road adjacent to plot nos. 76-81. A pedestrian footpath should be provided for this length of road;

7. Construction access should only be taken from the classified B6363 public road (Coal Road);

8. Subject to the provision of visibility splays of 4.5 metres by 70 metres, the proposed access roads would provide the proposed development with a safe means of vehicular access from the public road;

9. A 30 miles per hour speed limit on the B6363 (Coal Road) should be brought into effect prior to occupation of any part of the application site. This should be from a location to the south of the southernmost access junction and continue northwards to Longniddry until it meets with the existing 30 miles per hour speed limit. Details to be submitted for approval;

10. Street lighting should be provided over the full extent of the proposed 30 mph speed limit on the B6363 from the existing lighting at the junction with the A198 to a point beyond the proposed southern site access;

11. A 'phasing plan' should be provided indicating how an adoptable footpath would be provided to serve each phase of development the subject of planning permission in principle 16/00485/PPM as it is occupied, to ensure a) That a continuous pedestrian (and cycle) path, to an adoptable standard, shall be available from any occupied phase to the extent of the offsite path at the Argyll Bridge; b) That no development site or phase shall be occupied until completion of the section 75 works to provide the pedestrian route beneath the ECML at Argyll Bridge;

12. A Stage 2 Quality Audit should be submitted to ensure safe pedestrian and cycling routes are maintained through construction phase to occupation for each phase of development and that safe servicing/vehicle turning provision is maintained

13. All roadworks should be subject to Road Safety Audit, completed through Stages 1, 2, 3 and 4 (Preliminary Design, Detailed Design, Post Opening Audit and finally Post Opening Audit + 12 months. The Audit process shall be undertaken in accordance with DMRB Volume 5, Section 2, HD 19/3 or as amended by latest version;

14. All access roads should 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 should also comply with ELC Design Standards for New Housing Areas. NB the minimal level of treatment on home zone roads for streets with a single access;

15. Vehicle access to private parking areas (i.e. other than driveways) should 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;

16. Driveways should have minimum dimensions of 6 metres by 3 metres. Double driveways should 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;

17. Within residential private parking areas the minimum dimensions of a single parking space should be 2.5 metres by 5 metres. All visitor parking spaces within these areas should be clearly marked for visitors with the remaining private parking spaces allocated to individual dwellings;

18. Cycle parking should 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;

19. 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;

20. A Construction Method Statement to minimise the impact of construction activity on the safety and amenity of the area should be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement should 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; and

21. 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 should be submitted to and approved by the Planning Authority prior to the housing being occupied and /or the business units coming into operation.

The requirement for the 30 miles per hour speed limit and the provision of street lighting for the development are controlled through condition 19 of planning permission in principle 16/00485/PPM and therefore there is no requirement to duplicate these controls through a grant of planning permission for this matters specified in conditions application.

The requirement for the wheel washing facility is controlled through condition 11 of planning permission in principle 16/00485/PPM and therefore there is no requirement to duplicate these controls through a grant of planning permission for this matters specified in conditions application.

The requirement for the construction method statement is controlled through condition 10 of planning permission in principle 16/00485/PPM and therefore there is no requirement to duplicate these controls through a grant of planning permission for this matters specified in conditions application.

The requirements for all other road services requirements can be controlled by conditions attached to a grant of planning permission.

Road Services confirms that the swept path analysis for refuse collection vehicles has been satisfactorily demonstrated.

On these foregoing transportation and other access considerations the proposed residential development is consistent with Policies T1 and T2 of the adopted East Lothian

Local Development Plan 2018.

The proposed development does not include proposals to install EV charging points. Policy T31 of the adopted East Lothian Local Development Plan 2018 explains that the Council will encourage and support the principle of introducing electric vehicle (EV) charging points around both existing and proposed community facilities such as schools and retail areas, including from developers as part of new developments that contain such facilities or areas. The proposed development is for residential development only and does not include any EV charge points. Furthermore, Policy T31 does not require their provision for residential developments.

The Council's Access Officer raises no objection to the proposed development.

The Council's Waste Services advises that they are satisfied that the swept path analysis demonstrates an appropriate layout for waste and recycling collections. They further advise that all waste and recycling containers should be presented at the kerbsides for collection. This information has been forwarded to the applicant's agent.

The Council's Biodiversity Officer has no comment to make on the proposed development. In light of the removal of trees along the Braid Burn corridor and the likelihood of bats in the area and as was required through the grant of planning permission in principle 16/00485/PPM it would be prudent to require that details of the installation of bat and bird boxes, notably barn owl boxes, to mitigate for the loss of habitat be submitted. This detail could be controlled by a condition attached to a grant of planning permission. Subject to such control, the proposed development would not conflict with Policy NH3 of the adopted East Lothian Local Development Plan 2018.

The Council's Environmental Health Manager (Contaminated Land) has reviewed the Phase II Geo-Environmental & Geotechnical Interpretative Report submitted with the application and advises that he is satisfied that the investigative works and subsequent assessment have been carried out in accordance with best practice guidelines and the relevant standards, and that he concurs with the findings that there is not evidence to suggest any pollutant linkages being appropriate for the site that would require remedial works to be carried out. However, given the sensitive nature of the proposed development (i.e. residential use) and in line with the risk mitigation measures outlined in the Report the Environmental Health Manager (Contaminated Land) recommends that a condition be imposed on a grant of planning permission to ensure that if the presence of any previously unsuspected or unforeseen contamination becomes evident during the development of the site it shall be brought to the Council's attention.

As part of the larger site of planning permission in principle 16/00485/PPM, a financial contribution towards additional educational provision and for the provision of affordable housing units for a housing development of 450 residential units is required.

The mechanism of the provision of a financial contribution towards additional educational provision for a housing development of 450 residential units has already been secured through the grant of planning permission in principle 16/00485/PPM.

The mechanism of the provision of 25% affordable housing within the larger site for residential development of 450 residential units (i.e. 113 units of the proposed 450 units) is already secured through the grant of planning permission in principle 16/00485/PPM. The masterplan docketed to planning permission in principle 16/00485/PPM does not indicate the locations of the affordable housing. None of the 59 residential units (47 houses and 12 flats) the subject of this application (Ref: 18/01038/AMM) for matters specified in conditions of planning permission in principle 16/00485/PPM are identified as affordable

housing. The Council's Economic Development and Strategic Investment Team advises that the provision of affordable housing units on the larger site of planning permission in principle 16/00485/PPM has to be considered strategically across the whole site of planning permission in principle 16/00485/PPM. When this application site (Ref: 18/01038/AMM) is taken alongside planning applications 18/01034/AMM and 18/01048/AMM, which together comprise the western part of the site of planning permission in principle 16/00485/PPM, the overall figure of 49 affordable housing units across those three planning applications is a sufficient amount and provides the necessary 25% of affordable housing units and is therefore acceptable. The Economic Development and Strategic Investment Team further advise that the mix of units is also acceptable. In this regard the proposal is consistent with planning permission in principle 16/00485/PPM.

Due to the locations of the Braid and Cadger Burns, parts of the eastern and western areas of the application site, respectively, are potentially at risk from fluvial and surface water flooding, and as such the Scottish Environment Protection Agency (SEPA) have been consulted on the application. A Flood Risk Assessment report has been submitted with the application. In their initial responses, SEPA raised objection to the proposals on the grounds of flood risk. Since then the applicant's consultants have provided further information on flood risk and the Flood Risk Assessment report has been amended twice through consultation with SEPA.

The updated version of the Flood Risk Assessment report (Updated April 2019 Version 4) prepared by KAYA Consulting Limited has been reviewed by SEPA. SEPA make the following comments:

- They assume that the latest Flood Risk Assessment report (Updated April 2019 Version 4) prepared by KAYA Consulting Limited will be accepted by the Planning Authority;
- The channel design for the realignment of the Braid Burn has been agreed with SEPA and it has been shown that there would be no increase in flood risk downstream as a result of the proposed channel realignment. However, SEPA advise that a monitoring plan is essential to ensure that any changes to the channel can be recorded and rectified if deemed necessary;
- Finished floor levels are shown to be greater than (>) 1 metre higher than the adjacent road;
- There is potential for flood water to flow in the southwest corner of the site but no development will take place within this area;
- SEPA stress the importance of setting property boundaries back from the functional floodplain to reduce the residual risk of flooding due to channel or culvert blockage, and to allow for maintenance;
- Whilst the latest Flood Risk Assessment report (Updated April 2019 Version 4) prepared by KAYA Consulting Limited notes that all new crossings would be designed to pass the 1:200 year peak flow including an allowance for climate change, Table 1 notes that no new footbridges are proposed at the site and it is noted that stepping stone features have been removed from the Braid Burn;
- The Council and applicant may wish to consider undertaking a condition assessment of the retained culverted section of the Cadger Burn;
- Consideration should be given to the sequence of development on the site, as should housing be built prior to the channel realignment taking place, the houses may be at risk of

flooding and SEPA recommend that the channel realignment occurs prior to the commencement of the construction of the housing; and

- Depending on the larger masterplan, SEPA recommend that consideration be given to capturing surface water run-off from the southern boundary of the development site.

Accordingly, SEPA advise that they withdraw their objection and raise no objection to the proposed development.

The requirements for planning controls to secure the following can be controlled by conditions attached to a grant of planning permission:

- i. ensure the development is carried out in accordance with the latest Flood Risk Assessment report (Updated April 2019 Version 4) prepared by KAYA Consulting Limited;
- ii. secure a monitoring plan for the long-term management, monitoring and maintenance of the Braid Burn channel;
- iii. ensure that finished floor levels are built and maintained in accordance with the details provided;
- iv. ensure that there would be no development within the 1:200 year flood area;
- v. ensure that there would be no crossings of the Braid and Cadger Burns unless otherwise approved by the Planning Authority in consultation with SEPA; and
- vi. ensure that the channel realignment of the Braid Burn is undertaken prior to the commencement of the building of any of the houses or flats.

The applicant has been made aware of SEPA's suggestion that a condition assessment of the retained culverted section of the Cadger Burn be undertaken and that consideration be given to capturing surface water run-off from the southern boundary of the development site.

Accordingly, on these considerations of flood risk, the proposed development does not conflict with Policy NH11 of the adopted East Lothian Local Development Plan 2018 or with Scottish Government guidance given on flood risk in Scottish Planning Policy: June 2014.

The Indicative masterplan docketed to planning permission in principle 16/00485/PPM indicates how three sustainable urban drainage system (SuDS) ponds could be formed on the northern part of the larger area of land of planning permission in principle 16/00485/PPM to attenuate the flow of surface water run-off. The SuDS on the current application site are shown to be positioned on the northern part of the site, towards the eastern end of the 'village green' area of open space and are in the form of a filter trench, below ground attenuation storage, two SuDS basins and a swale discharging into the Braid Burn at the northern end of the application site. Neither SEPA nor Scottish Water raise objection to the proposed development on the grounds of the SuDS. The Council's Team Manager for Structures, Flooding & Street Lighting advises that the SuDS for the proposed development are of an acceptable standard. Accordingly, the proposed development does not conflict with Policy NH10 of the adopted East Lothian Local Development Plan 2018.

Condition 5 of planning permission in principle 16/00485/PPM requires that a programme of archaeological work (Historic Building Recording, Watching Brief and Evaluation) be undertaken for the whole of the site of planning permission in principle 16/00485/PPM. The Council's Archaeology Officer advises that these archaeological works have been satisfactorily carried out as they relate to the land of this planning application (Ref: 18/01038/AMM) and planning applications 18/01034/AMM and 18/01048/AMM.

Scottish Water were consulted on the planning application and raised no objection to it.

RECOMMENDATION:

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

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

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

- a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings;
- b. finished ground and floor levels of all of the development, including the Braid Burn corridor, relative to existing ground levels of the site and of adjoining land and building(s). The levels shall be shown in relation to an Ordnance Bench Mark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing. The submitted finished ground levels shall show minimal alterations to the existing levels of the Braid Burn corridor; and
- c. the ridge height of the proposed 47 houses, 12 flats, garages, cycle storage and substation shown in relation to the finished ground and floor levels on the site.

Reason:

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

- 2 In the event of the presence of any previously unsuspected or unforeseen contamination of the land on the application site being found, development shall not begin, or shall cease to continue, until a scheme to deal with contamination on the site has been submitted to and approved in writing by the Planning Authority. The scheme shall contain details of the proposals to deal with contamination to include:

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

Thereafter any mitigation measures required shall be implemented as so approved.

Before any of the houses and flats hereby approved are occupied the measures to decontaminate the site shall be fully implemented as approved by the Planning Authority.

Reason:

To ensure that the site is clear of contamination prior to the occupation of the houses and flats.

- 3 Prior to commencement of development on site, full details of the proposed Sustainable Drainage System (SuDS) shall be submitted to and approved in writing by the Planning Authority.

The details shall include confirmation of Scottish Water's technical approval of the SuDS proposals, if relevant.

Thereafter, the approved details shall be implemented as approved.

Reason:

To ensure that the final SuDS design complies with Sewers for Scotland 4 and can be vested by Scottish Water in the interest of flood prevention, environmental protection and the long term amenity of the area.

- 4 Prior to the commencement of development on the site, a delivery schedule and phasing plans for the whole of the site of planning permission 16/00485/PPM that establishes the phasing and timing programme for the proposed development. The delivery schedule and phasing plans shall include the phasing and timing for the provision of:

- i) footpaths/cycleways and external works such as on-site and off-site footpath links;

- ii) public road links, including paths, to local services, schools and the public road network;
- iii) drainage infrastructure;
- iv) recreational facilities, including open space, including the 'Village Green' and Braid Burn corridor, equipped play area and sports pitches;
- v) landscaping; and
- vi) construction phasing.

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

Reason:

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

- 5 The development hereby approved shall be carried out in accordance with the Flood Risk Assessment (updated April 2019 Version 4) prepared by KAYA Consulting Limited docketed to this grant of planning permission unless otherwise approved by the Planning Authority in consultation with the Scottish Environment Protection Agency.

Pursuant to the development hereby approved being carried out in accordance with the Flood Risk Assessment (updated April 2019 Version 4) prepared by KAYA Consulting Limited, a monitoring plan for the long-term management, monitoring and maintenance of the Braid Burn channel shall be submitted to and approved by the Planning Authority in consultation with the Scottish Environment Protection Agency. Thereafter, the long-term management, monitoring and maintenance of the Braid Burn channel shall be implemented in accordance with the details so approved.

No built development or land-raising shall take place within the 1:200 year post-development flood extent as shown in the Flood Risk Assessment (updated April 2019 Version 4) prepared by KAYA Consulting Limited and drawing no. 1629(sk)011 docketed to this grant of planning permission unless otherwise approved by the Planning Authority in consultation with the Scottish Environment Protection Agency.

Reason:

To ensure that built development within the application site is not at risk from flooding, there is no increased in flood risk elsewhere and appropriate long-term maintenance arrangements are in place.

- 6 Other than the road crossings detailed on the drawings docketed to this grant of planning permission, there shall be no further crossings of the Braid and Cadger Burns unless otherwise approved by the Planning Authority in consultation with the Scottish Environment Protection Agency.

Reason:

To ensure that built development within the application site is not at risk from flooding and there is no increased in flood risk elsewhere.

- 7 Prior to the erection of any house or flat of the development hereby approved the channel realignment of the Braid Burn shall be carried out in accordance with the details for it in the Flood Risk Assessment (updated April 2019 Version 4) prepared by KAYA Consulting Limited and docketed to this grant of planning permission unless otherwise approved by the Planning Authority in consultation with the Scottish Environment Protection Agency.

Reason:

To ensure that built development within the application site is not at risk from flooding and there is no increased in flood risk elsewhere.

- 8 The ground floor finished floor levels of the houses and flatted buildings hereby approved shall accord with the levels shown on drawing no. 1629(sk)011 docketed to this grant of planning permission unless otherwise approved by the Planning Authority in consultation with the Scottish Environment Protection Agency.

Reason:

To ensure that built development within the application site is not at risk from flooding.

- 9 Prior to the commencement of development, details of how all the areas of open space and the equipped play area are to be developed, laid out and maintained, including details of play equipment, surfacing and enclosures and a timetable for the their implementation shall be submitted to and approved in advance in writing by the Planning Authority. The details shall include the costings of the play provision, which shall be commensurate with the requirements of the Council's Principle Amenity

Officer assessment of Planning Permission in Principle 16/00485/PPM, and shall identify and define the areas of public open space and how they would be managed and maintained.

Thereafter, the areas of open space and the equipped play area shall be installed, enclosed and thereafter retained and maintained in accordance with the details so approved.

Reason:

To ensure the satisfactory provision and maintenance of adequate play provision within the development in interests of the amenity of the area.

10 Prior to the commencement of development, details, including a timetable for their implementation, showing compliance with the following transportation requirements shall be submitted to and approved in writing in advance by the Planning Authority.

(i) the provision of RCV (and other vehicle) turning at the terminal points at the east and south ends, respectively, of access roads A, B and C shall be provided;

(ii) a pedestrian footpath shall be provided for the length of road that would serve as vehicular access for plots 76 to 81;

(iii) visibility splays of 4.5 metres by 70 metres shall be provided and maintained on each side of each of the proposed access junctions from the application site onto the B6363 (Coal Road) such that there shall be no obstruction to visibility above a height of 1.05 metres measured from the adjacent carriageway level within the area defined below: - (a) a line 4.5 metres long measured along the access road from the nearside edge of the main road carriageway.; (b) a line 70 metres long measured along the nearside edge of the main road carriageway from the centre of the access road in both directions; and (c) a straight line joining the termination of the above two lines;

(iv) vehicle access 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;

(v) 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;

(vi) 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;

(vii) cycle parking shall be included at a rate of 1 space per flat. The parking shall be in the form of 1 locker per flat or communal provisions in the form of a lockable room or shed; and

(viii) a revised 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.

Development shall thereafter be carried out in accordance with the details so approved unless otherwise approved by the Planning Authority in consultation with the Roads Authority.

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. NB the minimal level of treatment on home zone roads for streets with a single access.

Reason:

In the interests of road and pedestrian safety.

11 All roadworks shall be subject to Road Safety Audit, completed through Stages 1, 2, 3 and 4 (Preliminary Design, Detailed Design, Post Opening Audit and finally Post Opening Audit + 12 months and a Stage 2 Quality Audit. The Road Safety Audit process shall be undertaken in accordance with DMRB Volume 5, Section 2, HD 19/3 or as amended by latest version. Thereafter, all roads and footpaths shall be constructed in accordance with the Road Safety Audit and Stage 2 Quality Audit details so approved.

Reason:
In the interests of road and pedestrian safety.

- 12 Prior to the occupation of any one of the houses or flats hereby approved, a continuous footpath route between the development hereby approved and the Argyle Bridge at the northeast corner of the application site shall be provided in accordance with the details of its route and the timetable for its delivery to be submitted to and approved in advance in writing by the Planning Authority. The continuous length of footpath shall be constructed to adoptable standards with lighting in accordance with East Lothian Council's Standards for Development Roads. The details and timetable shall show that the footpath would be provided to each site prior to the occupation of the houses/flats on that site.

Thereafter, the continuous footpath route shall be provided and delivered in accordance with the details so approved.

Reason:
In the interests of road and pedestrian safety and to provide a safe route to schools.

- 13 No house or flat hereby approved shall be occupied unless and until the following road improvements/alterations in the vicinity of Main Street Longniddry have been completed:

1) a new controlled (traffic signal) crossing of the A198 located to provide the most direct route across the A198 public road from the development via the Argyle Bridge; and

2) the provision of an adoptable/lit path from the pedestrian crossing to the Argyle Bridge.

Reason:
In the interests of safeguarding road and pedestrian safety.

- 14 Construction access to the development hereby approved shall be taken from the classified B6363 public road (Coal Road) only unless otherwise approved in writing by the Planning Authority.

Reason:
In the interests of road and pedestrian safety and to safeguard vegetation important to the appearance and environment of the development.

- 15 Other than to comply with the requirements of conditions 10, 11, 12, 13, and 14, prior to the occupation of any one of the houses or flats hereby approved, the proposed access roads, parking spaces and footpaths shall have been constructed on site, in accordance with the docketed drawings and those areas of land shall not thereafter be used for any other purpose than for accessing and for the parking of vehicles in connection with the residential use of the houses and flats and shall not be adapted or used for other purposes without the prior written approval of the Planning Authority.

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

- 16 No use shall be made of the houses or flats on plots 65, 68, 72, 93, 96, 97, and 98 hereby approved unless the garage/carport space allocated to each of those houses or flats has been formed and made available for use in association with the use of those respective houses or flats, and the garage/carport space allocated to each of those houses or flats shall be retained open on its front elevation, as shown on the docketed drawings, and at no time shall any part of the front elevations of those garages/carports be enclosed. Thereafter, those garages/carport spaces shall be retained and maintained for the parking of vehicles.

Reason:
To ensure that a sufficient standard of off-street parking is provided for each of plots 65, 68, 72, 93, 96, 97, and 98 in the interests of road safety.

- 17 Samples and a schedule of the materials and external finishes, including colours, of the roofs, walls, windows, doors, vehicular doors, window and door surrounds and lintels, and external staircases, as relevant, of the houses, flatted buildings, garages, cycle storage and substation buildings hereby approved shall be submitted to and approved in advance in writing by the Planning Authority prior to their use in the development hereby approved, and thereafter the materials and external finishes used for the roofs, walls, windows, doors, window and door surrounds and lintels and external staircases, of the houses, flatted buildings, garages, cycle storage and substation buildings shall accord with the details so approved.

Notwithstanding that which is shown on the docketed drawings of this grant of matters specified in conditions the render of the external walls of plots 40 to 44 (inclusive) shall not each be white coloured but some of those houses shall be coloured another colour to be agreed in advance in writing with the Planning Authority prior to its use in the development hereby approved and thereafter the colour of render used for the external wall finishes of the houses on plots 40 to 44 (inclusive) shall accord with the details so approved.

The slate to be used to clad the roofs of the houses, flatted buildings and garages hereby approved shall be a natural slate.

The pantiles to be used to clad the roofs of the houses, flatted buildings and garages hereby approved shall be a natural clay pantile.

The render to be used for the finish of the external walls of the houses, flatted buildings and garages hereby approved shall be a wet dash render.

The stone to be used to clad the front (principal) elevation of the house on plot 86 shall be a natural stone.

All rainwater goods and down pipes shall be of painted metal construction.

Reason:

To enable the Planning Authority to control the materials, finishes and colour to be used to achieve a development of good quality and appearance in the interest of the visual amenity of the area.

- 18 Prior to the occupation of the houses and flats hereby approved the glazing units of the windows of plots 40 to 45 (inclusive) and 86 to 92 (inclusive), as shown coloured GREEN in Figure 2 of ITP Energised's Noise Report Ref EDI_1120 of 21st September 2018 docketed to this grant of planning permission for matters specified in conditions, shall be fitted with glazing and passive acoustic ventilators that provide a minimum Attenuation of 33dBRw.

Such glazing units and ventilators shall thereafter be retained in the windows of the north, east and west facades of those houses unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of protecting the internal amenity of the occupiers of the proposed houses and flats from noise associated with road and rail traffic.

- 19 Notwithstanding that which is shown on the docketed drawings, details of the solar panels/photovoltaic panels, including their size, form, number, positioning and means of attachment to the roofs of the houses, flatted buildings and garages, to be installed on the roofs of the houses, flatted buildings and garages hereby approved, shall be submitted to and approved in writing in advance by the Planning Authority prior to their installation in the development hereby approved.

The solar panels/photovoltaic panels to be installed on the roofs of the houses, flatted buildings and garages hereby approved shall be integrated into the roofs and shall not sit proud of the upper surface of the roofing material of the roofs, and shall be positioned on the rear or less public side elevations only.

Thereafter the solar panels/photovoltaic panels used and their positioning and means of attachment to the roofs of the houses, flatted buildings and garages shall accord with the details so approved.

Reason:

To enable the Planning Authority to control the materials, finishes and colour to be used to achieve a development of good quality and appearance in the interest of the visual amenity of the area.

- 20 Details of any new wall and roof mounted vents and flues to be installed on the houses and flats hereby approved shall be submitted to and approved in advance by the Planning Authority. Details shall include 1:5 or 1:10 section drawings and brochures showing the size, design and numbers of the proposed wall mounted vents and flues to be concealed as much as possible and for visible parts of all vents and flues to match as closely as possible the colour of the part of the building to which they would adjoin.

Reason:

In the interests of safeguarding the character, integrity and appearance of the development hereby approved.

21 Details and samples, including colours, of the surface finishes for the hardstanding areas comprising parking areas, footpaths and cycleways shall be submitted to and approved in advance in writing by the Planning Authority prior to their use in the development hereby approved, and thereafter the materials used for the surface finishes of the hardstanding areas shall accord with the details so approved.

Reason:

To enable the Planning Authority to control the materials, finishes and colour to be used to achieve a development of good quality and appearance in the interest of the visual amenity of the area.

22 Prior to the commencement of development, details of all boundary enclosures to be erected on the site of the residential development, and the timescales for their provision, shall be submitted to and approved in advance by the Planning Authority. Those details shall show 1.8 metre high enclosures around rear gardens of the houses hereby approved.

Development shall thereafter be carried out in full accordance with the details so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure the satisfactory provision of the boundary enclosures in the interest of safeguarding the visual amenity of the area and to safeguard the privacy and amenity of residential properties nearby.

23 All externally fitted service meter boxes of the houses and flats hereby approved shall be coloured to match as closely as possible the colour of the external wall of the house/flat to which they are attached, and details of the position, size, form, appearance and colour of all externally fitted service meter boxes shall be submitted to and approved in writing in advance by the Planning Authority prior to their installation on the houses and flatted buildings. Thereafter, any externally fitted service meter boxes fitted shall accord with the details so approved.

Reason:

To enable the Planning Authority to control the materials, finishes and colour to be used to achieve a development of good quality and appearance in the interest of the visual amenity of the area.

24 Prior to the commencement of development, details, including their size, form, position, appearance and colour(s), of all substations and gas governors to serve the development hereby approved shall be submitted to and approved in advance in writing by the Planning Authority, and thereafter any substations and gas governors shall accord with the details so approved.

Reason:

To enable the Planning Authority to control the positioning, appearance, form, finishes and colour of the substations and gas governors to be used to achieve a development of good quality and appearance in the interest of the visual amenity of the area.

25 Prior to the occupation of the house and flat respectively of plots 44 and 93 hereby approved the following windows shall be obscurely glazed in accordance with a sample of the obscure glazing to be submitted to and approved by the Planning Authority in advance of its use on the house and flat, as relevant:

i) first floor window of the south elevation of the house on Plot 44; and

ii) eastern most of the two first floor windows of the north elevation of the flat on Plot 93.

The obscure glazing of the respective first floor windows shall accord with the sample so approved. Thereafter the respective first floor windows shall continue to be obscurely glazed unless otherwise approved by the Planning Authority.

Reason:

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

26 No use shall be made of the first floor balcony of the flat on plot 63 hereby approved unless the east side of the first floor balcony is fully enclosed by a 1.5 metres high privacy screen as shown for it on drawing no. A-2-14 Rev B docketed to this grant of planning permission, and thereafter the privacy screen shall be retained in place unless otherwise approved by the Planning Authority.

Reason:

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

27 The first floor accommodation over the garage of each of plots 44 and 82 of the development hereby approved shall only be used for purposes incidental to the residential use and enjoyment of the respective dwellinghouse the garage building and so too the first floor accommodation over the garage, is to serve and at no time shall the first floor accommodation over the garage be used to form a separate residential unit or be used for any business, trade or other commercial use.

Reason:

To enable the Planning Authority to control the use of the respective garages and their first floor accommodation in the interests of safeguarding the character and residential amenity of the area.

28 Details of the provision of bat boxes and bird boxes, notably barn owl boxes, as mitigation for the loss of bat and bird roosts shall be submitted to and approved in writing in advance by the Planning Authority and thereafter, bat boxes and bird boxes shall be installed as so approved. The bat boxes and bird boxes shall thereafter be retained, unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of nature conservation.

29 No development shall take place on site until temporary protective fencing in accordance with Figure 2 of British Standard BS5837: 2012 "Trees in relation to design, demolition and construction" has been installed on the site, approved by the arboriculturist and approved in writing by the Planning Authority. The fencing shall 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 titled 'Site Plan Tree Works' with drawing number erz/17/18/P15 Rev D, shall be positioned outwith the Root Protection Area (RPA) as defined by BS5837: 2012 for all trees and approved in writing by the Planning Authority.

All weather notices shall be erected on said temporary protective fencing with words such as "Construction exclusion zone - keep out". Within the fenced off areas creating the construction exclusion zones, the following prohibitions shall apply:

- No vehicular or plant access;
- No raising or lowering of the existing ground levels;
- 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 shall take sufficient account of wide loads, tall loads and plant with booms, jibs and counterweights (including drilling rigs), in order that they can operate without coming into contact with retained trees.

Reason:

In order to form construction exclusion zone around retained trees and protect retained trees from damage to ensure the retention of trees and vegetation which are an important feature of the area.

30 No development shall take place on site until a person who has, through relevant education, training and experience, gained recognised qualifications and expertise in the field of trees in relation to construction, been employed by the developer to monitor any works in close proximity of trees on the site or within the Root Protection Areas of the trees on the site, including, but not exclusively, the formation of footpaths, the installation and maintenance of temporary protection fencing and all works within the construction exclusion zone as identified on drawing no. erz/17/18/P15 Rev D docketed to this grant of planning permission.

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.

The arboriculturist must be present on site during any works within the root protection areas to ensure compliance with condition 29 and shall submit a report to the council confirming correct installation to include photographs.

Reason:

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

31 Any surfacing within the root protection area of any retained tree shall be carried out in strict accordance with section 7.4 of BS5837: 2012 "Trees in relation to design, demolition and construction" and drawing no. erz/17/18/DS02 Rev A docketed to this grant of matters specified in conditions, and shall be monitored and approved by the arboriculturist.

Reason:

To ensure the retention of the trees on the site which are an important landscape feature of the area.

32 Notwithstanding that which is shown on drawing nos. erz/17/18/P18 Rev C, erz/17/18/DP02/2 Rev B, erz/17/18/DP03/2 Rev B and erz/17/18/DP08 Rev C, a scheme of landscaping shall be submitted to and approved in writing by the Planning Authority. The scheme shall provide details of: the height and slopes of any mounding on or re-contouring of the site including SUDS basin/ponds details; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. Non-thorn shrub species should be located adjacent to pedestrian areas. The scheme shall include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development.

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

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 ensure the retention and maintenance of the trees on the site which are an important landscape feature of the area.

33 Prior to the commencement of development, a tree management plan shall be submitted to and approved in writing by the Planning Authority. This tree management plan shall include an annual programme of inspection and works for the existing trees on the site. All trees within the application site are to be inspected annually by a qualified and experienced arboriculturist. All tree work shall be carried out in accordance with BS3998: 1989 'Recommendations for Tree Work' and be approved in writing by the Planning Authority before work is carried out. Thereafter, all tree works shall be implemented in accordance with the approved tree management plan.

Reason:

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

34 The development hereby approved shall be carried out in accordance with the Tree Survey and Arboricultural Constraints report docketed to this grant of planning permission, and all tree work shall be carried out in accordance with BS3998: 1989 'Recommendations for Tree Work' and be approved in writing by the Planning Authority before work is carried out.

Reason:

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

35 There shall be no excavations, formation or installation of underground services for the development hereby approved within the Construction Exclusion Zone formed by the temporary protective fencing the subject of condition 29 of this planning permission unless otherwise approved in writing by the Planning Authority.

Reason:

To protect the roots of the retained trees on and adjacent to the site that are important to the wider landscape character and amenity of the area.

36 No trees or bushes which are to be retained on the site shall be damaged or uprooted, felled, lopped, or topped without the prior written consent of the Planning Authority.

Reason:

To ensure the retention of vegetation important to the appearance and environment of the

development.

- 37 Notwithstanding the provisions of Parts 1 and 1ZA of Schedule 1 and Class 7 of Part 2 of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended by The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011, or any subsequent Order amending, revoking or re-enacting that Order, no development other than that hereby approved or approved in compliance with any of the above planning conditions, shall take place on the houses and flats or within the curtilages of the houses and flats hereby approved or elsewhere on the application site without the prior permission of the Planning Authority.

Reason:

To safeguard the character and appearance of the development and its landscape setting.

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

REPORT TO: Planning Committee
MEETING DATE: Wednesday 26 June 2019
BY: Depute Chief Executive
(Partnership and Services for Communities)
SUBJECT: Application for Planning Permission for Consideration

8

Application No. **18/01048/AMM**

Proposal Approval of matters specified in conditions of planning permission in principle 16/00485/PPM - Erection of 71 houses, 10 flats and associated works

Location **Longniddry Farm
Longniddry
East Lothian
EH32 0NZ**

Applicant Cruden Homes (East) Ltd

Per APT Planning and Development Ltd

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

Although this application is for the approval of matters specified in conditions of planning permission in principle 16/00485/PPM it has to be determined as a major development type application because the area of the application site is greater than 2 hectares and the number of dwellings detailed is greater than 49. Accordingly, the application cannot be decided through the Council's Scheme of Delegation. It is therefore brought before the Planning Committee for a decision.

On 26 June 2018 planning permission in principle (Ref. 16/00485/PPM) was granted for residential development with associated greenspace, access and engineering works on some 30.7 hectares of predominantly agricultural land on the south side of the main east coast railway line at Longniddry. The site included Longniddry Farmhouse and Longniddry Farm Steadings along with other agricultural buildings. The Farm Steadings and Farmhouse are both listed as being of special architectural or historic interest, Category B. Nos. 3-6 Longniddry Farm Cottages, which are located within the northern part of the application site, are also listed as being of special architectural or historic interest, Category C. The land of the application site also includes the northern end of the Coal Road (the classified B6363 public road), Longniddry Main Street, the roundabout junction immediately to the northwest of Longniddry Railway Station and an area of land immediately to the east of the Railway Station car park. The Braid Burn

bisects the site roughly centrally on a north-south alignment.

In May 2017, planning application 17/00194/P and listed building consent application 17/00178/LBC were registered, respectively for, the conversion of the agricultural buildings/land at Longniddry Farm Steading to be used for Class 2, Class 3, Class 4, Class 10, holiday let (sui generis) uses, for the erection of a covered canopy for Class 3 use and for associated works, and for the alterations and extension to the Steading buildings to facilitate the change of use, the formation of hardstanding areas, and the demolition of a building and walls. Planning application 17/00194/P and listed building consent application 17/00178/LBC are pending consideration and no decisions have yet been taken on them.

The approval of matters specified in conditions is now sought for the erection of 71 houses, 10 flats and associated works on an area of land measuring some 7.49 hectares to the south side of the main east coast railway line at Longniddry and thus on part of the larger site to which planning permission in principle 16/00485/PPM and the masterplan docketed to that permission apply. The associated works include the formation of roads, footpath and parking areas, the formation of SuDS, the erection of boundary enclosures, flood mitigation measures relating to the Braid and Cadger Burns, and hard and soft landscaping.

The application site comprises the proposed 71 houses and 10 flats, along with land of the larger site to which planning permission in principle 16/00485/PPM applies that would comprise access roads, public open space, SuDS and the Braid Burn corridor.

The site that is the subject of planning permission in principle 16/00485/PPM is allocated for mixed use development of circa 450 houses by Proposal PS1 (Longniddry South) of the adopted East Lothian Local Development Plan 2018. A design brief for the site was approved by the Council in October 2018.

This application is one of three approval of matters specified in conditions applications (Refs: 18/01034/AMM, 18/01038/AMM and 18/01048/AMM), each submitted by a different applicant, that together relate to an area of land measuring some 11.6 hectares that comprises roughly the western part of the larger site to which planning permission in principle 16/00485/PPM applies, and which is located to the west of the Braid Burn, excluding Longniddry Farm Steadings.

The land of the application site consists of agricultural fields and a paddock, and rises gently from north to south. There is an existing line of trees outwith the application site to the north adjacent to the Coal Road. There are further trees on the northern part of the site and on the eastern part of the site adjacent to Longniddry Farmhouse.

The site is bounded to the north by a combination of the main east coast railway line, the residential properties of Nos. 7-8 Longniddry Farm Cottages and further land of the larger site to which planning permission in principle 16/00485/PPM applies, to the west by a combination of the classified B6363 public road (Coal Road) and further land of the larger site to which planning permission in principle 16/00485/PPM applies, to the south by agricultural land, and to the east by a combination of Longniddry Farm Steadings and Longniddry Farmhouse, Nos. 3-6 Longniddry Farm Cottages and further land to which planning permission in principle 16/00485/PPM applies.

The Braid Burn runs along the eastern part of the site on a north-south alignment and the Cadger Burn runs along the western part of the site on a north-south alignment. The eastern and western parts of the application site are thus identified on the Scottish Environmental Protection Agency flood risk maps as being at risk from flooding.

Parts of the Braid Burn corridor are identified as being of biodiversity interest.

Vehicular access to the 81 residential units would be taken from the classified B6363 public road (Coal Road) via two new access junctions and roads. One of the new access junctions would serve a new road that would form the principal street/spine road for the development the subject of planning permission in principle 16/00485/PPM from which secondary streets would be accessed. The other new access junction would serve a secondary street ('South Street'). None of the proposed 81 residential units would individually have direct vehicular access from the classified B6363 public road (Coal Road).

Of the 71 houses and 10 flats to be erected on the site, 69 of the houses and two of the flats would be for private sale, and 2 houses and 8 flats are proposed as affordable housing units. In terms of their size the affordable housing units would comprise 6 x 1-bed cottage flats, 2 x 2-bed cottage flats and 2 x 3-bed houses. The private sale units would comprise 7 x 2-bed units provided as either bungalows or flats over garages, 24 x 3-bed houses that would be either terraced, semi-detached or detached, 32 x 4-bed houses again that would be either terraces, semi-detached or detached, and 8 x 5-bed detached houses. In terms of their heights, of the 71 houses and 10 flats to be erected on the site there would be a total of 5no single storey bungalows, 13no one and a half storey units, 62no two storey units and 1no two and a half storey unit. Terraces would vary between 3 and 4 houses in length.

The majority of the proposed houses and flatted buildings would face towards either the B6363 Coal Road, the principal and secondary roads of the proposed development however some, including the flats above garages, and one of the one and a half storey units would directly face onto one of the back lanes/courts. A further group of four two-storey houses would have vehicular access from a small cul-de-sac, and with the exception of one of those houses which would only have a frontage with that cul-de-sac, the other three houses would face towards the public streets of the proposed housing development. All of the houses would be provided with garden ground. With the exception of seven of the 5-bed units, which would have longer front gardens, the majority of the proposed houses would have short front gardens to the public street.

The submitted details also include for the internal access roads, parking courts, boundary treatments, landscaping, areas of open space and SuDS.

Vehicular, pedestrian and cycle access to the houses and flats would be taken by way of the new access junctions and road network from the classified B6363 Coal Road. Thereafter, vehicular access, pedestrian and cycle access to the houses and flats would be taken from the new roads to be created through the site. A new principal street/spine road with a junction with the B6363 Coal Road would be formed to the north of the proposed housing development and a further road (South Street) would be formed towards the south end of the proposed housing development. The proposed housing development would be split into four main blocks by the formation of further roads: 'Legate Road' and 'East Street' on a north-south alignment and 'Middle Street' on an east-west alignment. Smaller back lanes ('West Lane' and 'North Lane') and footpaths would further sub-divide the housing into smaller groupings.

The majority of driveways and private car parking associated with the proposed houses and flats would be located to the rear of the houses and flats and would be accessed from the back lanes/courts. The houses of the southern block and some of those on the eastern part of the site would have private driveways to the side of them. Visitor parking would be provided on-street. Cycle parking for the flatted building comprising plots

99-106 would be provided in a secure building at a rate of 1 space per flat.

The majority of the trees on the northern and eastern parts of the site, adjacent to Longniddry Farmhouse and Steadings and 3-6 Longniddry Farm Cottages would be retained. An area of open space ('village green') would be formed on the northern part of the site to the north of Longniddry Farmhouse and Steadings. A further strip of open space would be located on the western and southern edges of the proposed housing development as it would respectively bound the B6363 Coal Road and the adjacent agricultural land. The Braid Burn corridor on the eastern part of the site would create a further area of open space. Landscaping works, including the planting of new trees, would be carried out on the 'village green' area of open space on the northern part of the site and on the western and southern areas of open space and along the Braid Burn corridor. Further trees would be planted along the sides of the new roads and back lanes and within the gardens of some of the proposed houses/flats.

Subsequent to the registration of this application, further drawings have been submitted showing revisions to the site layout, including changes to plots 118, 139 and 170, and changes to the SuDS and the engineering works at the Braid Burn corridor. An amended Tree Survey and Arboricultural Constraints report (dated January 2019) and an amended Flood Risk Assessment (updated April 2019 Version 4) have also been submitted by the applicant's agent.

The following documents have been submitted in support of the application:

- Planning and Design Statement (September 2018);
- Noise Assessment of Proposed Residential development report (Project number EDI_1120, dated 21/9/2018);
- Home Owner's Travel Pack;
- Flood Risk Assessment (Updated, April 2019 Version 4);
- SuDS and Drainage Statement (revision A 24/9/18);
- Stage 2 Road Safety Audit (SPA Ref No. 4936, Rev O, September 2018);
- Archaeological Evaluation Written Scheme of Investigation (AOC Project No. 24398, dated 6th August 2018);
- Phase II Geo-Environmental & Geotechnical Interpretative Report; and
- Tree Survey and Arboricultural Constraints report.

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

The development plan is the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Development Plan 2018.

There are no relevant policies of the approved South East Scotland Strategic Development Plan (SESplan).

Proposal PS1 (Longniddry South) and Policies HOU1 (Established Housing Land), HOU3 (Affordable Housing Quota), HOU4 (Affordable Housing Tenure Mix), OS3 (Minimum Open Space Standard for New General Needs Housing Development), OS4 (Play Space Provision in new General Needs Housing Development), T1 (Development Location and Accessibility), T2 (General Transport Impact), W3 (Waste Separation and Collection), NH3 (Protection of Local Sites and Areas), NH8 (Trees and Development), NH10 (Sustainable Drainage Systems), NH11 (Flood Risk), CH1 (Listed Buildings), DP1 (Landscape Character), DP2 (Design), DP3 (Housing Density), and DP9 (Development Briefs) of the adopted East Lothian Local Development Plan 2018 are relevant to the

determination of this application.

Material to the determination of the application are Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the Scottish Government's policy on development affecting a listed building or its setting given in Scottish Planning Policy: June 2014.

Scottish Planning Policy echoes the statutory requirements of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that in considering whether to grant planning permission for development which affects a listed building or its setting a planning authority shall have special regard to the desirability of preserving and enhancing the building, its setting and any features of special architectural or historic interest which it possesses.

Also material are national policy and guidance documents including Scottish Planning Policy: June 2014 (SPP), and Planning Advice Note 67: Housing Quality, Designing Streets and Designing Places.

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

Also material to the determination of the application is the development brief for allocated site PS1: Longniddry South set out in the Development Briefs Supplementary Planning Guidance 2018 and the approved masterplan for the site as approved by the grant of planning permission in principle 16/00485/PPM. The development brief sets out the land uses expected for the allocated site and how the Council requires the site to be developed.

Two public representations to this application has been received. Both of the representations raise objections to the proposed development and the grounds of objection as summarised are:

1. The proposals would result in the loss of top grade agricultural land that should be kept for farming;
2. there are already too many houses being built in the area and the infrastructure (roads, railway) is not there to support this;
3. the houses are too close together, with too few green areas;
4. inadequate parking provision;

5. the houses would not be the style of housing that is required in the village for older people and first time buyers;
6. access to the village by car via the Lorne Bridge is difficult and there will be congestion on the Coal Road;
7. pedestrian access via the Argyle Bridge is not shown on these plans;
8. the Braid burn should not be altered as it supports a lot of wildlife and there doesn't seem to be any purpose to altering its course;
9. the development will result in pollution from idling cars, and light pollution from all these additional properties resulting in detrimental impacts on the community and wildlife;
10. the development would not satisfy affordable housing requirements; and
11. the proposals will irreversibly change Longniddry for the worse with what was once a close knit community forced into another faceless, charmless town of dull uninspiring architecture to attract city workers.

Longniddry Community Council, a consultee, object to the proposals. Their grounds of objection as summarised include:

- i. there is no indication in the application when the traffic lighted junction improvements and enhanced pedestrian link under the railway bridge (Lorne Bridge) at the junction of the B6363 (Coal Road) and the A198 would be provided, and these should be provided before any of the houses are occupied;
- ii. there is no indication in the application when the enhanced pedestrian link under the Argyle Bridge would be provided, or how the residents of the different application sites (18/01034/AMM, 18/01038/AMM and 18/01048/AMM) would access that improved pedestrian link as the different areas of housing are developed and including the development of Longniddry Farm Steadings;
- iii. there should be a safe walking route for occupiers of the new houses and all footpaths should be in place before occupancy of the first house;
- iv. development of the Longniddry Farm Steading buildings should be considered in conjunction with these housing developments (18/01034/AMM, 18/01038/AMM and 18/01048/AMM) and should be developed timeously so that it does not become a derelict site amongst the housing;
- v. the Home Owner's Travel Pack promotes the benefits of walking and cycling but does not include any walking or cycling routes from the development to Longniddry village;
- vi. lack of footpath link to the railway station;
- vii. new infrastructure (pedestrian and cycle routes) should be provided as soon as the first house is occupied in order to facilitate easy walking and cycling to local facilities;
- viii. a zebra crossing should be provided to replace the relocated existing Pelican crossing as a number of people are likely to wish to cross the road at this location adjacent to the dentist, podiatrist, bus stop and garage rather than at the Argyle Bridge;

ix. concerns remain that traffic flow through Main Street will increase greatly as a result of new housing that is being built in many of the coastal villages, and this along with the road works through Longniddry will undoubtedly cause delays and encourage drivers to create 'rat runs' through the minor roads of the Village, resulting in danger to pedestrians including school children;

x. the removal of the controlled crossing close to Links Road on the A198 will result in difficulty for traffic exiting from Links Road onto the A198, and this along with indiscriminate parking and deliveries to the Co-op store could lead to road safety hazards at this location;

xi. the traffic light controlled junction at the B6363 and A198 should be in place prior to the occupation of the houses;

xii. the proposed affordable housing for people 60 years and over is located in the wrong place and the housing should be changed to social housing as the pedestrian access would involve steps which would not be conducive for older people;

xiii. will street lighting be installed on the Coal Road and under the Argyle Bridge and along the pathways?;

xiv. the large trees along the east side of the Coal Road should be retained;

xv. if the main east coast railway line is upgraded to 4 tracks how would this impact on the development?;

xvi. bridge protection should be fitted at the bridge under the railway line to prevent large vehicles from damaging the railway line;

xvii. the pond close to the children's play park would be a hazard and should be relocated;

xviii. would the houses be fitted with solar panels and will electric charging points be installed?;

xix. the Home Owner's Travel Pack describes Longniddry Railway Station as having seating areas, waiting room, wheelchair access and impaired mobility set-down, when in reality it only has 'perching' seating in a cold and draughty shelter and wheelchair access and impaired mobility set-down are extremely poor to the platform that facilitates travel to Edinburgh;

xx. who will be responsible for maintenance of the ponds, green areas and play areas?;

xxi. concerns about existing drainage systems being able to cope with additional usage;

xxii. there are concerns about the durability of resin bonded gravel for the footpath surfaces; and

xxiii. will measures be put in place to prevent motor cycles and motorised vehicles being able to access the footpath under the Argyle Bridge?

The affordable housing for people 60 years and over is not part of this application for matters specified in conditions but rather is the subject of planning application 18/01034/AMM and stands to be considered through the assessment of that application. Thus, the matter of the positioning of the affordable housing for people 60 years and over

is not a material consideration in the determination of this application for matters specified in conditions.

The matter of the provision of street lighting along the part of the Coal Road commensurate with the length of the site and throughout the site is embodied in condition 19 of planning permission in principle 16/00485/PPM, which requires that prior to the occupation of any of the development street lighting shall be provided within the application site and other the full extent of the proposed 30mph speed limit on the B6363 from the existing lighting at the junction with the A198 to a point beyond the proposed southern site access.

The requirement for a financial contribution towards road improvements/alterations on Main Street and the Coal Road for the proposed housing development are embodied in the Section 75 planning obligation of planning permission in principle 16/00485/PPM.

Due to being in close proximity to the main east coast railway line, Network Rail have been consulted on the application. Network Rail advise that they raise no objection in principle to the proposed development but advise that construction works should be undertaken in a safe manner which does not disturb the operation of the neighbouring railway, and that details of any changes in ground levels, laying of foundations and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing. This information has been passed in an email to the applicant's agent. Network Rail do not raise any concerns that the proposed development could prejudice any future development of the adjacent railway.

By the grant of planning permission in principle 16/00485/PPM, approval has been given for the principle of the erection of a total of 450 houses on the larger site at Longniddry South, including the land of the current application site, following technical assessments which demonstrated that local and wider infrastructure, subject to financial contributions and conditions, can accommodate such level of development. There can therefore be no objection in principle to the erection of the 71 houses and 10 flats now proposed on this particular part of that larger site.

Although concerns have been raised about the loss of prime agricultural land through the use of the site for housing development, the principle of the use of this site for housing development is established through the grant of planning permission in principle 16/00485/PPM and the use of an allocated housing site for new homes should not be in question.

Therefore, in the determination of this application the Council, as Planning Authority, can only concern itself with the siting, design and external appearance of the development, the landscaping of and means of access to the site and the means of any enclosure of the boundaries of the site. In this regard, the detailed proposals have to be considered against relevant development plan policy and conditions attached to planning permission in principle 16/00485/PPM.

Policy DP3 of the adopted East Lothian Local Development Plan 2018 states that all new housing sites will be expected to achieve a minimum average density of 30 dwellings per hectare using a full range of housing types and sizes.

The proposal would not achieve a minimum average density of 30 dwellings per hectare and, as such, does not comply with Policy DP3. However, that is partly because the site includes land proposed for access roads, public open space, SuDS and the Braid Burn corridor, all of which would serve not just the proposed 81 units but all of the larger

housing development the subject of planning permission in principle 16/00485/PPM. Moreover, the density and layout of the proposed development is generally consistent with the density, layout and mix of house types approved in the indicative masterplan of planning permission in principle 16/00485/PPM and accords with the number of residential units indicated in the development brief for PS1.

Designing Streets states that new housing development should create distinctive, safe and pleasant, welcoming, adaptable places that are easy to move around and resource efficient. Street layouts should be hierarchical, permeable and interconnected and should complement and should extend the surrounding street pattern. Such layouts spread vehicle traffic evenly through a site and to the surroundings, help prevent localised traffic congestion, and encourage walking and cycling. Proposed street layouts must maximise connections within the site and to surrounding streets, and ensure the movement requirements of the development strategy are met. By the design and arrangement of street types, street layouts must influence vehicle drivers preferred route choice to ensure the tertiary streets between residential blocks are less busy. It is further stated that Home Zones should be introduced to new development as part of a hierarchical, permeable and interconnected street layout.

A design brief has been adopted for allocated site PS1 (Longniddry South). The area of the current application, some 7.49 hectares, comprises approximately 24% of the whole PS1 (Longniddry South) allocation, which has an area of some 30.7 hectares.

The details now submitted for approval are for a scheme of development comprising a mix of detached, semi-detached, and terraced houses and for flats consisting of a single flatted building and above garage flats (i.e. coach house flats). Houses would be single, one and a half, two storeys and two and a half storeys in height and flatted buildings would be two storeys in height. Streetscapes have been designed with subtle hierarchies by using a range of heights and floor to ceiling heights between the larger and smaller houses. This allows for variation in scale to be expressed by varied eaves and ridge lines from plot to plot. The total number of units proposed accords generally with the planning permission in principle granted for this part of the site. Of the 71 houses and 10 flats to be erected on the site, 69 of the houses and two of the flats would be for private sale, and 2 houses and 8 flats are proposed as affordable housing units. The mix of residential units includes a range of sizes and types, including flatted buildings and single storey houses.

The proposed residential development would be part of the first housing phase of the western part of the wider Longniddry South development, which would form an extension to the southern edge of Longniddry. The proposed housing area would be located to the south of the main east coast railway line and would be seen in relation to this and the existing built form of the housing beyond the railway line further to the north, and eventually it would be seen in relation to other parts of the new housing development immediately to the north and east of the application site, which is not yet under construction. In all of this, the proposed residential development would be sympathetic to and would not be out of keeping with the character of the settlement and local area.

The majority of the proposed houses and flatted buildings would face towards the principal roads of the proposed development however some, including the flats above garages, and one of the detached one and a half storey houses would directly front onto the back lanes/courts. A further two-storey house would front directly onto the cul-de-sac of four houses that is located towards the southwest corner of the proposed development. All of the houses would be provided with garden ground. With the exception of plots 173 to 179, which would have longer front gardens, the majority of the proposed houses would have short front gardens to the public street.

The varying heights of the proposed houses and flatted buildings and an articulation of the building lines of their front elevations with the public roads and footpaths they would face towards would add interest to the streetscape. Gables at junctions would include windows to allow for passive overlooking not just from primary elevations. Due to the changes in levels over the site from north to south and the variations in their heights as a result of hierarchical design, some of the terraces of houses would have stepped rooflines adding further detail and breaking up their massing. The two and a half storey house (Plot 139) located at the eastern end of the principal street/spine road ('Principal Street') would be a focal building at a prominent location overlooking the Braid Burn corridor and Mill Pond area adding further interest to the streetscape. This building would be on the opposite side of the 'Principal Street' to a 3-storey flatted building the subject of planning application 18/01038/AMM, and together these buildings would form a focal point and would frame the view at the eastern end of the end of the 'Principal Street' as it crosses the Braid Burn corridor. The two and a half storey house, along with the single, one and a half, and 2-storey houses would add proportionate variety to the heights of the proposed housing development and would punctuate the views into and out from the eastern side of this part of the larger housing development the subject of planning permission 16/00485/PPM, whilst also addressing the open space of the Braid Burn corridor.

Parking for the proposed houses and flatted buildings would be primarily located to the rear of the houses and flats and would be accessed from the back lanes/courts. The houses of the southern block and some of those on the eastern part of the site would have private driveways to the side of them. Road widths would be narrowed with on-street visitor parking and traffic calming measures, and the back lanes/courts would be short in length with widths narrowing. All of this would encourage lower vehicle speeds on primary streets and in back lanes/courts. In all of this the proposed housing development would provide an attractive street setting which would not be dominated by parking.

In the design principles of the street layout, the proposals generally respond to the requirements of Designing Streets. The houses and flatted buildings and associated areas of ground, in their proposed grouping, orientations, and layout would be generally consistent with the principles of 'Home Zones' as set out in Scottish Government's policy statement entitled "Designing Streets". The proposed layout of roads, pathways and parking spaces would also generally be consistent with those principles.

When viewed alongside the other housing developments the subject of planning applications 18/01034/AMM and 18/01038/AMM, the proposed permeable street pattern, road and pedestrian/cycle accesses and open spaces would create a distinctive yet attractive urban expansion of Longniddry that would have due regard to the existing built form of the settlement on the northern side of the main east coast railway line. The proposed layout is broadly consistent with the pattern, layout and density of development of the approved masterplan drawing of planning permission in principle 16/00485/PPM and also is sufficiently in accordance with the development brief for PS1 (Longniddry South). In this the proposal is also consistent with Policy DP9 of the adopted East Lothian Local Development Plan 2018.

The range of houses and flats proposed and the variations in their heights as a result of both hierarchical design, rising from single storey to two and a half storey and subtle differences in floor to ceiling heights, and accommodating the change in ground levels across the site from north to south, would give a variation of architectural form to the development, which coupled with the orientation and layout of the buildings, would give a degree of variety of appearance to the development, and would add interest and detail to

views of the proposed development. The architecture of the proposed houses and flatted buildings is of a traditional pitched roof form that is reflective of the Burgh vernacular with simple windows, doors and detailing, the arts and crafts character and the East Lothian Garden City architectural style that can be seen in other buildings of Longniddry. Details and styles vary from simpler houses to those with a more imposing stature within the streetscape. Architectural details include steeply pitched, hipped and gabled roofs, asymmetrical gables, sprocketed eaves, pitched roof and cat-slide dormers, entrance porches, white painted timber framed windows, a variety of multi-paned astragalled windows, window and door surrounds, simple chimneys with multiple chimney pots and projecting bay windows. All of these design features add detail and interest to the proposed buildings using a simple arts and crafts language. Further variation and detail would be added to the external appearance of the proposed houses and flats through the colour of their external walls, window bands, doors, garage doors, and rainwater goods/downpipes.

The finish of the external walls of the majority of the proposed houses and flatted buildings would be a coloured wet dash render and their roofs would be clad with either natural slates or natural clay pantiles. The two and a half storey house on plot 139 would have stone quoins. Plot 139 is located on the eastern end of the 'Principal Street' and would be a focal point at the eastern end of this street overlooking the Braid Burn corridor and this additional architectural detail on the house would add interest and detail to the streetscape. The frames, and where relevant astragals, of the windows of the proposed houses and flats would be of white painted timber construction and external doors would be of painted timber construction. The west elevation of the flatted building of plots 99 - 106, and house plots 120 to 125, and 169 and 170 would face towards the B6363 Coal Road and would be the most publicly viewed plots of the proposed development, being readily visible in the southern approach to the Lorne Bridge and the rest of Longniddry. With the exception of plot 169, all of these houses and the flatted building present a principal elevation towards the B6363 Coal Road. The east gable of plot 169 is not symmetrical and has a ground floor window in it. The southern gable of plot 170 also has windows in it and includes a stone projecting chimney, all of which adds detail to the house which would be the first building at the southern edge of this proposed housing development. In all of this, all of these house plots and the flatted building together, by virtue of their heights, positioning, architectural form and design and their external finishes and colours, would present an attractive and varied streetscape on this important approach into Longniddry.

Otherwise, the palette of external finishes and colours for the proposed 71 houses and 10 flats would be in keeping with the distinctive arts and crafts architectural style, character and integrity of the proposed development and with the architectural style and character of the existing houses and buildings of parts of Longniddry. A condition can be imposed on a grant of approval of matters specified in conditions for the proposed development to address the matter of external finishes and colours.

The appearance of the proposed houses and flats and the narrower and more organic layout of the streets results in a distinctive local character to the proposed development that would be both reflective of the arts and crafts character of some of the houses and buildings of Longniddry and would also be distinct in its own design, character and integrity, and is also reflected in the proposals the subject of planning applications 18/01034/AMM and 18/01038/AMM, which together with this application (Ref: 18/01048/AMM) form the western part of the wider site of planning permission in principle 16/00485/PPM. The lower density and narrower street widths, with many houses having only short front gardens, and the inclusion of housing in the back lanes/courts creates a feeling of a more local scale development that has a more organic character and encourages social interaction.

The Planning and Design Statement indicates that solar panels/photovoltaic panels are proposed to be installed on the roofs of the houses and flatted buildings and that those solar/photovoltaic panels would be integrated into the roof finish and located to rear elevations or outbuildings wherever possible to reduce visual impact.

If positioned on the rear or side facing roof slopes of the proposed houses and flatted building or garages where those elevations are not readily visible in public view, the proposed solar/photovoltaic panels would not be readily visible in public views but rather would primarily be viewed in glimpses between buildings, and subject to them not being an overdevelopment of the roof slope they were installed on, and if integrally fitted into the roof finish, they would not be likely to appear harmfully dominant on the roof slopes and thus would not be harmful to the character and appearance of the development or of the area.

However, if positioned on the front public facing roof slopes of the proposed houses and flatted building, or rear or side elevation roof slopes that are readily visible in public views, the proposed solar/photovoltaic panels would be readily visible in public views and would be likely to be harmful to the character and appearance of the proposed development. The simple clean lines of the unaltered roof slopes of the proposed houses and flats is part of their distinct architectural character, design and integrity, and the positioning, size, number, form, appearance and fitting of solar panels/photovoltaic panels on the roofs of the proposed houses and flats could have a detrimental impact on the character and appearance of the proposed development.

With the exception of plots 151, 153 and 159, the application drawings indicate the positions of solar/photovoltaic panels on the roofs of the houses and flatted buildings. For the majority of the plots, the proposed solar/photovoltaic panels would be positioned on the rear elevation of the houses and flats and would not be readily visible. In such positions, they would be visible from the back lanes/courts (West Lane, North Lane and East Lane) and there would be glimpsed views of them from other streets between the buildings. However, in such views, and subject to them being fitted integrally into the roof slope and being generally flush with the upper surface of the roof they would be installed on, and by their numbers and groupings, the proposed solar/photovoltaic panels would not be an overdevelopment of the roof slopes on which they would be position and would be seen against the greater scale and massing of the roofs they would be installed on and the greater scale and massing of the houses and flatted building.

The exception to this are plots 118, 119, 120, 121, 143, 145 to 150 (inclusive), 152, and 162 to 168 (inclusive). For these plots, the proposed solar/photovoltaic panels would be positioned on the front (principal) elevations or more publicly visible rear or side elevations. As so positioned the solar/photovoltaic panels on plots 118, 119, 120, 121, 143, 145 to 150 (inclusive), 152, and 162 to 168 (inclusive) would be readily visible in public views and would be likely to be harmful to the character and appearance of the proposed development. It would therefore be prudent for the Council as Planning Authority to not approve the details for the solar/photovoltaic panels for plots 118, 119, 120, 121, 143, 145 to 150 (inclusive), 152, and 162 to 168 (inclusive) but rather to require that amended proposals for the proposed solar/photovoltaic panels to be submitted for approval and to limit the positioning of the proposed solar/photovoltaic panels to the less public rear and side elevations of the houses or their garages. This matter could be controlled by a condition attached to a grant of planning permission.

No details of the positioning of proposed solar/photovoltaic panels on the houses on plots 151, 153 and 159 have been provided. Therefore it would be prudent for the Council as Planning Authority to require details of any proposed solar/photovoltaic

panels to be installed on the houses on plots 151, 153 and 159 to be provided and to limit the positioning of the proposed solar/photovoltaic panels to the less public rear and side elevations of these houses or their garages. This matter could be controlled by a condition attached to a grant of planning permission.

Notwithstanding all of the above, once built and occupied the proposed houses and flats of the proposed development would benefit from permitted development rights for minor alterations that could be in the form of alterations to them (i.e. changes to windows, roofs, etc) and extension to them and for the erection of or changes to their boundary enclosures. Such alterations to the appearance of the proposed houses and flats or the erection of boundary enclosures could result in a loss of and harm to the distinct architectural character and style of the proposed development. It would therefore be prudent for the Council as Planning Authority to remove permitted development rights for such alterations and means of boundary enclosure, a detail that could be controlled by a condition attached to a grant of planning permission for the proposed development.

The proposed houses and flats, due to their positioning on the application site and by virtue of their height, size and scale, architectural character and design would and external finishes, would satisfactorily integrate into their surroundings and would not appear as prominent or intrusive features within their landscape setting. This coupled with the retention of the trees to the northwest of them and the trees on parts of the east boundary of the site and the proposed landscaping along the north boundary with the main east coast railway line, on the western part of the site, along the Braid Burn corridor and along the development streets would ensure a visually attractive and cohesive development, with the proposed houses and flats visible but not appearing incongruous or intrusive in their surroundings.

Due to the topography of the land between the B6363 Coal Road, the listed buildings of 3-6 Longniddry Farm Cottages are not readily visible in public views from the Coal Road. The listed buildings of Longniddry Farmhouse and Steadings are visible in long range views from the B6363 Coal Road and their immediate setting incorporates a number of trees around their periphery.

The masterplan layout approved by the grant of planning permission 16/00485/PPM indicatively shows development of the heights now proposed in similar proximity to the listed buildings. Furthermore, the majority of the existing trees that provide landscape setting to the listed buildings would be retained. These trees would continue to afford landscape setting to the listed buildings. Accordingly, the proposed development would be set back a sufficient distance from the listed buildings of Longniddry Farmhouse and Steadings and Nos. 3-6 Longniddry Farm Cottages and would not dominate or draw focus away from those listed buildings and thus would not be harmful to the setting of those listed buildings.

Some 2.9 hectares of the application site consists of land common to this application site and to planning applications 18/01034/AMM and 18/01038/AMM, which together comprise the western part of the larger site to which planning permission in principle 16/00485/PPM applies, and includes open space, SuDS and the expanded Braid Burn corridor.

The site would be accessed from the classified B6383 public road by a network of roads and footpaths that would provide access to the 81 residential units the subject of this application and other parts of the larger site the subject of planning permission in principle 16/00485/PPM. Enhanced pedestrian links approved by the grant of planning permission in principle 16/00485/PPM would provide connections from the proposed development under the railway line to the rest of Longniddry. Further connections in the

form of roads, cycle and walking paths would connect the proposed 81 residential units to the area of open space on the northern part of the site and the Braid Burn corridor.

The masterplan docketed to planning permission in principle 16/00485/PPM indicates how areas of formal and informal open space, including a sports pitch, could be located throughout the allocated site.

The site that is the subject of this approval of matters application includes the land shown on the docketed masterplan as being the location for areas of open space and includes the provision of open space and an equipped play area. It does not however show an area for sports pitch provision, as this was approved to be located on the eastern part of the larger housing site.

Open space in the form of a large grassed area or 'village green', including the provision of a children's play area, would be provided on the northern part of the site between Longniddry Farmhouse and Steadings and the main east coast railway line and the Argyle Bridge. Further areas of informal open space would be provided along the Braid Burn corridor on the eastern part of the site and on the western part of the site adjacent to the B6363 Coal Road and the Cadger Burn.

SuDS in the form of below ground attenuation storage, two SuDS basins and a swale would be located on the eastern part of the 'village green' area of open space.

The Council's Principal Amenity Services Officer advises that open space and equipped play facilities for the site should be provided according to the larger development site the subject of planning permission in principle 16/00485/PPM of which the application site is a part. He comments that the layout for open space shown for this application (Ref: 18/01048/AMM) appears to accord with the approved Masterplan drawing for planning permission in principle 16/00485/PPM. The requirement for details of the development and maintenance of the open space and equipped play area to be provided is controlled by condition 21 of the grant of planning permission in principle 16/00485/PPM. No details have been provided with the application for the timescale for the delivery of the open space and equipped play area. A layout plan submitted with the application identifies all of the areas of open space and that they would be maintained and managed by a 'Factor'. It can be made a condition of a grant of planning permission that details of the equipped play facility, the timescale for delivery of it and its on-going maintenance, and to identify all of the areas of open space and how and by whom they would be maintained and managed, and to secure the delivery of all of the open space and the equipped play area be submitted for the prior approval of the Planning Authority.

The expanded Braid Burn corridor would provide informal green space that would be accessible as part of the open space within the wider site the subject of planning permission 16/00485/PPM. Although there would be some differences in levels between the lower level of the Braid Burn corridor and the levels of the adjacent road and housing development, the application drawings indicate that these level changes would be minimal, and thus, subject to these levels being adhered to during construction, this area of open space would be reasonably accessible as useable areas of amenity space.

By their positioning the areas of open space and equipped play would benefit from passive overlooking from the proposed houses and flats and from nearby proposed footpaths from which they would be accessed.

Accordingly, the open space and formal equipped play area detailed on the application drawings are consistent with the docketed masterplan. On this consideration, the proposed development is consistent with Policies OS3 and OS4 of the adopted East

Lothian Local Development Plan 2018 and with the indicative masterplan docketed to planning permission in principle 16/00485/PPM.

No details have been submitted for the position, size, form, appearance and colour(s) of any substations or gas governors to serve the proposed development. Such forms of structure can impact negatively on the character and appearance of a development and therefore it would be prudent for the Planning Authority to impose a condition requiring details of the position, size, form, appearance and colour(s) of any substations or gas governors to be submitted prior to the commencement of development on the site.

On all of these matters of design, these other components of the proposed development would not be harmful to the character and appearance of the area and would not appear incongruous in their landscape setting and would not be harmful to the character and appearance of the area. Nor would they be harmful to or detract from the setting of the listed buildings.

The proposed housing development would provide an attractive residential environment for future residents of the proposed houses and flats. The majority of the houses and flats are shown to be laid out in such a way that adheres to the normally accepted privacy and amenity criteria on overlooking and overshadowing, whilst affording the future occupants of the houses and flats an appropriate level of privacy and residential amenity. Where there are instances that do not meet the normally accepted privacy and amenity criteria those instances are primarily in relation to distances across the new public streets. In these cases, the narrower street layout is an integral component of the design ethos of the proposed development to reflect a more compact and organic arrangement of buildings and streets with natural passive overlooking of streets and footpaths and between properties which is reflective of the tighter street patterns in parts of some historic towns and villages of East Lothian.

In the cases of plots 174, 175 and 177, a first floor window of each of those respective houses would allow for harmful overlooking of neighbouring properties by virtue of being less than 9 metres away from neighbouring private garden ground and within 18 metres of directly facing first floor windows. In order to mitigate for such loss of privacy, these respective first floor windows of plots 174, 175 and 177 could be obscure glazed. The requirement for the provision of such obscure glazing can be controlled by a condition attached to a grant of planning permission.

The proposed public footpaths throughout the development, including the path that would pass to the west side of the proposed development and the path that would cross the 'village green' area of public open space to the south of the existing residential property of No. 7-8 Longniddry Farm Cottages, would be a sufficient distance away from existing neighbouring residential properties and proposed properties so as not to result in harmful overlooking or loss of privacy to any existing neighbouring residential property or proposed property.

Thus, on balance and taking account of the design integrity and ethos of the proposed development, and subject to the aforementioned planning control, the proposed development would afford the future occupants of the houses and flats an appropriate level of privacy and residential amenity and would not be harmful to the privacy and amenity of any existing neighbouring residential property.

The Council's Environmental Health Manager advises that due to its position there are concerns regarding the potential impacts on occupiers of the proposed residential properties arising from noise from road and rail traffic. A Noise Assessment of Proposed Residential development report (Project number EDI_1120, dated 21/9/2018) has been

submitted with the application. The Environmental Health Manager has reviewed that report and advises that he accepts the conclusions of that report. Accordingly, subject to the glazing units of the windows of plots 99 to 106, plots 120 to 125 and plots 169 and 170 (inclusive), as shown coloured GREEN in Figure 2 of ITP Energised's Noise Report Ref EDI_1120 of 21st September 2018, being fitted with glazing and passive acoustic ventilators that provide a minimum Attenuation of 33dB_{Rw}, a detail that could be controlled by a condition attached to a grant of planning permission, the Environmental Health Manager raises no objection to the proposed development.

Subject to this planning control, the future occupants of the houses and flats would be afforded an appropriate level of privacy and residential amenity.

The application site is capable of accommodating all of the houses and flats without being an overdevelopment of the site and without being incompatible with the density of existing housing development in the area.

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

- i) Amended the position of the new tree planting towards the southwest part of the site; and
- ii) To provide an amended tree survey and arboricultural constraints report to address the treatment of the trees growing on the northeast part of the site adjacent to Longniddry Farm Steading and Farmhouse.

The Landscape Project Officer has reviewed this report along with the landscape drawings submitted with the application.

The Landscape Project Officer makes the following comments:

- 1) that the south gable of the house on plot 170 has been amended to add enhanced feature detail in the form of the projecting stone chimney and that the landscape planting of this southwest part of the site has been amended to add additional tree planting, all to improve the appearance of the proposed development in its landscape setting at what would be the new southern edge of Longniddry;
- 2) that changes to the driveways and parking arrangements for plots 118, 120, and 165 to 167 have reduced the prominence of the parking for these plots;
- 3) that the landscape scheme has been amended to include additional large species feature/marker trees to the west boundary of the site with the B6363 Coal Road, to remove hawthorn from the hedge mix along South Street, and to change the species of trees to the rear courts;
- 4) all surface water and foul water pipes are shown to be located outwith the retained trees RPAs. This is supported and should be made conditional of a grant of planning permission;
- 5) the revised tree report dated January 2019 notes on page 3 that the recommendations in the report relate to the site as it exists at present and to the current level and pattern of usage. It notes that the degree of hazard and risk will alter if the site is developed or significantly changed and as such will require regular re-inspection and reappraisal. Given this, it is recommended that a condition for ongoing tree management be included in any permission;

6) although details of landscape planting have been provided, the Landscape Project Officer comments that the information provided only gives indicative information on the size of the new trees to be planted and their function, and that an additional tree that is required close to the position of tree 4160 to be removed is not shown and therefore the Landscape Projects Officer recommends that a finalised landscape planting scheme for the proposed development be required. This matter could be controlled by a condition attached to a grant of planning permission; and

7) temporary fencing to protect all of the retained trees should be erected prior to the commencement of development on the site in accordance with the details shown for it on the application drawings. Arboricultural monitoring should also be carried out during construction.

Subject to the aforementioned planning controls, the Landscape Projects Officer is satisfied that the proposed development would not be harmful to the trees that would be retained on and adjacent to the site and does not object to the proposed development.

On all of these foregoing findings on matters of design, density, layout, landscaping and amenity the details submitted for approval are consistent with Policies DP1, DP2, DP3, DP9, CH1, OS3, OS4 and NH8 of the adopted East Lothian Local Development Plan 2018, the Council's approved development brief for site PS1 (Longniddry South) and Scottish Government policies and guidance given in Planning Advice Note 67: Housing Quality, Designing Streets and Designing Places.

The principles of the means of accessing of the proposed housing development are already decided by the grant of planning permission in principle 16/00485/PPM. These include vehicular access to the proposed housing being taken from the classified B6363 (Coal Road).

The submitted details for accessing the site are in accordance with these established principles of the means of accessing the residential development.

The Council's Road Services advise as follows:

1. The access roads into the development site are identified as Road A, to the north of the site; Road B (spine road) which is the central and main access into the site and Road C, which is the most southerly, of the 3 proposed access junctions to the site from the B6363. The access road junctions have been subject to a Road Safety Audit. The 3 junctions will be located within a 30mph section of the B6363, as a Traffic Regulation Order will have been promoted by East Lothian Council as roads authority;

2. The main pedestrian and cycle route, and 'safe route to school', from the application site to Longniddry village centre would be via a route beneath the East Coast Main Line (ECML) at the Argyle Bridge connecting to a new controlled (traffic signal) crossing of the A198 and a new footway on the south side of the A198 from the Argyle Bridge to the Railway Station. The requirement for financial contributions to enable the Council's Road Services to deliver the new controlled (traffic signal) crossing of the A198, a new footway on the south side of the A198 from the Argyle Bridge to the Railway Station, and other road improvements are controlled through the Section 75 Legal Agreement the subject of planning permission in principle 16/00485/PPM. As the pedestrian and cycle route via the Argyle Bridge would be the 'safe route to school', Road Services advise that a condition be imposed requiring that a continuous pedestrian route from the proposed development to the Argyle Bridge be provided prior to the occupation of any one of the proposed houses or flats, that such an identified route should be constructed to

adoptable standard with lighting and that no house or flat should be occupied prior to the completion of the road improvements/alterations in the vicinity of Main Street to be secured through the Section 75 Legal Agreement the subject of planning permission in principle 16/00485/PPM;

3. It has been demonstrated that the proposed housing layout could accommodate a 12 metre refuse collection vehicle (RCV). RCV access would be from Roads A, B and C of the proposed development. Through further development the subject of planning permission in principle 16/00485/PPM, these roads would extend eastwards and southwards respectively. Until such time as that further development to the east and south is undertaken, RCVs (and other vehicles) will require to turn at the end points of these roads in order to return to the B6363 in a forward gear. As turning provision for RCV's may be dependent on further development of the site, RCV (and other vehicle) turning at the terminal points of access roads should be demonstrated within a Quality Audit or phasing plan for development to ensure this is accommodated as development proceeds;

4. East Lothian Council adopted parking standards require that parking should be provided at 1.5 spaces for houses with up to 5 habitable rooms; and 2.25 spaces for houses with 6 habitable rooms or more. However, and in order to minimise the impact of on-street parking in these areas, if 2 no. parking spaces can be provided to serve each property in the form of a driveway/double driveway, car port or useable garage, then this will be acceptable. Road Services advise that were a plot does not have a driveway but only has a garage, the garage associated with that plot should not be fitted with garage doors and should be considered as a car port/useable driveway parking space. Where two garage spaces are associated with a plot, one should not be fitted with garage doors and should be considered as a car port/useable driveway parking space. Road Services comment that the garages would have minimum internal dimensions of 3.0 metres (width) by 6.0 metres (length). Road Services advise that plots 120, 121, 122, 124 and 125 would be 4-bed houses with only one driveway parking space and one garage space, and thus that the garage spaces for these plot should not be fitted with garage doors and should be considered as a car port/useable driveway parking space. The requirement that no vehicular doors be fitted at these garage parking spaces can be controlled by a condition attached to a grant of matters specified in conditions. Subject to this control Road Services are satisfied that there is a sufficient private and visitor parking provision for the proposed development;

5. Street lighting columns should be positioned to ensure that it would not be struck by vehicles and in particular refuse collection vehicles (RCV) as this would lead to ongoing maintenance and replacement of street lighting columns. The back lanes/courts (West Lane, North Lane and East Lane) should be constructed to an adoptable standard and should accommodate a 12 metre RCV and should have street lighting, road drainage and service strip;

6. Construction access should only be taken from the classified B6363 public road (Coal Road);

7. Subject to the provision of visibility splays of 4.5 metres by 70 metres, the proposed access roads would provide the proposed development with a safe means of vehicular access from the public road;

8. A 30 miles per hour speed limit on the B6363 (Coal Road) should be brought into effect prior to occupation of any part of the application site. This should be from a location to the south of the southernmost access junction and continue northwards to Longniddry until it meets with the existing 30 miles per hour speed limit. Details to be submitted for

approval;

9. Street lighting should be provided over the full extent of the proposed 30 mph speed limit on the B6363 from the existing lighting at the junction with the A198 to a point beyond the proposed southern site access;

10. A 'phasing plan' should be provided indicating how an adoptable footpath would be provided to serve each phase of development the subject of planning permission in principle 16/00485/PPM as it is occupied, to ensure a) That a continuous pedestrian (and cycle) path, to an adoptable standard, shall be available from any occupied phase to the extent of the offsite path at the Argyll Bridge; b) That no development site or phase shall be occupied until completion of the section 75 works to provide the pedestrian route beneath the ECML at Argyll Bridge;

11. A Stage 2 Quality Audit should be submitted to ensure safe pedestrian and cycling routes are maintained through construction phase to occupation for each phase of development and that safe servicing/vehicle turning provision is maintained

12. All roadworks should be subject to Road Safety Audit, completed through Stages 1, 2, 3 and 4 (Preliminary Design, Detailed Design, Post Opening Audit and finally Post Opening Audit + 12 months. The Audit process shall be undertaken in accordance with DMRB Volume 5, Section 2, HD 19/3 or as amended by latest version;

13. All access roads should 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 should also comply with ELC Design Standards for New Housing Areas. NB the minimal level of treatment on home zone roads for streets with a single access;

14. Vehicle access to private parking areas (i.e. other than driveways) should 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;

15. Driveways should have minimum dimensions of 6 metres by 3 metres. Double driveways should 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;

16. Within residential private parking areas the minimum dimensions of a single parking space should be 2.5 metres by 5 metres. All visitor parking spaces within these areas should be clearly marked for visitors with the remaining private parking spaces allocated to individual dwellings;

17. Cycle parking should 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;

18. 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;

19. A Construction Method Statement to minimise the impact of construction activity on the safety and amenity of the area should be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method

Statement should 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; and

20. 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 should be submitted to and approved by the Planning Authority prior to the housing being occupied and /or the business units coming into operation.

The requirement for the 30 miles per hour speed limit and the provision of street lighting for the development are controlled through condition 19 of planning permission in principle 16/00485/PPM and therefore there is no requirement to duplicate these controls through a grant of planning permission for this matters specified in conditions application.

The requirement for the wheel washing facility is controlled through condition 11 of planning permission in principle 16/00485/PPM and therefore there is no requirement to duplicate these controls through a grant of planning permission for this matters specified in conditions application.

The requirement for the construction method statement is controlled through condition 10 of planning permission in principle 16/00485/PPM and therefore there is no requirement to duplicate these controls through a grant of planning permission for this matters specified in conditions application.

The requirements for all other road services requirements can be controlled by conditions attached to a grant of planning permission.

Road Services confirms that the swept path analysis for refuse collection vehicles has been satisfactorily demonstrated.

On these foregoing transportation and other access considerations the proposed residential development is consistent with Policies T1 and T2 of the adopted East Lothian Local Development Plan 2018.

The proposed development does not include proposals to install EV charging points. Policy T31 of the adopted East Lothian Local Development Plan 2018 explains that the Council will encourage and support the principle of introducing electric vehicle (EV) charging points around both existing and proposed community facilities such as schools and retail areas, including from developers as part of new developments that contain such facilities or areas. The proposed development is for residential development only and does not include any EV charge points. Furthermore, Policy T31 does not require their provision for residential developments.

The Council's Access Officer raises no objection to the proposed development.

The Council's Waste Services advises that they are satisfied that the swept path analysis demonstrates an appropriate layout for waste and recycling collections. They further advise that all waste and recycling containers should be presented at the kerbsides for collection. This information has been forwarded to the applicant's agent.

The Council's Biodiversity Officer has no comment to make on the proposed development. In light of the removal of trees along the Braid Burn corridor and the likelihood of bats in the area and as was required through the grant of planning

permission in principle 16/00485/PPM it would be prudent to require that details of the installation of bat and bird boxes, notably barn owl boxes, to mitigate for the loss of habitat be submitted. This detail could be controlled by a condition attached to a grant of planning permission. Subject to such control, the proposed development would not conflict with Policy NH3 of the adopted East Lothian Local Development Plan 2018.

The Council's Environmental Health Manager (Contaminated Land) has reviewed the Phase II Geo-Environmental & Geotechnical Interpretative Report submitted with the application and advises that he is satisfied that the investigative works and subsequent assessment have been carried out in accordance with best practice guidelines and the relevant standards, and that he concurs with the findings that there is no evidence to suggest any pollutant linkages being appropriate for the site that would require remedial works to be carried out. However, given the sensitive nature of the proposed development (i.e. residential use) and in line with the risk mitigation measures outlined in the Report the Environmental Health Manager (Contaminated Land) recommends that a condition be imposed on a grant of planning permission to ensure that if the presence of any previously unsuspected or unforeseen contamination becomes evident during the development of the site it shall be brought to the Council's attention.

As part of the larger site of planning permission in principle 16/00485/PPM, a financial contribution towards additional educational provision and for the provision of affordable housing units for a housing development of 450 residential units is required.

The mechanism of the provision of a financial contribution towards additional educational provision for a housing development of 450 residential units has already been secured through the grant of planning permission in principle 16/00485/PPM.

The mechanism of the provision of 25% affordable housing within the larger site for residential development of 450 residential units (i.e. 113 units of the proposed 450 units) is already secured through the grant of planning permission in principle 16/00485/PPM. The masterplan docketed to planning permission in principle 16/00485/PPM does not indicate the locations of the affordable housing. Ten of the 81 residential units (8 flats and 2 houses) the subject of this application (Ref: 18/01048/AMM) for matters specified in conditions of planning permission in principle 16/00485/PPM are identified as affordable housing. The Council's Economic Development and Strategic Investment Team advises that the provision of affordable housing units on the larger site of planning permission in principle 16/00485/PPM has to be considered strategically across the whole site of planning permission in principle 16/00485/PPM. Thus, although the 10 affordable units proposed in this application is less than 25% of the 81 residential units proposed in this application, when this application site (Ref: 18/01048/AMM) is taken alongside planning applications 18/01034/AMM and 18/01038/AMM, which together comprise the western part of the site of planning permission in principle 16/00485/PPM, the overall figure of 49 affordable housing units across those three planning applications is a sufficient amount and provides the necessary 25% of affordable housing units and is therefore acceptable. The Economic Development and Strategic Investment Team further advise that the mix of units is also acceptable. In this regard, the proposal is consistent with planning permission in principle 16/00485/PPM.

Due to the locations of the Braid and Cadger Burns, parts of the eastern and western areas of the application site, respectively, are potentially at risk from fluvial and surface water flooding, and as such the Scottish Environment Protection Agency (SEPA) have been consulted on the application. A Flood Risk Assessment report has been submitted with the application. In their initial responses, SEPA raised objection to the proposals on the grounds of flood risk. Since then the applicant's consultants have provided further information on flood risk and the Flood Risk Assessment report has been amended twice

through consultation with SEPA.

The updated version of the Flood Risk Assessment report (Updated April 2019 Version 4) prepared by KAYA Consulting Limited has been reviewed by SEPA. SEPA make the following comments:

- They assume that the latest Flood Risk Assessment report (Updated April 2019 Version 4) prepared by KAYA Consulting Limited will be accepted by the Planning Authority;
- The channel design for the realignment of the Braid Burn has been agreed with SEPA and it has been shown that there would be no increase in flood risk downstream as a result of the proposed channel realignment. However, SEPA advise that a monitoring plan is essential to ensure that any changes to the channel can be recorded and rectified if deemed necessary;
- Finished floor levels are shown to be greater than (>) 1 metre higher than the adjacent road;
- There is potential for flood water to flow in the southwest corner of the site but no development will take place within this area;
- SEPA stress the importance of setting property boundaries back from the functional floodplain to reduce the residual risk of flooding due to channel or culvert blockage, and to allow for maintenance;
- Whilst the latest Flood Risk Assessment report (Updated April 2019 Version 4) prepared by KAYA Consulting Limited notes that all new crossings would be designed to pass the 1:200 year peak flow including an allowance for climate change, Table 1 notes that no new footbridges are proposed at the site and it is noted that stepping stone features have been removed from the Braid Burn;
- The Council and applicant may wish to consider undertaking a condition assessment of the retained culverted section of the Cadger Burn;
- Consideration should be given to the sequence of development on the site, as should housing be built prior to the channel realignment taking place, the houses may be at risk of flooding and SEPA recommend that the channel realignment occurs prior to the commencement of the construction of the housing; and
- Depending on the larger masterplan, SEPA recommend that consideration be given to capturing surface water run-off from the southern boundary of the development site.

Accordingly, SEPA advise that they withdraw their objection and raise no objection to the proposed development.

The requirements for planning controls to secure the following can be controlled by conditions attached to a grant of planning permission:

- i. ensure the development is carried out in accordance with the latest Flood Risk Assessment report (Updated April 2019 Version 4) prepared by KAYA Consulting Limited;
- ii. secure a monitoring plan for the long-term management, monitoring and maintenance of the Braid Burn channel;
- iii. ensure that finished floor levels are built and maintained in accordance with the details provided;

- iv. ensure that there would be no development within the 1:200 year flood area;
- v. ensure that there would be no crossings of the Braid and Cadger Burns unless otherwise approved by the Planning Authority in consultation with SEPA; and
- vi. ensure that the channel realignment of the Braid Burn is undertaken prior to the commencement of the building of any of the houses or flats.

The applicant has been made aware of SEPA's suggestion that a condition assessment of the retained culverted section of the Cadger Burn be undertaken and that consideration be given to capturing surface water run-off from the southern boundary of the development site.

Accordingly, on these considerations of flood risk, the proposed development does not conflict with Policy NH11 of the adopted East Lothian Local Development Plan 2018 or with Scottish Government guidance given on flood risk in Scottish Planning Policy: June 2014.

The Indicative masterplan docketed to planning permission in principle 16/00485/PPM indicates how three sustainable urban drainage system (SuDS) ponds could be formed on the northern part of the larger area of land of planning permission in principle 16/00485/PPM to attenuate the flow of surface water run-off. The SuDS on the current application site are shown to be positioned on the northern part of the site, towards the eastern end of the 'village green' area of open space and are in the form of a filter trench, below ground attenuation storage, two SuDS basins and a swale discharging into the Braid Burn at the northern end of the application site. Neither SEPA nor Scottish Water raise objection to the proposed development on the grounds of the SuDS. The Council's Team Manager for Structures, Flooding & Street Lighting advises that the SuDS for the proposed development are of an acceptable standard. Accordingly, the proposed development does not conflict with Policy NH10 of the adopted East Lothian Local Development Plan 2018.

Condition 5 of planning permission in principle 16/00485/PPM requires that a programme of archaeological work (Historic Building Recording, Watching Brief and Evaluation) be undertaken for the whole of the site of planning permission in principle 16/00485/PPM. The Council's Archaeology Officer advises that these archaeological works have been satisfactorily carried out as they relate to the land of this planning application (Ref: 18/01048/AMM) and planning applications 18/01034/AMM and 18/01038/AMM.

Scottish Water were consulted on the planning application and raised no objection to it.

RECOMMENDATION:

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

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

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

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

ground levels shall show minimal alterations to the existing levels of the Braid Burn corridor; and
c. the ridge height of the proposed 71 houses, 10 flats, garages and cycle storage shown in relation to the finished ground and floor levels on the site.

Reason:

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

- 2 In the event of the presence of any previously unsuspected or unforeseen contamination of the land on the application site being found, development shall not begin, or shall cease to continue, until a scheme to deal with contamination on the site has been submitted to and approved in writing by the Planning Authority. The scheme shall contain details of the proposals to deal with contamination to include:

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

Thereafter any mitigation measures required shall be implemented as so approved.

Before any of the houses and flats hereby approved are occupied the measures to decontaminate the site shall be fully implemented as approved by the Planning Authority.

Reason:

To ensure that the site is clear of contamination prior to the occupation of the houses and flats.

- 3 Prior to commencement of development on site, full details of the proposed Sustainable Drainage System (SuDS) shall be submitted to and approved in writing by the Planning Authority.

The details shall include confirmation of Scottish Water's technical approval of the SuDS proposals, if relevant.

Thereafter, the approved details shall be implemented as approved.

Reason:

To ensure that the final SuDS design complies with Sewers for Scotland 4 and can be vested by Scottish Water in the interest of flood prevention, environmental protection and the long term amenity of the area.

- 4 Prior to the commencement of development on the site, a delivery schedule and phasing plans for the whole of the site of planning permission 16/00485/PPM that establishes the phasing and timing programme for the proposed development. The delivery schedule and phasing plans shall include the phasing and timing for the provision of:

- i) footpaths/cycleways and external works such as on-site and off-site footpath links;
- ii) public road links, including paths, to local services, schools and the public road network;
- iii) drainage infrastructure;
- iv) recreational facilities, including open space, including the 'Village Green' and Braid Burn corridor, equipped play area and sports pitches;
- v) landscaping; and
- vi) construction phasing.

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

Reason:

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

- 5 The development hereby approved shall be carried out in accordance with the Flood Risk Assessment (updated April 2019 Version 4) prepared by KAYA Consulting Limited docketed to this grant of planning permission unless otherwise approved by the Planning Authority in consultation with the Scottish Environment Protection Agency.

Pursuant to the development hereby approved being carried out in accordance with the Flood Risk Assessment (updated April 2019 Version 4) prepared by KAYA Consulting Limited, a monitoring

plan for the long-term management, monitoring and maintenance of the Braid Burn channel shall be submitted to and approved by the Planning Authority in consultation with the Scottish Environment Protection Agency. Thereafter, the long-term management, monitoring and maintenance of the Braid Burn channel shall be implemented in accordance with the details so approved.

No built development or land-raising shall take place within the 1:200 year post-development flood extent as shown in the Flood Risk Assessment (updated April 2019 Version 4) prepared by KAYA Consulting Limited and drawing no. 1629(sk)011 docketed to this grant of planning permission unless otherwise approved by the Planning Authority in consultation with the Scottish Environment Protection Agency.

Reason:

To ensure that built development within the application site is not at risk from flooding, there is no increased in flood risk elsewhere and appropriate long-term maintenance arrangements are in place.

- 6 Other than the road crossings detailed on the drawings docketed to this grant of planning permission, and notwithstanding the pedestrian stepping stone crossings shown on drawing no. erz/17/18/DP12 docketed to this grant of planning permission, there shall be no crossings of the Braid and Cadger Burns other than the road crossings, unless otherwise approved by the Planning Authority in consultation with the Scottish Environment Protection Agency.

Reason:

To ensure that built development within the application site is not at risk from flooding and there is no increased in flood risk elsewhere.

- 7 Prior to the erection of any house or flat of the development hereby approved the channel realignment of the Braid Burn shall be carried out in accordance with the details for it in the Flood Risk Assessment (updated April 2019 Version 4) prepared by KAYA Consulting Limited and docketed to this grant of planning permission unless otherwise approved by the Planning Authority in consultation with the Scottish Environment Protection Agency.

Reason:

To ensure that built development within the application site is not at risk from flooding and there is no increased in flood risk elsewhere.

- 8 The ground floor finished floor levels of the houses and flatted buildings hereby approved shall accord with the levels shown on drawing no. 1629(sk)011 docketed to this grant of planning permission unless otherwise approved by the Planning Authority in consultation with the Scottish Environment Protection Agency.

Reason:

To ensure that built development within the application site is not at risk from flooding.

- 9 Prior to the commencement of development, details of how all the areas of open space and the equipped play area are to be developed, laid out and maintained, including details of play equipment, surfacing and enclosures and a timetable for their implementation shall be submitted to and approved in advance in writing by the Planning Authority. The details shall include the costings of the play provision, which shall be commensurate with the requirements of the Council's Principle Amenity Officer assessment of Planning Permission in Principle 16/00485/PPM, and shall identify and define the areas of public open space and how they would be managed and maintained.

Thereafter, the areas of open space and the equipped play area shall be installed, enclosed and thereafter retained and maintained in accordance with the details so approved.

Reason:

To ensure the satisfactory provision and maintenance of adequate play provision within the development in interests of the amenity of the area.

- 10 Prior to the commencement of development, details, including a timetable for their implementation, showing compliance with the following transportation requirements shall be submitted to and approved in writing in advance by the Planning Authority.

(i) the provision of RCV (and other vehicle) turning at the terminal points at the east and south ends, respectively, of access roads A, B and C shall be provided;

(ii) visibility splays of 4.5 metres by 70 metres shall be provided and maintained on each side of each of the proposed access junctions from the application site onto the B6363 (Coal Road) such that there shall be no obstruction to visibility above a height of 1.05 metres measured from the adjacent carriageway level within the area defined below: - (a) a line 4.5 metres long measured along the access road from the nearside edge of the main road carriageway.; (b) a line 70 metres long measured along the nearside edge of the main road carriageway from the centre of the access road in both directions; and (c) a straight line joining the termination of the above two lines;

(iii) vehicle access 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;

(iv) 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;

(v) 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;

(vi) cycle parking shall be included at a rate of 1 space per flat. The parking shall be in the form of 1 locker per flat or communal provisions in the form of a lockable room or shed; and

(vii) a revised 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.

Development shall thereafter be carried out in accordance with the details so approved unless otherwise approved by the Planning Authority in consultation with the Roads Authority.

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. NB the minimal level of treatment on home zone roads for streets with a single access.

Reason:

In the interests of road and pedestrian safety.

- 11 All roadworks shall be subject to Road Safety Audit, completed through Stages 1, 2, 3 and 4 (Preliminary Design, Detailed Design, Post Opening Audit and finally Post Opening Audit + 12 months and a Stage 2 Quality Audit. The Road Safety Audit process shall be undertaken in accordance with DMRB Volume 5, Section 2, HD 19/3 or as amended by latest version. Thereafter, all roads and footpaths shall be constructed in accordance with the Road Safety Audit and Stage 2 Quality Audit details so approved.

Reason:

In the interests of road and pedestrian safety.

- 12 Prior to the occupation of any one of the houses or flats hereby approved, a continuous footpath route between the development hereby approved and the Argyle Bridge at the northeast corner of the application site shall be provided in accordance with the details of its route and the timetable for its delivery to be submitted to and approved in advance in writing by the Planning Authority. The continuous length of footpath shall be constructed to adoptable standards with lighting in accordance with East Lothian Council's Standards for Development Roads. The details and timetable shall show that the footpath would be provided to each site prior to the occupation of the houses/flats on that site.

Thereafter, the continuous footpath route shall be provided and delivered in accordance with the details so approved.

Reason:

In the interests of road and pedestrian safety and to provide a safe route to schools.

- 13 No house or flat hereby approved shall be occupied unless and until the following road

improvements/alterations in the vicinity of Main Street Longniddry have been completed:

1) a new controlled (traffic signal) crossing of the A198 located to provide the most direct route across the A198 public road from the development via the Argyle Bridge; and

2) the provision of an adoptable/lit path from the pedestrian crossing to the Argyle Bridge.

Reason:

In the interests of safeguarding road and pedestrian safety.

- 14 Construction access to the development hereby approved shall be taken from the classified B6363 public road (Coal Road) only unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of road and pedestrian safety and to safeguard vegetation important to the appearance and environment of the development.

- 15 Other than to comply with the requirements of conditions 10, 11, 12, 13, and 14, prior to the occupation of any one of the houses or flats hereby approved, the proposed access roads, parking spaces and footpaths shall have been constructed on site, in accordance with the docketed drawings and those areas of land shall not thereafter be used for any other purpose than for accessing and for the parking of vehicles in connection with the residential use of the houses and flats and shall not be adapted or used for other purposes without the prior written approval of the Planning Authority.

Reason:

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

- 16 Notwithstanding that which is shown on the drawing docketed to this grant of planning permission, no use shall be made of the houses on plots 120, 121, 122, 124 and 125 hereby approved unless the garage space allocated to each of those houses has been formed and made available for use in association with the use of those houses, and the garage space allocated to each of those houses shall be retained open on its front elevation and at no time shall any part of the front elevations of those garages be enclosed. Thereafter, those garage spaces shall be retained and maintained for the parking of vehicles.

Reason:

To ensure that a sufficient standard of off-street parking is provided for each of plots 120, 121, 122, 124 and 125 in the interests of road safety.

- 17 Samples and a schedule of the materials and external finishes, including colours, of the roofs, walls, windows, doors, vehicular doors, window and door surrounds and lintels, as relevant, of the houses, flatted buildings, garages and cycle storage hereby approved shall be submitted to and approved in advance in writing by the Planning Authority prior to their use in the development hereby approved, and thereafter the materials and external finishes used for the roofs, walls, windows, doors, window and door surrounds and lintels, of the houses, flatted buildings, garages, and cycle storage shall accord with the details so approved.

The slate to be used to clad the roofs of the houses, flatted buildings and garages hereby approved shall be a natural slate.

The pantiles to be used to clad the roofs of the houses, flatted buildings and garages hereby approved shall be a natural clay pantile.

The render to be used for the finish of the external walls of the houses, flatted buildings and garages hereby approved shall be a wet dash render.

The stone to be used for the projecting chimney component of the house on plot 170 shall be a natural stone.

All rainwater goods and down pipes shall be of painted metal construction.

Reason:

To enable the Planning Authority to control the materials, finishes and colour to be used to achieve a development of good quality and appearance in the interest of the visual amenity of the area.

- 18 No use shall be made of the house hereby approved for plot 170 unless and until the projecting chimney of its south elevation has been formed and the projecting chimney shall thereafter be retained in place unless otherwise agreed in writing with the Planning Authority.
- Reason:
To safeguard the character and appearance of the house and of the landscape character of the area.
- 19 Prior to the occupation of the houses and flats hereby approved for plots 99 to 106, plots 120 to 125 and plots 169 and 170 (inclusive), the glazing units of the windows of the elevations of those plots, as shown coloured GREEN in Figure 2 of ITP Energised's Noise Report Ref EDI_1120 of 21st September 2018 docketed to this grant of planning permission for matters specified in conditions, shall be fitted with glazing and passive acoustic ventilators that provide a minimum Attenuation of 33dB_{Rw}.
- Such glazing units and ventilators shall thereafter be retained in the windows of the north and west facades of those houses unless otherwise approved in writing by the Planning Authority.
- Reason:
In the interests of protecting the internal amenity of the occupiers of the proposed houses and flats from noise associated with road and rail traffic.
- 20 Notwithstanding that which is shown on the docketed drawings, the solar panels/photovoltaic panels shown on the docketed drawings for the houses on plots 118 to 121 (inclusive), 143, 145 to 150 (inclusive), 152 and 162 to 168 (inclusive) are not hereby approved. Instead, and prior to the erection of any of those houses, details of alternative solar panel/photovoltaic panel provision shall be submitted to and approved in writing in advance by the Planning Authority for those plots and for plots 151, 153 and 159.
- The details of the solar panels/photovoltaic panels shall include their size, form, number, positioning and means of attachment to the roofs of the houses, flatted buildings and garages. Moreover, the details to be submitted shall show that the solar panels/photovoltaic panels to be installed shall be integrated into the roofs and shall not sit proud of the upper surface of the roofing material of the roofs, and shall be installed only on a side or rear elevation and only where those side or rear elevations are not readily visible in public views.
- Thereafter, the solar panels/photovoltaic panels installed on the houses on plots 118 to 121 (inclusive), 143, 145 to 153 (inclusive), and 162 to 168 (inclusive) shall accord with the details so approved.
- Reason:
To enable the Planning Authority to control the materials, finishes and colour to be used to achieve a development of good quality and appearance in the interest of the visual amenity of the area.
- 21 Details of any new wall and roof mounted vents and flues to be installed on the houses and flats hereby approved shall be submitted to and approved in advance by the Planning Authority. Details shall include 1:5 or 1:10 section drawings and brochures showing the size, design and numbers of the proposed wall mounted vents and flues to be concealed as much as possible and for visible parts of all vents and flues to match as closely as possible the colour of the part of the building to which they would adjoin.
- Reason:
In the interests of safeguarding the character, integrity and appearance of the development hereby approved.
- 22 Details and samples, including colours, of the surface finishes for the hardstanding areas comprising parking areas, footpaths and cycleways shall be submitted to and approved in advance in writing by the Planning Authority prior to their use in the development hereby approved, and thereafter the materials used for the surface finishes of the hardstanding areas shall accord with the details so approved.
- Reason:
To enable the Planning Authority to control the materials, finishes and colour to be used to achieve a development of good quality and appearance in the interest of the visual amenity of the area.
- 23 Prior to the commencement of development, details of all boundary enclosures to be erected on the site of the residential development, and the timescales for their provision, shall be submitted to and

approved in advance by the Planning Authority. Those details shall show 1.8 metre high enclosures around rear gardens of the houses hereby approved.

Development shall thereafter be carried out in full accordance with the details so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure the satisfactory provision of the boundary enclosures in the interest of safeguarding the visual amenity of the area and to safeguard the privacy and amenity of residential properties nearby.

- 24 All externally fitted service meter boxes of the houses and flats hereby approved shall be coloured to match as closely as possible the colour of the external wall of the house/flat to which they are attached, and details of the position, size, form, appearance and colour of all externally fitted service meter boxes shall be submitted to and approved in writing in advance by the Planning Authority prior to their installation on the houses and flatted buildings. Thereafter, any externally fitted service meter boxes fitted shall accord with the details so approved.

Reason:

To enable the Planning Authority to control the materials, finishes and colour to be used to achieve a development of good quality and appearance in the interest of the visual amenity of the area.

- 25 Prior to the commencement of development, details, including their size, form, position, appearance and colour(s), of all substations and gas governors to serve the development hereby approved shall be submitted to and approved in advance in writing by the Planning Authority, and thereafter any substations and gas governors shall accord with the details so approved.

Reason:

To enable the Planning Authority to control the positioning, appearance, form, finishes and colour of the substations and gas governors to be used to achieve a development of good quality and appearance in the interest of the visual amenity of the area.

- 26 Prior to the occupation of the houses of plots 174, 175 and 177 hereby approved the following windows shall be obscurely glazed in accordance with a sample of the obscure glazing to be submitted to and approved by the Planning Authority in advance of its use on the house and flat, as relevant:

- i) the southern most first floor window of the west elevation of the house on Plot 174;
- ii) the southern most first floor window of the east elevation of the house on Plot 175; and
- iii) the southern most first floor window of the west elevation of the house on Plot 177.

The obscure glazing of the respective first floor windows shall accord with the sample so approved. Thereafter the respective first floor windows shall continue to be obscurely glazed unless otherwise approved by the Planning Authority.

Reason:

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

- 27 Details of the provision of bat boxes and bird boxes, notably barn owl boxes, as mitigation for the loss of bat and bird roosts shall be submitted to and approved in writing in advance by the Planning Authority and thereafter, bat boxes and bird boxes shall be installed as so approved. The bat boxes and bird boxes shall thereafter be retained, unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of nature conservation.

- 28 No development shall take place on site until temporary protective fencing in accordance with Figure 2 of British Standard BS5837: 2012 "Trees in relation to design, demolition and construction" has been installed on the site, approved by the arboriculturist and approved in writing by the Planning Authority. The fencing shall 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 titled 'Site Plan Tree Works' with drawing number erz/17/18/P16 Rev C, shall be positioned outwith the Root Protection Area (RPA) as defined by BS5837: 2012 for all trees and approved in writing by the Planning

Authority.

All weather notices shall be erected on said temporary protective fencing with words such as "Construction exclusion zone - keep out". Within the fenced off areas creating the construction exclusion zones, the following prohibitions shall apply:

- No vehicular or plant access;
- No raising or lowering of the existing ground levels;
- 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 shall take sufficient account of wide loads, tall loads and plant with booms, jibs and counterweights (including drilling rigs), in order that they can operate without coming into contact with retained trees.

Reason:

In order to form construction exclusion zone around retained trees and protect retained trees from damage to ensure the retention of trees and vegetation which are an important feature of the area.

- 29 No development shall take place on site until a person who has, through relevant education, training and experience, gained recognised qualifications and expertise in the field of trees in relation to construction, been employed by the developer to monitor any works in close proximity of trees on the site or within the Root Protection Areas of the trees on the site, including, but not exclusively, the formation of footpaths, the installation and maintenance of temporary protection fencing and all works within the construction exclusion zone as identified on drawing no. erz/17/18/P16 Rev C docketed to this grant of planning permission.

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.

The arboriculturist must be present on site during any works within the root protection areas to ensure compliance with condition 28 and shall submit a report to the council confirming correct installation to include photographs.

Reason:

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

- 30 Any surfacing within the root protection area of any retained tree shall be carried out in strict accordance with section 7.4 of BS5837: 2012 "Trees in relation to design, demolition and construction" and drawing no. erz/17/18/DS02 Rev A docketed to this grant of matters specified in conditions, and shall be monitored and approved by the arboriculturist.

Reason:

To ensure the retention of the trees on the site which are an important landscape feature of the area.

- 31 Notwithstanding that which is shown on drawing nos. erz/17/18/DP12, erz/17/18/P19 Rev B, erz/17/18/DP04/2 Rev B, erz/17/18/DP05/2 Rev A, erz/17/18/DP06/2 Rev B, erz/17/18/DP07/2 Rev A, and erz/17/18/DP08 Rev C, a scheme of landscaping shall be submitted to and approved in writing by the Planning Authority. The scheme shall provide details of: the height and slopes of any mounding on or re-contouring of the site including SuDS basin/ponds details; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. Non-thorn shrub species should be located adjacent to pedestrian areas. The scheme shall include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of any house hereby approved or the completion of the development, whichever is the sooner. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar species and final size, unless the Planning Authority gives written consent to

any variation. No trees or shrubs, detailed in the approved landscaping plans to be retained on the site, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority.

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 ensure the retention and maintenance of the trees on the site which are an important landscape feature of the area.

- 32 Prior to the commencement of development, a tree management plan shall be submitted to and approved in writing by the Planning Authority. This tree management plan shall include an annual programme of inspection and works for the existing trees on the site. All trees within the application site are to be inspected annually by a qualified and experienced arboriculturist. All tree work shall be carried out in accordance with BS3998: 1989 'Recommendations for Tree Work' and be approved in writing by the Planning Authority before work is carried out. Thereafter, all tree works shall be implemented in accordance with the approved tree management plan.

Reason:

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

- 33 The development hereby approved shall be carried out in accordance with the Tree Survey and Arboricultural Constraints report docketed to this grant of planning permission, and all tree work shall be carried out in accordance with BS3998: 1989 'Recommendations for Tree Work' and be approved in writing by the Planning Authority before work is carried out.

Reason:

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

- 34 There shall be no excavations, formation or installation of underground services for the development hereby approved within the Construction Exclusion Zone formed by the temporary protective fencing the subject of condition 28 of this planning permission unless otherwise approved in writing by the Planning Authority.

Reason:

To protect the roots of the retained trees on and adjacent to the site that are important to the wider landscape character and amenity of the area.

- 35 No trees or bushes which are to be retained on the site shall be damaged or uprooted, felled, lopped, or topped without the prior written consent of the Planning Authority.

Reason:

To ensure the retention of vegetation important to the appearance and environment of the development.

- 36 No development shall be commenced on site unless and until written evidence that a contract has been entered into for the provision as affordable housing of all of the 8 flats and 2 houses hereby approved as affordable housing has been submitted to and agreed by the Planning Authority. Thereafter the development shall only be used for affordable housing unless otherwise approved.

Reason:

In order to ensure the development is operated as affordable housing and is therefore compliant with the Council's policies for the provision of affordable housing and standards for car parking provision.

- 37 Notwithstanding the provisions of Parts 1 and 1ZA of Schedule 1 and Class 7 of Part 2 of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended by The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011, or any subsequent Order amending, revoking or re-enacting that Order, no development other than that hereby approved or approved in compliance with any of the above planning conditions, shall take place on the houses and flats or within the curtilages of the houses and flats hereby approved or elsewhere on the application site without the prior permission of the Planning Authority.

Reason:

To safeguard the character and appearance of the development and its landscape setting.

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

REPORT TO: Planning Committee
MEETING DATE: Wednesday 26 June 2019
BY: Depute Chief Executive
(Partnerships and Community Services)
SUBJECT: Application for Planning Permission for Consideration

9

Application No. **18/01328/AMM**

Proposal Approval of matters specified in conditions of planning permission in principle 14/00903/PPM - Erection of 138 houses and associated works

Location **Area 9 Land South
Faside Terrace
Wallyford
East Lothian**

Applicant BDW Trading Limited

Per EMA Architecture + Design Limited

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

Although this application is for the approval of matters specified in conditions of planning permission in principle 14/00903/PPM it has to be determined as a major development type application because the area of the application site is greater than 2 hectares and the number of dwellings detailed is greater than 49. Accordingly the application cannot be decided through the Council's Scheme of Delegation. It is therefore brought before the Planning Committee for a decision.

On 30 November 2009 planning permission in principle (Ref: 09/00222/OUT) was granted for a mixed use development on some 86 hectares of predominantly agricultural land to the east, south and southwest of Wallyford. The site included Wallyford Community Woodland, the public roads of Salters Road and Inchview Road, and land to the south of Fa'side Avenue South, to the south of the existing village. The land is the allocated housing site of Proposal MH9 of the adopted East Lothian Local Development Plan 2018.

Planning permission in principle (Ref: 12/00924/PPM) was subsequently sought for the renewal of planning permission in principle 09/00222/OUT, as submitted to the Council on 26 November 2012. On 1 April 2014 the Council resolved to approve the application

subject to the required Section 75 Agreement and planning permission in principle was duly granted with conditions on 14 November 2014 following the registration of that agreement.

Subsequent to this the applicant sought and was granted permission for the following variations to the conditions of planning permission in principle 12/00924/PPM:

- Variation of condition 2 of planning permission in principle 12/00924/PPM to allow for the development and occupation of residential units from both the western (A6094 - Salters Road) and northern (A199) ends of the site (Ref: 14/00913/PM);

- Variation of condition 5 of planning permission in principle 12/00924/PPM to allow for up to 90 units to be completed in Year 1, up to 150 units in Year 2, up to 150 units in Year 3 and up to 60 units in Year 8 (Ref: 14/00916/PM).

In September 2015 planning permission in principle (Ref: 14/00903/PPM) was granted for amendments to planning permission in principle 12/00924/PPM, including an increase in number of residential units from 1050 up to a maximum of 1450, relocation and redesign of open space, development for residential purposes of areas previously proposed as open space and relocation and redesign of the proposed local centre.

The elements of the approved mixed use development include residential development, community buildings including a new school and community facilities, office units, a restaurant, business units, general industrial units, storage and distributions units, trade counter units, a residential institution, a non-residential institution, hot food takeaways, playing fields, open space, allotments, landscaping and associated infrastructure provision.

Condition 1 of planning permission in principle 14/00903/PPM requires that the development of the site should generally accord with the indicative masterplan docketed to this planning permission in principle.

Condition 4 states that no more than 1450 residential units shall be erected on the application site.

In October 2015 approval of matters specified in conditions (Ref: 15/00136/AMM) was granted for infrastructure associated with the residential development of the Wallyford site. The approved infrastructure includes the formation of an acoustic bund, and spine road that will provide access to much of the larger Wallyford development. Development of the infrastructure is well underway.

In October 2016 approval of matters specified in conditions (Ref:16/00537/AMC) was granted for the erection of 26 houses and 16 flats on land to the south of Fa'side Avenue South. Development of the site is largely complete.

In September 2017 approval of matters specified in conditions (Ref:17/00384/AMM) was granted for the erection of 185 houses on land to the east side of Wallyford - to the east of the new spine road approved by the grant of approval of matters specified in conditions (ref: 15/00136/AMM). Development of the site is well underway.

In November 2017 approval of matters specified in conditions (Ref:17/00432/AMM) was granted for the erection of 245 houses on land to the southwest of Wallyford and thus on part of the larger site to which planning permission in principle ref: 14/00903/PPM and the masterplan docketed to that permission relate. Development of the site is well underway.

On June 4th 2019 approval of matters specified in conditions ref 18/01283/AMM was granted for the erection of 74 houses and 16 flats on land to the south of Fa'Side Terrace, Wallyford and thus on the larger site to which planning permission in principle ref: 14/00903/PPM and the masterplan docketed to that permission relate. Development of this site has not yet commenced.

On June 2019 application ref 19/00003/OBL to modify the S75 legal agreement that is associated with planning permission in principle 14/00903/PPM was approved. This gave approval for modifications to that S75 legal agreement which was the mechanism by which the provision within the residential development of 1450 residential units of 25% affordable housing (i.e. 363 units of the proposed 1450 units) was secured. Additionally, the plan docketed to the Section 75 agreement indicated where within the parts of the overall Wallyford development site that the affordable housing would be provided.

The approval of matters specified in conditions now sought is for the erection of 138 houses on land to the southwest of Wallyford and thus on part of the larger site to which planning permission in principle ref: 14/00903/PPM and the masterplan docketed to that permission apply.

The site is bounded to the east and west by land that is part of the wider Wallyford development which the masterplan docketed to planning permission in principle 14/00903/AMM identifies as areas of open space. Beyond those areas of open space are areas identified by the masterplan for new housing. To the north of the site is the new spine road that was constructed as part of the mixed use development and which was approved by the grant of approval of matters specified in conditions (ref: 15/00136/AMM). Beyond the spine road is a further area of land approved for housing by planning permission in principle 14/00903/AMM. To the south of the site is an acoustic bund that was approved by the grant of approval of matters specified in conditions, (ref: 15/00136/AMM) beyond within is the A1 Trunk Road.

Vehicular access to the 138 residential units would be taken from the new spine road, which was approved by approval of matters specified in conditions (ref: 15/00136/AMM), via 4 access points that have been formed on south side of that spine road.

All of the 138 houses to be erected within the site would be private houses for sale. There would be 47, 4 bedrooomed detached houses, 30 semi-detached, 61 terraced all of which would have 3 bedrooms.

The houses would comprise of 11 different house types.

The submitted details also include for the internal access roads, garages, parking courts, boundary treatments, landscaping and associated area of open space.

The application is supported by a Design and Access Statement.

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

The development plan is the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Development Plan 2018.

There are no policies of the approved South East Scotland Strategic Development Plan

(SESplan) relevant to the determination of the application. Proposal MH9: (Land at Wallyford) of the adopted East Lothian Local Development Plan 2018 and Policies DP1 (Landscape Character), DP2 (Design), T1 (Development Location and Accessibility), T2 (General Transport Impact), OS3 (Minimum Open Space Standards for New General Needs Housing) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of this application.

A material consideration in the determination of this application is the Scottish Government Policy Statement entitled "Designing Streets". It provides an overview of creating places, with street design as a key consideration. It advises on the detail of how to approach the creation of well-designed streets and describes the processes which should be followed in order to achieve the best outcomes.

Also material to the determination of the application is the approved development framework for Wallyford. The framework sets out the land uses expected for the allocated site and how the Council requires the site to be developed.

One written representation has been received in respect of this application. The main grounds of objection are:

(i) the use of an access from Fa'Side Avenue North will create a safety risk to vulnerable members of society which is already overwhelmed with traffic and will cause additional parking and traffic problems;

Access to the site will not be taken from Fa'Side Avenue North. Access to the site will be from the new spine road approved by the grant of approval of matters in accordance with the site layout plan (Ref: 17052(PL)001Z).

Wallyford Community Council were consulted on the application but did not respond.

By the grant of planning permission in principle 14/00903/PPM, approval has been given for the principle of the erection of 1450 houses on the application site following technical assessments which demonstrated that local and wider infrastructure, subject to financial contributions and conditions, can accommodate such level of development. To date, approval (Ref: 16/00537/AMC, 17/00384/AMM and 17/00432/AMM) has been granted for the erection of a total of 562 residential units on the wider Wallyford site. There can therefore be no objection in principle to the erection of the further 138 houses now proposed on this particular part of the site.

Therefore, in the determination of this application the Council, as Planning Authority, can only concern itself with the siting, design and external appearance of the development, the landscaping of and means of access to the site and the means of any enclosure of the boundaries of the site. In this regard the detailed proposals have to be considered against relevant development plan policy and conditions attached to planning permission in principle 14/00903/PPM.

The proposed residential development would form an extension to, and would be a natural extension of the southwestern edge of Wallyford. The proposed housing would be seen in relation to the new housing that is also being built by the applicant to the northeast of this site. The new housing will also eventually be seen in relation to the other new housing areas that will be beyond the spine road to the north of the application site, which is still to be developed but which forms part of the wider Wallyford development. In all of this, the proposed residential development would be sympathetic to and would not be out of keeping with the character of Wallyford or with other recent housing developments in the Wallyford area.

The details now submitted for approval are for a scheme of development comprising a mix of detached, semi-detached and terraced houses (11 types of residential units), with the houses being two stories in height. The total number of units proposed accords with the planning permission in principle granted for this part of the site and the mix of residential units includes a range of sizes and types. The layout reflects the surrounding area, which is generally characterised by detached, semi-detached and terraced houses of a mix of single and two-storey. The range of house types proposed would give a variation of architectural form to the development, which coupled with the orientation and layout of the buildings, would give a degree of variety of appearance to the development. The architecture of the proposed houses is of a traditional pitched roof form. It should be ensured that the use of render is the predominant wall finish as this would respect the built form of other housing developments in Wallyford. A condition can be imposed on a grant of approval of matters specified in conditions for the proposed development to address these matters of wall finishes.

The proposed layout is broadly consistent with the layout shown in the Design Concept docketed to planning permission in principle 14/00903/PPM. The houses due to their positioning on the application site and by virtue of their height, size and scale, would not appear incongruous in their landscape setting. This coupled with the proposed landscaping would ensure a visually attractive and cohesive development, with the proposed houses visible but not appearing intrusive in their surroundings. The other components of the proposed development would not be harmful to the character and appearance of the area.

The proposed housing development would provide an attractive residential environment for future residents of the proposed houses. The houses are shown to be laid out in such a way that adheres to the normally accepted privacy and amenity criteria on overlooking and overshadowing, whilst affording the future occupants of the houses an appropriate level of privacy and residential amenity.

The application site is capable of accommodating all of the houses without being an overdevelopment of the site and without being incompatible with the density of existing housing development in the area.

The Council's Landscape Project officer raises no objections to the proposals provided including to the detailed scheme of landscaping that has been submitted. The proposed 138 houses would be located immediately to the north of the acoustic bund which was approved by the grant of approval of matters 15/00136/AMM. As the applicant's point out in their Design and Access Statement, the bund will provide a landscape buffer, and will reduce the noise and visual impact from the A1 significantly. In accordance with Condition 5 of approval of matters 15/00136/AMM, a specification for new woodland planting to the bund was already approved. To ensure that the bund does provide an acceptable landscape buffer to the 138 houses, it would be prudent to ensure that the approved woodland planting is fully undertaken prior to the occupation of any of the 138 houses, and is thereafter managed and maintained. The implementation of landscaping scheme can be made a condition of a grant of approval of matters.

Condition 20 of planning permission in principal 14/00903/PP requires the submission by the applicant of all noise mitigation measures based on the mitigation measures identified in the Environmental Statement and designed so that the 'good standard' indoor levels from Table 5 of BS 8233 Sound Insulation and Noise Reduction for Buildings- Code of Practice are met inside the proposed residential units. The mitigation measures include the erection of an acoustic barrier along the southern boundary of the site and included a timetable for the implementation of all of the proposed noise

mitigation measures.

Furthermore, Condition 3 of approval of matters specified in conditions ref 15/00136/AMM requires the submission of a timetable for the implementation of all of the proposed noise mitigation measures and states that the acoustic barrier be provided prior to the occupation of any part of the development unless otherwise agreed with the Council as Planning Authority. The provision of acoustic glazing, will be provided prior to the occupation of any dwelling house within the scheme where such measures have been proposed unless otherwise agreed with the Council as Planning Authority.

Subject to the noise mitigation measures alluded to in the planning conditions above being implemented prior to the occupation of any of the houses the subject of this approval of matters The Council's Environmental Health Manager raises no objection to the housing development now proposed.

On all of these foregoing findings on matters of design, density, layout, landscaping and amenity the details submitted for approval are consistent with Policies DP1 and DP2 of the adopted East Lothian Local Development Plan 2018 and the Council's approved development framework for Wallyford.

The masterplan docketed to planning permission in principle 14/00903/PPM indicates how areas of formal and informal open space, including two community sports pitches, could be located throughout the allocated site.

The site that is the subject of this approval of matters application includes land shown on the docketed masterplan as being the location for areas of open space. It does not however show areas for play area provision or for sports pitch provision.

However, the site will be bounded to the east and west by areas identified by the masterplan for planning permission in principle 14/00903/PPM as open space including for the provision of play parks. Furthermore the site is in close proximity to the Community Woodland which will provide opportunities for outdoor recreation for the residents of the wider Wallyford site including the future occupants of this site.

Consequently, although the proposed development does not include the provision of formal play area provision, this is consistent with the docketed masterplan. On this consideration the proposed development is consistent with Policies OS3 of the adopted East Lothian Local Development Plan 2018 and with the indicative masterplan docketed to planning permission in principle 14/00903/PPM.

The principles of the means of accessing of the proposed housing area are already decided by the grant of planning permission in principle 14/00903/PPM. These include vehicular access to the proposed site being taken from the new spine road approved by the grant of Approval of Matters Specified in Condition 15/00136/AMM.

The submitted details for accessing the site are in accordance with these established principles of the means of accessing the development.

The Council's Road Services raise no objection to the submitted details, being generally satisfied with the proposed means of pedestrian and vehicular access and the number and location of parking spaces proposed. They do however make recommendations on the standards of provision.

They recommend that:

- (i) all adoptable footpaths shall be 2m wide;
- (ii) driveways shall have minimum dimensions of 6 metres by 3 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 m length;
- (iii) within private parking areas, the minimum dimensions of a single parking space shall be 2.5 metres by 5 metres. All visitor parking spaces within these areas shall be clearly marked for visitors with the remaining private parking spaces allocated to individual dwellings;
- (iv) all prospectively adoptable parking bays (i.e. that will form part of the public road) shall have minimum dimensions of 2.5 metres by 6 metres. This can be reduced to a minimum length of 5 metres on the proviso that there is adequate road space to manoeuvre in adjacent to the parking bay;
- (v) Vehicle access to private parking areas shall be via a reinforced footway crossing and have a minimum width of 5.5m over the first 10m to enable adequate two movement of vehicles;

All of these requirements can reasonably be made conditions of the approval of matters specified in conditions for the proposed housing development.

On these foregoing transportation and other access considerations the proposed residential development is consistent with Policies T1 and T2, of the adopted East Lothian Local Development Plan 2018.

The mechanism of a financial contribution towards additional educational provision for a housing development of 1450 residential units has already been secured through the grant of planning permission in principle 14/00903/PPM.

The mechanism of the provision within the residential development of 1450 residential units of 25% affordable housing (i.e. 363 units of the proposed 1450 units) is already secured through the Section 75 agreement associated with the grant of planning permission in principle 14/00903/PPM. A plan attached to the S75 agreement identified the areas within the wider Wallyford Area where the affordable housing would be provided, including on Area 9. However, the modification to that legal agreement 19/00003/OBL approved in June 2019 modified where within the wider Wallyford site the affordable house would be located. In accordance with that modification Area 9 is not now one of the areas identified for the provision of affordable housing. Therefore, the capability of delivering the required number of affordable housing units in appropriate locations throughout the overall site would not be compromised by approval of this application.

The Council's Economic Development and Strategic Investment service raise no objection to this amendment to the affordable housing provision.

SEPA raise no objection to the 138 residential units now proposed.

The Council's Team Manager for Structures, Flooding & Street Lighting raise no objection to the proposal.

Scottish Water were consulted on the planning application and raised no objection to it.

RECOMMENDATION:

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

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

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

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

Reason:

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

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

Reason:

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

- 3 Prior to the occupation of the last residential unit hereby approved within Area 9, the proposed access roads, parking spaces and footpaths shall have been constructed on site, in accordance with the docketed drawings and those areas of land shall not thereafter be used for any other purpose than for accessing and for the parking of vehicles in connection with the residential use of the houses and shall not be adapted or used for other purposes without the prior written approval of the Planning Authority.

Reason:

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

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

(i)) A detailed swept path assessment shall be undertaken for all of the access roads within the housing development. This shall include the access junctions from the spine road. It should also be noted that pedestrian safeguards should not form any part of the manoeuvring space for the Design Vehicle. The Design Vehicle to be used in the detailed swept path assessment shall be 2.5 metres wide, and shall have a 6.1 metre wheelbase within an overall vehicle length of 10 metres;

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

(iii) 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;

(iv) within private parking areas, the minimum dimensions of a single parking space shall be 2.5 metres by 5 metres. All visitor parking spaces within these areas shall be clearly marked for visitors

with the remaining private parking spaces allocated to individual dwellings;

(v) all prospectively adoptable parking bays (i.e. that will form part of the public road) shall have minimum dimensions of 2.5 metres by 6 metres. This can be reduced to a minimum length of 5 metres on the proviso that there is adequate road space to manoeuvre in adjacent to the parking bay;

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

Reason:

In the interests of road safety.

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

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

Reason:

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

- 6 All planting, seeding or turfing comprised in the landscaping plans docketed to this approval of matters, and the woodland planting on the landscaped acoustic bund as approved by the landscaping scheme of condition 5 of approval of matters 15/00136/AMM, shall be carried out in accordance with a timetable which shall be submitted to and approved by the Planning Authority prior to the commencement of development. Thereafter the landscaping of the site and the woodland planting of the acoustic bund shall be carried out in accordance with that approved timetable unless otherwise approved. Any trees or plants within the site or within the woodland planting of the acoustic bund which within a period of 10 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

Reason:

In order to ensure the implementation of a landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area.

- 7 All of the approved landscaping as detailed in the landscape drawings docketed to this approval of matters and required by condition 6 above shall be implemented, maintained and managed in accordance with the management details approved by the landscaping scheme unless otherwise agreed in writing by the Planning Authority.

Reason:

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

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

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

Reason:

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

- 9 A Construction Method Statement to specify the measures to be adopted to protect the amenity of neighbouring residential properties from the effects of noise and dust arising as a result of the construction phase of the proposed development shall be submitted to and approved by the Planning Authority prior to the commencement of development.

The recommendations of the Construction Method Statement shall be implemented prior to the commencement of development. Development shall thereafter be undertaken in accordance with the details so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of the amenity of the area.

- 10 A Construction Method Statement to minimise the impact of construction activity on the amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control construction traffic and shall include hours of construction work and details of wheel washing facilities to be provided. Wheel washing facilities must be provided and maintained in working order during the period of operation of the site. All vehicles must use the wheel washing facilities to prevent deleterious materials being carried onto the public road on vehicle tyres.

The recommendations of the Construction Method Statement shall be implemented prior to the commencement of development. Development shall thereafter be undertaken in accordance with the details so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

To minimise the impact of construction activity in the interests of the amenity of the area.

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

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REPORT TO: Planning Committee
MEETING DATE: Wednesday 26 June 2019
BY: Depute Chief Executive
(Partnerships and Community Services)
SUBJECT: Application for Planning Permission for Consideration

10

Application No. **18/01403/PM**
Proposal Winning and working of hard rock as extension to existing quarry
(Part Retrospective)
Location **Markle Mains Quarry**
East Linton
East Lothian
Applicant D Geddes (Contractors) Ltd
Per AMS Associates Ltd
RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

As the extraction area proposed in this application is greater than 2 hectares the development proposed in this application is, under the provisions of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, defined as a major development and thus it cannot be decided through the Council's Scheme of Delegation.

The extraction area for the extension sought by this application is 4.1ha and the application is therefore a major development and brought before the Planning Committee for a decision.

As a statutory requirement for major development proposals this development proposal was the subject of a Proposal of Application Notice (Ref: 18/00007/PAN) and thus of community consultation prior to the application for planning permission being made to the Council.

As an outcome of the pre-application consultation, and a statutory requirement for major development type applications, a pre-application consultation report was submitted with this application.

The report states that approximately five people attended the pre-application public

exhibition, which was held at East Linton Community Hall on the 16 October 2018 between 3.30pm and 7.00pm. This event was advertised in the East Lothian Courier on 04 October 2018 and by public notices displayed in the area. A fact sheet was produced and made available to the public and a community information line was set up. The attendees of the public event had the opportunity to discuss issues and leave responses using a feedback form. At the time of the application no person had contacted the information line or responded using the feedback form. The pre-application consultation report summarises the comments given verbally on the day of the public event. These are generally reported as positive with people happy with the operation of the quarry and the visual impact. There were some concerns regarding traffic and clarification was sought on the nature of the application and restoration and aftercare of the site. There were positive comments received regarding the provision of jobs from the site. The report states that no concerns were expressed regarding noise.

The development for which planning permission is now sought is of the same character as that which was the subject of the community engagement undertaken through the statutory pre-application consultation of the proposal.

Markle Mains Quarry is situated north of the A1 and A199, approximately 4 miles east of Haddington, 1.6 mile west of East Linton, and 800 metres south-west of Markle. It is bounded on all sides by agricultural land. The quarry is accessed off the Beanston Mains road, utilising a private access road. The extraction area of the quarry is to continue to be accessed through the "keyhole" cutting in the Markle Mains Heughs and using the exiting road.

The northern part of the quarry and approximately half the quarry area is defined as an area safeguarded for hard rock quarrying by Policy MIN4 of the East Lothian Local Development Plan 2018 (ELLDP). The remainder of the site is within the countryside as defined by Policy DC1 of the ELLDP.

There is an area of ancient woodland (long established of plantation origin) adjoining the quarry site, between the main extraction area and working area to the north. Pencraig Wood is situated approximately 160 metres to the south of the application site and is also defined as ancient woodland (long established of plantation origin).

The Beanston Mains to Pencraig Wood Right of Way and Core Path 84 run west from Pencraig wood and join the access road to the quarry before it joins the Beanston Mains public road. At its nearest point the path is approximately 65 metres south of the quarry.

Traprain and Tyne Valley Special Landscape Area is located approximately 100 metres south of the site, encompassing Pencraig Wood and extended south of the A199.

In January 1979 planning permission (Ref:468/78) was granted for a quarry at Markle Mains and for the extraction of hard rock from it for a period up until the end of the year 2007. The quarry was worked by the Department of Highways of the former Lothian Regional Council. Operations of the quarry by the Regional Council ceased during July 1984.

On 16 October 1995 planning permission (Ref:95/00515/P) was refused for re-working of quarry for the extraction of hard rock, extension of quarry, erection of processing plant and ancillary infrastructure. The proposal was for the extraction of a greater tonnage of material from a larger area and for a longer time period than permitted by the 1979 planning permission, Ref: 468/78.

The application was refused for the following reasons:

1. The proposal would have an adverse impact on the tourist industry in East Lothian, particularly the Monksmuir Caravan site, and on the amenity of the area.
2. There is no demonstrable need for the working of the quarry.

In April 1996 D Geddes (Contractors) Ltd appealed to the Secretary of State against that refusal to grant planning permission. The appeal was subsequently withdrawn in February 1996.

D Geddes (Contractors) Ltd re-commenced operations at the quarry in 1996 under the terms of the 1979 planning permission. The Council accepted that the 1979 planning permission (Ref: 468/78) for Markle Mains Quarry was valid and that no action should be taken to prohibit operations covered by that permission and the conditions attached to it.

On 14 October 2002 planning permission (Ref: 98/00054/P) was granted for the winning and working of hard rock from the existing quarry including, an extension to the lifetime of the operation and an increase in the area and size of the site. The officer's report states that the permission was sought to extend the quarry by 6.08 hectares, resulting in an overall quarry area of 17.48 hectares, which included the proposed screening mounds. This permission was granted subject to the revocation of the previous permission 468/78 and a section 75 legal agreement between Geddes and the Council securing a restoration and performance bond of £57,000 (indexed linked to the retail price index). The bond has an expiry date of 1 June 2035 after which it must be returned if not used.

Permission 98/00054/P allows the winning and working of hard rock from the quarry area for a period of 26 years from the decision date, thus up to 14 October 2028. An additional one year is specified in which to complete 'restoration' of the site. The permission gave consent for the extraction of some 10.49 million tonnes of hard rock from the site at an annual rate of 400,000 tonnes.

A number of conditions are attached to this permission which to limit the hours of working, control dust, noise, traffic, effects of blasting and landscape impacts.

Following completion the applicant proposed that the site would be returned to, 'semi-agricultural/ nature use' with the quarry floor covered in subsoil and topsoil and a 5 year maintenance plan agreed. The aftercare of the site was agreed to comprise of the retention of the landscape mounds and the main quarry access road for the farmers use, with buildings and security fencing to be removed and areas of hard standing grubbed up and removed. Condition 32 of permission 98/00054/P required a 10 metres wide tree belt to be planted around the perimeter of the quarry.

On 24 February 2017 an application (Ref:16/01066/P) for an extension to the rock quarry and the formation of bunding, landscaping and restoration works was submitted. This application is pending determination.

On 13 September 2017 an application (17/00627/P) for the removal of condition 32 of planning permission 98/00054/HIS_P to rescind the requirement for a 10 metre tree and shrub belt around the quarry extraction area was submitted. This application is pending determination.

While considering the above applications it became apparent that a larger area was now being worked than that permitted by planning permission 98/00054/P. The area which was proposed as an extension under application 16/01066/P is therefore an extension to an area which does not benefit from planning permission.

To regularise this, a planning application (Ref: 18/00172/P) was submitted in February

2018 for the winning and working of hard rock as extension to existing quarry (Part Retrospective). This sought to regularise the existing works and give permission for future vertical extraction. However, after the application was registered and through discussions with the applicant, it became evident that the extraction area stated on the application was incorrect. The proposed extraction area was in fact over 2 hectares and the proposal constituted a Major Development. The application was subsequently withdrawn in February 2019 after the current application was submitted.

Planning permission is now sought through the current application for the winning and working of hard rock as an extension to the existing quarry (Part Retrospective). The applicant has stated that the additional areas were opened up as structurally weak rock was disturbed while working the consented areas and safe gradients were then created.

Amended plans and supporting documents have been submitted to clarify the proposed development and address comments regarding landscaping proposals.

The ground within the extension area has been broken and is currently being worked as part of the existing Markle Mains Quarry. The extended area are comprised of a strip along the eastern boundary and a wedge on the north west side. The total area leased by the quarry operator, from the owners and operations of Markle Mains Farm, including the access and quarry void, is some 25 hectares. The area of the extension is some 4.1 hectares. The applicant has stated that the current rate of extraction is in the region of 200,000 tonnes per annum.

Page 7 of the supporting statement submitted by the applicant states that a recycling facility operates from the site. The applicant has since clarified that this was an error and there is no recycling facility on site and this does not form part of this application.

Rock is extracted from site by drilling and blasting. Rock is extracted and processed using mobile equipment located in the quarry void next to the extraction areas. No washing is required and after crushing and screening, the stone is stockpiled on site before being transported offsite. The crushed rock is used for construction projects, including general aggregates, stone for road surfacing and concrete. It is proposed to quarry down to 32 metres AOD with the re-contoured berms left in place.

The applicant has asserted that the proposed development would maintain economic benefits to the area through the continuation of 15 direct jobs and approximately 10 indirect jobs in haulage. The applicant has stated that 97% of employees are currently from East Lothian with an average employment period of 14 years.

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 the proposed development falls within the category of a Schedule 2 Development, being one that may require the submission of an Environmental Impact Assessment (EIA). Schedule 3 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 sets out the selection criteria for screening whether a Schedule 2 development requires an EIA.

On 19 March 2019 the Council issued a formal screening opinion to the applicant. This concluded that the proposed development is unlikely to have significant effects on the environment to the extent that any expert and detailed study through EIA would be necessary to properly assess any effect. It is therefore the opinion of East Lothian Council as Planning Authority that there is no requirement for the proposed development to be the subject of an EIA.

The following reports have been submitted as part of this application:

- * Pre-application consultation report titles 'Community Engagement Report, November 2018
- * Planning Application and Supporting Statement (November 2018)
- * Blast report and Blast design terminology and formula sheet
- * Landscape Specification Report (September 2018 rev 03)
- * Reinstatement and Aftercare Management Plan (November 2018)

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

The development plan is the approved South East Scotland Strategic Development Plan (SESPlan) and the adopted East Lothian Local Development Plan 2018 (ELLDP).

Policy 4 Minerals of SESPlan and Policies, DC1 (Rural Diversification), PROP MIN4 (Safeguard Bangley and Markle Mains Hard Rock Quarries), MIN5 (Mineral Resources), MIN 8 (Mineral Extraction Criteria), MIN9 (Supporting Information), MIN10 (Restoration and aftercare), NH13 (Noise) and T2 (General Traffic Impacts) of the ELLDP are relevant to the determination of the application.

Also material to the determination of the application are:

- * Scottish Planning Policy 2014 (SPP)
- * Planning Advice Note PAN 50: Controlling the Environmental Effects of Surface Mineral Working and Annexes A, B, C and D relating to the control of Noise, Dust, Traffic and Blasting respectively.
- * Planning Advice Note PAN64: Reclamation of Surface Mineral Workings
- * Circular 3/2012 Planning Obligations and Good Neighbour Agreements

No written representations to the application have been received.

Dunpender Community Council made no written comment on this application.

Planning Advice Note 50 (PAN 50) is national planning advice which aims to provide advice on the more significant environmental effects arising from mineral working operations. It notes that the main issues that give rise to concerns in connection with surface mineral working are generally: the effects of road traffic, the effects of blasting, noise and dust, visual and landscape effects and contamination and pollution into the environment. It must be recognised that this advice relates to all surface minerals workings, including coal and sand and gravel extraction, in addition to hard rock extraction such as that carried out at Markle Mains Quarry. The environmental effects can vary considerably depending on the type of extraction and site specific characteristics.

Planning Advice Note 64 (PAN 64) is national advice on the restoration and aftercare of surface mineral workings.

SPP states that the Planning System should, 'safeguard workable resources and ensure that an adequate and steady supply is available to meet the needs of the construction, energy and other sectors; minimise the impacts of extraction on local communities, the environment and the built and natural heritage; and secure the sustainable restoration of sites to beneficial after use after working has ceased'.

Policy 4 of SESPlan includes the requirement of Local Development Plans to safeguard mineral resources from sterilisation, identify areas of search for aggregate minerals and set out the criteria to be addressed when assessing individual proposals. The section

following the policy notes that extraction of aggregates outwith areas of search should be restricted to extensions of existing sites or small scale proposals with applicants needing to demonstrate the particular operational, community or environmental benefits of such proposals. It also notes that aggregate minerals should be worked as close as practically possible to where need arises, balanced by regard to environmental factors.

The current application is for an extension to an existing quarry site and the detail of the proposal will be assessed against policies in the adopted ELLDP which address the issues set out in Policy 4 of SESPlan.

PROP MIN4 of ELLDP states that Markle Mains Quarry is safeguarded for the continued extraction of hard rock. The boundary relating to Policy MIN4 as shown on the proposals maps only covers the northern section of the site and does not reflect the area covered by extant permission granted by 98/0054/P or any larger area.

The remaining area of the application site and quarry is within the countryside as defined by Policy DC1 of the ELLDP. This states that proposals for mineral extraction and renewable energy will be assessed against the other relevant policies of the ELLDP.

Section 4.111 of the ELLDP and the pre-amble to Policy MIN5 states, 'There is no shortage of hardrock in the SESplan area as the land bank is greater than 10 years'. It notes that any proposal for extraction of construction aggregates will be assessed against Policies MIN5, MIN8, MIN9 and MIN10 of the ELLDP.

Policy MIN 5 states that 'Proposals for the winning and working of minerals including hard rock, sand and gravel and limestone will not normally be permitted except (a) where related to existing workings or in exceptional cases, where resources of a particular type or quality are unavailable from an alternative source within a reasonable distance, and (b) where they are proven to be acceptable having regard to Policy MIN8 and other relevant development plan policies'.

Although SESPlan has established that there is no shortfall in hard rock supplies, the applicant has noted that there is a need for the hard rock products in the area and the quarry operates in relative close proximity and easy access to markets in the Lothians and the north of England. The haulage distance to market is thus relatively short. The proposed development is for an extension to the existing Markle Mains Quarry and therefore the principle of the winning and working of hard rock at this site is supported by Policy MIN5 of the ELLDP and Policy 4 of SESPlan, subject to assessment against other relevant ELLDP policies.

Policy MIN9 specifies the supporting information required with surface mineral applications. In this case the applicant has detailed the workings of the site in a Supporting Statement. As this is an extension to an existing site, details of working hours and environmental mitigation measures are given to align with those currently being operated. An assessment of the environmental impacts have been given in the supporting statement. A planting plan, landscape specification and Reinstatement Plan and Reinstatement and Aftercare Management Plan Report have also been submitted. Therefore, the proposal broadly complies with Policy MIN9.

Policy MIN8 states that proposals for surface mineral extraction will only be permitted where there will be no significant adverse impact on the environment or the local community. Proposals will be assessed against other relevant LDP policies and must meet several criteria summarised below:

- 1) There must be no unacceptable environmental impacts including from disturbance, disruption, noise, dust, vibration, seismic activity, blasting, traffic, visual intrusion,

landscape impact, or pollution

- 2) There would be no significant loss of access to the countryside
- 3) The development would not be conspicuous when viewed from major transport routes
- 4) The development would not have a significant cumulative impact
- 5) Where there is a material risk of disturbance or environmental damage, this is outweighed by demonstrable and significant local or community benefits related to the proposal.
- 6) In the case of proposals for surface minerals extraction, the proposal is for a specific type, quality and quantity of minerals required to meet an established need, and which are not available from sites with existing permissions; or through the use of suitable secondary or recycled materials

The preamble to Policy MIN8 states in respect of noise, the acceptability of any proposed surface mineral workings will be assessed in accordance with the provisions of PAN 50. If considered necessary, conditions will be attached to any grant of planning permission in accordance with the advice contained in the Annex A of PAN 50.

Policy NH13 of the ELLDP also states that development proposals that would either result in or be subject to unacceptable levels of noise will not be supported.

It must also be noted that this application is for an extension to the existing quarry which has been operating under permission 98/00054/P since 2002. The application is partially retrospective and the work on the surface to remove the overburden on the area which does not currently benefit from consent has been carried out. At the time of the application, the extended area on the east side of the permitted quarry had been worked down to approximately 60 metres Above Ordnance Datum (AOD) from a surface level of approximately 70-80 metres AOD. Overall, the areas which are the subject of this application vary from approximately 49 to 74 AOD. The lowest part of the existing quarry as a whole is approximately 48 metres AOD, with permission in place to work down to 32 AOD.

The extraction area and working area of the quarry site is over 400 metres from the nearest residential property and from Monksmuir Caravan Park. The nearest residential property is Overhailes Lodge, which is located south of the A199 and the A1 roads, approximately 430 metres from the quarry boundary.

The quarry works for which permission is sought are comprised of blasting and extraction of stone for crushing and screening on site, the profiling of the quarry faces after extraction and the restoration of the worked quarry.

The existing office and other infrastructure such as the weighbridge and plant remain in their existing locations and are covered by the extant permission 98/00054/P. There are no proposals for buildings in the extended area. It is evident that the impact of the quarrying activities can, to a significant extent, be understood from the current activities on site.

The applicant has stated that mineral extraction, processing and transportation currently takes place Monday to Friday 07.00 – 1900 hours, Saturday 0700 – 1630 hours with only maintenance work taking place on Sundays. This complies with condition 3 of extant permission 98/00054/P except in that the condition restricts operating to 1600 (rather than 1630 hours) on Saturdays, unless otherwise agreed with the Planning Authority. It is unclear whether this additional half hour on Saturdays has been formally agreed but it is recommended that if granted, a condition should restrict the operations on site to those currently proposed by the applicant, which are considered reasonable.

Noise can be expected from a number of activities inherent to the mining and working of

rock on the site, including loading of trucks, drilling blasting, crushing and screening. Under the Control of Pollution Act 1974, local authorities have powers to control noise by serving notice and imposing orders, if noise is considered to be a statutory nuisance, however, it is obviously preferable to avoid the need for such measures from the outset. The extraction and operation works are now carried out within the quarry void, which acts to limit the noise to the surrounding area. The earth bunds around the site are also assumed to provide some mitigation. The Council's Environmental Health Manager raises no objection to the proposal and has confirmed that no complaints regarding noise from the site have been received to date.

The application has predicted that at some noise sensitive locations the noise levels could exceed 50 dB (LAeq 1hr) and they have suggested a condition limiting the noise to 55 dB (LAeq 1hr), which is in line with the recommendations of PAN 50 Annex A. However, the extant consent under which the majority of the quarry operates has a condition (condition 20) restricting noise from the quarry to 50 dB (LAeq 1hr). As it would be impossible to differentiate between the noise from the consented and proposed area of working, it is recommended that the condition attached to a permission for this proposal limits the noise to 50 dB (LAeq 1hr) in line with the extant permission. As the hours of operation on site would be restricted to during the daytime, nighttime noise would not need to have a separate noise limit specified.

A condition preventing the use of safety alarms on vehicles has been applied to the extant consent 98/00054/P and can be applied if the current application is granted. The proposed condition controlling the hours of operation will serve to mitigate any effects of noise from the site, including noise from traffic.

In terms of blasting, the preamble to Policy MIN8 states that blasting will only be permitted if the developer can satisfy the Planning Authority that it is necessary. If blasting is accepted as necessary, it states that ground vibration and air overpressure from such blasting operations will be controlled by strict adherence to good blasting practice as contained in PAN 50. Where blasting is proposed, the planning authority will consider the need to agree or specify planning conditions relating to ground vibration.

PAN 50 Annex D, acknowledges that blasting is required at rock quarries, which may not be the case at other surface mining operations. It also emphasises that blasting and flyrock is covered by the Quarry Regulations (1999) and the design of blasts should not be a matter of planning conditions. However, the resulting outcomes of the blasting through ground vibrations and air overpressure can be a matter for control through planning conditions.

Any blasting will result in some ground and airborne vibration. The applicant has stated that all blasts are monitored for ground vibration and air over pressure. It is noted that the blasting associated with surface works have already been undertaken and that there have been no known complaints regarding ground vibration or air overpressure due to the current operation of the quarry and the Council's Environmental Health Manager raises no objection to the proposal.

A condition is attached to the extant consent for the quarry restricting blasting, to between 0900 and 1600 hours Monday to Friday and 0900 and 1200 hours on Saturdays. This is a shorter time than for other operations of the site, such as transportation and screening of rock. This condition should also be applied if the current application is granted to protect the amenity of the surrounding area and properties.

In compliance with PAN 50 advice, a condition requiring a scheme of monitoring and reporting of ground vibration should be attached if permission is granted for this

application, and this would align with condition 26 of the extant permission.

In terms of air overpressure from blasting, if granted, a condition should be attached requiring the details of the methods to be employed to minimise air over pressure from blasting operations to be submitted and approved by the Planning Authority. This approach is in compliance with the advice in PAN 50 Annex D and condition 28 of the extant permission 98/00054/P.

Therefore, due to the location of the site and distance from residential properties noise and ground vibrations and air overpressure from blasting are anticipated to be acceptable and able to be controlled by condition.

Dust from quarrying operations is a potential issue as a result of extraction, processing and transportation and can have a detrimental impact on air quality, although hard rock extraction is likely to result in less problematic dust emissions than some other types of surface workings. PAN 50 Annex B notes that local authorities can serve an abatement notice where a statutory nuisance exists, however it is clearly preferable to plan minerals operations which are environmentally acceptable from the outset rather than to rely on retrospective action. PAN 50 Annex B notes that dust generating activities in worked out areas can significantly reduce potential dust impacts. As the works are now taking place within the void and the site is relatively isolated, dust is not anticipated to be a significant issue on this site. The Council's Environmental Health Manager has raised no objection or issues in this regard.

A summary of dust control measures which the applicant has stated are in place on site are summarised in table 7.4.1 of the Planning Statement. These include spraying of roads, sheeting lorries, water suppression, stockpile shape and location and the use of plant with built in dust suppression features all serve to mitigate the spread of dust. Although dust has not been a significant problem on site to date, conditions relating to dust control and monitoring, in compliance with PAN 50 Annex B, should be applied if the current application is granted permission. This will ensure the ongoing monitoring and mitigation on site and align with the existing consent for the rest of the quarry.

There can be significant traffic impacts from minerals workings. However, in this case the quarry is currently operating and the extension for which permission is sought is not proposed to result in any more tonnes being extracted per year or additional vehicle movements.

The Council's Road Services raise no objection to the proposal, noting that no increase in traffic is predicted, no pedestrian or cycle routes are affected and no new access is being created.

The quarry road does not pass any residential properties, with Monks Muir Caravan Park being the only sensitive receptor along the short section to the adopted road network. The applicant has stated that the overall quarry operations results in approximately 37 vehicle movements per day, in and out. All traffic is routed along the quarry road, south down Beanston Road, to the A199 then onto the A1. The access and route used by lorries would be the same as that currently operating and this can be secured by conditions, as has been done on permission 98/00054/P.

It is noted that the extant permission required the painting of road markings onto the junction of the quarry road and Beanston Mains Road and the erection of a sign directing lorries south, towards the A199. Although there is a 'Give Way' sign and evidence of road markings, the markings have been erased over time and the sign directing lorries does not remain on site. Therefore, if granted it is recommended that similar conditions to those on

the extant consent are attached to ensure that quarry traffic gives way and does not travel north along minor roads.

In terms of the visual impact, the removal of surface materials has been carried out and the continued vertical extraction of the rock will not significantly increase the visual impact from the surrounding area. Due to the topography of the area and the use of the 'key hole' design, the whole quarry site is currently fairly well screened from the wider area and not visible from the A199 or A1. The machinery and plant are not readily visible, being screening by the void walls and landscaping and are not subject of the areas within this application. Soil bunds have been formed along the east, west and southern boundaries of the quarry void. There are some distance views of the quarry from the north east, especially of the southern faces of the void. From the core path to the south the topography and bunds mean that there are limited views of the quarry, although glimpses of the southern faces and worked area are visible in for short sections. From areas north of the core path, accessible by walkers, the southern and eastern faces are clearly visible and the small bunds do not visually screen views to the site. Therefore, although it has a limited visual impact it will have a long permanent impact on the surrounding area.

Condition 32 of extant permission 98/0054/P requires a 10 metres tree and shrub planting around the site to be maintained for the lifetime of the site. The soil bunds on site have not been planted up and are not in the same position as those agreed in relation to permission 98/00045/P as the quarry has been extended. Therefore, this application gives the opportunity to secure planting on bunds around the site and their ongoing maintenance. This planting will mitigate the visual impact of the proposal and increase the biodiversity value of the site, particularly by providing links between existing areas of woodland. The applicant has submitted a comprehensive planting plan and landscape specification.

The Council's Policy and Projects Landscaping officer has no objection to the proposal. They do note that the existing bunding is narrow and steep with erosion evident and have expressed some concern that planting will struggle to establish. However, they have accepted the proposed planting scheme and plan submitted by the applicant. They recommend that the proposed planting should be undertaken within the 2019/2020 planting season and a condition can be attached requiring planting and maintenance is carried out as per the approved details in the first planting season following the decision date.

Subject to suitable conditions, the additional planting on the bunds and their ongoing maintenance will mitigate the visual impact of the extension areas and the existing quarry.

There is no requirement for the diversion of the right of way and core path to the south of the site and access to the surrounding countryside is not detrimentally effected. Subject to the proposed conditions and the relatively isolated nature of the site and the fact that proposal is for an extension to the operating quarry, there is not anticipated to be any significant impact on amenity or recreational use of the surrounding area.

There are no watercourses within the current site, the nearest named water course being over 900 metres from the site. The surface water on site is comprised of a settlement pond, to a settling system and then drains from the site. The applicant has states that the collected water is used for dust suppression for the haul road and the processing plant. The applicant has states that this is compliance with the Pollution prevention Permits issued and monitored by SEPA, which they operate under.

SEPA have not objected to the proposal. They have confirmed that the site is not at risk of coastal or fluvial flooding and that there are no watercourses nearby and surface water is dealt with on site.

SEPA note that full details of SuDS is not provided, although this does not raise significant concerns for them. It is noted that the operation would also be subject to the Water Environment (Controlled Activities) (Scotland) Regulations 2011.

Policy MIN10 of ELLDP states that planning applications for the extraction of minerals must be accompanied by a fully costed and appropriately phased scheme for the restoration and/or after use of the site, including provision for its long term management and maintenance. Unless satisfied that a suitable restoration fund is available, the Council will seek to conclude an agreement with applicants under section 75 of the Town and Country Planning (Scotland) Act 1997, or other appropriate legislation, to provide a restoration guarantee or bond adequate to cover the cost of restoration in the event of failure of the operator to carry out the agreed works.

The current permission 98/00054/P was granted subject to a Section 75 legal agreement securing a bond for restoration. A restoration plan was also submitted and the bond was for £57,000 (indexed linked). The applicant has submitted a restoration and aftercare plan with the current applicant that reiterates the agreed restoration. Safety benches will be left to collect debris that falls from the surface in to the void which is still being worked. The slopes and benches will be left to restore naturally with no added soil or seeding. The floor of the quarry is proposed to be restored to agricultural use with soil laid and seeded. All plant and machinery is to be removed from the site. A pond is proposed to be formed on the lowest ground level.

The Council's biodiversity officer has confirmed that she have no concerns to raise over the approach in this application. She has advised the slopes of the quarry should be left to allow natural regeneration of the area which will benefit the biodiversity of the site and complement additional planned planting. Natural regeneration will allow for a mosaic of open spaces and diverse flora, which will benefit a number of invertebrate and bird species. The proposals do not result in an area closer to the nearby Pencraig Wood and the additional planting proposed would help to link up habitats.

Initial costings have been provided by the application for the restoration and aftercare of the whole site, including the area covered by the extant consent, totalling £140,049. However, this value has not been agreed in terms of a bond amount and has not been supported by an independent professional valuer report detailing the costs. The Council must ensure that if the operator is no longer able to implement the restoration and aftercare of the site, and if the quarry is not worked to the full extent permissions allow, then suitable restoration and aftercare can be secured by the Council. The expected cost to the Council should they need to commission the restoration and aftercare of the site is expected to be significantly higher.

To secure the monies required should it be needed it is recommended that the application is granted subject to a section 75 legal agreement to secure a bond for the restoration and aftercare of the site. The value of the financial guarantee shall be determined by a suitably qualified independent professional valuer as being sufficient to meet the costs of all outstanding restoration and aftercare obligations up until the completion of the quarry workings. The bond would also need to be subject to a review, it is recommended that this is done on a 3 yearly basis. The proposed condition requiring a progress report will help to inform this.

It is prudent that the bond covers the whole site, including the existing site area and the areas for which consent is proposed by this application. It is acknowledged that the Section 75 legal agreement for the extant permission remains in place. Once the new bond is agreed then a Section 75A application to discharge the legal agreement and release the

bond could be submitted by the applicant.

Taking into account all of the above, and subject to suitable conditions, the proposal complies with Policies PROP MIN4, DC1, MIN5, MIN 8, MIN9, MIN10, NH13 and T2 (General Traffic Impacts) of the ELLDP and national planning guidance.

RECOMMENDATION

It is recommended that planning permission be granted subject to:

1. The undernoted conditions.

2. 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 bond to secure the cost of all elements necessary to complete the site restoration and aftercare obligations

(ii) The bond to be maintained until the date of completion of all restoration and aftercare obligations.

(iii) The value of the financial guarantee shall be based on the costs required to cover the restoration of the quarry in the event that the Planning Authority has to request the bond and engage a contractor to fulfil the restoration and aftercare obligation proposed by the applicant.

(iv) The value of the financial guarantee shall be subject to a three yearly review carried out by a suitably qualified independent professional valuer and adjusted to take account of any variation in the cost of compliance with the then outstanding restoration and aftercare obligations. The periodic review of the value of the financial guarantee shall be informed by the submission of a written valuation report by a suitably qualified independent professional valuer prior to the three year review period, which shall be submitted for the written approval of the Planning Authority, and thereafter the value of the bond will be adjusted to reflect any revisions. The cost of the written valuation reports shall be met by the applicant.

3. 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 restoration bond the development is contrary to Policy MIN10 of the East Lothian Local Development Plan and PAN 64 Reclamation of Surface Mineral Workings.

1 This planning permission is granted for a temporary period until 14 October 2028 after which time all wining and working of rock shall cease

No later than 14 October 2029 all stored rock, buildings, plant and machinery, and hard surfaces shall have been removed from the land and the site restored in accordance with the restoration approved by condition 2 below.

Reason:

To ensure the working of the site is restricted to that period for which planning permission has been sought and to align with extant permissions for the adjoining quarry area, in the interests of good planning control and of the amenity of the area.

2 Within 3 months form the date of this planning permission a detailed scheme of restoration for the entire Markle Quarry site shall be submitted for the written approval to of the Planning Authority.

The restoration and after care scheme shall be consistent with the Reinstatement and Aftercare Management Plan for Wining and Working of Hard Rock as Extension to existing Quarry (November

2018) and the stamped approved Reinstatement Plan 9377D.

The restoration scheme shall include:

- a) Proposals for the regrading of the quarry faces and benches to make them safe,
- b) Details of the soiling, seeding and drainage of the lowest level of the quarry at the end of the working of the site
- c) Full details of the Surface Water Drainage System to be implemented as part of the restoration works
- d) Timescales for the works.
- e) Proposals for the future aftercare of the restored site.

Reason:

To ensure comprehensive and appropriate restoration of the site in the interests of the amenity of the area.

- 3 At least 6 months after the date of this planning permission and at 12 monthly intervals thereafter, the applicant shall submit a quarry progress plan to the planning authority covering the whole Markle Quarry site.

The quarry progress plan shall:

- a) Provide an up-to-date topographical survey of the site in an appropriate format and appropriate scale.
- b) Identify areas of the site that have been subject to mineral extraction in the previous 12 months and/or will be subject to mineral extraction in the forthcoming 12 months
- c) Identify areas of the site that have been subject to restoration in the previous 12 months and/or will be subject to restoration in the forthcoming 12 months.
- d) Identify areas where aftercare will have been completed, areas of the site that have been subject to aftercare and/or will be subject to aftercare in the forthcoming 12 months.
- e) Set out any necessary adjustment to the approved restoration plans to be approved under Condition 2 to take account site circumstances over the previous 12 months.

In addition to the regular submission of the quarry progress plans, a copy of the quarry progress plans shall be kept on site and made available for inspection by the planning authority during the approved working hours.

Reason: To enable monitor of progress and compliance by the planning authority, and to provide appropriate flexibility to ensure that ongoing extraction and site restoration works can take account of any changes in circumstances.

- 4 No blasting shall take place on site other than between the hours of:
- 0900 hours and 1600 hours Monday to Friday and
- 0900 and 1200 hours on Saturdays.

There shall be no blasting or drilling operations on Sundays, Bank Holidays or National Holidays.

The above condition shall not apply in cases of emergency when it is necessary to carry out blasting operations in the interests of safety. The Planning Authority shall be notified in writing within 24 hours of the nature and circumstances of any such emergency event.

Reason:

To minimise the impact of the quarry operations on nearby residential properties and on the local environment.

- 5 Unless otherwise approved in advance and in writing by the Planning Authority, all quarrying and working operations within the site, including screening and transportation of materials, shall only take place between the hours of:
- 0700 and 1900 hours Monday to Friday and
- 0700 and 1630 hours on Saturdays.

No lorries or other heavy goods vehicles shall use the quarry access road except during these hours. At all other times, including Sundays, Public Holidays and National holidays, working shall be limited to the servicing, testing and maintenance of plant, works of an emergency nature and the carrying out of dust suppression.

Reason:

To ensure the site operations cause minimum disturbance to the environment and amenity of the area.

- 6 No materials shall be imported onto the site for any purpose without the prior, written approval of the Planning Authority.
- Reason:
To limit vehicle movements and to prevent an intensification of operations within the site in the interests of the environment and amenity of the area.
- 7 The quarry access road from its junction with the Beanston Mains Road to the processing/plant area shall be retained in use and maintained to the satisfaction of the Planning Authority throughout the lifetime of the operational site.
- Reason:
To ensure that the site is served by an acceptable standard of access road and in the interests of safeguarding the environment and amenity of the area.
- 8 Within 1 month from the date of granting of this planning permission the junction of the quarry access road with the Beanston Mains road shall have 'give way' road markings added to it in accordance with details to be submitted to and approved by the Planning Authority.
- The give way road markings shall thereafter be retained for the lifetime of the operational quarry.
- Reason:
To ensure the give way system on the private road is clearly marked in the interests of road safety.
- 9 A wheel washing facility on the quarry site shall be retained in working order and used such that no vehicle shall leave the site carrying earth and mud on its wheels in such a quantity that causes a nuisance or hazard on the roads in the locality.
- Reason:
To prevent mud and other material being transferred onto the road network in the interests of road safety.
- 10 No lorries exiting onto Beanston Mains Road from the quarry access road shall exit in a northerly direction for the duration of the operations of the quarry, unless otherwise approved in writing by the Planning Authority.
- Within 3 months of this planning decision, details of a sign instructing that all lorries leaving the junction must do so by turning left (in a southerly direction) shall be submitted to and approved in writing by the Planning Authority. Thereafter, the sign shall be installed as approved and maintained in place at the junction of the quarry access road with Beanston Mains Road
- Reason:
To ensure that lorries from the quarry follow the proposed access route to the A199 in the interests of road safety.
- 11 All road haulage vehicles carrying aggregate materials under 75 mm shall be fully covered before leaving the quarry processing and plant area.
- Reason:
To prevent nuisance from dust and small piece of aggregate entering the road network in the interests of the amenity of the area and road safety.
- 12 All vehicles moving or carrying stone within the quarry and processing and plant area within the site shall be provided with fan deflectors and with their exhausts directed upwards.
- Reason:
To minimise the impact of the quarry operations on nearby residential properties and on the local environment.
- 13 All stone dumps shall be designed in such a manner as to be capable of being sprayed as required to prevent dust lift.
- Reason:
To minimise the impact of the quarry operations on nearby residential properties and on the local environment.

- 14 No drilling rigs shall be operated within the site unless they have been fitted with suitable dust suppression or collection equipment, which shall be regularly monitored to ensure its effective operation in a manner to be agreed in advance with the Planning Authority.

Reason:

To minimise the impact of the quarry operations on nearby residential properties and on the local environment.

- 15 Within 28 days of the date of the granting of this planning permission, details of a scheme for the control and mitigation of dust and including the monitoring of dust from the quarry site, shall be submitted to and approved in writing by the Planning Authority.

The scheme shall incorporate the controls advocated in table 3 of Planning Advice Note 50 "Controlling the Environmental Effects of Surface Mineral Workings" Annex B "The Control of Dust at Surface Mineral Workings" and table 7.4.1 'Summary of Dust Control Measures' in the 'Planning Application and Supporting Statement' for Markle Mains Operational Rock Quarry, Haddington by AMS Associates Limited, November 2018.

Thereafter, the quarry operator shall implement the scheme of dust control, mitigation, monitoring as approved.

Reason:

To minimise the impact of the quarry operations on residential properties and on the local environment.

- 16 In the event of the quarry operator receiving a complaint concerning dust emission from the site the operator shall notify the Planning Authority within 24 hours of receipt of the complaint and in such cases; and in cases where the complaint is received directly by the Planning Authority and brought to the attention of the quarry operator, the quarry operator shall undertake an investigation, the details to be agreed in consultation with the Planning Authority, and initiate any necessary remedial measures within the site agreed with the Planning Authority.

Reason:

To minimise the impact of dust from the quarry operations on nearby residential properties and on the local environment.

- 17 All dust suppression plant and equipment shall be maintained in good working order at all times. If the dust suppression equipment is not available for use due to breakdown, vandalism, lack of water or any other reasons then the site operator shall stop any works that are likely at that time to cause dust lift and also take immediate action to bring in suppression equipment so that dust suppression measures can be reintroduced without delay.

Reason:

To minimise the impact of the quarry operations on nearby residential properties and on the local environment.

- 18 Audible vehicle reversing alarms shall not be used on vehicles on site, unless otherwise agreed in writing with the Planning Authority.

Reason:

To minimise the impact of the quarry operations on nearby residential properties and on the local environment.

- 19 Noise levels emanating from the quarry site shall not exceed 50 dBLAeq1hr when measured at any neighbouring noise sensitive property.

Reason:

To minimise the impact of quarry operations on nearby residential properties and on the local environment.

- 20 Within 28 days of the date of this planning permission, a scheme of noise monitoring shall be submitted to and approved in writing by, the Planning Authority.

The monitoring programme shall be carried out by methods and at positions agreed with the Planning Authority. Details of the monitoring equipment and programme shall include all parameters necessary to demonstrate compliance with Condition 19.

Reason:

To minimise the impact of the quarry operations on nearby residential properties and on the local

environment.

- 21 In the event of the quarry operator receiving a complaint concerning noise from the site, the operator shall notify the Planning Authority within 24 hours of the complaint and in such cases; and in cases where the complaint is received directly by the Planning Authority and brought to the attention of the quarry operator, the quarry operator shall undertake an investigation in consultation with the Planning Authority and initiate any necessary remedial measures within the site agreed with the Planning Authority.

Reason:

To minimise the impact of the quarry operations on nearby residential properties and on the local environment.

- 22 Blasting shall be undertaken such that all blasts over a 2 month period are at or below a measured Peak Particle Velocity (PPV) level of 6 mms⁻¹, with 95% of all blasts at or below a measured PPV level of 2.5 mms⁻¹. The measurement to be the maximum of 3 mutually perpendicular directions taken at the ground surface at any vibration sensitive building.

Reason:

To minimise the impact of the quarry operations on nearby residential properties and on the local environment.

- 23 Within 28 days of the date of this permission, details of the methods to be employed to minimise air over pressure from blasting operations shall be submitted to and approved in writing by the Planning Authority.

All blasting operations shall thereafter take place only in accordance with the scheme as approved or with such subsequent amendments as may receive the written approval of the planning authority

Reason:

To minimise the impact of the quarry operations on nearby residential properties and on the local environment.

- 24 In the event of the quarry operator receiving a complaint concerning ground vibration from the site the operator shall notify the Planning Authority within 24 hours of the receipt of the complaint and in such cases; and in cases where the complaint is received directly by the Planning Authority and brought to the attention of the quarry operator, the quarry operator shall immediately undertake an investigation in consultation with the Planning Authority and initiate any necessary remedial measures within the site agreed with the Planning Authority.

Reason:

To minimise the impact of the quarry operations on nearby residential properties and on the local environment.

- 25 Within a period of no later than 28 days of the date of this planning permission details of a ground vibration analysis and monitoring programme and a timetable for reporting in writing the results of the monitoring to the Planning Authority shall be submitted to and approved in writing by the Planning Authority.

The programme shall include details of the location of monitoring points and equipment to be used and parameters necessary to demonstrate compliance with Condition 22.

All blasting operations shall thereafter take place only in accordance with the scheme as approved or with such subsequent amendments as may receive the written approval of the planning authority.

Reason:

To minimise the impact of the quarry operations on nearby residential properties and on the local environment and to demonstrate compliance.

- 26 All planting as detailed and approved in the Planting Plan drawing number: 301 P09 and the Landscape Specification (revision P03) docketed to this permission, shall be carried out in the first planting season following the date of this decision notice.

Thereafter, all the planting, bunding and landscaping shall be maintained as detailed in the Planting Plan drawing number: 301 P09 and the Landscape Specification (revision P03), unless otherwise agreed in writing by the Planning authority.

Reason:

To ensure that the agreed landscaping and planting is implemented as agreed in the interests of visual and environmental amenity.

- 27 Fuel oils, and any other similar substances required for the purposes of site operations, proposed to be stored on site shall be contained in bunded or double skinned tanks. Pumps, valves and transfer hoses and similar equipment (when not in use) shall be located within the bunded area. Tanks should be locked when unattended.

Reason:

To prevent water pollution and in the interests of safeguarding the environment and amenity of the area.

- 28 All top soil and sub soil stripped from the site shall be stored for subsequent use in the restoration of the site in separate stock piles, unless otherwise agreed in writing with the Planning Authority. The location and form of which shall be agreed in advance by the Planning Authority and shall not exceed 6 metres in height.

Reason:

To safeguard the availability of strip soils for use in the restoration of the site.

REPORT TO: Planning Committee
MEETING DATE: Wednesday 26 June 2019
BY: Depute Chief Executive
(Partnerships and Community Services)
SUBJECT: Application for Planning Permission for Consideration

11

Application No. **19/00184/PM**
Proposal Extension to the existing 400kV Substation and associated works
Location **Crystal Rig Substation
Dunbar
East Lothian**
Applicant SP Transmission Plc
RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

As the area of the application site is greater than 2 hectares, the development proposed in this application is, under the provisions of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, defined as a major development and thus it cannot be decided through the Council's Scheme of Delegation. The application is therefore brought before the Planning Committee for a decision.

As a statutory requirement of major development type proposals this development proposal was the subject of a Proposal of Application Notice (Ref: 17/00003/PAN) and thus of community consultation prior to this application for planning permission being made to the Council.

As an outcome of that and as a statutory requirement for dealing with major development type applications a pre-application consultation report is submitted with this application. The report informs that a total of 4 people attended the two day pre-application public exhibition held at Spott village hall. The public were also invited to make representation to SPEN until 16th June 2017. Comments and questions related to:

- o Confirmation as to reason for proposed new planning applications;
- o Confirmation of timescale for any comments regarding the proposals to SPEN;
- o Confirmation that information on the SPEN project website included the Environmental Appraisal;
- o Review of the amount of material to be removed from site;
- o Confirmation that two access routes are to be used- one for construction

- o purposes only and the other for operational purposes only;
- o Comment made that the Traffic Management Plan must be adhered to during the construction period;
- o Comment made regarding the requirement for the repair of roads following the works; and
- o Comment made regarding the proposals for the reinstatement of surrounding ground following the development works.

The development for which planning permission is now sought is of the same character as that which was the subject of the community engagement undertaken through the statutory pre-application consultation of the proposal.

This application relates to land to the north, south and west of the existing electricity substation that serves the Crystal Rig wind farm, and which substation was granted planning permission (07/00660/FUL) in September 2007. The electrical substation is located on the lower north-eastern slopes of Friardykes Dod, adjacent to an existing line of pylons that passes through the Crystal Rig site. The substation has a rectangular footprint and contains an access road, two buildings and electricity transformation equipment.

The application site is within the Lammermuir Hills but is not contained within any Special Landscape Area as defined within the adopted East Lothian Local Development Plan 2018.

The application site straddles the East Lothian/Scottish Borders Councils border. The southern part of the proposed extension to the existing electricity substation is located within the authority area of Scottish Borders Council.

A section of a right of way, which runs on a north to south alignment, is located some 15 metres to the west of the application site.

In June 2012 planning permission (Ref: 12/00347/P) was granted for a southern extension to the existing electricity substation. The extension to the electricity substation was promoted to enable the proposed Aikengall II wind farm to connect into the national electricity grid. Development of the proposed extension has not yet commenced.

In June 2013 planning permission (Ref: 12/00922/PM) was granted for the formation of onshore electrical transmission infrastructure between Thorntonloch beach and the existing electrical sub-station located within the Crystal Rig wind farm, over a distance of some 12.3km. The approved development includes a new electricity substation that would be located some 10 metres to the north of the existing sub-station located within the Crystal Rig wind farm. Applications 15/00634/PM and 19/00285/PM were subsequently approved in November 2015 and June 2019 respectively for variation of conditions to this proposal. This consent has been implemented and relates to the onshore electrical transmission infrastructure required to link the Neart na Gaoithe offshore wind farm to Chrystal Rig Sub Station and the national grid.

In October 2014 Mainstream Renewable Power Limited received consent under Section 36 of the Electricity Act 1989 for the erection of an off-shore wind farm, to be known as the Neart Na Gaoithe wind farm. It would be located some 28km northeast of Dunbar and some 32km northeast of North Berwick. Development of the off-shore wind farm has not yet commenced.

In June 2015, planning permission (Ref: 15/00390/P) was approved for the renewal of planning permission 12/00347/P to allow the extension to the electricity substation

compound including associated boundary.

Planning permission (Ref: 13/00756/PM) was granted in December 2013 for an extension to the existing 400kV Substation and associated works. This permission has not been implemented and has subsequently lapsed.

Through separate planning application, which was submitted to Scottish Borders Council, planning permission (Ref: 13/01084/FUL) was approved in November 2013 for the part of the proposed substation extension located within the authority area of Scottish Borders Council.

Planning permission is now sought through this application for an extension to the existing electricity substation approved through the grant of planning permission 07/00660/FUL and for associated works including the formation of an earth bund similar to the development proposed under planning permission 13/00756/PM.

The proposed extension to the existing electricity substation is promoted in order to connect the proposed Neart Na Goithe off-shore wind farm and its substation to the National Grid.

The application site has an area of some 9.0 hectares and consists of open rough grassland. Of this, some 1.3 hectares of the site would comprise the extended substation compound. The site slopes down from southwest to northeast.

The proposed extension to the substation would be on land to the west of the existing substation. Since the approval of planning permission, new electrical engineering safety clearance standards have been introduced. These require that the electrical compound area forming part of the Substation Extension be increased in size. This results in an increase overall of 5m in width x 7m in length from the previously approved development. In addition, the proposed development construction method has identified the requirement for enlarged temporary compound areas primarily for the storage of material and management of ground and surface water in accordance with best practice guidelines and SEPA advice.

The extended sub station would be enclosed by a 2.74 metres high fence. The finished level of the substation would be some 4 metres higher than the level of the existing substation. It would contain general switchgear equipment, the maximum height of which would be 12.5 metres. A 3.0 metres wide road would be formed around the inside of the perimeter of the compound.

Substantial cut and fill works would be required to achieve the finished ground level for the proposed sub-station extension. Some of the excavated material would be used to form a 10 metre wide earth bund, with a maximum height of 20 metres, to the north, south and west of the proposed substation extension. The earth bund would be graded into the existing ground surrounding the site.

Through separate planning application, which was submitted to Scottish Borders Council in February 2019, planning permission (Ref: 19/00263/FUL) was sought for the part of the proposed substation extension located within the authority area of Scottish Borders Council. Planning permission 19/00263/FUL was granted in April 2019.

The Council's Policy and Projects Officer advises that the proposal has been subject to a Screening Direction from the Scottish Government. This Screening Direction is valid provided the proposal remains within the parameters described in the Screening Report.

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 the proposed development falls within the category of a Schedule 2 Development, being one that may require the submission of an Environmental Impact Assessment (EIA). Schedule 3 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 sets out the selection criteria for screening whether a Schedule 2 development requires an EIA. On 18th February 2019 the Scottish Government issued a formal screening opinion to the applicant's legal adviser. The screening opinion concludes that it is the Scottish Government's view that the proposed development is not likely to have a significant effect on the environment such that consideration of environmental information is required before any grant of planning permission. It is therefore the opinion of the Scottish Government that there is no requirement for the proposed development to be the subject of an EIA.

Notwithstanding this, an Environmental Appraisal Report has been submitted with the planning application. It contains chapters on landscape and visual assessment, ecology assessment, archaeology and cultural heritage assessment and hydrology assessment.

A Design and Access Statement has been submitted with the planning application. The Statement provides information on the principles and approach that have guided the design process.

Information has also been submitted with the application stating that the development described within the planning permission falls within the scope of national development number 4, as defined within National Planning Framework 3 (NPF3). National development status is recognition of the national significance of the approved development as part of the wider Neart na Gaoithe Offshore Wind Farm. Such developments are needed to help deliver the spatial strategy in NPF3 and as such, the need for the proposed development is established.

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

The development plan is the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Development Plan 2018.

There are no relevant policies of the approved South East Scotland Strategic Development Plan (SESplan). Policies DC1 (Rural Diversification), NH1(Protection of Internationally Designated Sites), T2 (General Transport Impact), DP1 (Landscape Character) and DP2 (Design) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of the planning application.

Material to the determination of the application is the Scottish Government's policy on renewable energy given in Scottish Planning Policy: June 2014.

Scottish Planning Policy on a low carbon place highlights the commitment to support the development of a diverse range of electricity generation from renewable energy technologies - including the expansion of renewable energy generation capacity.

No letters of representation have been received in respect of this planning application.

East Lammermuir Community Council were consulted on this application but have not provided any comments on it.

The proposed extension to the existing substation is an essential component to enable the proposed Neart na Gaoithe wind farm to connect into the national electricity grid. Given that Scottish Ministers have now formally granted approval for the Neart na Gaoithe wind farm, there is an operational justification for the onshore electrical transmission infrastructure having to be formed in this particular countryside location, consistent with the provisions of Policy DC1 of the adopted East Lothian Local Development Plan 2018. Moreover, East Lothian Council, by previously granting planning permission 13/00756/PM, has already accepted the principle of an extension to the existing substation.

The site proposed for the substation extension is set on the lower part of the hilly slopes on which the Crystal Rig Phase II wind farm is located. The proposed substation extension would be seen in relation to the existing electrical substation and turbines, pylons and overhead power lines that form part of the Crystal Rig Phase II wind farm. When seen in this context, the proposed substation extension would not appear as an incongruous or alien feature. Whilst the finished level of the substation compound would be some 4 metres higher than the level of the existing substation, it, together with the general switchgear equipment to be installed in it, would be lower than the existing sloping ground to the west of the application site. This, together with the earth bund that would be formed to the north, south and west of the proposed substation extension, would further help to integrate it into its landscape setting. The proposed substation extension would not harm the landscape character and visual amenity of this part of the Lammermuir Hills.

The Council's Landscape Policy Officer has also commented on the application. They have stated that in terms of long distance views the proposed substation has topographical containment from Watch Law to the north, Bransly Hill to the east and Lamb Hill to the west and Spartleton Edge to the south. They have further stated that given the currently proposed extended sub station represents an increase of 5m in width and 7m in length over what was previously approved, the scale of what is being proposed is insubstantial. They have however commented that the scale of the construction compound is substantial and have concerns that the proposal would lead to adverse landscape and visual impacts. In this regard however, it has been acknowledged by the Landscape Policy Officer that the site is topographically contained in long distance views, and within close views, and would be seen in the context of the existing substation, pylons, access roads, and wind turbines. As such, it would not be reasonable to refuse, or to limit the size of the proposed construction compound.

Nevertheless, the Landscape Policy Officer has recommended a condition be added to any consent if issued requiring details of a scheme of landscaping to be submitted prior to works commencing on site. The landscaping would help to absorb the development into its surroundings. A further condition was also recommended requiring the applicant to undertake surveys in order to reinstate the soils and flora after construction and to tie the ground works from the proposed substation seamlessly in with those approved for the proposed substation to the north east approved under 19/00285/PM. This would however be an unreasonable requirement, as the applicant has advised there is an easement of access between the sites and the applicant cannot control levels of land outside the boundary of the site.

On the consideration of landscape and visual impact, the proposed development is consistent with Policies DP1 and DP2 of the adopted East Lothian Local Development Plan 2018.

The Council's Biodiversity Officer has responded to confirm that they have no objections to make on the proposal.

Although the application site is some distance from the Tweed Special Area of Conservation(SAC) it is possible that suspended solids generation during the construction period could be washed into the nearby Tay and Mossy Burns and transported downstream; thereby affecting the protected features of the SAC including atlantic salmon and otter. The two burns converge approximately 1.5km south of the substation and continue as Tay Burn for approximately 0.6km to its confluence with West Burn. West Burn flows for approximately 1.2km before becoming the Bothwell Water, which is part of the River Tweed SAC.

Policy NH1 of the adopted East Lothian Local Development Plan 2018 states development proposals unconnected to the conservation management of a Natura 2000 or Ramsar site, that are assessed by the competent authority as likely to have a significant effect on the integrity of a Natura 2000 site or Ramsar site (including proposals outwith the boundary of the designated site) will be subject to Appropriate Assessment. Applicants for such development must provide any information requested by the competent authority to enable it to carry out the Appropriate Assessment.

Where the Appropriate Assessment cannot rule out adverse effects upon the integrity of a Natura 2000 or Ramsar site, the proposal will only be permitted where:

- a) there are imperative reasons of over-riding public interest and there are no alternative solutions; and
- b) compensatory measures are provided to ensure that the overall coherence of the Natura 2000 network is protected.

Candidate Natura 2000 sites will be treated as if they were already designated.

In this case, potential impacts on the qualifying interests of the Tweed SAC and its species include a decrease in water quality due to suspended solids in construction site runoff, which may occur during the construction phase.

Where a planning proposal may affect an SPA, a Habitats Regulations Appraisal (HRA) must be carried out, to determine whether the proposal will have any 'likely significant effect' on the designated site. Where a 'likely significant effect' is identified, the competent authority (in this case East Lothian Council) must complete an Appropriate Assessment to assess any adverse effect on the integrity of the Tweed SAC.

In this case, the proposal has a 'likely significant effect' on the Tweed SAC and East Lothian Council as competent authority has carried out Appropriate Assessment. The Assessment notes that the proposal is not related to the conservation management of the SAC. It further notes that a decrease in water quality due to suspended solids in construction site runoff may occur during the construction phase was identified as a potential impact.

The Appropriate Assessment concludes that provided that specified mitigation set out in the CEMP submitted by the applicant are implemented, the proposal will not have an adverse impact on the integrity of the SAC or its qualifying features. Additionally, no in-combination effects are anticipated from other developments. Considering these factors, it is concluded that the proposal will not affect the integrity or the conservation objectives of the site. No further assessment is therefore required.

Therefore, subject to conditions ensuring that the mitigation measures are secured, the proposal complies with Policy NH1 of the adopted East Lothian Local Development Plan

2018.

Scottish Natural Heritage have been consulted on the application. They make no comment on the application.

The onshore substation extension is promoted to specifically serve the proposed Neart Na Gaoithe wind farm. It would be prudent to require that the extension and other associated works be decommissioned if the wind farm were to be approved, constructed, and thereafter decommissioned. This can be secured through a condition attached to a grant of planning permission for the proposed development. In this regard, and to ensure that the land is restored back to its present form, the condition should also require the applicant to submit to the Planning Authority an accurate topographical survey of the existing application site.

Scottish Borders Council were consulted on this planning application, as a small proportion of the application site is within their authority area. They do not object to the proposed substation extension, stating that have recently granted consent for development works associated with the extended substation which are were within Scottish Borders administrative area. They have however recommended that the development is suitably decommissioned once the operational life of the substation ceases. They would advocate that the operator works concurrently with ELC and SBC to ensure that decommissioning is handled appropriately for this cross authority development.

On this matter, Scottish Borders Council did not require the applicant to provide a financial bond in respect of site restoration. Nor was one required in respect of previous planning permission 15/00390/FUL. In the circumstances, it would be unreasonable to require the provision of a financial bond in this case.

The proposed substation extension would be located at a considerable distance away from residential properties in the area. It would not give rise to a harmful loss of privacy or amenity to any residential property. The Council's Senior Environmental and Consumer Services Manager raises no objection to the proposed development.

The Council's Road Services raise no objection to the proposed substation extension, being satisfied that it would have no significant adverse risk for road safety. They have however recommended that a Construction Method Statement be submitted to and approved by the Planning Authority in order to minimise the impact of construction activity in the interests of the amenity of the area, as well as a dilapidation/ condition survey of access roads. These requirements, which could be secure by a conditional grant of planning permission, would be consistent with previous planning permission 13/00756/PM.

Subject to the imposition of the recommended conditions the proposed development is consistent with Policy T2 of the adopted East Lothian Local Development Plan 2018.

Scottish Water were consulted on this application and have commented to confirm that they do not wish to object to the proposal. They have however stated that the applicant should be made aware that the site is not currently serviced by water or waste water infrastructure.

The Scottish Environment Protection Agency (SEPA) has commented on the application to state that they are satisfied that the development has minimised impact on potential areas of Groundwater Dependent Terrestrial Ecosystems (GWDTE) and that hydrological pathways will be maintained or will be disrupted for only a short time. They

are satisfied with the outline plan for the drainage. As such, no objection is raised with regards to ecology as well as surface water run-off and foul drainage.

However, SEPA had objected to the proposal on the grounds of development on the peat soils given that the results of peat probing have not been presented. They state that while a full peat survey is not required throughout the full site, they do think a peat survey is required where the NVC survey indicates peat habitat and where infrastructure is proposed. This would enable SEPA to assess whether deep peat areas have been avoided. They further state, that using soil for the proposed on-site bund is acceptable as it is deemed as part of a landscaping feature for the soil reuse associated for the planning. However, if it is actual peat this would not be acceptable and the development area should exclude development on actual peat i.e. over 0.5m. However, following further discussions between the applicant, SEPA and the Council, the above objection has now been withdrawn on the understanding that a condition would be attached to any planning permission granted requiring details of a peat survey to be submitted to and approved by the Local Planning Authority following further consultation with SEPA, prior to works commencing on site. The wording of this condition has been agreed by the applicant and SEPA and the objection is therefore withdrawn.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 No development shall take place until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping. The scheme shall provide details of : existing and proposed levels, 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, thinning and a long term landscape management plan. The scheme shall include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

Reason:

In order to ensure the implementation of a landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area.

- 2 There shall be no lighting installed within the application site unless prior written approval is given for it by the Planning Authority.

Reason:

To safeguard the character and appearance of the area.

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

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

Reason:

To minimise the impact of construction activity in the interests of the amenity of the area.

- 4 A detailed dilapidation/ condition survey of the access route, as shown in the docketed drawing entitled 'Figure 1- Construction Access/ Egress Route', from the Thurston Mains junction of the A1 trunk road to the private access road of the Crystal Rig wind farm, and a full/ non destructive

assessment of its existing pavement (including a deflectograph analysis) shall be jointly undertaken by the applicant and East Lothian Council's Transportation Division; (i) no more than one month prior to the date of commencement of the development hereby approved, and (ii) no more than one month after the completion of the development hereby approved. Any damage identified during the joint inspections and agreed by the joint inspectors to be attributable to vehicles which are associated with the construction of the development hereby approved, shall be repaired and/or resurfaced by the applicant in compliance with specifications and requirements for that approved by the Council as Roads Authority and at no cost to the Council as Roads Authority. In each case any such repair and/or resurfacing shall be completed within 3 months from the date of the Council's approval of the specifications and requirements.

Reason:

In the interests of road safety.

- 5 Prior to the commencement of development hereby approved, a topographical survey of the existing application site, showing 1 metre contours with 5 metre contour intervals highlighted, shall be submitted to and approved in advance by the Planning Authority.

Within 24 months of the permanent cessation of generation at the offshore Neart Na Gaoithe offshore wind farm, a decommissioning and site restoration plan (the 'Demolition and Restoration Scheme') shall be submitted to and approved in writing by the Planning Authority. The Demolition and Restoration Scheme shall include details of:

- (i) Details of site restoration;
- (ii) Management and timing of works;
- (iii) Environmental management provisions; and
- (iv) A traffic management plan to address any traffic impact issues during the decommissioning period.

It shall also show the topography of the restored land being generally similar to the topography of the existing application site, as shown in the the approved topographical survey of the existing application site.

The Demolition and Restoration Scheme shall be implemented in its entirety, unless otherwise agreed with the Planning Authority in writing.

Reason:

To ensure that the application site is satisfactorily restored in the interests of the amenity of the area.

- 6 Prior to the commencement of development, a peat survey shall be submitted to the Planning Authority, covering the areas on the site where peat habitats have been identified within the National Vegetation Classification survey and where infrastructure is proposed. The survey shall provide probing results and demonstrate that deep peat areas have been avoided. The peat survey shall be carried out in accordance with SEPA's guidance on 'Development on Peat' and the joint publication 'Good Practice during Wind Farm Construction', and shall thereafter be approved in writing by the Planning Authority following further consultation with SEPA.

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

Reason:

In the interests of preserving the character of the area.

- 7 Prior to works commencing on site, a site-specific Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on the site. This CEMP shall include details of;

- a) Site water management, including erosion, sediment and SuDS controls which shall be agreed upon by relevant parties prior to construction. The CEMP should also incorporate the appropriate Guidance for Pollution Prevention (GPP), published by SEPA, which must be adhered to by construction operatives. This management should restrict discharges to rates less than the 1 in 1-year greenfield runoff rate during mean annual flow (and low flow) conditions. The 1 in 1-year greenfield runoff rates represent the maximum allowable release rates at the discharge locations;
- b) Discharge to grassland or vegetated channels to encourage additional sediment removal between the discharge locations and the receiving watercourse by filtration (as water passes through vegetation) and sedimentation (as water is slowed by vegetation);
- c) Additional silt management controls (such as settlement tanks or chemical dosing) shall

be used where removal of smaller particle sizes is required;

d) A suitably qualified Ecological Clerk of Works must be appointed prior to construction to implement the agreed CEMP;

e) A Site Waste Management Plan (SWMP) must be completed and must outline the requirements for management of any waste, with specific reference to soils/stone/peat from excavations; and

f) Spill kits shall be present on site and located at strategic locations (i.e. high-risk areas). Operatives shall be fully trained in emergency spill response.

Reason:

In order to prevent a decrease in water quality due to suspended solids in construction site runoff may occur during the construction phase and prevent adverse impacts on the Tweed Special Area of Conservation.

REPORT TO: Planning Committee
MEETING DATE: Wednesday 26 June 2019
BY: Depute Chief Executive
(Partnerships and Community Services)
SUBJECT: Application for Planning Permission for Consideration

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Note - this application was called off the Scheme of Delegation List by Councillor Akhtar for the following reason: concerns about the safety of the junction and would like the Planning Committee to look at this matter further.

Application No. **19/00265/P**

Proposal Erection of sales cabin, formation of vehicular access, hardstanding area, car parking and erection of fencing for a temporary period of 1 year

Location **Limeylands Road
Ormiston
Tranent
East Lothian
EH35 5JF**

Applicant Barratt East Scotland

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

In March 2017 approval of matters specified in conditions of planning permission in principle 14/00431/PPM (Ref: 17/00047/AMM) was granted for the erection of 120 houses and associated works on some 7.6 hectares of agricultural land located at Limeylands Road, to the west of Ormiston.

Planning permission is now sought for the siting of a sales cabin for a temporary period of three years on the approved housing site. Planning permission is additionally sought for the formation of a vehicular access, hardstanding area, car parking and for the erection of fencing, all in conjunction with the proposed sales cabin.

The flat roofed sales cabin would be some 2.53 metres in height, 3.05 metres wide, and some 9.76 metres long. The cabin would be aluminium clad and in a white colour (RAL 9010). Windows and doors would be aluminium framed and in a silver grey to match. Two windows and a door would be inserted within the south west elevation, one window and door within the north west elevation and two high level windows within the south east

elevation.

Vehicular access would be taken to the site office from Limeylands Road, as a point in the southwest corner of the approved housing site. An area of monoblock would provide access from Limeylands Road to four car parking spaces, which would be formed to the southwest of the sales cabin. A 1.8 metre high fence would also enclose a small service yard to the north west corner of the sales cabin.

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

The development plan is the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Development Plan 2018.

There are no relevant policies of the approved South East Scotland Strategic Development Plan (SESplan). Policies DP2 (Design), NH8 (Trees and Development), T1 (Development Location and Accessibility) and T2 (General Transport Impact) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of the application.

Two objections have been received to the application. Objections relate to concern with regards to highway safety from the creation of the new access on to Limeylands Road given its angle, poor visibility and proximity to a pedestrian path. Objection has also been raised that the new access deviates from the approved layout for the site.

Whether or not there is already an access, and whether or not this deviates from the approved housing development, does not preclude the applicant from seeking planning permission for it. Whether or not the proposed means of access would result in a risk to road safety is addressed below.

The concerns raised by objectors have also been raised by Ormiston Community Council, who have recommended that the application be viewed unfavourably and rejected. They also express concern given the retrospective nature of the application as the sales cabin has already been installed on site.

The fact that the sales cabin has already been erected on site is not a material consideration in the determination of the planning application.

The purpose of the proposed temporary sales cabin is to promote the sale of the houses to be built on the housing development site the subject of approval 17/00047/AMM.

In its position the cabin would be readily visible from public views, within the Limeylands Road site. However, due to the relatively short period of time in which the proposed sales cabin would be in situ and because it would be in close juxtaposition with a housing construction site they would not have any significant harmful impact on the visual amenity of the area. By its box like temporary form the proposed sales cabin would not be suitable for permanent siting at this location. Therefore, a condition should be imposed on a grant of planning permission for the sales cabin to restrict the period of its existence. The applicant has stated within their correspondence that the sales cabin would only be required for a period of 6/7 months and would be removed once the permanent sales area at plot 1 is ready to open. As such, a condition shall be added to require that the sales cabin be removed within 12 months of the date of the decision or once it is no longer require for its proposed use, whichever comes sooner.

The Council's Environmental Health Manager raises no objection to the application, being satisfied that noise generated by the development of the sales cabin would not have a harmful impact on the privacy and amenity of any neighbouring residential property.

The proposed sales cabin would also be sited sufficiently far from residential properties such that there would be no loss of residential amenity to these properties with regards to loss of daylight or sunlight, or loss of privacy. Use of the proposed sales cabin would not harmfully impact on the amenity of the occupants of those nearby properties.

The Council's Road Services has reviewed the objections submitted as part of this application. They raise no road safety objection to the proposal, being satisfied that the site can be safely accessed and that sufficient parking is provided. They have also stated that the carriageway at this location has a width of 5.5 metres which is sufficient to allow safe turning with minimal lane cross over. In addition vehicle numbers and speeds are low. The plans have also been amended to show details of a visibility splay providing clear views for vehicles when exiting the site. As such, the proposal is acceptable in this regards and complies with Policies T1 and T2 of the East Lothian Local development Plan 2018.

Given the potential impact of the new access and hardstanding on trees surrounding the entrance to the site, the Council's Landscape Policy Officer has been consulted on the application. They had responded to request further information of a tree protection plan, showing the position of the temporary protective fencing (TPF) and a specification and drawing for the TPF. The tree tag numbers of protected trees shall be shown on the tree protection plan. They also requested this be accompanied by an arboricultural method statement for the construction of the proposed road that goes through the root protection area of two protected trees (tagged 709 and 708).

As such, revised details have been submitted including a Tree Protection and Arboricultural Method Statement Report. The Landscape Policy Officer has reviewed this document and is satisfied with the detail contained within it regarding the manner in which the works would be undertaken. As such, they have recommended that should planning permission be approved, a condition should be attached to any consent requiring the works to be undertaken in strict compliance with the Tree Protection and Arboricultural Method Statement, written by Langton Tree Specialist, dated May 2019. Subject to this planning control, the proposed development development would not harmfully impact on any trees that are of significant amenity value. The proposal would comply with Policy NH8 of the East Lothian Local Development Plan 2018.

In view of its short term purpose and existence the proposed development does not conflict with Policies DP2, NH8, T1 and T2 of the adopted East Lothian Local Development Plan 2018.

CONDITIONS:

- 1 Use of the temporary sales cabin hereby approved shall cease and the temporary sales cabin, vehicular access, hardstanding area, car parking and fencing shall all be removed in their entirety from the application site within 12 months of the date of this planning permission or once the sales cabin is no longer required for its proposed use, whichever is sooner.

Reason:

To limit the period of use of the temporary sales cabin in the interests of safeguarding the visual amenity of the area.

- 2 The proposed development hereby approved shall be undertaken in strict compliance with the details set out within the Tree Protection and Arboricultural Method Statement, written by Langton Tree Specialist, dated May 2019.

Reason:

In the interests of protecting the health and viability of existing trees within the site.

- 3 Other than the existing adjacent tree, no obstruction shall lie within the visibility splay, which is shown on the docketed site plan drawing, above a height of 1.05 metres measured from the adjacent carriageway surface.

Reason:

In the interests of road safety.

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