

**PLANNING COMMITTEE**

**3 SEPTEMBER 2019**

**PUBLIC DOCUMENT PACK**





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

**WEDNESDAY 26 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 W Innes  
Councillor S Kempson  
Councillor C McGinn  
Councillor K McLeod  
Councillor J McMillan  
Councillor J Williamson

**Other Councillors Present:**

Councillor C Hoy  
Councillor S Akhtar

**Council Officials Present:**

Mr I McFarlane, Service Manager – Planning  
Mr K Dingwall, Team Manager – Planning Delivery  
Mr K Graham, Solicitor  
Ms E Taylor, Senior Planner  
Ms S McQueen, Planner  
Ms L Ritchie, Planner  
Ms E Clelland, Planner  
Mr M Greenshields, Senior Roads Officer  
Ms M Haddow, Transportation Planning Officer  
Mr R Yates, Transportation Planning Officer  
Ms P Bristow, Communications Adviser  
Mr J Allan, Planning Technician

**Clerk:**

Ms A Smith

**Visitors Present/Addressing the Committee:**

Item 2 – Mr G Patrick  
Item 3 – Ms G Tait  
Items 6 to 8 – Mr T Thomas, Mr D Rose, Mr I Stewart  
Item 12 – Mr J Watt, Mr J Blane

**Apologies:**

Councillor F O'Donnell

**Declarations of Interest:**

Councillor Gilbert declared an interest in the Longniddry Farm items as he had a connection with the applicants; he would leave the Chamber for these items.

**1. MINUTES FOR APPROVAL – PLANNING COMMITTEE 4 JUNE 2019**

The minutes of the meeting of the Planning Committee of 4 June 2019 were approved.

**2. PLANNING APPLICATION NO.18/00937/PPM: PLANNING PERMISSION IN PRINCIPLE FOR RESIDENTIAL DEVELOPMENT WITH ASSOCIATED ACCESS, SUDS, ROADS, OPEN SPACE, FUTURE SCHOOL EXPANSION SITE, SPORTS PITCH AND LANDSCAPE WORKS AT WINDYGOUL SOUTH, TRANENT**

A report was submitted in relation to Planning Application No.18/00937/PPM. Linda Ritchie, Planner, presented the report, summarising the key points. The report recommendation was to grant consent.

In response to questions about air quality Iain McFarlane, Service Manager – Planning stated that during the process for the adopted East Lothian Local Development Plan 2018 (ELLDP) a huge amount of technical work, including work in relation to air quality had been carried out. There had been some concerns however there had been improvements to the bus fleet, which had been one of the major contributors of emissions. Traffic would be generated from this development, which would have an impact but not to such a significant level for concern according to the Environmental Health Service Manager. In response to questions about the sports pitch and changing facilities, Ms Ritchie advised that the Council's Sports Development Officer and the Education Service had agreed to the current proposals. The Convener added that the Sport, Countryside and Leisure Service Manager had confirmed that this would be available outwith school hours. Regarding traffic concerns, Ms Ritchie referred to the applicant's Traffic Impact Assessment advising that Road Services had agreed with its findings. Following further concerns specifically about Muirpark Terrace Mr McFarlane stated that this street had a traffic-calmed layout; there were also other alternative routes, which would ensure sufficient deflection of traffic. He reiterated that Road Services felt that the Traffic Impact Assessment was acceptable.

Graeme Patrick, representing Walker Group, the applicant, responded to questions. He clarified that pre-commencement works, i.e. ground preparation work, was ongoing; this was deemed permitted development and had been discussed with the Planning Authority. Mr McFarlane gave confirmation, adding that this was not uncommon and that the onus was on the applicant. Regarding the affordable housing, Mr Patrick confirmed there would be 141 units, provided in 3 separate parcels; some adjustments had been made in conjunction with the Council's Housing Service. Regarding engagement with schools in relation to SUDS and biodiversity, Mr Patrick said he had no difficulty engaging with schools however the SUDS basin was a piece of infrastructure vested to Scottish Water in due course which had to meet their technical standards. It was an engineering exercise rather than an ecological exercise. Mr McFarlane added that there was a requirement for detailed landscaping plans, which allowed for consideration for biodiversity.

The Convener, referring to this large-scale development, which would take 8 years to deliver, asked for assurance that prior to houses being occupied that the necessary landscaping and road access works would be completed. He was aware of conflict between new residents and construction works in other sites. This was a question to all developers present. Mr Patrick clarified as regards phasing that the first phase would include 41 houses, the SUDS basin and the spine road from Ormiston Road to Brotherstone's Way. He advised that the affordable housing would be developed in parallel. He gave an assurance in relation

to construction traffic that the Construction Method Statement Health and Safety plan would be put in place; an independent Health and Safety Manager would be appointed.

Local Member Councillor McGinn supported the application and welcomed the provision of 141 affordable houses. He did however have concerns about traffic both during and after the construction period. He stressed the need to have a look at a southern bypass for Tranent, something he would be actively pursuing.

Local Member Councillor McLeod agreed with his colleague; he also had concerns about traffic in the town. He would be supporting the application but did have concerns also in relation to schools capacity, health facilities and other key infrastructure elements.

The Convener said this was a major development within the ELLDP and he would therefore be supporting the recommendation to grant planning permission. This would provide much needed affordable housing for Tranent. Referring to concerns raised by ward councillors regarding traffic he gave a commitment that this matter would be looked at, including consideration of a southern bypass.

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

For: 10  
Against: 0  
Abstentions: 0

### **Decision**

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

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 addition 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 manoeuvres) 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.

### **3. PLANNING APPLICATION NO.17/00619/PM: ERECTION OF 40 HOUSES, 8 FLATS AND ASSOCIATED WORKS AT LAND AT LEVENHALL, MUSSELBURGH**

A report was submitted in relation to Planning Application No.17/00619/PM. Ms Ritchie presented the report, summarising the key points. The report recommendation was to grant consent.

Ms Ritchie and other officers responded to questions regarding concerns expressed by Councillor Williamson about the speed of traffic on Haddington Road and the possibility of reducing the speed limit from 40mph to 30mph. Marshall Greenshields, Senior Roads Officer clarified Road Service's assessment of the application. He informed Members there were national policies regarding speed limits. Following further discussion, Mr Greenshields and Mr McFarlane indicated that an assessment of traffic speed could be carried out.

Gillian Tait, representing CALA, the applicant, highlighted the key principles of the proposal. CALA felt that the mix of house types was appropriate for the development. There would be 12 affordable house units and 36 other houses comprising 3, 4 and 5 bedrooms. This would be an attractive development for Musselburgh. She stated that CALA had an established track record and was a trusted developer. As regards speed limit concerns, she informed Members that CALA would be happy to pay for a traffic assessment.

Local Member Councillor Williamson regretted that this application had come forward however he noted that the number of houses was less than could have been proposed for the site. His main concern as mentioned earlier was the speed of traffic on Haddington Road and he would like this addressed.

Councillor Innes felt the design and layout proposed was acceptable. He welcomed CALA's offer to support the request for a speed limit review and agreed this should be included in the conditions.

The Convener supported comments made by Councillor Innes. He also thanked CALA for their offer and agreed that an appropriate additional condition should be included. He would be supporting the recommendation to grant planning permission.

Ms Ritchie provided the wording for the additional condition:

*None of the residential units hereby approved shall be occupied unless and until the speed limit on Haddington Road has been reviewed, with consideration given to the implementation of speed reducing measures and the introduction of a 30mph speed limit. Details of any proposals, including a timetable for implementation, shall be submitted to and approved in advance by the Planning Authority, and be implemented and installed thereafter in accordance with the details so approved. Reason: In the interests of road and pedestrian safety.*

The Convener moved to the vote on the report recommendation (to grant consent) subject to the addition of the new condition as outlined:

For: 10  
Against: 0  
Abstentions: 0

### **Decision**

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

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.

## 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 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.

- 18 None of the residential units hereby approved shall be occupied unless and until the speed limit on Haddington Road has been reviewed, with consideration given to the implementation of speed reducing measures and the introduction of a 30mph speed limit. Details of any proposals, including a timetable for implementation, shall be submitted to and approved in advance by the Planning Authority, and be implemented and installed thereafter in accordance with the details so approved.

Reason: In the interests of road and pedestrian safety.

#### **4. PLANNING APPLICATION NO.19/00147/PM: ERECTION OF 43 HOUSES AND ASSOCIATED WORKS AT WILLIAM CRESCENT, LETHAM MAINS, HADDINGTON**

A report was submitted in relation to Planning Application No.19/00147/PM. Emma Taylor, Senior Planner, presented the report, summarising the key points. The report recommendation was to grant consent.

In response to query from Councillor Gilbert about the possibility of the woodland area being used as a footpath, Ms Taylor clarified that this could not happen as this linear strip would be left and allowed to be incorporated into established woodland.

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

For: 10  
Against: 0  
Abstentions: 0

**Decision**

The Committee agreed to grant planning permission subject to the following 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.

**5. PLANNING APPLICATION NO.19/00443/PM: VARIATION OF CONDITION 22 OF PLANNING PERMISSION 14/00089/PM TO ALLOW TEMPORARY CONSTRUCTION ACCESS FROM PENCAITLAND ROAD (A6093) FOR A PERIOD FROM 1/8/19 TO 31/8/19 AT LETHAM MAINS, HADDINGTON**

A report was submitted in relation to Planning Application No.19/00443/PM. Ms Taylor presented the report, summarising the key points. She reported that the applicant's agent had requested a slight change to the wording of condition 19, which had been emailed to Members. The report recommendation was to grant consent.

Responding to questions from Councillor McMillan, Ms Taylor said that given the multiple number of developers involved in this site it was not unusual to see a slippage in timescales. Regarding ensuring that only approved construction traffic routes were used, she advised that if the correct routes were not being used then developers would be approached and asked to take appropriate action. In response to further concerns about adherence to conditions, Mr McFarlane advised that in relation to this site, there had been no complaints about construction vehicles accessing the site incorrectly and he expected the good practice to continue. It was for the developers to ensure that the correct access routes were provided to sub-contractors/drivers.

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

For: 10  
Against: 0  
Abstentions: 0

### Decision

The Committee agreed to grant planning permission 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 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 unless otherwise agreed in writing by the Planning Authority, construction access shall be taken directly from West Road, with the exception of a temporary period from 1<sup>st</sup> August 2019 to 31<sup>st</sup> August 2020 whereby construction traffic may also access the site via two points on Pencaitland Road as illustrated in Drawing No. LET2 001 between the hours of 0700-1700 Monday to Friday and 0800-1300 on a Saturday. Construction access to the site shall not be permitted via the Knox Place junction, nor via Park Lane or Clerkington 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.

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.

*Sederunt: Councillor Gilbert left the Chamber*

6. **PLANNING APPLICATION NO.18/01034/AMM: APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF PLANNING PERMISSION IN PRINCIPLE 16/00485/PPM - ERECTION OF 4 HOUSES, 35 FLATS AND ASSOCIATED WORKS AT LONGNIDDRY FARM, LONGNIDDRY**
7. **PLANNING APPLICATION NO.18/01038/AMM: APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF PLANNING PERMISSION IN PRINCIPLE 16/00485/PPM - ERECTION OF 47 HOUSES, 12 FLATS AND ASSOCIATED WORKS AT LONGNIDDRY FARM, LONGNIDDRY**

**8. PLANNING APPLICATION NO.18/01048/AMM: APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF PLANNING PERMISSION IN PRINCIPLE 16/00485/PPM - ERECTION OF 71 HOUSES, 10 FLATS AND ASSOCIATED WORKS AT LONGNIDDRY FARM, LONGNIDDRY**

Reports were submitted in relation to Planning Application Nos.18/01034/AMM, 18/01038/AMM and 18/01048/AMM. Stephanie McQueen, Planner, presented the reports, summarising the key points. The report recommendations were to grant consent.

Councillor Bruce asked about safe walking routes during construction works. Ms McQueen advised that there was a condition in place for this. He also asked if Network Rail had expressed any concern regarding the proximity of houses to the east coast mainline. Ms McQueen indicated they had not. Mr McFarlane added that strategic discussions were taking place with Network Rail regarding expansion of the rail line.

Tony Thomas of APT Planning and Development Ltd., agent for the applicant, showed Members a video walkthrough of the site, as it would look when developed. He drew attention to the traditional architecture, which had a village feel of a similar style to other parts of East Lothian. As these developments would bring a new edge to Longniddry, the design ethos had been crucial and carefully considered. He gave details of the mix of properties. A series of footpaths would link throughout the site. The intention was to keep cars off main frontages. There would be a wide mix of public and private space and a public park at the northern edge of the site. Works would commence at the end of this year, the first homes would be ready a year from now and it would take 3/4 years to complete phase 1. These were the first 3 sites to be developed and formed an important part of the ELLDP.

Members raised a number of questions. Mr Thomas gave further details about the housing for the over 60s. Regarding the Longniddry Steading planning application he stated this was integral to the wider development and a separate application was ongoing. Ms Taylor, the case officer for that planning application, advised that there were outstanding matters with SEPA but the application should come forward soon to Committee. In relation to flooding risk at the Braid Burn Ms McQueen stated that SEPA had been consulted and had requested removal of the stepping stones over this burn. Regarding road safety and traffic lights on Coal Road, Mr Thomas said this was under discussion with the Council; the opening up of this road would be a safe route, as improvements would be carried out including a new footpath under the bridge. With regard to the flats with garages underneath and possible conversion, Mr Thomas clarified that conditions had been imposed to ensure that where a garage was the only parking space for a flat or house such garages could not be converted to habitable accommodation. Regarding queries about parking Mr Thomas referred to traffic calming measures and provision of yellow lines. Mr McFarlane added that the design was focused on narrower streets, which would discourage parking. The Convener again requested clarification that the necessary landscaping and road access works would be completed for new residents moving in to these developments. Mr Thomas confirmed that these aspects would be done as phasing was completed and people moved in to the properties, adding that from a sales and marketing perspective the infrastructure had to be in place to attract buyers.

David Rose and Iain Stewart, representing Longniddry Community Council, outlined their concerns regarding these applications. Mr Stewart, referring to the Longniddry Steading planning application highlighted the terrible state of disrepair of those buildings and the safety hazard; measures had to be put in place to prevent access. He drew attention to a number of matters that the Community Council felt needed addressed including speed limits, vehicular access for Longniddry cottages, the bridge over Coal Road, flooding, electric car charging points, preventing motorcycles using Argyle Bridge footpath and the grass pitch at end of development. Mr Rose focused on traffic and drainage matters. Traffic flow through the Main Street and the significant impact to residents was a concern. He raised several

other points including moving the traffic lights to a new location, repositioning the bus stop, lack of appropriate road signs, issues around the Argyle Bridge and seepage from construction of the bridge at Coal Road. He queried if Scottish Water's drainage systems would be able to cope with the additional sewage. He stressed the need to keep the Community Council informed as work progressed and of Scottish Water's intentions.

Responding to questions Mr Rose clarified that the Community Council was not against these developments but had concerns about the infrastructure, primarily around roads and bridges. Mr McFarlane clarified issues raised regarding the Longniddry Steading planning application. He stated there was a condition within the planning permission in principle application that the steading had to be completed by a certain stage. As regards health and safety, the landowner and the developer had a responsibility to meet these requirements. He stressed that in general planning conditions should not be used to duplicate other legislation. Mr Thomas confirmed that the steading site would be made secure. Mr McFarlane, in relation to traffic impacts to trees on Coal Road, stated that the Council's Landscape Officer had assessed all trees on site. He advised that the requirements of the Construction Management Plan would deal with the rerouting of traffic, which would also address Community Council concerns regarding signage and other matters. Responding to queries about how the Community Council would be kept informed of progress of matters raised Mr McFarlane stated that during the actual process officers would not normally be in communication, there was no statutory obligation. Mr Thomas said that up to date information would be published on their website. The applicant also offered to meet with the Community Council before works commenced. Regarding vehicular access for nos. 3-6 Longniddry Cottages Mr Thomas said he would check into this and respond directly to the Community Council.

Local Member Councillor Bruce thanked Longniddry Community Council for their constructive comments; he shared their concerns but intended to support the applications. He welcomed the housing for those aged over 60 years and the affordable housing units.

Local Member Councillor Innes welcomed these developments, which would introduce new families to help support the school. He welcomed the affordable housing. He stated that the Community Council raised valid concerns, which had to be addressed; they wanted these developments managed in a way to support the existing community. If there were public safety issues, these had to be addressed. He looked forward to completion of these developments, which would be a major positive contribution to Longniddry and East Lothian.

Councillor McMillan supported the comments made by Councillor Innes. He highlighted the important role of a community council as exemplified by Longniddry Community Council and commended David Rose and Iain Stewart.

Councillor McLeod said he had been impressed with the proposals but did share concerns expressed by Longniddry Community Council; they needed to be kept informed as work progressed with these sites.

Councillor Findlay noted that house occupation tended in general to be in advance of rail improvements and he asked officers to keep pressure on Network Rail.

The Convener welcomed and supported all these applications; he felt this would form a very attractive development. He thanked officers, the developers and agent and Longniddry Community Council.

The Convener moved to the vote on the report recommendations (to grant consent) for all 3 applications:

**Item 6 (18/01034/AMM)**

For: 9

Against: 0

Abstentions: 0

**Item 7 (18/01038/AMM)**

For: 9

Against: 0

Abstentions: 0

**Item 8 (18/01048/AMM)**

For: 9

Against: 0

Abstentions: 0

**Decision – Item 6 (18/01034/AMM)**

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 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 33dB<sub>Rw</sub>.

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 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 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.

### **Decision – Item 7 (18/01038/AMM)**

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 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 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 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;

(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 EDL\_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<sub>Rw</sub>.

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.

### **Decision – Item 8 (18/01048/AMM)**

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 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 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) 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;

(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 33dBRw.

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.

*Sederunt: Councillor Gilbert returned to the Chamber*

**9. PLANNING APPLICATION NO.18/01328/AMM: APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF PLANNING PERMISSION IN PRINCIPLE 14/00903/PPM - ERECTION OF 138 HOUSES AND ASSOCIATED WORKS AT AREA 9, LAND SOUTH, FA'SIDE TERRACE, WALLYFORD**

A report was submitted in relation to Planning Application No.18/01328/AMM. Ms Taylor presented the report, informing Members of a correction – the proposal was for 141 houses not 138 as stated in the report. She summarised the key points, advising that the report recommendation was to grant consent.

Local Member Councillor McLeod supported the application

Local Member Councillor McGinn also supported the application.

Councillor Innes remarked that this was one of the most important sites in East Lothian and he was pleased to see progress; he would be supporting the application.

The Convener stated he would be supporting the recommendation to grant planning permission. He informed Members that this Committee had today approved applications for around 1,000 houses, with an £200m investment into the county. He praised the success of the ELLDP.

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

For: 10

Against: 0

Abstentions: 0

### Decision

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

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

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

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

Reason:

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

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

Reason:

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

- 3 Prior to the occupation of the last residential unit hereby approved 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 matters15/00136/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.

**10. PLANNING APPLICATION NO.18/01403/PM: WINNING AND WORKING OF HARD ROCK AS EXTENSION TO EXISTING QUARRY (PART RETROSPECTIVE) AT MARKLE MAINS QUARRY, EAST LINTON**

A report was submitted in relation to Planning Application No.18/01403/PM. Esme Clelland, Planner, presented the report, summarising the key points. The report recommendation was to grant consent.

Local Member Councillor Kempson stated she had been very impressed with the professionally run quarry operation. She would be supporting the application.

Councillor McGinn shared his colleague's comments; the site visit had been very informative.

The Convener agreed with comments expressed. He would be supporting the recommendation to grant planning permission.

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

For: 10

Against: 0

Abstentions: 0

**Decision**

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

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.

## CONDITIONS

- 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 from 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 us due to breakdown, vandalism, lack of water or any other reasons then the site operator shall to 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<sup>-1</sup>, with 95% of all blasts at or below a measured PPV level of 2.5 mms<sup>-1</sup>. 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.

**11. PLANNING APPLICATION NO.19/00184/PM: EXTENSION TO THE EXISTING 400KV SUBSTATION AND ASSOCIATED WORKS AT CRYSTAL RIG SUBSTATION, DUNBAR**

A report was submitted in relation to Planning Application No.19/00184/PM. Keith Dingwall, Team Manager – Planning Delivery, presented the report, summarising the key points. The report recommendation was to grant consent.

Responding to questions Mr Dingwall clarified that there were no significant differences between the 2013 application and this application.

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

For: 10

Against: 0

Abstentions: 0

**Decision**

The Committee agreed to grant planning permission 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 Near 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.

**12. PLANNING APPLICATION NO. 19/00265/P: ERECTION OF SALES CABIN, FORMATION OF VEHICULAR ACCESS, HARDSTANDING AREA, CAR PARKING AND ERECTION OF FENCING FOR A TEMPORARY PERIOD OF 1 YEAR AT LIMEYLANDS ROAD, ORMISTON**

A report was submitted in relation to Planning Application No.19/00265/P. Mr Dingwall presented the report, summarising the key points. The proposed decision set out in the report was to grant consent.

Jason Watt, representing Barratt East Scotland, the applicant, outlined the proposal. He informed Members that all works had now ceased. He stated that the removal of the tree had been a genuine error by a sub-contractor. He apologised for any concern or disturbance to local residents and Ormiston Community Council. He acknowledged that engagement with the community could have been better and would be improved going forward.

Responding to questions Mr Watt confirmed that replacement tree planting would take place. He gave an assurance that Barratt would have discussions with Ormiston Community Council. He added that a different solution was being looked at regards segregating access to the sales cabin.

Jim Blane spoke against the application. He outlined the background referring to various unacceptable issues and concerns to local residents. Barratt was seeking to create a new access onto Limeylands Road, which was a change from the original proposal. Residents had been led to believe there would be a buffer zone in place but this new proposed access encroached onto the pathway, creating considerable inconvenience. He stated that Limeylands Road was already dangerous even before a single house was built. He urged Members to reject this application.

Local Member Councillor Akhtar, not a member of the Planning Committee, referred to the background as outlined by Mr Blane, stating that in those circumstances it was especially important that the developer worked with the community. She hoped that a better solution than this proposal could be found. The main crux was the vehicular access to the cabin. She strongly encouraged the developer to enter into dialogue with Ormiston Community Council.

Councillor McGinn indicated that he had concerns about this proposal, concerns that had increased at the site visit. The developer had not taken on board the Community Council's concerns. He would not be supporting the application.

Councillor Innes noted that the applicant had acknowledged that they should not have commenced works without permission and admitted that one of their sub-contractors had inadvertently felled a tree. He also noted that the applicant said they would accept the Committee's decision. He reiterated the need to rebuild relationships with the community. He would not be supporting the application.

Councillor Findlay agreed with his colleagues. He also had concerns regarding access so he would not be supporting the report recommendation.

Councillor McLeod noted that the sales cabin would be in situ only for a temporary period; he would therefore be supporting the application.

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

For: 4

Against: 6

Abstentions: 0

**Decision**

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

1. *The sales cabin would not be served by a suitable means of access and would therefore result in a hazard to road and pedestrian safety.*

Signed

.....

Councillor Norman Hampshire  
Convener of the Planning Committee



**REPORT TO:** Planning Committee  
**MEETING DATE:** Tuesday 3 September 2019  
**BY:** Depute Chief Executive  
(Partnerships and Community Services)  
**SUBJECT:** Application for Planning Permission for Consideration

**2**

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Application No. **18/01366/AMM**

Proposal Approval of Matters specified in conditions of planning permission in principle 16/00594/PPM - Erection of 122 houses, 28 flats and associated works

Location **Land At Saltcoats Field  
Gullane  
East Lothian**

Applicant CALA Management Ltd

Per APT Planning & Development Ltd

RECOMMENDATION Consent Granted

#### PLANNING ASSESSMENT

Although this application is for the approval of matters specified in conditions of planning permission in principle 16/00594/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.

The application site is an area of agricultural land in the East Lothian countryside, located on the southern side of Gullane. It is some 13.5 hectares in area and is roughly rectangular shaped. The site is allocated by Proposal NK7 of the adopted East Lothian Local Development Plan 2018 for circa 130 homes.

The site is bounded to the north by Muirfield Grove, Muirfield Gardens, the grounds of Gullane Primary School and the eastern part of a larger area of woodland known as Millennium Wood, to the east by the C111 public road and to the south and west by agricultural land. Core Path 98 runs along the southern edge of the site.

In January 2018 following the conclusion of a S75 legal agreement to secure education and affordable housing contributions as well as contributions to play facilities, sports

pitch and transportation interventions planning permission in principle 16/00594/PPM was granted for a residential development on the application site. Condition 2 of planning permission in principle 16/00594/PPM states that no more than 150 residential units are approved for the site.

Approval of the matters specified in conditions is now sought for the erection on the application site of 122 houses and 28 flats and for associated works. Eighteen of the houses and 20 flats would be affordable and the remaining 104 houses and 8 flats would be for private sale

Of the 104 private sale houses to be erected within the site, 82 would be detached 8 would be semi detached and 14 would be terraced. In terms of size, 29 of the 104 proposed houses would contain 5 bedrooms, 23 would contain 4/5 bedrooms, 22 would contain 4 bedrooms, 8 would contain 3/4 bedrooms and 22 would contain 3 bedrooms. The 8 private flats would each have 3 bedrooms.

The 38 affordable units to be erected within the site would be a mixture of 1, 2 and 3 bedroomed houses, cottage flats and apartments.

In accordance with planning permission in principle 16/00594/PPM vehicular and cycle access to the houses and flats would be taken by way of two new accesses from the C111 public road to the east.

Pedestrian access to the site, as well as an alternative cycle access, would also be provided from the existing access and path that runs to the south of and parallel with the site.

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

A "pocket park" would be formed on the western part of the housing site. A central green spine would run from north to south through the middle of the site. That green spine would be intersected by the proposed roads running from east to west through the site. Landscaped areas of open space would also be formed along the entire southern edge of the site which would incorporate Core Path 98 within it. The SUDs for the development would be formed within the southeastern corner of this landscaped edge which would be designed as part of the openspace of the development. The central green spine will link into that southern area of openspace and connecting footpaths would be provided. Between the houses and the west boundary of the site is a large area of land to be used as an area of openspace in the form of a meadow. In the preparation of the ELLDP 2018 consideration had been given to using the northern part of that openspace as additional campus land for Gullane Primary School. However, that additional campus land is not at this time required. Footpath links will be formed through the area of openspace which will allow pedestrian and cycle access from the new houses, flats and apartments westwards through this openspace to Gullane Primary School, Millenium Wood and Recreation Park beyond.

Subsequent to the registration of this application, further drawings have been submitted showing revisions to the site layout including a change to the mix of residential units.

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 NK7: Saltcoats Field, 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), DP3 (Housing Density), DP9 (Development Briefs) HOU3 (Affordable Housing Quota), HOU4 (Affordable Housing Tenure Mix) and NH1 (Internationally Designated Sites (RAMSAR) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of this application.

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 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 development brief for allocated site NK7: Saltcoats which is within the Development Briefs Supplementary Planning Guidance 2018 and the approved masterplan for the site as approved by the grant of planning permission in principle 16/00594/PPM. The Development Brief informed the masterplan and sets out the land uses expected for the allocated site and how the Council requires the site to be developed.

One representation to the application has been received which neither objects to nor supports the proposed development. The representation states that more housing in Gullane particularly affordable housing is welcome. However, the infrastructure – roads, sewage system, school, doctors etc - may not have the capacity to cope with the increase in population in Gullane. Roads are already congested and it would be a shame for everyone if Gullane was spoiled as a result of this development.

The impact of the proposed development on the infrastructure of Gullane was assessed through the previous application for planning permission in principle Ref: 16/00594/PPM and found, with some mitigation, to be acceptable. Developer Contributions towards increasing capacity at Gullane Primary School have been secured, and contributions to upgrade play facilities, sports pitch and transportation interventions have all been secured.

Gullane Community Council as a consultee to the application have made the following comments regarding the Planning Layout:-

- (i) There is vague or no connectivity at the southern end of Muirfield Drive and are reminded of the fiasco arising from the connectivity from the West of Fenton Gait East that was abandoned due to legal difficulties;
- (ii) We do not see a path ending to the south of the Millenium Wood as a suitable route for pedestrians, especially at night;
- (iii) There is no path at or around the southeast corner of the school which we understand is due to the issue of its needing to be supervised.

Additionally the Community Council state that (1) the Walking Catchments page of the Residential Travel Plan seems to seriously understate walking times by about 50%, (2) a consequence of poor connectivity will be a significant increase in traffic volumes down the High Street from this development in addition to existing developments. Complaints have been received from residents at Goosegreen regarding unregulated parking on the Green, which is causing problems of erosion, and (3) much of the connectivity seem dependant upon the delivery of ELC paths and access and reassurance that this will be available from the outset should be provided by the Council.

There is no footpath link leading from the site to the southern end of Muirfield Drive due to ownership issues of the land to the north of the site. However, as there will not be any boundary enclosures between the site and Muirfield Drive pedestrian and cycle access is currently possible.

The matter of unregulated parking at Goosegreen is not a material planning consideration in the determination of this application.

By the grant of planning permission in principle 16/00594/PPM approval has been given for the principle of the erection of up to 150 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. There can therefore be no objection in principle to the erection of the 150 residential units now proposed.

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 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 the Illustrative Masterplan and conditions attached to planning permission in principle 16/00594/PPM.

The proposed residential development would form an extension to the existing housing on the southern edge of Gullane. Due to the relationship the proposed new houses, cottage flats and apartments would have with the existing houses the proposed residential development would be appropriate to its location and would not be out of keeping with the character of the settlement and local area. It would be seen against the backdrop of that existing housing and therefore would not appear isolated or sporadic. It would instead be well integrated into its surroundings.

The details now submitted for approval are for a scheme of development comprising a mix of detached, semi detached and terraced houses (24 types of residential units), with the houses, cottage flats and apartments being a mix of one and a half and two stories in height. The range of house types and sizes proposed would help to provide a distinctive

layout and streetscapes with identity. The total number of units proposed accords with the planning permission in principle granted for 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 a mix of 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 this part of Gullane. However, some use of a contrasting wall finish (i.e. reconstituted stone) 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 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 Illustrative Masterplan docketed to planning permission in principle 16/00594/PPM. It also generally complies with the Development Brief prepared as Supplementary Planning Guidance for the ELLDP 2018. The proposed houses, due to their positioning on the application site and by virtue of their height, size and scale, and architectural design would satisfactorily integrate into their surroundings and would not appear as prominent or intrusive features. This would ensure a visually attractive and cohesive development, with the proposed houses visible but not appearing incongruous or 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 largely shown to be laid out in such a way that adheres to the normally accepted privacy and amenity criteria on overlooking. However due to the orientation and proximity of some of the houses to neighbouring plots and to safeguard the privacy and amenity of the occupants of some of those future neighbouring houses, conditions shall be attached to any grant of planning permission to ensure the installation of obscure glazing and the removal of permitted development rights to form new openings in the first floor and roof slope of some of the elevations of the houses to be built on Plots 08, 20, 21, 70, 94, 101, 108 and 111.

There is a change of levels of some 2-3m between the grouping of houses in the southeast corner of the site Plots (Plots 90-112). However, given that the distances of the houses and their gardens from adjacent plots, meets Council's standards for overlooking, this change in levels is not unacceptable and will not allow for harmful overlooking.

Subject to the imposition of the aforementioned conditions the occupants of each of the new houses would be afforded an appropriate level of privacy and residential amenity. The layout of the houses would also adhere to the normally accepted standards of overshadowing.

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.

On all of these foregoing findings on matters of design, layout and amenity, and subject to the imposition of conditions, the proposed development is consistent with Policies

DP1, DP2, DP3 and DP9 of the adopted East Lothian Local Development Plan 2018, and the Scottish Government Policy Statement entitled “Designing Streets”.

The delivery of the affordable housing has been agreed by the Council’s Strategic Investment and Regeneration team to be delivered by Places for People. The proposed mix and house types have also been agreed as delivering the following mix of 26 units for social rent and 12 units for mid market rent.

Therefore, the Strategic Investment and Regeneration Service manager raises no objection to the application which is consistent with Policies HOU3 and HOU4 of the adopted East Lothian Local Development Plan 2018.

The Councils Service Manager – Protective Services raises no objection to the application, satisfied that the proposed development would not result in a loss of amenity to any neighbouring or nearby residential property

As previously detailed, the proposed site layout includes areas of open space to be formed within the site. The Council’s Principle Amenity Officer raises no objection to the application, satisfied that the size and locations of the areas of open space proposed will provide for adequate informal recreation for the proposed development. It is therefore consistent with Policy OS1 of the adopted East Lothian Local Development Plan 2018.

There is no area indicated for equipped play within the site as in the determination of planning permission in principle 16/00594/PPM, a financial contribution was secured to enhance the existing play area at Recreation Park, close to the northwest boundary of the site, with additional facilities rather than provide a new facility within the application site.

Condition 3 of planning permission in principle application 16/00594/PPM requires the submission and approval of a scheme of landscaping prior to the commencement of development on the site, and thereafter secure the implementation of the scheme of landscaping. However, the approval of this matter as specified in Condition 3 of planning permission in principle application 16/00594/PPM is not sought through this application and thus the requirement to submit a landscaping scheme remains embodied in Condition 3 of planning permission in principle 16/00594/PPM and therefore remains in force. The applicant has submitted a Landscape General Arrangement Plan which indicatively shows where the landscaping for the site is to be undertaken, which demonstrates the layout can accommodate sufficient landscaping. However, the Council’s Landscape Officer notes that Condition 3 of planning permission in principle includes the requirement to provide of a native mixed woodland along the full length of the western boundary of the site. This has not been shown on the application drawings. Therefore the requirement for this mixed native woodland remains and will again be made a condition requiring the submission of landscaping scheme for the Approval of Matters.

The Council’s landscape Officer (Policy and Project) also notes that there is a level difference of some 2-3 metres between some of the houses in the southeast corner of the site (Plots 90-112). However, the Council’s Landscape Officer has not objected to or said that it is unacceptable in design and landscape terms, given the positioning of the houses and their garden in relation to each other. She raises no objection to the proposed layout of the development provided conditions are attached to any grant of Approval of Matters that will safeguard existing trees and to ensure the provision of an appropriate landscape scheme for the development including the provision of the native mixed woodland along the entire west boundary of the site.

Condition 4 of planning permission in principle application 16/00594/PPPM requires the submission of a programme of archaeological works (Trial Trench Evaluation) on the site of the proposed development in accordance with a written scheme of investigation submitted to and approved by the Planning Authority. However, the approval of this matter as specified in Condition 4 of planning permission in principle application 16/00594/PPM is not sought through this application. The requirement to submit the programme of archaeological works embodied in Condition 4 of planning permission in principle 16/00594/PPM therefore remains in force. Thus there is no requirement to also secure this again through a condition attached to this approval of matters specified in conditions application.

The principles of the means of accessing of the proposed residential development are already decided by the grant of planning permission in principle 16/00594/PM. The submitted details for accessing the proposed residential units are in accordance with these principles established by the grant of planning permission in principle 16/00594/PPM. Also the principle of 150 residential units accessing the site from the local road network has already been decided acceptable by the grant of planning permission in principle 16/00594/PPM.

The Council's Road Services raise no objection to the submitted details, being satisfied that the proposed development can be safely accessed by both cars, pedestrians and cyclists. Whilst there is no footpath link from the green central spine within the development to Muirfield Grove to the north, access is still currently possible. The Council's Roads Services also advise that the development would not result in unacceptable traffic congestion on the local road network, and that it would not result in a road or pedestrian safety hazard. They advise that whilst the location and amount of parking within the site is largely acceptable the houses to be built on plots 31-37 inclusive and Plots 46 -52 inclusive are shown to have carports with vehicular access doors within them. As such those car ports cannot count as parking spaces for the houses. As there is no other parking provided within the site for the houses to be built on plots 31-37 and 46-52 inclusive, it should be made a condition of a grant of Approval of Matters that the car ports that serve those houses shall be open fronted and shall not have doors within them. Subject to that planning control the amount of parking on the site is acceptable.

Conditions 5,6 and 7 of planning permission in principle application 16/00594/PPPM requires works require by Road Services including the introduction of a 30 mph speed limit, visibility splays and off site road improvements. However, the approval of this matter as specified in Condition 5,6 and 7 of planning permission in principle application 16/00594/PPM is not sought through this application. The requirement for works embodied in Conditions 5, 6 and 7 of planning permission in principle 16/00594/PPM therefore remains in force. Thus there is no requirement to also secure these again through a condition attached to this approval of matters specified in conditions application.

Condition 8 of planning permission in principle application 16/00594/PPM requires the submission of a Green Travel Plan, to have particular regard to provision for walking, cycling and public transport access to and within the site. However, the approval of this matter as specified in Condition 4 of planning permission in principle application 16/00594/PPM is not sought through this application. The requirement to submit the Green Travel Plan is embodied in Condition 4 of planning permission in principle 16/00594/PPM and therefore remains in force. Thus there is no requirement to also secure this again through a condition attached to this approval of matters specified in conditions application.

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.

Condition 9 of planning permission in principle application 16/00594/PPM requires the submission of a Construction Method Statement to minimise the impact of construction activity on the amenity of the area. However, the approval of this matter as specified in Condition 6 of planning permission in principle application 16/00594/PPM is not sought through this application. The requirement to submit the Construction Method Statement is embodied in Condition 9 of planning permission in principle 16/00594/PPM therefore remains in force. Thus there is no requirement to also secure this again through a condition attached to this approval of matters specified in conditions application.

The applicant has submitted a Drainage Strategy and Flood Risk Assessment.

The Scottish Environment Protection Agency (SEPA) and the Council's Team Manager for Structures, Flooding & Street Lighting have appraised the submitted Flood Risk Assessment and both raise no objection to the proposals, being satisfied that the development would not constitute a flood risk. However, SEPA have advised that the applicant should provide East Lothian Council with confirmation from Scottish Water that there is an available connection to the public sewer and that Scottish Water will accept waste from this development.

The Council's Biodiversity Officer advises that the Firth of Forth Special Protection Area (SPA) is designated as a Natura 2000 site because of its importance to over-wintering waders and wildfowl. One of the principal species of this designation is the pink footed goose which visits East Lothian farmland in abundance from September onwards each year. The SPA designation extends protection over landscapes that are not within the SPA boundary but which are still important for sustaining species listed in the citation. This potentially includes the arable fields south of Gullane, where pink footed geese feed.

The application proposal, by being on an arable field to the south of Gullane therefore, would potentially have a significant environmental impact, which could be experienced through loss of feeding area and displacement of geese to surrounding fields. Consequently in the determination of planning permission in principle 16/00594/PPM the Council undertook an Appropriate Assessment to determine whether displacement or disturbance will affect the integrity of the Firth of Forth Special Protection Area (SPA). That Appropriate Assessment concluded that subject to the proposed development incorporating the mitigation measures as identified in the ITPE assessment of effects on pink-footed goose as a qualifying feature of the Firth of Forth Special Protection Area the proposals would not impact on the integrity of the Firth of Forth Special Protection Area (SPA).

Condition 10 of planning permission in principle 16/00594/PPM requires that the mitigation measures for the prevention of disturbance and/or displacement of pink footed geese during the construction and operational phases of the development hereby approved shall be implemented in strict accordance with those detailed in section 5.2 'Mitigation Measures' of the 'SALTCOATS: Assessment of effects on pink footed goose (Anser brachyrhynchus) as a qualifying feature of the Firth of Forth Special Protection Area (SPA)' document by ITP Energised docketed to planning permission in principle 16/00594/PPM. However, the approval of this matter as specified in Condition 10 of planning permission in principle application 16/00594/PPM is not sought through this application. The requirement for the mitigation measures embodied in Conditions 10 of planning permission in principle 16/00594/PPM therefore remains in force. Thus, there



is no requirement to also secure these again through a condition attached to this approval of matters specified in conditions application.

A further Appropriate Assessment has been carried out for this detailed application for Approval of Matters. This included the in combination effects of other housing proposals within the Gullane Area. This Appropriate Assessment again concluded subject to the aforementioned mitigation measures the proposals would not compromise the objectives or designation and overall integrity of the SPA. Accordingly, the proposals do not conflict with Policies NH1 and DP13 of the adopted East Lothian Local Development Plan 2018 or Scottish Planning Policy: June 2014.

Condition 11 of planning permission in principle 16/00594/PPM requires the details for the proposed sustainable urban drainage scheme (SUDS) should be submitted for the written approval of the Planning Authority, in consultation with SEPA. A SUDS scheme has been submitted to the Planning Authority, and this has been forwarded onto SEPA for consultation. On this matter SEPA raise no objection to the 150 residential units now proposed. The Council's Team Manager for Structures, Flooding & Street Lighting advises that SUDS scheme demonstrates that the surface water drainage strategy for the site is acceptable and raises no objection to the application.

Scottish Water raise no objection to the application. They do however advise that Scottish Water is unable to confirm water capacity at Castle Moffat Water Treatment Works. Contact by the developer with Scottish Water is advised so they can fully appraise the proposals. Scottish Water also advise that the Wastewater Treatment works at Gullane has limited capacity and will therefore require an increase in the capacity on the receipt of information form the developer.

Condition 12 of planning permission in principle 16/00594/PPM requires the submission of the details of artworks to be provided on site or on a location away from the site and the artwork provided as approved prior to the occupation of the final residential unit approved for erection on the site. However, the approval of this matter as specified in Condition 12 of planning permission in principle application 16/00594/PPM is not sought through this application.

The mechanism of a financial contribution towards education (£2,235,393) and affordable housing (25% = 38 units) contributions as well as contributions to play facilities (£77,550 for enhancement of the existing play area at Recreation Park), sports pitch (£85,0500) and transportation interventions (£100,900.50) have already been secured through the grant of planning permission in principle 16/00594/PPM.

Proposal NK7 of the proposed Local Development Plan states that the application site is, as well as for housing, allocated for the expansion of the Gullane Primary School campus. This proposed expansion of the school campus land was shown on the indicative masterplan submitted with previous application 16/00594/PPM. Moreover, the applicant had indicated they would be willing to provide this additional land to the Council for this purpose. Notwithstanding this, the Council's Depute Chief Executive, Resources and People Services advised he had considered the impact of the necessary additional built footprint of Gullane Primary and Nursery School together with additional campus land required for outdoor play area space and car parking. He had confirmed that the existing residual school campus area of approximately 1.3ha was sufficient for the provision of the additional educational, recreation and playing field area for the projected capacity of the school arising from the cumulative impact of the residential development of this site, together with other LDP allocations in the school catchment area. This assessment is based on the standards set within the School Premises Act (Scotland) 1967, updated in 1973. On this basis the Depute Chief Executive, Resources and

People Services advised for application 16/00594/PPM that there was no requirement to secure through this application the proposed additional school campus land as shown on the indicative masterplan, as it is not required as a direct consequence of this proposed development.

The proposed site plan still shows that the northwest part of the site could be used as additional school campus land. As this remains part of the proposed development, the Depute Chief Executive, Resources and People Services is satisfied that it still provides for the potential for expansion of the school campus land in the future should this be required. In this he confirms the proposed housing would not prejudice the possible future development of the school campus land as an expansion to Gullane Primary School.

#### RECOMMENDATION:

That approval of matters specified in conditions 1(a-k) and 3 of planning permission in principle 16/00594/PPM for the proposed housing 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 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 approval of matters specified in conditions, 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 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 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.

- 4 A timetable for the provision of the erection of the 1.8 metre high boundary enclosures for the rear gardens of the houses 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.

- 5 All the open space recreation areas indicated on the docketed drawings shall be available for use prior to the occupation of the last house or flat on the site. The open space recreation areas, when provided, shall 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

- 6 No development shall take place until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping. The scheme shall provide details of: the height and slopes of any mounding on or 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.

It shall be based on the drawing titled 'Soft landscape layout' numbered SF-RF-AA-XX-DR-L-0002 and specifically include a mixed native species hedgerow along the full length of the southern boundary of the site, a native mixed woodland of a minimum of 20m wide along the full length of the western boundary of the site, groups of mixed sized species trees on the southerly located areas of open space, large species trees within open spaces throughout the site, and feature trees and landscaping on the eastern road frontage of the site. Large species trees should be spread throughout the site. Additional pine and oak trees should be included to the southern boundary areas. Holm oak should also be introduced to the mix. Feature pines, oaks and horse chestnuts should be placed within the centre of the large open spaces such as the linear park from plots 86 and 93 to 41 and 42; also within the park between plots 72 and 57 with root barriers to protect the underground services. Care should be taken in locating the large pine and beech trees close to property gables, no large species tree shall be located closer than 12m to any building. These should be substituted with hornbeams at plots 23, 30, 01 and 38. No shrub planted or hedged area shall be narrower than 1.5m to enable successful establishment of the landscaping to ensure successful amenity for the development. All hedging to rear of boundary wall shall be maintained at a height of between 1.75 and 2m in height.

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 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 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 the interests of achieving an appropriate landscaped setting for the housing development.

- 7 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, 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 titled 'Tree retention and removal' numbered SF-RF-AA-XX-DR-L-0003 rev B, shall be positioned outwith the Root Protection Area (RPA) as defined by BS5837:2012 for all trees and approved in writing by the Planning Authority.

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

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

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

Reason

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

- 8 Prior to commencement of development on site, full details of the proposed Sustainable Drainage System shall be submitted to and approved in writing by the Planning Authority. Thereafter, the approved details shall be implemented as approved for the lifetime of the development.

Reason:

To ensure that the final Sustainable Drainage System design complies with 'Sewers for Scotland 3' and in the interest of flood prevention and the long term amenity of the site.

- 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 interests of road safety.

- 10 Prior to the commencement of development, details showing compliance with the following transportation requirements shall be submitted to and approved in writing in advance by the Planning Authority.

(i) a supplementary construction method statement shall be provided for the site to expand on that already provided and controlled through planning permission in principle 16/00594/PPM. This shall take account of routes to the site from the A198;

(ii) cycle parking shall be provided at the rate of 1 space per flat. This shall be provided in a secure/undercover area;

(iii) all footpaths and cycle paths from a zone under construction to their connections to existing pedestrian/cycle routes shall be constructed to an adoptable standard before the occupation of any of the residential units of the particular zone;

(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;

Reason:

In the interests of road safety.

- 11 Prior to the commencement of development confirmation from Scottish Water shall be provided that demonstrates that there is an available connection to the public sewer and that Scottish Water will accept waste from this development. If Scottish Water cannot accept foul drainage from this site, proposals for alternative arrangements should be provided, prior to the commencement of development and SEPA should be re-consulted.

Reason:

In the interests of ensuring that foul drainage from the site can be accommodated.

- 12 The roof lights on the east facing roof slopes of the houses to be built on Plots 08,101 & 108, on the west facing roof slopes of the houses to be built on Plots 70, 94 & 111, on the north facing roof slope of the house to be built on Plot 20 and on the south facing roof slope of the house to be built on Plot

21 shall be obscurely glazed, prior to the occupation of those houses. Thereafter those roof windows 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 neighbouring houses.

- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as amended by The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 or by any other statutory instrument amending, revoking or re-enacting the 1992 Order, no windows or other glazed openings shall be formed on the first floor or within the roof slope of the east elevation of the houses to be built on Plots 08,101 & 108, the west elevation of the houses to be built on Plots 70, 94 & 111, north elevation of the house to be built on Plot 20 and on the south elevation of the house to be built on Plot 21 without the prior permission of the Planning Authority.

Reason:

In the interests of safeguarding the privacy and amenity of the occupants of neighbouring residential properties.

- 14 Notwithstanding that shown on drawings docketed to this Approval of Matters the car ports on plots 31-37 and 46-52 inclusive shall not have vehicular access doors installed within them but shall instead remain open fronted. Thereafter those car ports shall remain open fronted with no vehicular access doors unless otherwise approved in writing by the Planning Authority.

Reason

To meet the Council's Road Services parking standards for new housing.

*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)*