

PLANNING COMMITTEE

TUESDAY 19 MAY 2020

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

**WEDNESDAY 4 MARCH 2020
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

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Committee Members Present:

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

Other Councillors Present:

Councillor S Akhtar
Councillor J Goodfellow

Council Officials Present:

Mr C Grilli, Service Manager – Legal
Ms E Taylor, Manager, Planning Delivery
Ms S McQueen, Planner
Mr N Millar, Planner
Ms M Haddow, Transportation Planning Officer
Mr R Yates, Transportation Planning Officer
Ms P Gray, Communications Adviser

Clerk:

Ms A Smith

Visitors Present/Addressing the Committee:

Item 2 – Mr T Thomas, Ms S Lewis, Mr J Charles, Ms W Chan
Item 3 – Mr C Church
Item 4 – Ms J Bell, Ms P Swan, Mr A Swan
Item 5 – Mr K Macdonald, Mr F Burket

Apologies:

Councillor W Innes
Councillor C McGinn
Councillor F O'Donnell

Declarations of Interest:

None

1. MINUTES FOR APPROVAL – PLANNING COMMITTEE 4 FEBRUARY 2020

The minutes of the meeting of the Planning Committee of 4 February 2020 were approved.

2. PLANNING APPLICATION NO. 18/01123/PPM: PLANNING PERMISSION IN PRINCIPLE FOR A HOLIDAY LODGE DEVELOPMENT, ANCILLARY BUILDINGS WITH ASSOCIATED ACCESS, LANDSCAPING AND INFRASTRUCTURE WORKS AT WHITEKIRK GOLF CLUB, NORTH BERWICK

A report was submitted in relation to Planning Application No. 18/01123/PPM. Stephanie McQueen, Planner, presented the report, providing details of how the application had been amended since its original submission. She then summarised the key points of the application. The report recommendation was to grant consent.

Councillor Goodfellow raised a question of competency. There had been a significant number of objections to the original concept of 143 units, which had since been reduced to 41 units. Normally objectors were only permitted to make a presentation on their original objection but those were based on an entirely different application. He asked if the objectors would be allowed to comment on the application as currently presented. Carlo Grilli, Legal Service Manager, noted that there had been variations to this application. The number of units had been reduced following consultation and then further reduced again to the current figure of 41. Given that this was an application for planning permission in principle, the context was subject to being able to bring the application forward; a reduction in the number of units was not deemed material. So in terms of the objections and whether objectors could comment on the application being presented, although their objections were based on a higher number of units, Mr Grilli indicated that in this case they could.

Ms McQueen responded to questions. She clarified that Policy TC1 did not apply, as holiday accommodation was not classed as commercial development. She advised that Stantec had not carried out work on the likely number of staff required for the reduced number of units. On whether the 143 lodges originally requested were permanently withdrawn, she indicated they were not, but stressed that the application before Members for determination was for 41 lodges. As regards the relevance of North Berwick Community Council's comment she stated that close adjacent community councils were usually contacted. She clarified that many aspects of the application were indicative because this was an application for planning permission in principle; more detail would be contained within future reports, which would come forward if this application was approved. In relation to the site visit, Ms McQueen indicated that only the area immediately to the west of the clubhouse was visited. On queries about lodge heights she said these were indicative but clarified that some were 1½ storeys and 2 storeys.

Tony Thomas of APT Planning and Development, agent for the applicant, informed Members that engagement with local residents had taken place since the beginning of the process. A wide range of technical studies had been undertaken. Whitekirk Hill was now a favoured high quality destination and these lodges would help cement its future and ensure the area thrived. This would enhance East Lothian as a tourism destination. The proposal accorded with key policies. The first phase would be at the northern end of the site. The lodges would be of sustainable design construction; an exemplar of what could be achieved. Areas of concern raised by objectors were covered by conditions attached to the report. This was a well thought out development, for 41 lodges, which would be a real asset to the area.

Mr Thomas and Sarah Lewis, Architect with Hamson Barron Smith, responded to questions. Mr Thomas confirmed that public access to the site would still be available, adding that the applicant had already improved access and paths at various points. He clarified that the lodges would be as carbon neutral as possible; the aim was to be an eco-friendly tourist

destination. As a result of this proposal another 10 jobs would be created. On completion timescales, the aim was for completion within 2/3 years. Regarding provision of electric car charging points he said that the detail of each of the pods of development had still to be considered but this would be looked at. He clarified, given the investment already made into facilities that if the application was refused there would undoubtedly be an impact; sustainability of the whole site was linked to having year round occupation of the eco pods.

Ms Lewis responded to queries regarding the use of log burning fires, passivhaus standard and orientation of the lodges in relation to visibility and light pollution. She confirmed that it was the intention to seek passivhaus certification. She added that not many buildings across Scotland would meet these high eco standards. All the lodges would be fully wheelchair accessible. In relation to the Construction Method Statement (CMS) Mr Thomas confirmed that no construction traffic would go through the village. He also responded to questions about traffic management, both to/from the site and internally within the site. As the area was developed people would be encouraged to use public transport, cycle or walk. He clarified that there were no plans to resurrect the golf complex. On the use of natural finishes and such a guaranteed use, he stated that advice on materials would be provided from Ms Lewis and her team, a quality check process would be in place.

Jonathan Charles spoke against the application. He highlighted the level of opposition to this application. The character of the area should be preserved, there should be no development at all. People were very worried about this proposal and the potential for development creep. There was confusion over the eco credentials, some of the measures proposed did not support green credentials. There should be proper certification of passivhaus standard. He raised concerns regarding roof materials, construction traffic, and transport use within the site and light pollution, stating these should all be covered by additional conditions. This was a Special Landscape Area (SLA), Members would be setting a precedent if this was approved. The application should be rejected or more conditions added.

Wendy Chan spoke against the application. The Landscape and Visual Impact Assessment was misleading, the buildings were not small; she gave details of the sizes of the various lodges. They would be clearly visible within the SLA. She raised several other concerns in relation to sewage, materials proposed, sustainable principles, orientation and light pollution. Referring to the impact of transport there needed to be a Sustainable Transport Policy. She felt that it was still unclear if economic advantages outweighed other considerations.

Opening the debate, Local Member Councillor Goodfellow, not a member of the Planning Committee, expressed concerns about the way this application had developed stating that a fresh application for the 41 lodges would have been better. He had 2 main concerns. In respect of the CMS it was not clear that the C136 road should not be used. Secondly, he was very concerned about light pollution and the visibility of these lodges; this needed more formally addressed in the conditions and he hoped this would be looked at.

Local Member Councillor Findlay shared his colleague's concerns. He asked if the current conditions actually banned construction traffic from the C136 road. Emma Taylor, Manager, Planning Delivery, advised that at the moment the condition only asked for a CMS to be submitted. She further advised that if this application was approved then the detailed application, which would come to the Planning Committee at a later stage, would contain more information about construction traffic.

Councillor Findlay noted the position. This was a good application in terms of tourism but he had concerns about the height of the buildings; if solely single storeys had been proposed he would have been more sympathetic. He had concerns that this was stage one; if permission was granted what would come forward next. This was an SLA and, as such, should not be built on. He would not be supporting the report recommendation.

Councillor McLeod remarked that this was a very good application, which would be beneficial to East Lothian as a tourist destination. He would be supporting the application.

Councillor McMillan noted the views expressed by the objectors. However the economic development and tourism aspect was very important to the county; this development would be a high quality attraction to East Lothian. On balance, he felt that the benefit would outweigh any small visual impact. He supported the report recommendation.

Councillor Gilbert agreed. He felt, having listened to all parties, that there was no reason to go against the application in planning terms. He would be supporting the recommendation.

Councillor Mackie also concurred. She had been impressed by the applicant's proposal, which was eco-friendly and would be as carbon neutral as possible. Having a condition for passivhaus certification was worth exploring. She supported the report recommendation.

The Convener referred to the chequered history of this area and understood why there had been so many objections. This application however was for a very high standard of development that would be a huge asset to tourism in East Lothian. This was an important landscape within the county and conditions would be in place to protect the SLA. He appreciated the concerns regarding construction traffic but this would be controlled by the CMS. He would be supporting the report recommendation.

Ms Taylor reiterated that as this was an application for planning permission in principle it was very difficult to have conditions controlling some of the issues raised. If this application was approved, when the detailed application came forward, Members could at that point look at matters mentioned today.

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

For: 7
Against: 2
Abstentions: 0

Decision

The Committee agreed to grant planning permission subject to:

1. the undernoted conditions; and
2. the satisfactory conclusion of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 to:
 - (i) secure that the proposed holiday lodges on the site would remain in the ownership of one operator and be operated as one facility under a central management process; and
 - (ii) secure that the proposed holiday lodges would be tied in ownership with the existing leisure club facilities at 'Whitekirk Hill'.

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 of the holiday lodges, ancillary buildings, the means of access to them, the means of any enclosure of the boundaries of the site and other subdivisions of the site and the landscaping of the site and those details shall generally accord with the Indicative Master Plan drawing no. A_SITE 000 rev D docketed to this planning permission in principle, and shall address the following requirements:

- a. There shall be no more than 41 holiday lodges positioned on the site generally in accord with the Indicative Storey Heights Site Plan drawing no. A_SITE 001 rev E.

b. Notwithstanding the indicative masterplan, and with the exception of the 6 holiday lodges that are indicatively shown to be adjacent to the northwest boundary of the site, the detailed form, footprint and height of each of the remaining 35 holiday lodges shall be no greater than that indicatively shown on the Indicative Storey Heights Site Plan drawing no. A_SITE 001 rev E. Holiday lodges shall be predominantly single storey in height.

c. Notwithstanding the indicative masterplan, the 6 holiday lodges that are indicatively shown to be adjacent to the northwest boundary of the site shall be no more than single storey in height and otherwise the detailed form and footprint of each of those 6 holiday lodges shall be no greater than that indicatively shown on the Indicative Storey Heights Site Plan drawing no. A_SITE 001 rev E.

d. the 41 holiday lodges shall generally be positioned on the lower ground levels of the site so as to be below ridge lines.

e. the 41 holiday lodges shall be positioned so as to keep excavation and build-up of ground levels to a minimum and vegetation removal around each holiday lodge shall be kept to a minimum.

f. the holiday lodges shall be designed to minimise and reduce light spill from the windows of them and shall consider the use of non-reflective and tinted glazing.

g. The external finishes of the holiday lodges shall be in accordance with a coordinated scheme of materials and colours that shall respect the layout of the development and shall promote natural finishes, including 'green' or sedum roofs, natural timber and dark coloured finishes.

h. The access roads of the site shall be no wider than 3.7 metres and shall include provision of passing places.

i. The surface finish of the roads, parking and turning areas and footpaths shall be designed and coloured to minimise visual intrusion.

j. Unless otherwise agreed in writing with the Planning Authority, parking for the holiday lodge development hereby approved shall be provided at a rate of one space for a holiday lodge of up to 5 habitable rooms and two spaces for a holiday lodge of 6 or more habitable rooms. Parking spaces shall be a minimum of 2.5 metres by 5 metres.

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 wider environment, and in the interests of road and pedestrian safety, and in the interests of flood prevention and environmental protection, and in the interests of the landscape character and amenity of the area, and the landscape character of the Whitekirk and Balgone Outcrops Special Landscape Area and the setting of the Whitekirk Conservation Area.

- 2 Prior to the commencement of development a long term landscape and habitat management plan shall be submitted to and approved in writing by the Planning Authority.

The landscape and habitat management plan shall include, but not exclusively:

- management of neutral/calcareous grassland, including mowing or grazing and mitigations to reduce visitor pressures;
- management and enhancement of woodland habitats;
- management and diversification of aquatic habitats;
- management and enhancement of gorse scrub and measures to enhance the habitat for wildlife;
- enhancement of broadleaved plantation woodland, through understorey planting and ground layer species of local provenance, where available;
- diversification of species poor grassland, including mowing and seeding;
- provision of bat and bird boxes;
- minimising the use of fertilisers and pesticides, including the delineation of zones where the use of fertilisers and pesticides will be controlled; and
- enhancement and management of the site to facilitate for high quality wildlife experience for visitors to the site.

The habitat management plan shall include a robust monitoring programme and a timetable for the implementation of the habitat management plan.

The approved long term landscape and habitat management plan shall thereafter be implemented in accordance with the details so approved unless otherwise agreed by the Planning Authority.

Reason:

To maximise the ecological potential of the proposed development.

- 3 No development shall take place on the site until details of a Construction Method Statement, designed to minimise construction works and the impact of the movements of construction traffic to and from the application site, and also designed to minimise the impacts of dust during construction has been submitted to and approved in advance in writing by the Planning Authority prior to the commencement of development on the site. The Construction Method Statement shall include measures to minimise the impact of construction activity on the amenity of the area to control construction traffic, noise, dust, surface water, hours of construction work and wheel washing facilities and their use, and any recommended mitigation measures for their control, which shall, as may be applicable and as respectively relevant, be implemented prior to the commencement of development, during the period of development works being carried out on the application site, and once the use of the holiday lodge development hereby approved has commenced.

Thereafter the measures of the Construction Method Statement so approved shall be implemented throughout the period of construction and as relevant thereafter.

Reason:

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

- 4 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.

- 5 Prior to the commencement of use of the holiday lodges hereby approved a Travel Plan to minimise private car trips and to encourage use of alternative modes of transport such as walking, cycling, trains, buses, and car sharing/car clubs shall be submitted to and approved in advance in writing by the Planning Authority. The Travel Plan shall have particular regard to provision for walking, cycling and public transport access to and within the site for staff and customers and how this will be promoted to employees and visitors of the holiday lodge development. The Travel Plan shall 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 include for the provision of a Travel Plan Monitoring and Progress Report, which shall be shared with the Planning Authority 15 months after the holiday lodges first come into operation, and shall be kept up-to-date annually for inspection at any time. The Travel Plan Monitoring and Progress Report shall include the information above as well as an analysis of trends against previous surveys, information on any marketing and promotional events during the year and details of any new measures adopted. It should also include details of any changes in personnel associated with the Plan.

The approved 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 holiday lodge development hereby approved.

- 6 A Road User Safety Audit to independently assess walking, cycling, access and road safety aspects within and around the development hereby approved shall be submitted to and approved in advance in writing by the Planning Authority prior to the commencement of development, and thereafter the approved Audit shall be implemented in accordance with the details so approved.

The Road User Safety Audit shall be reviewed after construction is substantially complete in accordance with a timetable for such review to be agreed in advance in writing by the Planning Authority and the findings of that review shall be submitted for the approval of the Planning Authority. Any mitigation identified shall thereafter be carried out as agreed in advance in writing by the Planning Authority.

Reason:

In the interests of ensuring sustainable travel patterns in respect of the holiday lodge development hereby approved and in the interests of road and pedestrian safety.

7 Prior to the commencement of the development hereby approved on the site, a suitable targeted Geo-Environmental Assessment of the site shall be carried out, and the findings report of that assessment shall be submitted to and approved in advance by the Planning Authority. The scheme shall include details of the following:

- A site investigation (ground investigation, sample analysis and gas monitoring) and risk evaluation, comprising a survey of the extent, scale and nature of contamination, and an updated conceptual model of the site.
- Where risks are identified based on the findings of the site investigation (data and risk assessment), a Remediation Strategy should be produced detailing and quantifying any works which must be undertaken in order to reduce the contamination risks to acceptable levels. The Remediation Strategy shall detail all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

The site investigation and risk assessment shall be undertaken by suitably qualified, experienced and competent persons.

Should remedial works be required then, prior to the site being occupied, a Validation Report shall be submitted to and approved in advance in writing 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.

Before any one of the holiday lodges is 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 holiday lodges.

8 Prior to the commencement of development on the site a Construction Environmental Management Plan (CEMP), including amongst other matters, dust mitigation and water run-off mitigation, shall be submitted to and approved in advance in writing by the Planning Authority in consultation with Scottish Natural Heritage and Biodiversity Officers, and thereafter all construction works associated with the development hereby approved shall accord with the approved Construction Environmental Management Plan (CEMP), unless otherwise approved in writing by the Planning Authority in consultation with Scottish Natural Heritage and Biodiversity Officers.

The Construction Environmental Management Plan (CEMP) shall include but not exclusively the following mitigation measures:

CONSTRUCTION/PRE-CONSTRUCTION:

- An Ecological Clerk of Works (ECoW) shall be employed during construction to oversee all works and advise on the timing and/or duration of operations, monitor bird activity and undertake nest checks, bird counts, and offer advice to the general public, the holiday lodge developer, and the contractors regarding notable species, sensitive areas and legal obligations;
- The provision of an ecological report detailing the undertaking and findings of a pre-construction site walkover by a suitably qualified ecologist to check for badger, red squirrel, otter, pine marten and other protected species, and any mitigation identified shall be implemented to reduce significant impacts if such species have established a presence on the application site in the intervening time, and measures to manage habitats and disturbance of those habitats shall be put in place;
- The provision of an ecological report detailing the undertaking and findings of pre-construction checks of the trees of the site for bats by a suitably qualified ecologist, and if roosting bats are present, mitigation shall be identified and implemented to reduce significant impacts;
- The timing of works shall avoid the bird breeding season (April to August) where possible;
- A drainage management plan shall be in place to prevent significant sedimentation and pollution of drains and ponds;
- Temporary losses of habitat shall be reduced by minimising the footprint of construction activity;
- Excavations shall be covered at the end of each working day or a means of escape put in place should mammals enter an excavation. Any temporarily exposed open pipe system shall be capped in such a way as to prevent wildlife gaining access;
- Work shall be undertaken during daylight hours, where possible, with limited use of artificial lighting;
- In the event that a protected species is discovered in a works area, all works in that area shall cease immediately and the ECoW shall be contacted. Details of the local police Wildlife Crime Officer, SNH Area Officer and Scottish Society for the Prevention of Cruelty to Animals (SSPCA) relevant Officer shall be held in the site emergency procedure documents;
- Measures to control noise from construction activities;

- Measures to minimise and control dust from construction activities;
- Measures to protect watercourses and ground water during construction and to decrease flood risk;
- Investigations to assess for potential geotechnical and contamination constraints;
- Measures to manage surface water run-off during construction;
- Measures to manage surface water and sediment run-off from, and provide drainage for, construction access tracks and temporary tracks;
- On-going monitoring measures of surface water run-off to ensure no sediments enter local watercourses during construction;
- Measures to ensure appropriate construction compound design, including fuel, oil and chemical storage, designated refuelling area, concrete storage and wash-out, waste storage and removal;
- Where possible topsoil stripping shall not be performed during wet weather and all topsoil shall be appropriately stored away from watercourses and avoiding over-compaction;
- Spill kits, absorbant materials and full training on their appropriate use shall be available to all site staff in order to limit potential impact from accidental spillages;
- Vehicles to be regularly checked for leakages and with the exception of emergency repairs, all maintenance shall be undertaken off-site.

OPERATIONAL:

- A speed limit of 20mph to be applied to all site traffic to reduce the likelihood of badger collision and potential fatalities;
- All site staff shall be provided with information regarding the sites' ecological sensitivities as part of the Health and Safety Induction;
- All site staff shall be aware of the need for careful working practices to avoid environmental damage.

Monitoring of all of the above mitigation measures shall be carried out in accordance with CIEEM guidance.

Reason:

To protect the ecology and biodiversity of the site from significant disturbance arising from the construction and subsequent maintenance of the development hereby approved.

- 9 No development shall take place on the site until the applicant has undertaken and reported upon a programme of archaeological work (Archaeological Evaluation by trial trench and Monitored Strip) in accordance with a written scheme of investigation which has been submitted by the applicant (or their agent) and approved by the Planning Authority.

Reason:

In the interests of archaeological and natural heritage.

- 10 No development shall take place on the site unless and until site investigation and foul drainage modelling for the development has been carried out and a report detailing such investigation and modelling shall be submitted to and approved in advance in writing by the Planning Authority in consultation with the Scottish Environment Protection Agency (SEPA). Thereafter, the foul drainage for the site shall be carried out in accordance with the investigation and modelling strategy so approved.

None of the holiday lodges hereby approved shall be brought into use or occupied unless and until the drainage of the site has been carried out in accordance with the investigation and strategy so approved.

Reason:

To ensure adequate drainage of the development hereby approved in the interest of flood prevention, environmental protection and the long term amenity of the area.

- 11 Prior to the commencement of use of any of the holiday lodges hereby approved, a new bus stop shall be provided on each side (north and south) of the A198 classified public road and a safe walking route shall be provided from the bus stops into the site, in accordance with details for the provision of such bus stops and safe walking route, and a timetable for their implementation to be submitted to and approved in advance in writing by the Planning Authority.

Thereafter, the bus stops and safe walking route shall be provided in accordance with the details and timetable so approved, unless otherwise agreed in writing by the Planning Authority.

Reason:

In the interests of ensuring sustainable travel patterns in respect of the holiday lodge development hereby approved and in compliance with Policy T1 of the adopted East Lothian Local Development Plan 2018.

- 12 No development shall take place on the site until details of and a drawing(s) showing the provision of high quality walking and cycling route connections within and to/from the site to the surrounding path

infrastructure has been submitted to and approved in advance in writing by the Planning Authority. The details and drawing(s) shall include, but not exclusively, the provision of public access to the site from the public right of way (Core Path 74, known as Becky's Strip) to the west of the site, including the provision of a formalised footpath route across the site to form a circular route back to Whitekirk. The details shall include a phasing plan for the delivery of the high quality walking and cycling route connections, including the public access and footpath route from Core Path 74 (Becky's Strip). Thereafter the high quality walking and cycling route connections, including the public access and footpath route from Core Path 74 (Becky's Strip) shall be provided in accordance with the details, layout and timetable so approved.

Reason:

In the interests of the amenity of the area, maintaining and improving recreational access for existing users of the public right of way network and for the occupiers of the holiday lodge development hereby approved.

- 13 None of the trees, shrubs and hedgerows within and bounding 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. External lighting structures shall be of a low height and a bollard style design unless otherwise approved by the Planning Authority. Thereafter, the lighting structures installed and their layout shall accord with the details so approved.

Reason:

To enable the Planning Authority to control the appearance, materials and finishes to be used to achieve a development of good quality and appearance in the interests of the landscape character and amenity of the area, and the landscape character of the Whitekirk and Balgone Outcrops Special Landscape Area and the setting of the Whitekirk Conservation Area.

- 14 None of the trees, shrubs and hedgerows within and bounding the site shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority.

Reason:

To ensure the retention of vegetation important to the appearance and environment of the development and the landscape character and amenity of the area, and the landscape character of the Whitekirk and Balgone Outcrops Special Landscape Area and the setting of the Whitekirk Conservation Area.

- 15 No development shall take place on site until all existing trees, bushes and hedges to be retained on the site have been protected by temporary protective fencing, in accordance with details to be submitted to and approved in writing in advance by the Planning Authority.

The temporary protective fencing shall comprise Heras, or similar approved, weld mesh enclosed panels joined together with a minimum of two anti-tamper couplings, and supported on preformed weighted footings, stayed and fixed into the ground to withstand impact from machinery and access into the construction exclusion zone, in accordance with British Standard BS5837: 2012 "Trees in relation to design, demolition and construction". The temporary protective fencing shall be 2.3 metres in height, erected prior to works commencing, kept in good condition through the works and shall be retained on site fully intact through to the completion of the site development. The position of this temporary protective fencing shall be outwith the root protection area (RPA) as defined by BS5837:2012 for the existing retained trees.

All weather notices shall be erected on the fencing referred to in paragraphs 1 and 2 of this condition with words such as "Construction exclusion zone - Keep out" and the fencing shall remain on site and intact through to completion of the development.

Within the areas 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, no handling, discharge or spillage of any chemical substance, including cement washings, and no fires shall be lit thereon without the prior written approval of the Planning Authority. 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. Details of any trenches or services required in the fenced off areas shall be submitted to and approved by the Planning Authority prior to any such works being carried out and such trenches or services shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

Reason:

To ensure the protection of trees within the application site in the interests of safeguarding the landscape character of the area.

- 16 Prior to the commencement of use of the holiday lodge development hereby approved, details for measures to enhance the understanding, appreciation and experience of the cultural heritage assets in and around the area, including the Whitekirk Hill Cairn, from the site whilst encouraging responsible and sympathetic access shall be submitted to and approved in writing by the Planning Authority in consultation with Historic Environment Scotland, and thereafter the measures shall be implemented as so approved.

Reason:

In the interests of safeguarding the cultural heritage assets in and around the area, including the Whitekirk Hill Cairn.

- 17 The holiday lodges and ancillary development hereby approved shall be operated as a single unit under a central management process.

Reason:

To restrict the use to that applied for, to secure the economic and tourism benefits and in the interests of the amenity of the area.

- 18 The occupation of each holiday lodge hereby approved for holiday let accommodation use shall be restricted solely to short term lets of not more than 28 days and shall not be re-let to the party/parties who last occupied them anytime within a period of 2 months following the date on which the previous time of occupancy ends.

Reason:

To restrict the use to that applied for, and in the interests of the amenity of the area.

- 19 Prior to the commencement of development on the site, a report on the actions to be taken to reduce the Carbon Emissions from the build and from the completed development shall be submitted to and approved in writing by the Planning Authority. This shall include the provision of renewable technology for all new buildings, where feasible and appropriate in design terms, and new car charging points and infrastructure for them, where feasible and appropriate in design terms. The details shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the report so approved.

Reason:

To minimise the environmental impact of the development hereby approved.

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

Thereafter, the approved details shall be implemented as approved.

Reason:

To ensure that the final SuDS design complies with Sewers for Scotland 4 (as revised) in the interest of flood prevention, environmental protection and the long term amenity of the area.

- 21 No development shall take place until there has been submitted to and approved in writing in advance by the Planning Authority a scheme of landscaping for the site. Notwithstanding that which is shown on the drawings docketed to this grant of planning permission in principle, the scheme of landscaping shall not include new woodland planting as shown on the Indicative Master Plan drawing no. A_SITE 000 rev D. The landscaping scheme shall provide details of : the height and slopes of any mounding on or recontouring of, the site; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. Non thorn shrub species should be located adjacent to pedestrian areas. The scheme shall include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development.

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

Reason:

In order to ensure the implementation of a landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area and the landscape character of the Whitekirk and Balgone Outcrops Special Landscape Area.

3. PLANNING APPLICATION NO. 19/00995/PM: CHANGES TO PLOT NUMBERS, HOUSE TYPES, GROUND LEVELS, REPOSITIONING OF HOUSES, ERECTION OF AN ADDITIONAL 4 HOUSES AND ASSOCIATED WORKS AS CHANGES TO THE SCHEME OF DEVELOPMENT THE SUBJECT OF PLANNING PERMISSION 13/00519/PM AT LETHAM MAINS, HADDINGTON

A report was submitted in relation to Planning Application No. 19/00995/PM. Ms Taylor presented the report, summarising the key points. The report recommendation was to grant consent.

Ms Taylor responded to questions from Members. In relation to space and massing and whether the proposal made the best use of the area in question she said that in her opinion it did. She clarified that the additional units proposed did not exceed the number originally granted planning permission.

Charles Church, of Mactaggart and Meikel, the applicant, informed Members that the main reason for the change was to meet market demand in East Lothian. There was a demand for smaller houses, which they were trying to respond to, which would also provide greater diversity of accommodation at Letham.

Responding to questions, Mr Church said that in relation to provision of facilities, positive feedback had been received from new residents.

Local Member Councillor McMillan welcomed the report noting that people moving into this development were satisfied that the necessary infrastructure was in place.

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

For: 9

Against: 0

Abstentions: 0

Decision

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

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

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

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

Reason:

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

- 2 Housing completions on the application site and on the site of planning permission 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- 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- 75 residential units
Year 7- 69 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

- 3 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.

- 4 Landscaping of the site shall be carried out in accordance with that shown on the drawings titled 'Soft Landscape General Arrangement' dwg. no. 171050_LM_Pha1B_S001 rev D; 'Soft Landscape General Arrangement 01' dwg. no. 171050_LM_Pha1B_SE01 rev D; 'Soft Landscape General Arrangement 02' dwg. no. 171050_LM_Pha1B_SE02 rev D; 'Soft Landscape General Arrangement 03' dwg. no. 171050_LM_Pha1B_SE03 rev D; 'Details 01' dwg. no. 171050_LM_Pha1B_D001 rev B; 'Details 02' dwg. no. 171050_LM_Pha1B_D002; 'Details 03' dwg. no. 171050_LM_Pha1B_D003 rev A; 'Details 04' dwg. no. 171050_LM_Pha1B_D004 rev A; 'Details 03 Typical planting layouts' dwg. no. 171050_LM_Pha1_D003; 'General Layout' dwg. no. SC10547-02, all as 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.

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 amenity.

- 5 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.

- 6 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.

- 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 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.

- 9 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.

- 10 Prior to the commencement of development, a report on the actions to be taken to reduce the Carbon Emissions from the build and from the completed development shall be submitted to and approved in writing by the Planning Authority. This shall include the provision of renewable technology for all new buildings, where feasible and appropriate in design terms, and new car charging points and infrastructure for them, where feasible and appropriate in design terms. The details shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the report so approved.

Reason:
To minimise the environmental impact of the development.

4. PLANNING APPLICATION NO. 19/00978/PCL: CHANGE OF USE OF OPEN SPACE TO FORM CAR PARKING, FORMATION OF STAIRWAY AND ASSOCIATED WORKS AT LAND ADJACENT TO COASTGUARD COTTAGES, DUNBAR

A report was submitted in relation to Planning Application No. 19/00978/PCL. Ms Taylor presented the report, summarising the key points. The proposed decision set out in the report was to grant consent.

Ms Taylor responded to questions. On whether there was anywhere suitable for tree planting to mitigate the loss of the green space she said this was unlikely. As regards the access lane, she advised that once adopted it would come under the control of the Council for maintenance. Regarding the housing land account and if the car park could be precluded for housing in the future, she advised that this was a similar scenario to Abbeylands car park; the use of these sites would not be precluded.

Robbie Yates, a Transportation Planning Officer with the Council, the applicant, outlined the details. The proposal was for the change of use of the area of grassed open space to form a long stay car park adjacent to Coastguard Cottages at the east of Church Street. The proposal included the erection of an associated stair, lighting columns, footpath and bollards. The car park would provide 25 parking spaces including 2 disabled spaces. A new pedestrian access would be formed through the boundary wall on Church Street in a position close to the adjacent building of the Assembly Rooms, and a stairway would lead down from Church Street to the car park. The site was predominately on ground owned by the Council, with neighbours having access rights and the access road would be brought up to standard and adopted. This proposal was in line with the Local Parking Strategy.

Mr Yates responded to questions. He clarified that the car park would be long stay with no time restrictions and parking would be free of charge. On disabled access, he said that people unable to use the stairway would have to use Lamer Street and Woodbush Brae.

Jacquie Bell, representing Dunbar Community Council (DCC), spoke against the application. Dunbar's population was growing and parking provision did need looked at. DCC supported the long standing parking need at the station however objected to this proposal as part of the town centre parking provision. There was no public demand for this. She raised a number of concerns including loss of amenity for local residents, emissions, noise and light pollution, flood risk, road safety issues and the problems around disabled access. On behalf of DCC she asked Members to refuse this application.

Pippa Swan read a statement on behalf of Susan Guy against the application. The statement detailed numerous concerns including removal of green space, considerable increase in traffic movements, and associated noise and pollution; all negative impacts on this quiet cul-de-sac. This proposal would promote car use into Dunbar. Regarding the Assembly Rooms, the Council should either remove the condition stipulating that parking should be provided there or require the developers to come together to look at parking options. A comprehensive whole site plan was needed. The application should be refused.

Responding to a question about whether there would be objections to housing on this site, Ms Swan said there was general consensus locally that sensitive, small, low scale housing would be acceptable.

Alasdair Swan, representing the Dunbar Shore and Harbour Neighbourhood Group, spoke against the application. He supported comments made by his fellow objectors. This site was in an inaccessible part of Dunbar and unsuitable for a car park. He queried whether this was related to the Assembly Rooms development, surmising that there was no other obvious

logic or demand for having a car park on this piece of land. He also highlighted the safety and accessibility issues for disabled people to this proposed car park. He urged refusal.

Opening the debate, the Convener, a Local Member, highlighted parking issues in Dunbar. He appreciated that the proposal was an attempt to identify a site for parking. This site however had poor access from Lamer Street and if the car park was created, there could potentially be many accidents; the proximity to the sea front was an issue. There was a connection between this site and development of the Assembly Rooms, which had been lying derelict for many years. He suggested that Planning Officers should liaise with those developers to try and move this forward. He would not be supporting the application.

Local Member Councillor Kempson remarked that this site was too far away from the station to be of any use to commuters. The stairs were not suitable and no use for disabled people. The loss of green space would be detrimental to the local area. She would not be supporting this application.

Councillor Gilbert stated that as shown at the site visit, access was restricted and difficult. Green open space would be lost. The incongruous stairway was unsuitable for many people. There had to be a better, alternative option. He would not be supporting the application.

Councillor McMillan noted the comments made by the objectors regarding loss of amenity. The main reason however that he would not be supporting the application was because the area was designated as a potential housing site. He added that he and Councillor Goodfellow had met with Veterans Housing Scotland (VHS) recently; they were looking for suitable locations and he would like the Council to explore the possibilities, maybe around the Assembly Rooms, with VHS partnership, as this site would be ideal.

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

For: 1
Against: 9
Abstentions: 0

Decision

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

1. The change of use of the site to a car park would result in the loss of a site which is part of the Established Housing Land Supply within the Dunbar Cluster, contrary to Policy HOU1 of the adopted East Lothian Local Development Plan 2018.
2. The change of use of the site to a car park would result in the loss of an area of openspace, contrary to Policy OS2 of the adopted East Lothian Local Development Plan 2018.

5A. PLANNING APPLICATION NO. 19/01188/P: ERECTION OF CANOPY AT 91 HIGH STREET, HADDINGTON

5B. PLANNING APPLICATION NO. 19/01289/LBC: ERECTION OF CANOPY AT 91 HIGH STREET, HADDINGTON

Reports were submitted in relation to Planning Applications Nos. 19/01188/P and 19/01289/LBC. Neil Millar, Planner, presented the reports, summarising the key points. The proposed decision set out in both of the reports was for refusal.

Mr Millar responded to questions. Regarding removal of a previous stone shelter he stated there was no record of approval for this, no such application had been submitted. He

stressed that this application was markedly different. He clarified that officers had objected to the extension in principle rather than to this particular design. He reported that Historic Environment Scotland had not objected but had also said that this should not be seen as support for the proposal. He confirmed that the John Gray Centre was in the Conservation Area. As regards interpretation of an application like this, for a modern addition to a listed building, he said it depended on the location; this was a sensitive and very visible location.

Keith Macdonald of Somner Macdonald Architects, agent for the applicant, produced display boards showing both the proposal and how the building had looked previously when it had a porch. The transparent structure would not have an adverse impact on the building. The strong prevailing west wind at the entrance was a problem. This was a small scale addition which left the upper floors of the building unchanged. This was a retail town centre and the various street furniture all added to the vibrancy of the High Street.

Falko Burket, the applicant outlined the operational need, highlighting the importance of having an access to the restaurant that was practical for customers and suitable for disabled people. The transparent glass canopy would not detract from the look of the building but would give much needed shelter. Old traditional buildings also needed to be fit for purpose.

Mr Burket and Mr Macdonald responded to questions, clarifying that there would be no loss of outside seating, the glass used for the canopy would be clear, and giving details of how the canopy would be fixed to the wall.

Local Member Councillor Akhtar, not a member of the Planning Committee, said she had brought this application to the Committee as she felt the applicant had put forward a sympathetic proposal that minimised any adverse impact on the character of the building. It would be a good example of the modern and historic coming together.

Local Member Councillor McMillan highlighted the need to encourage business, stating that if the town was to be vibrant, good quality businesses like this one were needed. He disagreed with the officer assessment, he did not think that the canopy would radically disrupt the look of the building. He would be supporting this application.

Councillor Kempson, referring to the site visit, indicated that she could see the value of the canopy. She would be supporting the application.

Councillor McLeod also expressed his support for the application.

Councillor Williamson appreciated the need for the canopy; the materials proposed were acceptable in his opinion. He supported the application.

Councillor Gilbert echoed these comments; he also felt that a shelter was required at that door. He would be supporting the application.

The Convener remarked that the Council took pride in its conservation areas but also had to support practical use of listed buildings. He felt that this proposal was acceptable and would also be supporting this application.

He moved to the vote on the report recommendations (for refusal):

For: 0
Against: 9
Abstentions: 0

Decision

Planning Application No. 19/01188/P / Planning Application No. 19/01289/LBC

The Committee agreed to grant planning permission and listed building consent subject to the following condition:

1. Details of the external finishes and method of fixing of the canopy hereby approved shall be submitted to and approved by the Planning Authority in conjunction with the Convenor of the Planning Committee. The external finishes used shall accord with the details so approved unless otherwise agreed by the Planning Authority.

DRAFT

Signed

Councillor Norman Hampshire
Convenor of the Planning Committee

REPORT TO: Planning Committee

MEETING DATE: 19 May 2020

BY: Head of Development

SUBJECT: Planning Application No. 15/00537/PPM - Planning permission in principle for residential development with associated educational and community facilities and open space at Land located to the South and East of Wallyford and at Dolphingstone, East Lothian

2

1 PURPOSE

1.1 To secure a final determination of planning application 15/00537/PPM.

2 RECOMMENDATIONS

2.1 The Committee agree to now grant planning permission in principle for the development proposed in planning application 15/00537/PPM subject to:

1. The conditions set out in Appendix D; and
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:

(i) Secure from the applicant a financial contribution to the Council of £7,321,200 towards the provision of additional accommodation at the new Wallyford Primary and Nursery School and towards the provision of a new Musselburgh Secondary School.

(ii) Secure from the applicant the provision of 25% of the final approved number of residential units within the application site as affordable residential units or if it can be demonstrated to the Council that this, or the off-site provision of 25% of the final approved number of residential units as affordable units is not practicable, to secure from the applicant a commuted sum payment to the Council in lieu of such an on or off-site provision;

(iii) Secure from the applicant a financial contribution to the Council for £428,540 towards the provision of road improvements to Old Craighall,

Salter's Road Interchange and Bankton Interchange, Musselburgh and Tranent town centre improvements and towards the development of an active travel corridor; and

(iv) Secure from the applicant a financial contribution of £186,496 towards rail networks improvements within East Lothian.

- 2.2 That in accordance with the Council's policy on time limits for completion of planning agreements it is recommended that the decision should also be that in the event of the Section 75 Agreement not having been executed by the applicant, the landowner and any other relevant party within six months of the decision taken on this application, the application shall then be refused for the reason that without the developer contributions to be secured by the Agreement the proposed development is unacceptable due to a lack of sufficient school capacity at Wallyford Primary and Nursery School and Musselburgh Grammar School, the lack of provision of affordable housing, and the lack of road and transport infrastructure improvements, contrary to Policies DEL1 and, as applicable Proposals MH9 and MH10 and Policies ED1, HOU3, HOU4, and T32 of the adopted East Lothian Local Development Plan 2018.

3 BACKGROUND

- 3.1 At their meeting on 28 June 2017 the Committee considered planning application 15/00537/PPM. Through that application planning permission in principle is sought for residential development with associated educational and community facilities and open space at land located to the South and East of Wallyford and at Dolphingstone. The site is adjacent to, and includes a small part of, the Wallyford expansion site that is the subject of planning permission in principle 14/00903/PPM. A copy of the Report of Handling for application 15/00537/PPM is attached as Appendix A. A copy of the Extract from the Minutes of that Meeting is attached as Appendix B.

- 3.2 The Planning Committee agreed, contrary to officer recommendation, to grant planning permission in principle subject to:

1. A Section 75 Agreement in relation to developer contributions, to be determined by the Service Manager-Planning, in consultation with the Convener and local members;

2. A separate legal agreement between the applicant and Network Rail to secure from the applicant to Network Rail a financial contribution of £457,674;

3. Conditions to the grant of planning permission in principle to be determined by the Service Manager-Planning, in consultation with the Convener and local members; and

4. Application 14/000903/PPM be part revoked in respect of the land for the secondary school.

- 3.3 In October 2017 heads of terms for the legal agreement and conditions to the grant of planning permission in principle were determined by the Service Manager-Planning, in consultation with the Convener and local members. A copy of the agreed conditions and heads of terms for the legal agreement are attached as Appendix C.
- 3.4 There has subsequently been considerable discussions with the applicant and their representatives over the terms on which planning permission in principle 15/00537/PPM should be granted. In August 2019 the then Service Manager for Planning prepared revised conditions. However these were not agreed with the Convener and local members.
- 3.5 The Section 75 Agreement has not been concluded. A separate legal agreement has not been entered into between the applicant and Network Rail to secure from the applicant a financial contribution to Network Rail of £457,674. Moreover, application 14/000903/PPM has not been part revoked in respect of the land for the secondary school. Therefore planning permission in principle 15/00537/PPM has not granted.
- 3.6 The length of time that has elapsed since the Committee took their decision on the application means that the contribution levels that were previously agreed to form part of the heads of terms are no longer correct. The Council's Service Manager for Legal and Procurement advises that there is no legal impediment to the Planning Committee now reconsidering the heads of terms and conditions that were determined by the Service Manager-Planning, in consultation with the Convener and local members back in October 2017. He also advises that the Planning Committee can also reconsider the matter of the contributions to be secured towards rail improvements in East Lothian and whether or not it is still necessary to part revoke planning permission in principle 14/000903/PPM in respect of the land for the secondary school.
- 3.7 When planning application 15/00537/PPM was determined by the Planning Committee in June 2017 the Council had received a total of three written representations, all of which made objection to the principle of the proposed development. A copy of the written objections were contained in a shared electronic folder to which all Members of the Committee had access, and those representations were taken into account by the Planning Committee in reaching their decision on the application.
- 3.8 In August 2017 a further objection to the application was received. It was submitted on behalf of Ashfield Commercial Properties Ltd, who were the owners of the land at Goshen Farm, Musselburgh. It raised the following concerns:
- The Report to Committee contains a number of errors and omissions material to the consideration of the application;
 - The Report failed to properly reflect the timetable for delivery of the additional 600-800 houses. This impacted on the weight given to Development Plan policy, in particular SESPlan policy 7.

- The Council's Interim Guidance has been erroneously disregarded in the Report;
- The Report omitted mention of our clients' LDP examination representations on sites MH 10 and MH 11 and presented an inaccurate position to members on the number and nature of objections to the application; and
- the application will prejudice the LDP examination by predetermining where largescale development should take place.

- 3.9 At that time the representor was advised that their objection was out of time and could not therefore be taken into account in the determination of this application. However now that the application is back before the Planning Committee for a final determination, the Council's Service Manager for Legal and Procurement advises that this representation should be taken into account in the final determination of the application.
- 3.10 The Interim Guidance referred to in the representation is not a material consideration in the determination of this planning application, as the Local Development Plan has been adopted and through the 2019 Housing Land Audit, the Council is able to demonstrate a supply of current effective housing land well in excess of 5 years. East Lothian Council adopted its Local Development Plan on 27 September 2018 ("ELLDP"). The ELLDP sets out a development strategy for the future of East Lothian to 2024 and beyond, as well as a detailed policy framework for guiding development. It sets out the Council's settled view of where new development should and should not occur, including housing, education, economic and retail development, new transport links, and other infrastructure. The application site is an allocation of the plan which provides part of the plan's strategy and housing land supply.
- 3.11 The application site is primarily an allocated housing site (MH10: Land at Dolphingstone) in the ELLDP. Proposal MH10 of the ELLDP allocates the site for a development including circa 600 homes. The proposal consists of 600 houses additional to the 1450 already approved for the adjacent Wallyford expansion site by planning permission in principle 14/00903/PPM.
- 3.12 A masterplan has been submitted with the planning application. The submitted masterplan generally conforms to the Council's Development Brief for the site.
- 3.13 The Council has undertaken a Habitats Regulations Appraisal (HRA), which concludes that there are not likely to be significant effects upon the Firth of Forth Special Protection Area (SPA). Scottish Natural Heritage agree with the findings of the HRA, advising that an appropriate assessment is not necessary. They raise no objection to the principle of the proposed development, being satisfied that it would not have an unacceptable impact on ecology, habitats or species. The Council's Biodiversity Officer raises no objection to the principle of the proposed development.

- 3.14 On all of the above considerations the proposal is consistent with Proposal MH10 of the ELLDP. The proposal is also consistent with Policy OS3: Minimum Open Space Standard for New General Needs Housing Development, Policy OS4: Play Space Provision in New General Needs Housing Development, Policy OS5: Allotment Provision, Policy T1: Development Location and Accessibility, Policy T2: General Transport Impact, PROP T10: Safeguarding of Land for Platform lengthening – Musselburgh, Prestonpans, Longniddry, Drem and Dunbar, PROP T15: Old Craighall Junction Improvements, PROP T17: A1 Interchange Improvements (Salters Road, Dolphinstone Interchange, Bankton Interchange and Gladsmuir), PROP T21: Musselburgh Urban Traffic Control System, PROP T27: Tranent Town Centre One-Way System, Policy T31: Electric Car & Bus Charging Points, Policy T32: Transport Infrastructure Delivery Fund, Policy NH10: Sustainable Urban Drainage Systems, Policy NH11: Flood Risk, Policy NH13: Noise, Policy CH4: Scheduled Monuments and Archaeological Sites, Policy DP1: Landscape Character, Policy DP2: Design, Policy DP3: Housing Density, Policy DP4: Major Development Sites, Policy DP8: Design Standards for New Housing Areas, Policy DP9: Development Briefs and Policy DEL1: Infrastructure and Facilities Provision of the ELLDP.
- 3.15 Policy T32 of the ELLDP specifically relates to the package of transportation interventions to mitigate the cumulative impact of development on the transport network which have been identified by the Council in consultation with Transport Scotland. In line with Policy DEL1, relevant developments are required to contribute to the delivery of these transportation interventions, on a proportionate, cumulative pro-rata basis, as set out in Developer Contributions Framework Supplementary Guidance.
- 3.16 The Council's Planning Obligations Officer advises that the financial contribution to the Council towards the provision of road improvements to Salters Road Interchange and Bankton Interchange, Musselburgh and Tranent town centre improvements and towards the development of an active travel corridor now requires to be £428,540.
- 3.17 The Planning Obligations Officer further advises that a financial contribution of £186,496 should be secured towards the rail networks improvements within East Lothian.
- 3.18 The total contribution required for transportation improvements resulting from cumulative impacts of the development is therefore £615,036.
- 3.19 The total developer contributions towards the transportation interventions of £615,036 (indexed linked) can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. The applicants

have confirmed in writing that they are willing to enter into such an agreement.

- 3.20 Network Rail have been re-consulted on the application and they agree with the recommendations of the Council's Planning Obligations Officer in respect of Rail Network Improvement Contributions and are content that these can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. They make no other comments on the application.
- 3.21 Transport Scotland have been re-consulted on the application and they too agree with the recommendations of the Council's Planning Obligations Officer in respect of strategic transport network contributions towards improvements at the Old Craighall, Salter's Road and Bankton trunk road junctions and are content that these can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement.
- 3.22 The application site is located within the school catchment areas of Wallyford Primary and Nursery School and the planned new Musselburgh Secondary School.
- 3.23 The Planning Obligations Officer advises that Wallyford Primary and Nursery School and Musselburgh Grammar School do not have sufficient capacity to accommodate children that could arise from the proposed development. Thus he would object to the application on the grounds of lack of permanent capacity at those schools unless the applicant makes a financial contribution to the Council of £4,716,000 towards the provision of additional school accommodation at the new Wallyford Primary and Nursery School and a contribution of £2,605,200 towards the provision of a new secondary school in the Musselburgh Secondary Education Contribution Zone;
- 3.24 The required payment of a financial contribution of a total of £7,321,200 towards the provision of additional accommodation at the new Wallyford Primary and Nursery School and towards the provision of a new secondary school can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the payment of the required contribution towards educational accommodation the proposal is consistent with Policy ED1 of the ELLDP, which stipulates that new housing will only be permitted where appropriate provision for infrastructure required as a consequence of the development is made. This will include funding necessary school capacity. The applicants confirm in writing that they are willing to enter into such an agreement.

- 3.25 The Planning Committee's previous decision to grant planning permission in principle 15/00537/PPM was subject to, amongst other things, the part revocation of planning permission in principle 14/000903/PPM in respect of the land for the secondary school. The reason for this was to ensure that a secondary school could be built on that part of the site, and not the housing approved as part of planning permission in principle 14/00903/PPM. Since the taking of that decision, the Council has secured ownership of the land of the new secondary school site and therefore have control over what will be built on it. Consequently the Council's Service Manager for Legal and Procurement, the Council's Planning Obligations Officer and the Council's School Estate Planning Officer are all satisfied that it is no longer necessary to part revoke planning permission in principle 14/000903/PPM in respect of the land for the secondary school.
- 3.26 It is also recommended by the Planning Obligations Officer that no more than 600 additional residential units be erected on the application site (i.e. combined with planning permission in principle 14/00903/PPM a combined total of 2050 units), and that restrictions are placed on the annual completion rates arising from the proposed development. These recommended controls on annual completions and the number of residential units can reasonable and competently be imposed through the imposition of planning conditions.
- 3.27 The other conditions that were determined in October 2017 by the Service Manager-Planning, in consultation with the Convener and local members have also been reviewed and, where necessary, amended. Some conditions, such as those requiring transportation works that have subsequently been carried out, have been deleted. Other conditions have been added, such as a recommended condition relating to the need to reduce carbon emissions.
- 3.28 It is recommended that planning permission in principle be granted subject to the conditions set out in Appendix D and subject to the prior conclusion of a legal agreement to secure the contributions set out in paragraph 2.1 above.

4 POLICY IMPLICATIONS

- 4.1 None.

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy

6 RESOURCE IMPLICATIONS

- 6.1 Financial – None.
- 6.2 Personnel - None.
- 6.3 Other – None.

7 BACKGROUND PAPERS

- 7.1 Appendix A - Report of Handling for application 15/00537/PPM
- 7.2 Appendix B –Extract from the Minutes of the Planning Committee meeting of the 28 June 2017
- 7.3 Appendix C - The conditions and heads of terms for the legal agreement that were agreed by the Service Manager-Planning, in consultation with the Convener and local members in October 2017
- 7.4 Appendix D – The recommended conditions to be imposed for planning permission in principle 15/00537/PPM

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DATE	11 May 2020

OFFICER REPORT

21st June 2017

App No. **15/00537/PPM**

Application registered on **30th June 2015**

Target Date **29th October 2015**

Proposal	Planning permission in principle for residential development with associated educational and community facilities and open space	SDELL	Y/N
		CDEL	Y/N
Location	Land Located To The South And East Of Wallyford And At Dolphingstone East Lothian	Bad Neighbour Development	Y/N

APPLICANT: East Lothian Developments Ltd

Is this application to be approved as a departure from structure/local plan? Y/N

**c/o Holder Planning Ltd
Per Robin Holder
5 South Charlotte Square
Edinburgh
EH2 4AN**

DECISION TYPE: Application Refused

PLANNING ASSESSMENT

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

As a statutory requirement for major development proposals this development proposal was the subject of a Proposal of Application Notice (Ref: 14/00022/PAN) and thus of community consultation prior to this application for planning permission in principle being made to the Council.

As an outcome of that and as a statutory requirement for dealing with major development type applications a pre-application consultation report is submitted with this application. The report informs that a total of 100 people attended the two pre-application public exhibitions,

which were held at Wallyford Miner's Welfare Society & Social Club and the Loch Centre, Tranent. Attendees made a number of queries and comments regarding the proposals. The development for which planning permission in principle is now sought is of the same character as that which was the subject of the community engagement undertaken through the statutory pre-application consultation of the proposal.

This application relates to some 61.5 hectares of land to the south and east of Wallyford. The site extends towards Dolphingstone, with the eastern part of the site known as Dolphingstone, Wallyford. The land of the application site was formerly in agricultural use. Development of part of the site has commenced in respect of the SUDS ponds and distributor road approved by planning permission in principle 14/00903/PPM and approval of matters 15/00136/AMM.

The eastern part of the site known as Dolphingstone, Wallyford is within the Edinburgh Green Belt.

Immediately to the east of the application site is Dolphingstone Dovecot. The Dovecot, which is located within a walled garden, is listed as being of special architectural or historic interest (Category A). The majority of the application site is within the inventory boundary of the Battle of Pinkie, a battlefield included within the Inventory of Historic Battlefields. It is also part of a larger area that is identified by the Coal Authority as being potentially at risk from past mining related activity. The Firth of Forth Special Protection Area is located some 2km to the north of the application site.

In November 2009 outline planning permission 09/00222/OUT was granted for a proposed mixed use development incorporating residential uses, educational uses, library, retail, office units, restaurant, business units, general industrial units, storage and distribution units, trade counter units, residential institution, non-residential institution, hot food takeaways, playing fields, open space, allotments, drainage arrangements and all associated infrastructure, access, landscaping and site development, all on areas of land to the southwest, southeast, east and northeast of Wallyford and comprising some of the existing public road network of Wallyford.

Planning permission in principle (Ref: 12/00924/PPM) was subsequently sought for the renewal of planning permission in principle 09/00222/OUT for the proposed mixed use development incorporating residential uses; education uses; library; retail (class 1); office units (class 2); restaurant (class 3); business units (class 4); storage and distribution (class 6); trade counter units; residential institution - nursing home (class 8); non - residential institution - day centre (class 10); hot food takeaways; playing fields; open space; allotments; drainage arrangements and all associated infrastructural access; landscaping and site development works on land lying predominantly to the south and east of Wallyford but also including the Strawberry Corner garden centre; the entire length of Salters Road from the interchange with the A1 to the Wallyford Toll roundabout where traffic calming and environmental improvements are proposed; and Inchview Road where road realignment and alterations are proposed in association with the proposed development. On 1 April 2014 the Council resolved to approve the application subject to the required Section 75 Agreement and planning permission in principle 12/00924/PPM was duly granted with conditions on 14 November 2014 following the registration of that agreement.

Subsequent to this the applicant sought and was granted permission for the following variations to the conditions of planning permission in principle 12/00924/PPM:

- Variation of condition 2 of planning permission in principle 12/00924/PPM to allow for the development and occupation of residential units from both the western (A6094 - Salters Road) and northern (A199) ends of the site (Ref: 14/00913/PM); and

- Variation of condition 5 of planning permission in principle 12/00924/PPM to allow for up to 90 units to be completed in Year 1, up to 150 units in Year 2, up to 150 units in Year 3 and up to 60 units in Year 8 (Ref: 14/00916/PM).

In September 2015 planning permission in principle 14/00903/PPM was granted for amendments to planning permission in principle 12/00924/PPM, including an increase in number of residential units from 1050 up to a maximum of 1450, the relocation and redesign of open space, the development for residential purposes of areas previously proposed as open space and the relocation and redesign of the proposed local centre. The elements of the approved mixed use development include residential development, community buildings including a new school and community facilities, office units, a restaurant, business units, general industrial units, storage and distributions units, trade counter units, a residential institution, a non-residential institution, hot food takeaways, playing fields, open space, allotments, landscaping and associated infrastructure provision. Condition 1 of planning permission in principle 14/00903/PPM requires that the development of the site should generally accord with the indicative masterplan docketed to this planning permission in principle (Ref: 14/00903/PPM). Condition 4 states that no more than 1450 residential units shall be erected on the site of planning permission in principle 14/00903/PPM.

In October 2015 planning permission 15/00136/AMM was granted for the approval of matters specified in conditions of planning permission in principle 14/00903/PPM for infrastructure associated with the development of the Wallyford site in the form of access, landscaping and site development works including distributor road and access junctions onto the A199 and A6094, footpaths/cycleways, suds basins, acoustic bunds and development platforms. Development of the approved infrastructure is well underway.

In October 2016 planning permission 16/00537/AMC was granted for the approval of matters specified in conditions of planning permission in principle 14/00903/PPM for the erection of 26 houses and 18 flats on land to the south of Fa'side Avenue South. Development of the site has commenced.

In March 2017 planning permission 16/01056/AMM was granted for the approval of matters specified in conditions of planning permission in principle 14/00903/PPM for the erection of a school campus on some 6 hectares of agricultural land that is located to the south/southeast of the dispersed row of houses of Wallyford Farm Cottages, which are themselves located at the southern end of Inchview Road on the southeast edge of Wallyford. The approved school campus comprises a new primary school, a nursery, a shared school and community library, a dining hall and multi-purpose hall for shared school and community use, associated playgrounds, playing fields, car parking and associated works. Development of the school site has not yet commenced.

In April 2017 planning permission 17/00384/AMM was sought for the approval of matters specified in conditions of planning permission in principle 14/00903/PPM for the erection of 176 houses on land to the northeast of Wallyford and to the southeast of the Strawberry

Corner Garden Centre. That application is pending consideration and no decision has been taken on it.

In May 2017 planning permission 17/00432/AMM was sought for the approval of matters specified in conditions of planning permission in principle 14/00903/PPM for the erection of 242 houses on land to the southwest of Wallyford. That application is pending consideration and no decision has been taken on it.

Planning permission in principle is now sought for residential development with associated educational and community facilities and open space on the application site. The details submitted indicate that the proposed residential development would consist of 600-800 houses.

The land of the application site includes the southeast part of the land of planning permission in principle 14/00903/PPM, including the approved school site, the approved local centre site, and an additional area of land to the east of the site of planning permission 14/009003/PPM and extending towards Dolphingstone. It also includes a small section of the southwest end of Salters Road as well as the distributor road approved by planning permission in principle 14/00903/PPM and approval of matters 15/00136/AMM.

Since the registration of the application the masterplan has been revised, and further information has been submitted to support the application. The revised indicative masterplan shows changes to the proposal.

The main differences in respect of the masterplan now proposed as compared to that originally submitted are:

- * Amendments to the overall layout of the proposed housing and circulation routes, including the addition of an area of higher density housing on the northern part of the application site, adjacent to the A199 road;
- * Amendments to open space provision, including the principal area of open space being shown to be located in the southeast part of the site, immediately to the north of the A1 trunk road and to the west of Dolphingstone dovecote and walled garden;
- * Retention of the drain beneath the site and the provision of SUDS swales and surface water run off storage areas within the same part of the site as the drain.

The revised masterplan also shows that an area of land immediately to the north of the approved site for the primary school could be a location for a secondary school. That land forms part of the site the subject of planning permission in principle 14/00903/PPM and was indicatively approved for housing development. That land is also outwith the site the subject of this planning application, and the secondary school proposal does not form part of the proposed development that is the subject of this planning application.

All relevant re-notifications, re-advertisement in the press and re-consultations in respect of the changes have been duly undertaken.

The revised indicative masterplan show that the positions shown for the distributor road, SUDS ponds, school campus and local centre would be the same as that approved by planning permission in principle 14/00903/PPM.

The revised indicative masterplan also shows how up to 800 residential units could be positioned on the eastern part of the site, which is known as Dolphingstone, Wallyford. Most of those residential units are shown to be located to the south of the A199 road in a position to the south and southeast of the Kinwegar Recycling Centre and Waste Transfer Station. The remainder of the proposed housing is shown to be located in an area to the east of the approved school campus, in a position to the north of the A1 trunk road. Immediately to the northeast of that area of housing the masterplan indicates that an area of open space could be located. The revised indicative masterplan also shows how roads, footpaths, a SUDS pond, bunding and tree planting could be positioned within the application site. As it is indicated, all of the southern boundary of the site, other than the land adjacent to the area of open space, would contain an acoustic fence atop an earth bund. It also shows how the northern and eastern boundaries of the site could largely contain a belt of tree planting.

As it is indicated, the residential units to be positioned on the land of Dolphingstone, Wallyford, would be accessed from a total of four access points, two providing access from the A199 road to the north, and two providing access from the approved new distributor road to the west. It is also indicated that the area of housing proposed to the east of the approved school campus could be accessed from two access points providing access from the approved new distributor road to the west.

An environmental statement has been submitted with the planning application. It contains chapters on scoping and consideration of alternatives, air quality, noise, landscape and visual, impact on the Special Protection Area, archaeology and cultural heritage, traffic and transportation, water resources, drainage and flooding, ecology, ground conditions, soils and agriculture, and summary of affects.

In November 2016 an addendum to the environmental statement was submitted. The addendum assesses the impact of the revised proposals that were contained in the revised indicative masterplan also submitted to the Council in November 2016. All relevant neighbour notification, advertisement in the press and consultation in respect of the addendum to the environmental statement have been duly undertaken.

The application is also supported by a Supporting Statement, a Flood Risk Assessment and Drainage Strategy, a Design Statement and Visual Impact Assessment, a Landscape Design Statement and a Masterplan Report.

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

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

Policies 1B (The Spatial Strategy), 5 (Housing Land) 6 (Housing Land Flexibility) and 7 (Maintaining a Five Year Housing Land Supply) of the approved South East Scotland Strategic Development Plan (SESplan) and Proposals H7 (Land to the South East and South West of Wallyford: Housing and Mixed Use Development), ED6 (Wallyford Primary School) and R4 (Supermarket Opportunity - Wallyford Expansion) and Policies DC2 (Development in the Edinburgh Green Belt), NH1a (Internationally Protected Areas), DP1 (Landscape and Streetscape Character), DP13 (Biodiversity and Development Sites), DP14 (Trees on or

Adjacent to Development Sites), DP17 (Art Works-Percent for Art), DP20 (Pedestrians and Cyclists), ENV3 (Listed Buildings), INF3 (Infrastructure and Facilities Provision), H4 (Affordable Housing), C1 (Minimum Open Space Standard for New General Needs Housing Development), C2 (Play Space Provision in new General Needs Housing Development), T1 (Development Location and Accessibility) and T2 (General Transport Impact) of the adopted East Lothian Local Plan 2008 are relevant to the determination of the application.

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

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

One of the main Outcomes of Scottish Planning Policy is to create successful, sustainable places by supporting sustainable economic growth and regeneration, and the creation of well-designed, sustainable places.

This is reflected in paragraph 25 of Scottish Planning Policy in which it is stated that the Scottish Government's commitment to the concept of sustainable development is reflected in Scottish Planning Policy's Purpose. It is also reflected in the continued support for the five guiding principles set out in the UK's shared framework for sustainable development. Achieving a sustainable economy, promoting good governance and using sound science responsibly are essential to the creation and maintenance of a strong, healthy and just society capable of living within environmental limits.

A principle in delivering this through the Development Management function is contained in paragraph 33 of Scottish Planning Policy in which it is stated that where relevant policies in a development plan are out of date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration. In assessing this, decision-makers should also take into account any adverse impacts which would significantly and demonstrably outweigh the benefits, when assessed against the wider policies in Scottish Planning Policy.

The same principle is to be applied where a development plan is more than five years old.

The adopted East Lothian Local Plan is more than five years old.

At its Cabinet meeting of 10 December 2013, the Council agreed that at that time East Lothian had a shortfall in its effective housing land supply and in respect of this approved the Housing Land Supply: Interim Planning Guidance against which planning applications for housing on land not allocated for housing development would be assessed. This position, and the associated guidance, was updated in December 2014 and again in February 2016. This Interim Guidance reflects the principles of Policy 7 of SESplan. The Interim Guidance states that the upper size limit of the proposed development must be such that, were the Council to grant planning permission, it would not be of a scale that would prejudice the Council's subsequent flexibility to consider and determine the amount and location of housing land

release through the Local Development Plan process. In this, the Interim Guidance only applies to development proposals that, in their totality, do not exceed 300 residential units. As 600-800 houses are proposed, the Interim Guidance is not a material consideration in the determination of this application for planning permission in principle.

In respect of development plans, Paragraph 110 of Scottish Planning Policy states that the planning system should identify a generous supply of land for each housing market area within the development plan area to support the achievement of the housing land requirement across all tenures, maintaining at least a 5 year supply of effective housing land at all times.

On 06 September 2016 the Council approved its Proposed Local Development Plan. It sets out a development strategy for the future of East Lothian to 2024 and beyond, as well as a detailed policy framework for guiding development. The Proposed Local Development Plan sets out the Council's settled view of where new development should and should not occur, including housing, education, economic and retail development, new transport links, and other infrastructure. It sets out a generous housing land supply to meet the requirements of Scottish Planning Policy and SESplan.

The Schedule 4 responses to comments on the plan during its period of representation were approved by Council at its meeting of 28 March 2017 and have been submitted, together with the plan, for Examination.

At this stage the Proposed Local Development Plan is the settled view of the Council as to the strategy, plans and policies for development. It is a material consideration in the determination of planning applications, however, as it remains subject to Examination it cannot be accorded the weight of an adopted development plan.

In Paragraph 34 of Scottish Planning Policy it is stated that where a plan is under review, it may be appropriate in some circumstances to consider whether granting planning permission would prejudice the emerging plan (in this case the Proposed Local Development Plan). Scottish Planning Policy goes on to state that such circumstances are only likely to apply where the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new developments that are central to the emerging plan. Prematurity will be more relevant as a consideration the closer the plan is to adoption or approval.

In respect of the above provision of Scottish Planning Policy it must therefore be considered whether or not the site under consideration is of a scale, location or phasing that is central to the Proposed Local Development Plan and whether a grant of planning permission in principle would, in this instance, predetermine decisions central to the plan such as to undermine the plan making process and therefore be considered premature. This would include consideration through the Examination of the plan of whether the planning merits of this site justify its allocation over others.

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

A total of 3 written representations have been received. All of those make objection to the principle of the proposed development. One of the objections is made on behalf of Strawberry Corner Garden Centre and another is from the Musselburgh Conservation Society.

A copy of the written objections are contained in a shared electronic folder to which all Members of the Committee have access.

The objections are made on the following main grounds:

- * destruction of the green belt;
- * loss of prime agricultural land;
- * the proposed development would lead to an increase in traffic, noise, dust and air pollution;
- * coalescence of Wallyford and Tranent;
- * the proposed development would be visually intrusive from great distances;
- * junction capacity issues at Dolphingstone and Wallyford Toll junctions;
- * educational issues in provision of schooling;
- * issues in provision of health services; and
- * the design of the proposed roundabout to the south of the Strawberry Corner Garden Centre would result in difficulties accessing the existing garden centre site and business, significantly undermining pedestrian and vehicular safety.

In relation to the latter concern, it is understood that agreement has been reached between the applicant and the owners of Strawberry Corner Garden Centre. Indeed, subsequent to their objection being received by the Council, planning permission (Ref: 17/00026/P) has been granted for the change of use of two separate areas of land to the south of the existing garden centre that once formed part of the A199 road and adjoining open space, all to garden centre use. In the determination of that planning application, the Council's Road Services were satisfied with proposals for access to the garden centre.

Wallyford Community Council (WCC) raise the following questions and comments:

1. WCC wouldn't want any further removal of any of the Community Woodland;
2. WCC question why the proposals includes some grassy areas, located in Inchview Crescent, Wemyss Gardens, and to the rear of the Community Centre;
3. As the residential units to be positioned on the land of Dolphingstone, Wallyford are quite far away from the proposed business centre, then WCC questions whether local shops should be provided for that area;
4. The master plan is heavily skewed towards housing and does not help to create local jobs;
5. Traffic is already a problem and mitigation measures should be considered;
6. WCC question whether a doctors surgery been secured for the area;
7. WCC query how much affordable housing has been allocated for Wallyford; and
8. WCC further query what specific plans have been considered for Inchview Road.

No removal of any part of the Community Woodland is proposed in this planning application.

It should be noted that NHS Lothian was consulted during the preparation of the Local Development Plan. They did not advise that there was a need for a new doctor's surgery in Wallyford, as is suggested by the Community Council.

Inchview Road is outwith the application site and no development to it is proposed in this planning application.

Following the Council's approval of the Proposed Local Development Plan, where an application for planning permission or planning permission in principle is for a site of that Proposed Plan, support is given for the residential or other potential of the site as relevant. This support remains subject to appraisal of the site in terms of technical considerations and any constraints, including infrastructure capacity constraints. Assessment will include consideration of developer contributions in respect of impacts, including cumulative impacts, on education, transportation, community facilities and other essential infrastructure. Consideration must also be given to the objections to the application and the relevant representations to the Proposed Local Development Plan.

In that the site now under consideration is housing site MH10 of the Proposed Local Development Plan, the Council recognises its potential for residential development. Proposal MH10 allocates the site for a residential development of circa 600 homes.

The Council's Legal Services has previously advised that planning case law confirms that a planning authority has two distinct obligations - to prepare development plans and to determine applications for planning permission and other statutory consents. One function should not be subservient to the other. Where an application stands to be determined and there are at the same time corresponding objections to a proposed Local Development Plan, as happens to be the case in this instance, the authority should still decide the application but must demonstrate that in so doing it took into account the nature of the corresponding objections. The applicants have confirmed that they wish the application to be determined at this time. In the context of planning case law it is therefore appropriate to determine this application with due consideration of that recognised residential potential, subject to the above material considerations and assessments, particularly in respect of cumulative impact considerations and of Scottish Planning Policy on prematurity and prejudice to the Proposed Local Development Plan.

Planning Committee is advised that, separate to the representations to this planning application, there have been some 3 objections to the Proposed Local Development Plan in respect of Proposal MH10. One of these is from Scottish Natural Heritage. Whilst Proposal MH10 requires mitigation of development related impacts and a careful approach to placemaking, Scottish Natural Heritage express concerns that the mitigation of landscape impacts, including avoidance of loss of important views to Edinburgh, the Forth Estuary and Fife will be very difficult to achieve, even with close adherence to matters set out in the Draft Development Brief for this site. The other two objections are from Musselburgh Conservation Society and Inveresk Village Society. They suggest that Proposal MH10 is amended to reduce the number of allocated houses by 200. They further suggest that any employment land lost at Howe Mire (a site to the southwest of Wallyford that is under consideration in the Proposed Local Development Plan for circa 170 houses and employment uses) could instead be provided within the application site.

As with the objections to this application, Members have access to the full text of the representations received on the plan in a shared electronic folder. The grounds of objection are considered through the technical assessment of the proposals in this report.

The primary material considerations in the determination of this application are:

- * whether or not the proposed development accords with development plan policy;
- * a consideration of the technical merits of the proposal and its assessment in relation to requirements including, where identified, cumulative requirements for developer contributions for essential infrastructure;
- * whether in scale and/or location it is appropriate for development at this time without predetermining decisions about the scale, location or phasing of new developments that are central to the emerging plan; and
- * if the above do not apply, whether there are material considerations that outweigh any conflict with the development plan and other planning guidance.

Part of the application site forms part of a larger area of land covered by Proposals H7, ED6 and R4 of the Local Plan, which is promoted for development for a combination of housing and mixed uses, a supermarket and a new primary school. Planning permission in principle (Ref: 14/00903/PPM) has already been granted for a housing and mixed use development of that larger site. The revised indicative masterplan submitted in respect of this application show that the components of development proposed for this part of the site (i.e. the distributor road, SUDS ponds, school campus and local centre) would in principle be the same as that approved by planning permission in principle 14/00903/PPM. Thus, the principle of this part of the proposed development accords with Proposals H7, ED6 and R4 of the adopted East Lothian Local Plan 2008. Furthermore, the proposed development of this part of the site would not prejudice the housing and mixed uses otherwise promoted by Local Plan Proposals H7 and R4. In all of this, there can be no objection to the principle of the proposed development of this part of the application site.

The approved Development Framework for Wallyford requires that a new mixed use local centre should form part of the proposed mixed use development. It must be located at the core of the expanded settlement to be highly accessible to all. The Development Framework states that the new local centre should contain, amongst other things, a local supermarket(s), and no less than 10 modular ground floor premises varying between no less than 65m² and up to 270m² per unit, yielding no less than 1500m² overall. Units will be capable of accommodating the type of active mixed uses common to a local centre.

The submitted drawings show that the local centre could contain a supermarket(s), with residential units above, commercial units, with either commercial units or residential units above, and residential units. To ensure that the local centre accords with the requirements of the approved Development Framework, controls could be imposed on the size of the supermarket and the number, size and use of commercial units. Were planning permission in principle to be granted for the proposed development than these controls could be secured through the imposition of a planning condition. Subject to these controls, the principle of development of the local centre is consistent with the approved Development Framework.

The remainder of the application site consists of the land of Dolphingstone, Wallyford. This part of the site is within the Edinburgh Green Belt. By being within the Green Belt this part of the application site is covered by Policy DC2 (Development in the Edinburgh Green Belt) of the adopted East Lothian Local Plan 2008. Policy DC2 provides the detailed context for the consideration of development proposals in the Edinburgh Green Belt. The proposed

housing development of this part of the application site is significantly contrary to Policy DC2 of the Local Plan.

However, this conflict with Policy DC2 of the Local Plan must be considered in relation to the Council's previous recognition of a shortfall in the effective housing land supply in East Lothian. It must also be weighed against the requirement of Policy 7 of SESplan.

SESplan is a more up to date component of the development plan. It deals directly with the requirement to maintain an effective five year housing land supply, as is required by Scottish Planning Policy.

On this consideration, SESplan Policy 7 states that sites for greenfield housing development proposals either within or outwith the identified Strategic Development Areas may be allocated in Local Development Plans or granted planning permission to maintain an effective five years housing land supply subject to satisfying each of the following criteria:

- (a) The development will be in keeping with the character of the settlement and the local area;
- (b) The development will not undermine green belt objectives; and
- (c) Any additional infrastructure required as a result of the development is either committed or to be funded by the developer.

What is proposed in principle for the development of the land of Dolphingstone, Wallyford would be a sympathetic extension of Wallyford with due regard to the existing built form of the settlement and the locational context of the site relative to the housing and mixed uses approved by planning permission in principle 14/00903/PPM. The proposed housing development of the land of Dolphingstone, Wallyford are shown on the revised indicative masterplan as being laid out and designed in a similar 'home zone' type layout as the other adjacent areas of residential development approved by planning permission in principle 14/00903/PPM. They would read as a logical extension of that approved development and of the settlement of Wallyford. As such they would be an appropriate form of housing development, subject to the submission of detailed designs.

Both Scottish Natural Heritage and the Council's landscape projects officer expressed concerns over the visual impact of the proposed development in views from the A1 trunk road. In particular, Scottish Natural Heritage expressed concerns that the mitigation of landscape impacts, including avoidance of loss of important views to Edinburgh, the Forth Estuary and Fife will be very difficult to achieve, whilst the landscape projects officer is concerned that the housing proposed for the northeast part of the site may be prominent and may affect the setting of the Category A listed Dolphingstone Dovecot.

In respect of Dolphingstone Dovecot, Historic Environment Scotland advise that it is located near the northwest boundary of the proposed development, and will have full visibility of the development. They consider that the key element of the setting of the dovecot to be its relationship with other associated buildings and the policies of Cowthrople House (which is now ruined). They advise that the proposed development will not affect this relationship, and will be separated from the dovecot by the boundary wall of the garden in which it is located. This being the case, Historic Environment Scotland are content that the impact of the

proposed development on the setting of the listed dovecot will not be significant. They therefore do not object to the proposed development.

To mitigate the impact on the setting of the listed dovecot, it is proposed to provide combined specimen tree planting and woodland along the eastern edge of the site, adjacent to the walled garden. Were planning permission in principle to be granted, then it would be prudent to require this planting to be provided at an early part of the development, in accordance with a timescale to be submitted to and approved by the Planning Authority.

Subject to the provision of this tree planting, and given the advice of Historic Environment Scotland, it can reasonably be concluded that the setting of the listed dovecot will not be unacceptably affected by the proposed housing development.

The concerns of both Scottish Natural Heritage and the Council's landscape projects officer regarding visual impact from the A1 trunk road were fully considered by the Council in their preparation of the Draft Development Brief for the land of Dolphinstone, Wallyford. The Draft Brief sets out the Council's vision of how the site should be developed. It states that important regionally distinctive views towards the Edinburgh skyline and the East Lothian coastline and sea should be maintained from the A1 trunk road. An area of open space, of minimum 300m by 185m, is to be left undeveloped as a necessary measure to ensure these key views are maintained. Planting chosen for this open space must be of a scale so as not obscure views in the longer-term (i.e. tall growing tree species should be avoided).

The applicant has attempted to comply with the Draft Brief by proposing a large area of open space adjacent to the A1 trunk road, in a central position on the southern part of the application site. However, both Scottish Natural Heritage and the landscape projects officer were concerned that the views over the indicatively proposed open space from the A1 would be adversely affected by the housing to be built to the northeast and northwest of it. To seek to overcome those concerns, it is now proposed that the open space would be located in the southeast part of the site.

Given the scale of development, there will inevitably be some impact on the views towards the Edinburgh skyline and the East Lothian coastline and sea. However, both Scottish Natural Heritage and the Council's landscape projects officer are now satisfied that the open space as it is now proposed could allow for the sufficient retention of some of those views. They are therefore satisfied that it meets the aims and objectives of the Draft Brief, and now raise no objection to the principle of the proposed development.

Notwithstanding this, careful attention should be given to the detailed design and layout of the housing, to ensure that as much of these important views are maintained, and to ensure that the development is satisfactorily integrated into its landscape setting. This could be addressed through any subsequent approval of matters application. In this regard, houses should be predominantly two storeys in height and, in the area of higher density housing indicated on the revised masterplan, no higher than 3 storeys and should be orientated to face the street. It may also be necessary for some of the houses nearest to the large area of open space to be single storey, in order to help maintain those important views from the A1 towards the Edinburgh skyline and the East Lothian coastline and sea. Another element of the conditioning should be a requirement for the submission of a scheme of final finishes with a palette of colours and materials for the houses, which has due regard to the finishes of other residential properties in the locality. Were planning permission in principle to be granted for

the proposed development then these controls could be secured through the imposition of planning conditions.

Subject to the appropriate controls being imposed, the housing development could be satisfactorily designed and laid out to ensure that it was in keeping with the character of Wallyford and with that of the adjacent housing approved by planning permission in principle 14/00903/PPM.

The land of Dolphingstone, Wallyford is in the Edinburgh Green Belt. Policy 7 of SESplan does not preclude the housing development of green belt land. Rather it requires that development will not undermine green belt objectives. Policy 12 of SESplan sets out the following objectives of the green belt:

- a. Maintain the identity and character of Edinburgh and Dunfermline and their neighbouring towns, and prevent coalescence, unless otherwise justified by the Local Development Plan settlement strategy;
- b. Direct planned growth to the most appropriate locations and support regeneration;
- c. Maintain the landscape setting of these settlements; and
- d. Provide opportunities for access to open space and the countryside.

In this case, the proposed development would not lead to the coalescence of Edinburgh and Dunfermline or any of their neighbouring towns. Whilst it would result in the further eastwards expansion of Wallyford, there would continue to be a sufficient degree of separation between Wallyford and other nearby settlements so as to protect their identity. Moreover, the land of Dolphingstone, Wallyford benefits from robust boundaries, which the applicant intends to further supplement with belts of tree planting. This planting would provide an appropriate landscape setting for what would become the eastern end of Wallyford.

The land of Dolphingstone, Wallyford is relatively near to Wallyford Station and is well served by public transport. In this, it is an appropriate location for further housing development. Moreover, by supporting the new school and local centre, the proposed housing would assist with the regeneration of Wallyford, which is a key objective of the adopted East Lothian Local Plan 2008.

The development, by providing open space on site in reasonably accessible locations, would provide opportunities for new residents and existing Wallyford residents to access open space.

Taking this together, it can reasonably be concluded that the proposed development would not undermine green belt objectives.

An assessment of additional infrastructure required as a result of the development is set out later on in this report. Such infrastructure will be funded by the developer.

In conclusion, the proposed development could meet the requirements of Policy 7 of SESplan. It could potentially contribute to the effective five year housing land supply

requirement of Scottish Planning Policy and SESplan Policy 7, and if so this could outweigh the considerations of Policy DC2 of the adopted East Lothian Local Plan 2008.

If planning permission in principle were to be granted, the details of the siting, design and external appearance of the proposed residential units, the landscaping of the site and the means of access to the proposed development would require the subsequent approval of the Planning Authority. Through the subsequent determination of such details in relation to Scottish Government Policy of Designing Streets and the Council's Urban Design Standards for New Housing Areas, and the Council's policies and practices in respect of residential amenity, planning control would be exercised to ensure that the built form of the development would be fully acceptable, with due regard to the need to safeguard the character and appearance of the site and of the area.

In respect of open space, the Council's Principal Amenity Officer is satisfied with the size of the areas of open space that are shown on the revised indicative masterplan. Notwithstanding this, he does raise some concern about the large area of open space being located within the southeast part of the application site. He questions whether it would be possible to move the large area of open space westwards, which would then provide connectivity to it from both the approved primary school and sports pitches. He does however recognise that his view on this matter may be contrary to the views of Scottish Natural Heritage and the Council's landscape project officer. The location of the large area of open space has been amended to seek to overcome the concerns of those consultees. If the open space were to be repositioned westwards in accordance with the recommendations of the Principal Amenity Officer, then it is likely that the important views from the A1 trunk road towards Edinburgh and the River Forth would be completely lost as a result of the proposed development. It would be harmful to the landscape character and appearance of the area and contrary to the Draft Brief for the site. Scottish Natural Heritage and the Council's landscape project officer would be likely to object to any such repositioning. Notwithstanding the concerns of the Principal Amenity Officer, the large area of open space as it is now proposed could be reasonably accessed both by existing residents in Wallyford and by future occupants of the development. In the circumstances, the landscape benefits of the large area of open space being in its currently proposed position outweigh the benefits that would accrue from locating it in close proximity to the approved primary school and sports pitches.

Regarding formal play provision, the drawings submitted with the application indicate how a total of 5 equipped play areas could be provided within the application site. No details of the size of play area or the equipment to be provided within them have been submitted. The Principal Amenity Officer advises that the equipped play should be principally focussed into fewer sites of much greater scale and value that should equally afford less burden to the residents in the long-term. In this, he advises that it would be beneficial to provide 3 large play areas. One of the play areas should be provided within the large area of open space to be provided within the southeast part of the site, one should be provided within the open space indicatively shown to the southeast of the approved primary school, and the other one should be provided within the linear area of open space that is shown to the east of the sites for primary school and local centre. He further advises that each of the 3 play areas should be equipped for children aged 0-15 with two including a MUGA facility. He further advises that up to 3 toddlers play areas should be provided within the smaller pockets of open space to more directly serve the immediate households. This approach should deliver an adequate accessibility standard across the majority of the development but offer sustainability in the long-term. Were planning permission in principle to be granted for the proposed development

then the recommendations of the Principal Amenity Officer could be secured through the imposition of a planning condition. Subject to this planning control the principal of the proposed development is consistent with Policy C2 of the adopted East Lothian Local Plan 2008.

The adjacent development approved by planning permission in principle 14/00903/PPM includes 1 full size grass pitch, 1 3G pitch and a four team changing pavilion. The Council's Sports Development & Community Recreation Team Manager advises that the location of those sports facilities on the eastern part of that site is in suitable proximity to the housing proposed in this planning application. The delivery of a 3G synthetic pitch will allow for additional carrying capacity, and also the requirement for a secondary school campus with associated sports pitches will support suitable sports pitch delivery. In view of all of the above, the Sports Development & Community Recreation Team Manager advises that in this specific case no additional sports pitches are required as part of the development now proposed.

The Council has undertaken a Habitats Regulations Appraisal (HRA), which concludes that there are not likely to be significant effects upon the Firth of Forth Special Protection Area (SPA). Scottish Natural Heritage agree with the findings of the HRA, advising that an appropriate assessment is not necessary. They raise no objection to the principle of the proposed development, being satisfied that it would not have an unacceptable impact on ecology, habitats or species.

The Council's Biodiversity Officer raises no objection to the principle of the proposed development.

Accordingly, the proposals do not conflict with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), Policies NH1a and DP13 of the adopted East Lothian Local Plan 2008 or Scottish Planning Policy: June 2014.

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

The Council's Depute Chief Executive, Resources and People Services informs that the application site is located within the school catchment areas of Wallyford Primary and Nursery School and the planned new Musselburgh Secondary School.

He advises that Wallyford Primary and Nursery School and Musselburgh Grammar School do not have sufficient capacity to accommodate children that could arise from the proposed development. Thus he would object to the application on the grounds of lack of permanent capacity at those schools unless the applicant makes a financial contribution to the Council of £4,291,800 towards the provision of additional school accommodation at the new Wallyford Primary and Nursery School and a contribution of £2,443,800 towards the provision of a new Musselburgh Secondary School.

The required payment of a financial contribution of a total of £6,735,600 towards the provision of additional accommodation at the new Wallyford Primary and Nursery School and towards the provision of a new Musselburgh Secondary School can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this is consistent with the tests of a planning

agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the payment of the required contribution towards educational accommodation the proposal is consistent with Policy INF3 of the adopted East Lothian Local Plan 2008, which stipulates that new housing will only be permitted where appropriate provision for infrastructure required as a consequence of the development is made. This will include funding necessary school capacity.

Moreover the Depute Chief Executive, Resources and People Services recommends that a restriction would need to be placed on the annual completion rates arising from the proposed development. In this, it is recommended that no more than 600 additional residential units be erected on the application site (i.e. combined with planning permission in principle 14/00903/PPM a combined total of 2050 units). Were planning permission in principle to be granted for the proposed development then this control on the number of residential units and on the annual completions could be imposed through the imposition of planning conditions.

Proposal MH11 of the proposed Local Development Plan states that the site for a new secondary school establishment to serve the Musselburgh area will be within either the application site or the site the subject of planning permission in principle 14/00903/PPM, preferably the latter.

The revised masterplan shows that an area of land immediately to the north of the approved site for the primary school could be a location for a secondary school. That land forms part of the site the subject of planning permission in principle 14/00903/PPM and was indicatively approved for housing development.

The Council's Depute Chief Executive, Resources and People Services advises that both the location and size of the indicatively suggested secondary school site are acceptable. To ensure that the site is secured as a site for a future secondary school, and not for housing development, that part of planning permission in principle 14/00903/PPM should be revoked. The part revocation can be implemented under section 65 and 67 Town and Country Planning (Scotland) Act 1997. The applicant has confirmed in writing that they are willing to enter into such an Agreement without compensation for the part revocation of planning permission in principle 14/00903/PPM.

Additionally, the Depute Chief Executive, Resources and People Services recommends that none of the proposed houses be occupied unless and until a secondary school has been erected on the site indicated for it on the revised indicative masterplan. Were planning permission in principle to be granted for the proposed development then this restriction could be imposed through the imposition of a planning condition.

The Council's Road Services advises that the proposed site is included within the Proposed Local Development Plan and was included within the East Lothian Council Transport Appraisal to determine the cumulative impacts of development on both the strategic and local road network. The model highlighted that the development of this site will have a cumulative impact on the wider strategic road network, however, it can be accommodated within the local road network in terms of road capacity. A Transport Assessment was also completed and looked at the future sustainable travel demand against the existing provision in the area. The Council's Transport Appraisal (TA) provides the evidence base which has informed the Council's draft Developer Contributions Framework (DCF) and has been produced in conjunction with the Local Development Plan TA so that Road Services can assess the cumulative impacts of the Local Development Plan allocations on the Transport Network.

The TA has identified a number of hot spots on the network which require interventions to mitigate the impact of the Local Development Plan allocations and the site was included within the East Lothian Council Transport Appraisal setting out the appropriate contribution levels for each of the Local Development Plan sites.

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

- * segregated Active Travel Corridor - £272,700;
- * improvements to Old Craighall junction - £15,468;
- * improvements to Salters Road Interchange and Bankton Interchange – £366,804 and £12,228;
- * improvements to the rail network - £457,674;
- * Musselburgh town centre improvements - £9,906; and
- * Tranent town centre improvements – £17,112.

The total contribution required for transportation improvements resulting from cumulative impacts of the development is therefore £1,151,892.

In respect of the matters above, Transport Scotland raised concerns in respect of previous planning applications 12/00924/PPM and 14/00903/PPM in relation to the development impact on the junction of the A1 trunk road and the A720 trunk road (i.e. the Old Craighall Junction south of Musselburgh, at the western end of East Lothian). In mitigation of this they sought a developer contribution, secured by an agreement with the applicant under Section 48 of the Roads (Scotland) Act. They confirm that any mitigation required in respect of Old Craighall Junction can be met through that existing agreement. On that basis, Transport Scotland raise no further objection in principle to the impact of the development on the Old Craighall junction.

Network Rail advises that the proposal will contribute to a cumulative impact on Wallyford Station and on local rail services within East Lothian and that mitigation of the impact of the development is required in accordance with the evidence base informing East Lothian Council's Draft Developer Contributions Framework. They recommend that the applicant provides a financial contribution of £457,674 towards design development work on a range of infrastructure projects within this corridor to help support the local rail services in the East Lothian Council area. To date, agreement on this matter has not been reached and it therefore is an unresolved material consideration in the determination of this application.

With allowance for the amount covered by the formal legal undertakings for payment to Transport Scotland and with allowance for the amount required for improvements to the rail network, the developer contributions towards the other required interventions of £678,750 can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the payment of the required contribution

towards these transport interventions, which the applicants have confirmed in writing that they are willing to make, the proposal is consistent with Policy INF3 of the adopted East Lothian Local Plan 2008, which stipulates that new housing will only be permitted where appropriate provision for infrastructure required as a consequence of the development is made.

Proposal H7 of the adopted East Lothian Local Plan 2008 requires that development of the site must result in a significant improvement in traffic conditions within Wallyford, particularly along Salters Road. This is also a stated requirement of the approved Development Framework.

A detailed scheme of environmental and traffic calming improvements to Salters Road was part of the development approved by planning permission in principle 14/00903/PPM.

Included within the Environmental Statement is an update to the previous Transport Assessments and also the findings of additional modelling work for the now proposed masterplan of 2050 residential units and which forecasts operational phase traffic generation and road network impacts.

Roads Services conclude that the updated model illustrates, as per the previous model, that the proposed deflection strategy in place for the 1450 unit development would allow the road network to operate satisfactorily for the proposal for 2050 units, subject to mitigation at the Salters Road and Dolphingstone Interchanges. The applicant is therefore proposing mitigation at these two interchanges.

Roads Services therefore concludes that subject to the proposed mitigation at these two interchanges, the local road network would have sufficient capacity to accommodate traffic generated by the proposed development.

Roads Services confirm that the proposal as set out on the revised indicative masterplan is acceptable subject to detailed layouts. Therefore they have no objection to the principle of the proposed development of the application site subject to their recommended conditions for a grant of planning permission in principle to ensure that appropriate off site road improvement works are undertaken, that various identified road safety measures are undertaken, that the proposed mitigation at the Salters Road and Dolphingstone Interchanges is undertaken, that an appropriate amount of car parking be provided within the new local centre, that a Green Travel Plan be submitted, and that construction traffic movements be controlled.

The Council's Access Officer notes that the revised indicative masterplan shows a shared use path/ cycleway running along the northern boundary of the site, to the south of the A199 road. She advises that this should be a segregated shared use route of 3 metres wide and of adoptable standard, with appropriate shared use path connections from the housing development. The Access Officer recommends that the large area of open space indicated for the southeast part of the site should include a recreational path network, including a circular route, both connecting to and around this open space. Were planning permission in principle to be granted for the proposed development then the recommendations of the Access Officer could be imposed through the imposition of planning conditions.

The Council's Waste Services Manager raises concerns over the potential impact of the proposed housing development on the ongoing operation of the Kinwegar Waste Transfer and Recycling Centre, which is located to the north of the application site, on the other side of the A199 road. In particular, he is concerned that future occupants may raise concerns about noise and light pollution from the Waste Transfer and Recycling Centre. He also raises concerns over traffic impact and drainage design and impact.

The matters of traffic impact and drainage design and impact have been fully considered by the Council's Road Services and by SEPA and the Council's Team Manager - Structures, Flooding and Street Lighting respectively.

The Council's Environmental Health Manager has fully assessed the proposed development. As part of his assessment, he has considered possible sources of noise and other disturbance and the impact that they may have on the privacy and residential amenity of future occupants of the proposed houses. In his view it should be possible for future occupants to benefit from a satisfactory level of privacy and amenity. In this, he does not consider it necessary for mitigation measures to be undertaken to reduce noise or light pollution from the Waste Transfer and Recycling Centre.

The application site is bounded to the south by the A1 (T) trunk road and partly to the north by the A199 road. The Environmental Statement includes a noise report and an air quality report. The Council's Environmental Health Manager raises no objection to the proposed housing development and in this he accepts the findings of the Environmental Statement. He is otherwise generally satisfied in respect of the noise attenuation measures in respect of the A1 specified in the applicant's noise assessment, including earth bunds and acoustic fences. He further advises that an acoustic barrier is not required along the northern edge of the site as long as the northernmost houses have their garden amenity spaces located to the south. The revised indicative masterplan indicates that those houses would have their garden amenity spaces located to the south. To safeguard the amenity of existing residents, the Environmental Health Manager recommends that prior to the commencement of development a Construction Method Statement should be submitted to and approved by the Planning Authority.

In respect of air quality the Council's Environmental Health Manager is satisfied that the operational phase of the development would not result in an unacceptable increase in nitrogen dioxide emissions which would impact on the Musselburgh Air Quality Management Area. He recommends that any grant of planning permission in principle be subject to conditions requiring a green travel plan, support for and promotion of car clubs, financial support to low emission public transport options, installation of ultra low nitrogen dioxide boilers within the proposed dwellings and suitable electrical layout within dwellings to enable installation of electric vehicle charging points. The matters of internally fitted boilers and electrical layout are subject to Building Standards legislation which should not be duplicated by use of planning controls. As recommended by the Council's Road Services, the applicant is required to make a financial contribution of £9,906 for improvements to Musselburgh town centre. These improvements will be for transport interventions which shall address development related impacts on the identified Air Quality Management Area in Musselburgh town centre. Given that the applicant will be making the financial contribution recommended by the Council's Road Services it would be unreasonable to also require the applicant to additionally contribute towards car clubs and low emission public transport options. Were planning permission in principle to be granted for the proposed development then all of the other recommendations of the Environmental Health Manager could be secured through the imposition of planning conditions. The conditions relating to noise mitigation measures should include a timetable for their implementation in the course of the development. Subject to these recommended controls, the Environmental Health Manager raises no objection to the proposals, satisfied they would not result in harm to the amenity of any neighbouring land use.

The Coal Authority notes the coal mining activity that has previously been carried out on the site, and advises that this coal mining legacy potentially poses a risk to the proposed development. As such they recommend that further site investigations and remedial works will be required to address risks posed by both mine entries and shallow coal mine workings. Were planning permission in principle to be granted for the proposed development then these recommendations could be secured through the imposition of a planning condition. Subject to this planning control, the Coal Authority raise no objection to the principle of the proposed development.

The Scottish Environment Protection Agency (SEPA) advise that they have no objection to the proposals in respect of flood risk and groundwater. They do however recommend that prior to the commencement of development, evidence to prove that the SUDS proposal is adequate for the site must be submitted for the written approval of the Planning Authority, following consultation with SEPA. They also recommend that a construction environmental management plan be submitted to and approved in advance by the Planning Authority. Were planning permission in principle to be granted for the proposed development then the recommendations of SEPA could be secured through the imposition of planning conditions.

The Council's Team Manager - Structures, Flooding and Street Lighting raises no objection to the application, although he recommends that a SuDS scheme and Drainage Assessment for the site and an update of the Surface Water and Flood Risk Report, including mitigation measures that are required, should be submitted to and approved in advance by the Planning Authority. Were planning permission in principle to be granted for the proposed development then these recommendations could be secured through the imposition of planning conditions.

Scottish Water raise no objection to the principle of the proposed development, advising that there are no Scottish Water drinking water catchments or water abstraction sources that may be affected by the proposed development. They advise that they are currently working closely with East Lothian Developments Limited and other developers in the area to understand the impact of their developments and the network reinforcement works required to address these.

The application site forms part of the larger area of the designated site of Pinkie Battlefield and as such Historic Environment Scotland have been consulted on the application. Historic Environment Scotland has no comment to make on the proposals, being satisfied that the proposed development would not have a detrimental impact on the designated area of Pinkie Battlefield.

The Council's Archaeology Officer advises that the proposed development would be situated within the designated area of Pinkie Battlefield and also in close proximity to known archaeological sites recorded in East Lothian Council's Historic Environment Record. Because of this the Archaeology Officer recommends that a programme of archaeological works be carried out prior to the commencement of development. This can be secured through a condition attached to a grant of planning permission in principle for the proposed development. This approach is consistent with Scottish Planning Policy: June 2014 and Planning Advice Note 2/2011: Planning and Archaeology.

The Council's Economic Development & Strategic Investment Manager advises that a grant of planning permission in principle would require to be subject to provision of 25% of all housing units to be developed as affordable housing. They should be provided on site or, if it can be demonstrated to the Council that this, or the off-site provision of the required

affordable units is not practicable, a commuted sum payment should be made to the Council in lieu of such an on or off-site provision. The terms for the provision of this affordable housing requirement could be the subject of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the Council securing the affordable housing requirement the proposal would be consistent with Policy H4 of the adopted East Lothian Local Plan 2008.

The proposed development by its scale and prominent public location would have a significant impact on the local environment and thus in accordance with the requirements of Policy DP17 of the adopted East Lothian Local Plan 2008 it should incorporate artwork either as an integral part of the overall design or as a related commission. Were planning permission in principle to be granted for the proposed development then the artwork(s) could be secured through the imposition of a planning condition. Subject to this planning control the proposed development is consistent with Policy DP17 of the adopted East Lothian Local Plan 2008.

It is now necessary to consider whether in scale and/or location the site is appropriate for development at this time without predetermining decisions about the scale, location or phasing of new developments that are central to the emerging plan. If it is not, it is also necessary to consider whether there are material considerations that outweigh any conflict with the development plan and other planning guidance.

Paragraph 34 of Scottish Planning Policy: June 2014 states that, where a plan is under review, it may be appropriate in some circumstances to consider whether granting planning permission would prejudice the emerging plan. It advises that such circumstances are only likely to apply where the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new developments that are central to the emerging plan. Prematurity will be more relevant as a consideration the closer the plan is to adoption or approval.

On this matter the Planning Authority have sought a legal opinion on whether or not it would be appropriate to determine planning applications proposing 300 houses or more before the Report on Examination or adoption of the Emerging East Lothian Local Development Plan.

The legal opinion advises that it would not necessarily be inappropriate for the Council to determine such an application at this time. Whether or not such applications should be refused prior to the Report on Examination or adoption of the Plan is a matter of judgement for the Council. There is no hard and fast rule about how the question of prematurity should be approached, and it is clear from judicial consideration of Paragraph 34 of Scottish Planning Policy that the weight to be attached to the issue of prematurity, and ultimately whether or not a proposal is considered premature, is pre-eminently a matter of planning judgement for the Council.

The legal opinion further advises that on the issue of prematurity the Council should have regard to matters of scale, location and phasing of development, and its impact on the provision of and funding of necessary infrastructure (individually or cumulatively), the stage reached in the plan process and the timescale for its determination, the centrality or otherwise of the issue to be determined in the plan process to the decision whether or not to issue the

planning permission under consideration, the assessment of the prospects of success of the representation in the plan process, and the consequences of the determination in the plan process for the validity of the planning permission.

In this case the proposal is for a residential development of up to 800 new houses. In terms of the Proposed Local Development Plan, it is one of the largest new housing sites allocated for development. Moreover, the spatial strategy for East Lothian, which is set out in the Proposed Local Development Plan, is based on a compact strategy, which focuses the majority of new housing development in the west of East Lothian.

The application site is within the west of East Lothian and forms a key part of the compact strategy. Individually and cumulatively with other new housing development within the west of East Lothian, the proposed development is in a location and of a scale so substantial and of such a cumulative impact that it is clear that granting planning permission in principle would undermine the plan-making process by predetermining decisions about the scale and location of new development that are central to the emerging plan, such as to outweigh the material considerations of other provisions of Scottish Planning Policy and of the development plan.

In respect of this balance of all material considerations, planning permission in principle should be refused at this stage.

RECOMMENDATION

That planning permission in principle be refused for the following reason:

- 1 The development proposed is so substantial, and its cumulative effect so significant, that granting planning permission in principle would undermine the plan-making process by predetermining decisions about the scale and location of new development that are central to the emerging plan.

LETTERS FROM

21st June 2017

MINUTE EXTRACT PLANNING COMMITTEE 28 JUNE 2017

2. PLANNING APPLICATION NO. 15/00537/PPM: PLANNING PERMISSION IN PRINCIPLE FOR RESIDENTIAL DEVELOPMENT WITH ASSOCIATED EDUCATIONAL AND COMMUNITY FACILITIES AND OPEN SPACE, LAND LOCATED TO THE SOUTH AND EAST OF WALLYFORD AND AT DOLPHINSTONE

A report was submitted in relation to Planning Application No. 15/00537/PPM. Keith Dingwall, Team Manager, Planning Delivery presented the report. He informed Members that Strawberry Corner Garden Centre had withdrawn their objection. He drew attention to several aspects of the application. He outlined the impact of the development on the rail network, highlighting capacity and modelling work issues. He indicated that an agreement with Network Rail had not been reached. Legal advice was that a separate agreement, not a Section 75 Agreement, was required with Network Rail. If Members were inclined to go against the officer recommendation the advice would be to continue this application to allow for further discussion. Regarding prematurity, Scottish Planning Policy (SPP), paragraph 34, set out the relevant circumstances. Granting planning permission in principle at this time would pre-determine decisions on the scale and location of development and thereby undermine the planning process regarding the emerging Local Development Plan (LDP). The report recommendation was therefore for refusal.

Mr Dingwall and Iain McFarlane, Service Manager, Planning, responded to questions. Further details about continuation of the application were provided. Clarification was given in respect of primary and secondary school provision. Mr McFarlane responded to queries about other sites recommended for approval, explaining that those decisions had not been central to the Proposed LDP, the scale and location of a site had to be considered; there was a clear distinction between a small site in a dispersed location and a large site key to the compact strategy of the proposed plan. In relation to the scale of the proposal compared with the proposed plan requirement housing requirements, he indicated the figure was around 6-8%. Regarding a decision on the Proposed LDP, he advised that the Reporter had completed the first stage; the second stage was more detailed, an indicative timescale was 6-9 months. In respect of the proposed rate of house build completion and school provision he said this was a balance to be agreed between the developer, Planning and Education authorities.

Robin Holder of Holder Planning Ltd, agent for the applicant, stressed that Planning Officers supported all technical aspects of the application; the single point of contention was the interpretation of SPP regarding prematurity. He quoted from this policy as regards review of emerging LDPs and consideration of applications during this period; he refuted the reason for refusal. Other sites across the county with significant objections had been recommended for approval; this application only had 2 objections. Legal advice sought indicated that the Planning Committee could take a decision when taking prematurity into account; the balance of consideration would go towards granting planning permission. In respect of the Network Rail element he stated that if the Committee were to grant permission today a clause could be added; continuation of the application would not be beneficial.

Martin Quinn of East Lothian Developments Ltd (ELD), the applicant, stated that excellent progress had been made; work was on schedule and ELD was fully committed to delivery of this site. The proposed new secondary school on the site was vital to delivery of the compact strategy; ELD would work with the Council in this regard. There was strong support for this development from the local community. Responding to points raised he clarified that 200+

units would be revoked in relation to the location of the secondary school which was why the number varied between 600-800 units. This was a flagship project, not just for East Lothian but for the whole of Scotland.

Councillor Currie asked why a decision on this application could not wait until the Scottish Government had given their view on the Proposed LDP. Mr Quinn reiterated that the location for the secondary school meant the loss of 200+ houses and outlined the key funding issues. He added that infrastructure and utilities were in place and it was anticipated that early delivery of the site would be possible.

Local Member Councillor McLeod expressed concern that an agreement was not in place with Network Rail. He also took account of Mr McFarlane's comments and the legal opinion regarding prematurity. He would be supporting the officer's recommendation for refusal.

Councillor McMillan stated that key issues, including the need for housing in this area and the school provision, outweighed the question of timing. He had backed the Proposed LDP in terms of economic development and he would therefore be supporting this application.

Councillor Innes noted that throughout the report positive aspects of the application had been cited. The Proposed LDP was the settled view of the Council; it was a material consideration in the determination of planning applications. Members had heard from the applicant in relation to a separate agreement with Network Rail. Regarding prematurity the only issue was where this application sat in the timeframe; there were wider issues of significant importance to the Proposed LDP and to Wallyford in terms of economic regeneration, affordable housing, provision of a new primary school and community facilities. Mr McFarlane had said that the housing element equated to 6-8%; an application of this size should not be considered of a scale which would prejudice the examination of the proposed plan. He would be supporting the application.

Councillor Currie stated that the issue was purely timing; it was a judgement call for the Committee. There was a strong recommendation from the Planning Authority for refusal. He did not generally favour continuation but if certain matters needed to be addressed then this may be appropriate. He cautioned against decisions being taken before the Reporter had given their view on the Proposed LDP. The Committee should wait until that examination had been concluded; to make a decision today on this application would be to pre-empt that. He agreed with the officer's recommendation for refusal.

Councillor O'Donnell indicated that she was not convinced by the arguments put forward in support of the officer's recommendation for refusal. The Proposed LDP was the settled will of the Council. There were uncertain economic times ahead, the construction industry needed to be supported. She would be supporting the application.

Councillor Small remarked that Members had heard it could be could be several months before a decision was forthcoming from the Scottish Government regarding the Proposed LDP; applications could not be put on hold until then. He had been very impressed with the site, all the infrastructure was in place; this had to proceed. He supported the application.

Councillor Findlay agreed there was an issue of prematurity. He expressed serious concerns about capacity on the North Berwick train line. He remarked that the financial contribution Network Rail recommended to the applicant was in his opinion insufficient. He supported the officer's recommendation for refusal of this application.

Councillor Trotter indicated he would be supporting the officer's recommendation for refusal.

The Convener made reference to the numerous times the Wallyford application had come before the Committee; it was the most consulted planning site in East Lothian to have gone through the LDP process. There had been a huge consultation exercise with hardly any negative comments. The amount of investment on this site was far greater than seen on any other site. Once development was completed Wallyford would be one of the most attractive towns in East Lothian with a new primary school, a new secondary school and 500 affordable homes, desperately needed in this part of the county. Regarding prematurity he remarked that this Committee had to continually make difficult decisions. He would be supporting the application. He moved to the vote on the report recommendation (for refusal):

For: 4

Against: 7

Abstentions: 0

Mr McFarlane outlined the process that would require to be carried out given the Committee's decision to grant planning permission.

Decision

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

- 1 A Section 75 Agreement in relation to developer contributions, to be determined by the Service Manager-Planning, in consultation with the Convener and local members;
- 2 A separate legal agreement between the applicant and Network Rail to secure from the applicant to Network Rail a financial contribution of £457,674;
- 3 Conditions to the grant of planning permission in principle to be determined by the Service Manager-Planning, in consultation with the Convener and local members; and
- 4 Application 14/000903/PPM be part revoked in respect of the land for the secondary school.

APPENDIX C

At their meeting of the 28 June 2017, the Planning Committee decided to grant planning permission in principle 15/00537/PPM. The decision to grant planning permission in principle was subject to, amongst other things, the imposition of conditions and to the satisfactory conclusion of a legal agreement. The Planning Committee further decided that the precise wording of the conditions and Heads of Terms for the legal agreement should be determined by the Service Manager for Planning, in consultation with the Planning Convenor and Local Members.

Our suggested heads of terms and conditions are set out below.

HEADS OF TERMS:

(i) Secure from the applicant a financial contribution to the Council of £6,735,600 towards the provision of additional accommodation at the new Wallyford Primary and Nursery School and towards the provision of a new Musselburgh Secondary School.

(ii) secure from the applicant the provision of 25% of the final approved number of residential units within the application site as affordable residential units or if it can be demonstrated to the Council that this, or the off-site provision of 25% of the final approved number of residential units as affordable units is not practicable, to secure from the applicant a commuted sum payment to the Council in lieu of such an on or off-site provision;

iii) a financial contribution to the Council for £678,750 towards the provision of road improvements to Salters Road Interchange and Bankton Interchange, Musselburgh and Tranent town centre improvements and towards the development of an active travel corridor.

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 at Wallyford Primary and Nursery School and Musselburgh Grammar School, the lack of provision of affordable housing, and the lack of road and transport infrastructure improvements, contrary to, as applicable, Policies INF3 and H4 of the adopted East Lothian Local Plan 2008.

CONDITIONS:

1 The submission for approval of matters specified in conditions of this grant of planning permission in principle shall include details of the siting, design and external appearance of all the dwellings and other buildings, the means of access to them, the means of any enclosure of the boundaries of the site and of gardens and other subdivisions of the site and the landscaping of the site and those details shall generally accord with the Indicative Masterplan drawing no. 13052(PL02)001-E docketed to this planning permission in principle, and shall address the following requirements:

a. Other than in exceptional circumstances where the layout or particular building type does not permit, houses and flats shall be orientated to face the street.

b. Houses shall be predominantly two storeys in height and, in the area of higher density housing indicated on the revised masterplan, no higher than 3 storeys in height;

c. Notwithstanding that shown in the Indicative Masterplan docketed to this planning permission in principle there shall be no integral garages, unless it can be justified as an exceptional design feature, or where the house and garage would not be on a primary street frontage;

d. The detailed design of the layout shall accord with the principles set out in the Council's Design Standards for New Housing Areas and with Designing Streets: A Policy Statement for Scotland;

e. The external finishes of the residential units shall be in accordance with a coordinated scheme of materials and colours that shall respect the layout of the development and shall promote render as the predominant finish to the walls of the residential units.

f. Notwithstanding the details shown in the Indicative Masterplan referred to above, there shall be a separation distance of at least 9 metres between facing windows of a proposed new building and the garden boundaries of existing or proposed neighbouring residential properties; and a separation distance of at least 18 metres between directly facing windows of a proposed new building and the windows of existing or proposed neighbouring residential properties.

g. Parking for the residential, local centre and primary school components of the development hereby approved shall be provided at a rate as set out in the East Lothian Council's "Standards for Development Roads- Part 5 Parking Standards" For the local centre and school this shall include for cycle parking. Electric vehicle charging points shall be provided within the local centre. Private parking spaces in the local centre and other private parking areas shall be a minimum of 2.5 metres by 5 metres and spaces on the public road shall be a minimum of 2.5 metres by 6 metres. All visitor parking spaces within private parking areas shall be clearly marked for visitors with the remaining private parking spaces allocated to individual dwellings. Access to private parking areas other than driveways shall be via a reinforced footway crossing and have a minimum width of 5.5 metres over the first ten metres. Private driveways shall be a minimum of 6 metres by 2.5 metres, double driveways shall be 5 metres by 6 metres or 3 metres by 11 metres. Pedestrian ramps to houses may encroach by up to 300mm on the width (but not the length) provided they are no greater than 150mm in height above the adjacent driveway surface.

h. All access roads shall conform to East Lothian Council's "Standards for Development Roads" in relation to roads layout and construction, footways and footpaths, parking layout and number, street lighting and traffic calming measures.

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

j. The provision of a vehicular access from the new distributor road to the site of the residential institution/ non-residential institution unit/ retirement homes use approved by planning permission in principle 14/00903/PPM.

k. The provision of a continuous 3 metre wide footway on the south side of the A199 over the full extent of the new 30 mph speed limit (i.e. from the existing roundabout at Strawberry Corner to the new 30 mph speed limit on the Eastern side of the proposed priority access junction on the A199; and the upgrading of the existing footway on the Southern side of Wallyford Toll Roundabout to a continuous 3 metre wide footway to provide an appropriate footway / cycle link between the new footway infrastructure on the A199 and the A6094 Salters Road.

l. The proposed road linking the A199 to the distributor Road shall be a minimum of 6metre wide with the Junction onto the A199 having minimum corner radii of 10metres;

m. The remote footpaths through the site shall be a minimum of 2 metres wide and constructed to an adoptable standard;

n. The provision of a 1.2 metre high natural stone wall along the northern boundary of the site.

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 The details to be submitted pursuant to condition 1 shall include a phasing plan which shall accord with the following requirements:

(i) The traffic calming and environmental improvement works to be undertaken on Salter's Road, which were approved by planning permission in principle 14/00903/PPM, shall be completed prior to the commencement of development, unless otherwise approved in writing by the Planning Authority following consultation with Transport Scotland.

(ii) The improvements to the Salters Road and Dolphingstone interchanges as outlined in the AECOMM Transport Assessment shall be completed prior to the occupation of any residential dwelling hereby approved, unless otherwise approved in writing by the Planning Authority following consultation with Transport Scotland.

(iii) Pedestrian links between each phase of development and the existing settlement to be provided prior to the occupation of the first dwelling house in each phase unless otherwise agreed with the local planning authority.

(iv) No more than 600 residential units in total shall be occupied within the application site and the adjacent site the subject of planning permission in principle 14/00903/PPM unless and until the new Wallyford primary school has been completed and is made available for use, unless otherwise approved by the Planning Authority.

(v) None of the houses hereby approved shall be occupied unless and until a secondary school has been erected on the site indicated for it on the revised indicative masterplan.

(vi) The supermarket(s) and local centre units must be completed in accordance with the requirements of condition 6 below, and ready for letting, by occupation of any of the residential units hereby approved unless otherwise agreed with the Planning Authority.

(vii) Any footways linking the development areas to the new school should be finished to an adoptable standard with final surfacing before the occupation of any houses on the route.

(viii) The new sheltered bus stop provision shall be provided on the A199 along the site frontage prior to the occupation of any residential dwelling hereby approved, unless otherwise approved in writing by the Planning Authority.

(ix) The approved distributor road shall be completed to base course level and open to public use prior to the occupation of the first residential unit hereby approved.

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 The development of the site shall conform with the minimum density requirements established for the identified development areas shown on docketed drawing no. 13052(PL02)005-C as well as generally complying with the range of house types and sizes shown on the same drawing.

Reason:

To ensure compliance with the provisions of the development plan.

4 No more than 2050 residential units in combined total shall be erected on the application site and the adjacent site the subject of planning permission in principle 14/00903/PPM.

Reason:

To ensure that there is sufficient education capacity, to restrict the scale of development to that applied for and identified in the applicant's Transport Assessment and to minimise interference with the safety and free flow of traffic on the trunk road.

5 Unless otherwise approved in writing by the Planning Authority, 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 2027/2028	-	140 residential units
Year 2028/2029	-	150 residential units
Year 2029/2030	-	150 residential units

Year 2030/2031 - 150 residential units
Year 2031/2032 - 10 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 2020/2021 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.

6 Unless otherwise approved in writing in advance by the Planning Authority, the local centre hereby approved shall contain, amongst other things, a local supermarket(s), and no less than 10 modular ground floor commercial premises varying between no less than 65m² and up to 270m² per unit, yielding no less than 1500m² overall. The commercial units shall be restricted in use to Class 1 (Shops), Class 2 (Financial, Professional and Other Services) or Class 3 (Food and Drink) of the Town and Country Planning (Use Classes) (Scotland) Order 1997, as amended, unless otherwise approved by the Planning Authority.

No more than 2731 square metres (gross) of the total gross floor space of the commercial units shall be used for convenience retail and no more than 603 square metres (gross) of the total gross floor space of the commercial units shall be used for comparison retail.

Reason:

In order to retain control over the format of retail and other commercial development in the interests of the vitality and viability of the new local centre.

7. Notwithstanding the drawings docketed to this planning permission in principle, 3 large play areas and 3 toddlers play areas shall be provided within the application site.

Prior to the commencement of development details of the play areas shall be submitted to and approved by the Planning Authority. The submitted details shall comply with the following requirements:

- a. One of the large play areas shall be provided within the large area of open space to be provided within the southeast part of the site, one of the large play areas shall be provided within the open space indicatively shown to the southeast of the approved primary school, and the other large play area shall be provided within the linear area of open space that is shown to the east of the sites for the primary school and local centre;
- b. each of the 3 large play areas shall be equipped for children aged 0-15, and two of the large play areas shall include a Multi Use Games Area facility; and
- c. The 3 toddlers play areas shall be provided within the smaller pockets of open space.

The submitted details shall include details of the play equipment to be installed in each play area, and a timetable for the provision of each of the play areas.

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

The equipped play areas shall thereafter be retained on site.

Reason:

To ensure provision of a satisfactory level of equipped play provision, in the interests of the amenity of future occupants.

8. No development shall take place until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping. The scheme shall provide details of: the height and slopes of any mounding on or recontouring of, the site; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. The scheme shall include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development. The scheme shall also include a maintenance plan for the management of the scheme of landscaping. It shall also include details of all planting and landscaping along the boundary of the site with the A1(T) trunk road. Such planting shall be shown to be planted on both sides of any acoustic bund that is required. The scheme shall further include combined specimen tree planting and woodland along the eastern edge of the site, adjacent to the walled garden. It shall also include a timetable for the planting of the combined specimen tree planting and woodland. Such timetable shall show the combined specimen tree planting and woodland being planted at an early stage of the development.

The combined specimen tree planting and woodland shall thereafter be planted in accordance with the details so approved.

All planting, seeding or turfing comprised in the approved details of landscaping, other than the combined specimen tree planting and woodland that is to be planted at any early stage of the development, 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.

9. A Green Travel Plan shall be submitted to and approved by the Planning Authority prior to the occupation of any component of the approved development. 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.

The Green 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 approved development and mitigating air quality impacts.

10. Prior to the commencement of development details of new sheltered bus stop provision on the A199 along the site frontage shall be submitted to and approved by the Planning Authority.

The new sheltered bus stop provision shall be provided in accordance with the details so approved prior to the occupation of any residential dwelling hereby approved, unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of ensuring sustainable travel patterns in respect of the approved development and mitigating air quality impacts.

11. Prior to the commencement of development details of the proposed priority junction onto the A199 shall be submitted to and approved in writing by the Planning Authority. The submitted details shall show that the priority junction has been designed in accordance with the Design Manual for Roads and Bridges, Volume 6. The submitted details shall also include the findings of an independent road safety audit of the proposed priority junction.

The priority junction shall thereafter be formed in accordance with details so approved.

Reason:

In the interests of road safety.

12. Prior to the commencement of development details of the improvements to the Salters Road and Dolphingstone interchanges shall be submitted to and approved in writing by the Planning Authority, following consultation with Transport Scotland. The submitted details shall include the findings of an independent road safety audit for the proposed Dophingstone Junction Improvements outlined in the AECOMM Transport Assessment

The improvements to the Salters Road and Dolphingstone interchanges details so approved, including with the approved findings of the independent road safety audit, and with the requirements of condition 2 above.

Reason:

In the interests of road safety.

13. Prior to their installation, details of formal signalised pedestrian crossing points on the distributor road shall be submitted for the approval of the Planning Authority. This shall include crossing points on relevant pedestrian desire lines to the local centre and school, as agreed with the Planning Authority. Thereafter the signalised pedestrian

crossing points shall be constructed and brought into use prior to the occupation of any house or flat built to the south, east or west side of the Distributor Road.

Reason:

In the interests of road safety.

14. The 2 new main routes between the distributor road and the A199 through the site shall have traffic calming measures to reduce vehicle speeds along the route and this shall include raised tables at junctions and crossing points with appropriate speed bumps at other locations. Prior to the commencement of development details of all of which shall be submitted for the prior approval of the Planning Authority.

Prior to the commencement of development details of the traffic calming measures shall be submitted to and approved in writing by the Planning Authority.

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

Reason:

In the interests of road safety.

15. Prior to the occupations of any of the residential units hereby approved, the lanterns of all of the existing lighting columns around the Wallyford Toll Roundabout junction shall be replaced. Details of the replacement lanterns shall be submitted to and approved by the Planning Authority in advance of their installation.

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

Reason:

In the interests of road safety.

16. A monitoring program of traffic flows on Salters Road and the new distributor road shall be put in place to ensure that the deflection measures are operating to the satisfaction of the Planning Authority. Traffic count surveys shall be completed on occupancy of the 175th unit, the 450th unit, the 675th unit, and on completion of the development. The findings of the traffic count surveys shall be submitted to the Planning Authority within a period of two months from the date of the traffic count, unless otherwise approved in writing by the Planning Authority.

Reason:

In the interest of road safety.

17. No housing units of the development shall be occupied unless and until the existing 30 miles per hour speed limit has been extended along the frontage of the site on the A199 from the existing 30 mph limit at the New Strawberry Corner Roundabout to the eastern side of the new priority access junction.

Details of the proposed extension to the existing 30 miles per hour speed limit shall be submitted to and approved in advance by the Planning Authority. These measures shall be implemented in accordance with the details as approved by the Planning Authority.

Reason:

In the interest of road safety.

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

Reason:

In the interests of road safety.

19. 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.

20. The details to be submitted pursuant to condition 1 above shall include full details of all noise mitigation measures. These shall be designed to ensure that the guideline values levels set out in BS 8233 Sound Insulation and Noise Reduction for Buildings- Code of Practice are met. The mitigation measures shall include the erection of an acoustic barrier along most of the southern boundary of the site, adjacent to the A1 trunk road. The details to be submitted shall also include 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.

21. Prior to the commencement of development, details of all areas of public open space shall be submitted to and approved in writing by the Planning Authority. The details shall show the provision of bins and benches within the public open space and a recreational path network, including a circular route, both connecting to and around the large area of open space indicated for the southeast part of the application site. The submitted details shall include a timetable for the provision of all areas of open space, including the bins and benches and recreational path network, and proposals for their future maintenance.

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

Reason:

In the interests of the amenity of the area.

22. 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.

23. The details to be submitted pursuant to condition 1 above shall include:

- a) The submission of a report of findings arising from the further proposed intrusive site investigations, including the results of any gas monitoring undertaken;
- b) The submission of a layout plan which identifies appropriate zones of influence for the recorded mine entries on site, and the definition of a suitable 'no-build' zones;
- c) The submission of a scheme of treatment for the recorded mine entries, if identified on site for approval; and
- d) The submission of a scheme of remedial works for the shallow coal workings for approval together with a timetable for the implementation of any identified remedial works.

The remedial works shall thereafter be fully implemented in accordance with the details so approved.

Reason:

To secure the necessary report of findings for the shallow coal workings and the mine entries, together with the implementation of the necessary remedial works, in order to ensure that development does not occur above or too close to these mining hazards.

24. Prior to the commencement of any development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved by the Planning Authority, following consultation with SEPA.

All development shall thereafter be carried out in accordance with the CEMP so approved.

Reason:

To control pollution of air, land and water and to ensure that waste is managed in a sustainable manner

25. Prior to the commencement of development:

a) evidence to prove that the SUDS proposal is adequate and acceptable for the site shall be submitted to and approved by the Planning Authority, following consultation with SEPA. The evidence shall include calculations using the Simple Index Approach (SIA) as described in section 26.7.1 of the SUDS Manual C753. It shall also include a Surface Water Drainage Assessment, in accordance with the 'Water Assessment and Drainage Assessment Guide' produced by the SuDS Working Party. The Surface Water Drainage Assessment shall include: details of pre and post development flows entering the Ravenshaugh Burn; and the capacities of the culverts on the Ravenshaugh Burn to ensure there is no increase to flood risk downstream. The Assessment shall also encompass the whole development area approved by planning permission in principle 14/00903/PPM; and

b) a timetable for the implementation of the SUDS proposal shall be submitted to and approved by the Planning Authority, following consultation with SEPA.

The SUDS scheme shall thereafter be implemented in accordance with the evidence and timetable so approved.

Reason:

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

26. No development shall take place until the applicant has, through the employ of an archaeologist or archaeological organisation, secured the implementation of a programme of archaeological work on the site of the proposed development in accordance with a written scheme of investigation which the applicant will submit to and have approved in advance by the planning authority.

Reason:

To facilitate an acceptable archaeological investigation of the site.

APPENDIX D

1 The submission for approval of matters specified in conditions of this grant of planning permission in principle shall include details of the siting, design and external appearance of all the dwellings and other buildings, the means of access to them, the means of any enclosure of the boundaries of the site and of gardens and other subdivisions of the site, any artwork to be erected on site, and the landscaping of the site and those details shall generally accord with the Indicative Masterplan drawing no. 13052(PL02)001-E docketed to this planning permission in principle, and shall comply with the following requirements:

a. Other than in exceptional circumstances where the layout or particular building type does not permit, houses and flats shall be orientated to face the street, and 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;

b. Residential units shall be predominantly two storeys in height and no higher than 3 storeys in height;

c. Notwithstanding that shown in the Indicative Masterplan docketed to this planning permission in principle there shall be no integral garages, unless it can be justified as an exceptional design feature, or where the house and garage would not be on a primary or secondary street frontage;

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

e. The external finishes of the residential units shall be in accordance with a coordinated scheme of materials and colours that shall respect the layout of the development and shall promote render as the predominant finish to the walls of the residential units.

f. Notwithstanding the details shown in the Indicative Masterplan referred to above, there shall be a separation distance of at least 9 metres between facing windows of a proposed new building and the garden boundaries of existing or proposed neighbouring residential properties; and a separation distance of at least 18 metres between directly facing windows of a proposed new building and the windows of existing or proposed neighbouring residential properties.

g. Parking for the residential, local centre and primary school components of the development hereby approved shall be provided at a rate as set out in the East Lothian Council's "Standards for Development Roads- Part 5 Parking Standards" For the local centre and school this shall include for cycle parking. Electric vehicle charging points shall be provided within the local centre. Private parking spaces in the local centre and other private parking areas shall be a minimum of 2.5 metres by 5 metres and spaces on the public road shall be a minimum of 2.5 metres by 6 metres. All visitor parking spaces within private parking areas shall be clearly marked for visitors with the remaining private parking spaces allocated to individual dwellings. Access to private parking areas other than driveways shall be via a reinforced footway crossing and have a minimum width of 5.5 metres over the first ten metres. Private driveways shall be a minimum of 6 metres by 2.5 metres, double driveways shall be 5 metres by 6 metres or 3 metres by 11 metres. Pedestrian ramps to houses may encroach by up to 300mm on the width (but

not the length) provided they are no greater than 150mm in height above the adjacent driveway surface.

h. All access roads shall conform to East Lothian Council's "Standards for Development Roads" in relation to roads layout and construction, footways and footpaths, parking layout and number, street lighting and traffic calming measures.

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

j. The proposed road linking the A199 to the distributor Road shall be a minimum of 6 metres wide with the Junction onto the A199 having minimum corner radii of 10 metres; and

k. The remote footpaths through the site shall be a minimum of 2 metres wide and constructed to an adoptable standard;

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 The details to be submitted pursuant to condition 1 shall include a phasing plan which shall accord with the following requirements:

(i) The improvements to the Salters Road and Dolphingstone interchanges as outlined in the AECOMM Transport Assessment shall be completed prior to the occupation of any residential dwelling hereby approved, unless otherwise approved in writing by the Planning Authority following consultation with Transport Scotland.

(ii) Pedestrian links between each phase of development and the existing settlement shall be provided prior to the occupation of the first dwelling house in each phase unless otherwise agreed with the Planning Authority.

(iii) The supermarket(s) and local centre units must be completed in accordance with the requirements of condition 6 below, and ready for letting, before occupation of a combined total of 675 residential units approved by this planning permission in principle and planning permission in principle 14/00903/PPM, unless otherwise agreed with the Planning Authority.

(iv) Any footways linking the development areas to the new school shall be finished to an adoptable standard with final surfacing before the occupation of any houses on the route.

(v) The approved distributor road shall be completed to base course level and open to public use prior to the occupation of the first residential unit hereby approved.

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 The development of the site shall conform with the minimum density requirements established for the identified development areas shown on docketed drawing no. 13052(PL02)005-C as well as generally complying with the range of house types and sizes shown on the same drawing.

Reason:

To ensure compliance with the provisions of the development plan.

4 No more than 2050 residential units in combined total shall be erected on the application site and the adjacent site the subject of planning permission in principle 14/00903/PPM.

Reason:

To ensure that there is sufficient education capacity, to restrict the scale of development to that applied for and identified in the applicant's Transport Assessment and to minimise interference with the safety and free flow of traffic on the trunk road.

5 Unless otherwise approved in writing by the Planning Authority, 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 2022/2023	-	40 residential units
Year 2023/2024	-	60 residential units
Year 2025/2025	-	60 residential units
Year 2025/2026	-	60 residential units
Year 2026/2027	-	82 residential units
Year 2027/2028	-	120 residential units
Year 2028/2029	-	120 residential units
Year 2029/2030	-	120 residential units
Year 2030/2031	-	120 residential units
Year 2031/2032	-	18 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 2032/2033 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.

6 Unless otherwise approved in writing in advance by the Planning Authority, the local centre hereby approved shall contain, amongst other things, a local supermarket(s), and no less than 10 modular ground floor commercial premises varying between no less than 65m² and up to 270m² per unit, yielding no less than 1500m² overall. The commercial units shall be restricted in use to Class 1 (Shops), Class 2 (Financial, Professional and Other Services) or Class 3 (Food and Drink) of the Town and Country Planning (Use Classes) (Scotland) Order 1997, as amended, unless otherwise approved by the Planning Authority.

No more than 2731 square metres (gross) of the total gross floor space of the commercial units shall be used for convenience retail and no more

than 603 square metres (gross) of the total gross floor space of the commercial units shall be used for comparison retail.

Reason:

In order to retain control over the format of retail and other commercial development in the interests of the vitality and viability of the new local centre.

7. Notwithstanding the drawings docketed to this planning permission in principle, 3 large play areas and 3 toddlers play areas shall be provided within the application site.

Prior to the commencement of development details of the play areas shall be submitted to and approved by the Planning Authority. The submitted details shall comply with the following requirements:

- a. One of the large play areas shall be provided within the large area of open space to be provided within the southeast part of the site, one of the large play areas shall be provided within the open space indicatively shown to the north of the approved primary school, and the other large play area shall be provided within the linear area of open space that is shown to the east of the sites for the primary school and local centre;
- b. each of the 3 large play areas shall be equipped for children aged 0-15, and two of the large play areas shall include a Multi Use Games Area facility; and
- c. The 3 toddlers play areas shall be provided within the smaller pockets of open space.

The submitted details shall include details of the play equipment to be installed in each play area, and a timetable for the provision of each of the play areas.

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

The equipped play areas shall thereafter be retained on site.

Reason:

To ensure provision of a satisfactory level of equipped play provision, in the interests of the amenity of future occupants.

8. 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. The scheme shall also include a maintenance plan for the management of the scheme of landscaping. It shall also include details of all planting and landscaping along the boundary of the site with the A1(T) trunk road. Such planting shall be shown to be planted on both sides of any acoustic bund and/ or boundary fence. The scheme shall further include combined specimen tree planting and woodland along the eastern edge of the site,

adjacent to the walled garden. Specific planting details shall include large species feature trees in open spaces to include beech, Scots pine and oak. 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. The scheme shall include a timetable for implementation of landscaping, and this scheme shall show that the combined specimen tree planting and woodland 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. The design of all landscaping must be carried out in conjunction with the design and positioning of all services, and sufficient space must be made available to accommodate the full establishment of all landscaping work without impacting on any services.

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.

9 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.

10. 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 and when it will be distributed to all residents.

The Green 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 approved development.

11. Prior to the commencement of development details of new sheltered bus stop provision on the A199 along the site frontage shall be submitted to and approved by the Planning Authority.

The new sheltered bus stop provision shall be provided in accordance with the details so approved prior to the occupation of any residential dwelling hereby approved, unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of ensuring sustainable travel patterns in respect of the approved development and mitigating air quality impacts.

12. Prior to the commencement of development details of the proposed priority junction onto the A199 shall be submitted to and approved in writing by the Planning Authority. The submitted details shall show that the priority junction has been designed in accordance with the Design Manual for Roads and Bridges, Volume 6. The submitted details shall also include the findings of an independent road safety audit of the proposed priority junction.

The priority junction shall thereafter be formed in accordance with details so approved.

Reason:

In the interests of road safety.

13. Prior to the commencement of development details of the improvements to the Salters Road and Dolphingstone interchanges shall be submitted to and approved in writing by the Planning Authority, following consultation with Transport Scotland. The submitted details shall include the findings of an independent road safety audit for the proposed Dophingstone Junction Improvements outlined in the AECOMM Transport Assessment

The improvements to the Salters Road and Dolphingstone interchanges shall thereafter be carried out in accordance with the details so approved, including with the approved findings of the independent road safety audit, and with the requirements of condition 2 above.

Reason:

In the interests of road safety.

14. Prior to their installation, details of formal signalised pedestrian crossing points on the distributor road shall be submitted for the approval of the Planning Authority. This shall include crossing points on relevant pedestrian desire lines to the local centre and school, as agreed with the Planning Authority. Thereafter the signalised pedestrian

crossing points shall be constructed and brought into use prior to the occupation of any house or flat built to the south, east or west side of the Distributor Road.

Reason:

In the interests of road safety.

15. The 2 new main routes between the distributor road and the A199 through the site shall have traffic calming measures to reduce vehicle speeds along the route and this shall include raised tables at junctions and crossing points with appropriate speed bumps at other locations. Prior to the commencement of development details of all of which shall be submitted for the prior approval of the Planning Authority.

Prior to the commencement of development details of the traffic calming measures shall be submitted to and approved in writing by the Planning Authority.

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

Reason:

In the interests of road safety.

16. Prior to the occupations of any of the residential units hereby approved, the lanterns of all of the existing lighting columns around the Wallyford Toll Roundabout junction shall be replaced. Details of the replacement lanterns shall be submitted to and approved by the Planning Authority in advance of their installation.

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

Reason:

In the interests of road safety.

17. A monitoring program of traffic flows on Salters Road and the new distributor road shall be put in place to ensure that the deflection measures are operating to the satisfaction of the Planning Authority. Traffic count surveys shall be completed on occupancy of the 175th unit, the 450th unit, the 675th unit, and on completion of the development. The findings of the traffic count surveys shall be submitted to the Planning Authority within a period of two months from the date of the traffic count, unless otherwise approved in writing by the Planning Authority.

Reason:

In the interest of road safety.

18. No housing units of the development shall be occupied unless and until the existing 30 miles per hour speed limit has been extended along the frontage of the site on the A199 from the existing 30 mph limit at the New Strawberry Corner Roundabout to the eastern side of the new priority access junction.

Details of the proposed extension to the existing 30 miles per hour speed limit shall be submitted to and approved in advance by the Planning Authority. These measures shall be implemented in accordance with the details as approved by the Planning Authority.

Reason:

In the interest of road safety.

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

Reason:

In the interests of road safety.

20. 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 approved 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.

21. 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.

22. Prior to the commencement of development details of the provision of the following footway improvements shall be submitted to and approved in writing by the Planning Authority:

(a) a continuous 3 metre wide footway on the south side of the A199 over the full extent of the new 30 mph speed limit (i.e. from the existing

roundabout at Strawberry Corner to the new 30 mph speed limit on the Eastern side of the proposed priority access junction on the A199.

The details shall include a timetable for the provision of the new footway.

The new footway shall thereafter be provided in accordance with the details so approved.

Reason:

In the interests of road safety.

23. Prior to the commencement of development details of the erection of a 1.2 metre high natural stone wall along the northern boundary of the site shall be submitted to and approved in writing by the Planning Authority. The details shall include a timetable for the erection of the new stone wall. The wall shall thereafter be erected in accordance with the details so approved.

Reason:

To integrate the development into its surroundings, in the interests of the visual amenity of the area.

24. 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:

- a) the erection of an acoustic barrier comprising an acoustic fence atop an earth bund along most of the southern boundary of the site, adjacent to the A1 trunk road; and
- b) the erection of a localised acoustic barrier, e.g. 1.8m high close-boarded timber fence, around any private garden exposed to road traffic noise from the A199.

The details to be submitted shall also include 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 noise mitigation measures in the interests of the amenity of the future occupants of the site.

25. Prior to the commencement of development, details of all areas of public open space shall be submitted to and approved in writing by the Planning Authority. The details shall show the provision of bins and benches within the public open space and a recreational path network, including a circular route, both connecting to and around the large area of open space indicated for the southeast part of the application site. The submitted details shall include a timetable for the provision of all areas of open space, including the bins and benches and recreational path network, and proposals for their future maintenance.

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

Reason:

In the interests of the amenity of the area.

26. Prior to the commencement of development, a report on the actions to be taken to reduce the Carbon Emissions from the build and from the completed development shall be submitted to and approved in writing by the Planning Authority. This shall include the provision of renewable technology for all new buildings, where feasible and appropriate in design terms, and new car charging points and infrastructure for them, where feasible and appropriate in design terms. The details shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the report so approved.

Reason:

To minimise the environmental impact of the development hereby approved.

27. Prior to the commencement of development the following requirements shall be complied with:

- a) A report of findings arising from the further proposed intrusive site investigations, including the results of any gas monitoring undertaken, shall be submitted to and approved by the Planning Authority;
- b) A layout plan which identifies appropriate zones of influence for the recorded mine entries on site, and the definition of a suitable 'no-build' zones, shall be submitted to and approved by the Planning Authority ;
- c) A scheme of treatment for the recorded mine entries, if identified on site, shall be submitted to and approved by the Planning Authority; and
- d) A scheme of remedial works for the shallow coal workings, together with a timetable for the implementation of any identified remedial works, shall be submitted to and approved by the Planning Authority.

The remedial works shall thereafter be fully implemented in accordance with the details so approved.

Reason:

To secure the necessary report of findings for the shallow coal workings and the mine entries, together with the implementation of the necessary remedial works, in order to ensure that development does not occur above or too close to these mining hazards.

28. Prior to the commencement of any development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved by the Planning Authority, following consultation with SEPA.

All development shall thereafter be carried out in accordance with the CEMP so approved.

Reason:

To control pollution of air, land and water and to ensure that waste is managed in a sustainable manner

29. Prior to the commencement of development:

a) evidence to prove that the SUDS proposal is adequate and acceptable for the site shall be submitted to and approved by the Planning Authority, following consultation with SEPA. The evidence shall include calculations using the Simple Index Approach (SIA) as described in section 26.7.1 of the SUDS Manual C753. It shall also include a Surface Water Drainage Assessment, in accordance with the 'Water Assessment and Drainage Assessment Guide' produced by the SuDS Working Party. The Surface Water Drainage Assessment shall include: details of pre and post development flows entering the Ravenshaugh Burn; and the capacities of the culverts on the Ravenshaugh Burn to ensure there is no increase to flood risk downstream. The Assessment shall also encompass the whole development area approved by planning permission in principle 14/00903/PPM; and

b) a timetable for the implementation of the SUDS proposal shall be submitted to and approved by the Planning Authority, following consultation with SEPA.

The SUDS scheme shall thereafter be implemented in accordance with the evidence and timetable so approved.

Reason:

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

30. Prior to the commencement of development details of any field drains or culvert within the application site shall be submitted to and approved in writing by the Planning Authority. Unless otherwise approved in writing by the Planning Authority, there shall be no development on top of any field drain or culvert within the application site.

Reason:

In the interests of minimising the risk of flooding.

31. 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.

REPORT TO: Planning Committee
MEETING DATE: Tuesday 19 May 2020
BY: Head of Development
SUBJECT: Application for Planning Permission for Consideration

3

Application No. **19/00620/AMM**

Proposal Approval of matters specified in conditions 1d, 1h, 1l and 1n (details of road, drainage and landscape infrastructure for Phase 1) of planning permission in principle 14/00768/PPM - For remediation of site and creation of new settlement comprising residential, employment, education and commercial uses with park and ride and rail halt facilities and associated works

Location **Blindwells
Tranent
East Lothian**

Applicant Hargreaves Services (Blindwells) Limited

Per Turley

RECOMMENDATION Consent Granted

REPORT OF HANDLING

PROPOSAL

Although this application is for the approval of matters specified in conditions of planning permission in principle 14/00768/PPM it has to be determined as a major development type application because the area of the application site is greater than 2 hectares. Accordingly the application cannot be decided through the Council's Scheme of Delegation. It is therefore brought before the Planning Committee for a decision.

The application site is bound to the north by the main east coast railway line, to the west by the A198 public road, to the south by the A1 Trunk Road and to the east by agricultural land.

Planning permission in principle 14/00768/PPM was granted in May 2018 for the creation of a new settlement that could comprise residential, employment, education and commercial uses with park and ride and rail halt facilities and associated works all on land at Blindwells, which is located in close proximity to the settlements of Prestonpans, Tranent, Cockenzie and Port Seton.

Planning permission 18/00420/P was granted in December 2018 for the formation of a site

access for a temporary period of five years. The purpose of the temporary construction access was to enable construction vehicles to safely access the development site the subject of planning permission in principle 14/00768/PPM. Planning permission 18/00420/P has been implemented and the temporary construction access has been formed on site.

Planning application 18/00724/AMC seeking planning permission for the approval of matters specified in Conditions 1d and 1h (details of road infrastructure for Phase 1 Plot 1) of planning permission in principle 14/00768/PPM for the formation of a road off the A198 road to the west of the application site to serve the northern part of the wider Blindwells site was withdrawn in April 2019 prior to determination.

Planning permission 19/00242/AMC was granted in October 2019 for the approval of matters specified in Conditions 1d and 1h (details of road infrastructure for Phase 1 Plot 2) of planning permission in principle 14/00768/PPM for the formation of a road to serve the northern part of the wider site being largely the same site as that which was the subject of previous application 18/00724/AMC. The scheme of development approved through the grant of planning permission 19/00242/AMC also included the formation of a Sustainable Drainage System (SuDS) basin on the north-eastern boundary of the application site.

Planning permission 18/00725/AMC was granted in December 2019 for the approval of matters specified in Conditions 1d and 1h (details of road infrastructure for Phase 1 Plot 2) of planning permission in principle 14/00768/PPM for the formation of a road off the A198 road to the west of the application site to access the central part of the wider Blindwells site.

Planning permission is now sought through this current planning application for the approval of matters specified in Conditions 1d, 1h, 1l and 1n comprising of the details of the road, drainage and landscape infrastructure for Phase 1 of planning permission in principle 14/00768/PPM.

The proposed scheme of development proposes the road infrastructure to serve the Phase 1 Blindwells site and consists of (i) the construction of two access junctions and distributor roads off the eastern side of the A198 public road which lies to the west of the application site; (ii) the formation of a new junction and distributor road off the eastern side of the Bankton roundabout; (iii) the formation of footpaths; (iv) the formation of three SuDS detention basins and; (v) the landscaping of parts of the site. The application site has an area of some 28.29 hectares.

The drawings submitted in support of the application show how access to the site would be taken from two new junctions and roads off the eastern side of the A198 public road with a third junction and road proposed off the eastern side of the Bankton roundabout. Internal access roads within the site are proposed to connect these three main distributor roads and provide wider access and connectivity within the Phase 1 Blindwells site. Three proposed detention ponds would be formed to the immediate north of the middle distributor road. The submitted drawings show the layout of the roads and footpaths that would be formed within the application site together with proposed landscaping which includes individual tree planting, avenue tree planting, grassed areas, meadow areas, woodland belts and aquatic planting within permanent water bodies.

DEVELOPMENT PLAN

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

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

There are no relevant policies of the approved South East Scotland Strategic Development Plan (SEsplan). Relevant to the determination of the application are Proposal BW1 (Blindwells New Settlement) and Policies DP2 (Design), CH5 (Battlefields), T1 (Development Location and Accessibility), T2 (General Transport Impact), NH10 (Sustainable Drainage Systems) and NH11 (Flood Risk) of the adopted East Lothian Local Development Plan 2018.

REPRESENTATIONS

No letters of written representation have been received to the application.

PLANNING ASSESSMENT

The principles of the means of accessing of the proposed Blindwells site are already decided by the grant of planning permission in principle 14/00768/PPM. These include that vehicular and pedestrian access to the site shall be taken from the A198 public road to the west of the site as detailed in the indicative masterplan approved through the granting of planning permission 14/00768/PPM. This masterplan also provided details of the alignment of the proposed roads to serve the Blindwells site along with areas of housing, a school campus including sports pitches, a local centre, landscaped areas and parks and areas for SuDS. Conditions imposed on the grant of planning permission in principle 14/000768/PPM require details of off site improvement works including details of a new continuous shared use (walking/cycling) path from the western side of the A198 road to Prestonpans Railway Station and a new 2 metres wide tarmac "active travel path" to be formed for walkers and cyclists on the eastern edge of the wider Blindwells site prior to the commencement of development of the site. Additionally details and timetables for the implementation of the safer route to school to Preston Lodge High School including pedestrian/cycle crossings of the A198 and B1361 public roads, phasing plans for the development of the site and a construction method statement, require to be submitted and approved. These off site details have not been submitted with this application and are the subject of ongoing discussion with the Council's Road Service therefore these are matters which still need to be addressed by the applicant prior to the commencement of any development of the site. A number of additional pre-commencement conditions imposed on the grant of planning permission in principle 14/00768/PPM have been dealt with through the approval of details submitted in relation to these conditions. However there remain a small number of additional pre-commencement conditions imposed on the grant of planning permission in principle 14/00768/PPM which remain outstanding and which also require to be addressed by the applicant prior to the commencement of any development of the site.

By the grant of planning permission in principle 14/00768/PPM, approval has been given for the principle of the creation of a new settlement that could comprise residential, employment, education and commercial uses with park and ride and rail halt facilities and associated works all on land at Blindwells. There can therefore be no objection in principle to the proposed infrastructure associated with the new settlement on the site.

Therefore, in the determination of this application the Council, as Planning Authority, can only concern itself with the siting, design and external appearance of the development and the landscaping of and means of access to the site. In this regard the detailed proposals have to be considered against relevant development plan policy and the indicative masterplan layout and conditions attached to planning permission in principle 14/00768/PPM.

The layout proposed through this approval of matters application for the roads, drainage and landscape infrastructure within the application site is broadly consistent with the indicative masterplan layout docketed to planning permission in principle 14/00768/PPM.

The northern road off the eastern side of the A198 public road which is the subject of this

planning application consists of the same section of stub section of road approved through the grant of planning permission 19/00242/AMC while the middle road off the eastern side of the A198 public road which is the subject of this planning application consists of the same section of stub section of road approved through the grant of planning permission 18/00725/AMC. Two internal roads are also to be provided along the eastern boundary of the Phase 1 site connecting the north distributor road with the middle distributor road and the middle distributor road with the south distributor road respectively. Pedestrian footpaths are proposed through the landscaped areas of the site to provide pedestrian connections throughout the Blindwells site. The three proposed distributor roads which are to provide access to the site from the eastern side of the A198 and the Bankton roundabout together with the proposed internal roads and public footpaths are appropriate for their purpose of serving the proposed new settlement of Blindwells.

The Council's Road Services **advises that numerous discussions have taken place during** the determination process of the application regarding the road infrastructure and footpaths to be provided to serve the Blindwells site. The Council's Road Services have advised that the road infrastructure and footpath drawings submitted as part of the proposed scheme of development have been amended during the determination process of the application to address the previous Road Services comments, concerns and requirements. As such being satisfied that the proposal, as amended, would not have an adverse impact on pedestrian or road safety, the Council's Road Services raise no objection to the proposal.

Transport Scotland as a consultee on the planning application advise that they do not propose to advise against the granting of planning permission.

The proposed details are consistent with Policies T1 and T2 of the adopted East Lothian Local Development Plan 2018.

The applicant's infrastructure landscape masterplan sets out the landscaping proposals for the site. It indicates that the western boundary of the application site, on the eastern side of the A198 road, would have a landscape strip measuring some 7 to 35 metres wide provided which would be landscaped with woodland planting and grassed amenity areas. The northern boundary of the site, adjacent to the east coast railway line, would be partly landscaped with woodland and partly with meadow seed mix flowers. The SuDS basin located on the northern boundary of the site, approved through the grant of planning permission 19/00242/AMC, would have its basin sides seeded with the wider area around it seeded with meadow mix planting with a grassed amenity area beyond. New trees would be planted within the grassed area around the SuDS basin. The areas of ground adjacent to the northern distributor road and the footpaths within the northern part of the site would be grassed. A rectangular landscape strip some 30 metres wide and some 155 metres long comprising of grassed areas, woodland planting and individual tree planting would be formed running north-south through the northern part of the phase 1 site between the northern and middle distributor roads. A further rectangular landscape area some 48 meters wide and some 430 metres long would run west-east through the site parallel and to the north of the middle distributor road. Three SuDS basins proposed within this landscape strip would have aquatic planting undertaken within the permanent water bodies with the sides of the SuDS basins being seeded while the areas around them would be planted with meadow mix and grass. A row of trees would be planted along both the northern and southern boundaries of the landscape strip to the north of the middle distributor road. A third rectangular landscape strip would be formed running north-south between the middle distributor road and the southern distributor road which would measure some 30 metres wide by 116 metres long comprising of grassed amenity areas and woodland planting. To the immediate east of this landscape strip a local park comprising of a rectangular area of land measuring some 25 metres by 100m would be provided to the north of the southern distributor road. A fourth rectangular landscape strip measuring some 24 metres wide by 128 metres comprising of

amenity grassland is proposed to be provided to the immediate west of the internal access road which connects the middle distributor road and the southern distributor road. A fifth rectangular landscape strip is to be provided along the south east boundary of the phase 1 site measuring some 38 metres wide by some 160 metres long and running north-south. This landscape strip would connect with a further landscape area along the southern boundary of the phase 1 site adjacent to the A1 Trunk Road. The north part of this landscape strip along the southern boundary of the site would consist of the location of a Bee Orchid reserve as well as a planted meadow mix. The transplantation of the Bee Orchids on the Blindwells site was a requirement of condition 7 of planning permission in principle 14/00768/PPM and the transplantation has already taken place on site. The southern boundary of the site adjacent to the A1 Trunk Road is to be landscaped with an embankment along its length which would be planted with woodland and grass. With the layout as indicated the nearest housing sites within the Blindwells site would be, at their closest point, some 45 metres from the southern boundary of the site with the A1 Trunk Road beyond. The landscape embankment would serve as a both a visual and noise barrier between the Blindwells new settlement and the A1 Trunk Road.

The Council's Landscape Project Officer advises that numerous discussions have taken place during the determination process of the application and that the proposed scheme of landscaping, planting, and the associated landscape and management plan have been amended during the determination process of the application to address previous landscape concerns. Accordingly the Council's Landscape and project officer raises no objection to the application as amended.

The matter of site drainage was considered through the determination of previous application 14/00768/PPM. The Indicative Masterplan docketed to planning permission in principle 14/00768/PPM indicates how in principle sustainable urban drainage scheme (SUDS) detention basins could be formed within the site to attenuate the flow of surface water run-off. Conditions 22 and 23 of planning permission in principle 14/00768/PPM state that a SUDS scheme, Drainage Assessment and Surface Water and Flood Risk Report should be submitted for the written approval of the planning authority, in consultation with the Scottish Environment Protection Agency (SEPA).

A detailed Drainage Strategy covering the Phase 1 of the Blindwells site has been submitted as part of the application. This drainage strategy provides details of the surface water, flooding and ground water drainage strategy for the site which includes the provision of SuDS basins and ponds.

The Council's Flooding and Structures Officer advises that numerous discussions have been undertaken with the agent regarding the proposed Drainage Strategy for the site during the determination period of the application. As such a revised Blindwells Phase 1 Drainage Strategy and additional supporting information has been submitted during the determination period which has addressed the previous concerns of the Council's Flooding and Structures Officer. Accordingly the Council's Flooding and Structures Officer has advised that having reviewed the amended Blindwells Phase 1 Drainage Strategy (Waterman) June 2019, as amended on 6 February 2020, as well as the additional supporting pond volume sketches provided by the applicant's agent the Council's Flooding and Structures Officer raises no objection to the application being satisfied that the Drainage Strategy for the site is acceptable.

The Council's Flooding and Structures Officer does however recommend that all forthcoming applications for the development of Phase 1 Plots should contain, as part of their submissions, a Surface Water Management Plan which should include the construction details of all SuDS features/structures to confirm how it integrates with the afore-mentioned Phase 1 Drainage Strategy. Also these details should include confirmation of Scottish

Water's technical approval of any such SuDS proposals. This matter would require to be addressed when any future individual planning applications for development within the Phase 1 Blindwells site are submitted. Any such future planning applications for development of Phase 1 Plots would require to be determined on their own individual merits.

SEPA as a consultee on the application were consulted on the original Blindwells Phase 1 Drainage Strategy submitted and following the submission of the revised Blindwells Phase 1 Drainage Strategy and additional supporting information during the determination period were subsequently re-consulted on the application. SEPA advise that following clarification from the applicant's agent of some of the figures contained in the revised Blindwells Phase 1 Drainage Strategy they have no objection to the proposal.

Scottish Water as a consultee on the application advise that they have no objection to the proposal.

On the foregoing drainage considerations the proposed details are consistent with Policies NH10 and NH11 of the adopted East Lothian Local Development Plan 2018.

Historic Environment Scotland were consulted on the planning application given that the application site is located within the Battle of Prestonpans battlefield site. Historic Environment Scotland advise that they have no comment to make on the proposal.

The proposed details are consistent with Policy CH5 of the adopted East Lothian Local Development Plan 2018.

The Coal Authority advises that it is noted that the submission is for the approval of matters specified in conditions 1d, 1h, 1l and 1n of planning permission 14/00768/PPM and that the layout relating to road, drainage and landscape infrastructure for Phase 1 is unaffected by mine entries. As such the Coal Authority advise that they have no objection to the application.

The Council's Consultant Engineer Geologist has been consulted on the planning application including the revised Drainage Strategy for the site and has raised no objection to the application being satisfied that with regards to the geotechnical matters of the site with regard to the opencast backfill and the remediation measures adopted to minimise risks of collapse settlement and creep the proposed scheme of development is acceptable.

The Council's Contaminated Land Officer has reviewed the Geo-Environmental and Gas Assessment reports prepared for the site which were submitted in relation to Condition 12 of planning permission in principle 14/00768/PPM with regards to measures required to ensure that the site is clear of contamination and has confirmed that the details submitted in relation to condition 12 of planning permission in principle 14/00768/PPM are acceptable and to his satisfaction. As such the Council's Contaminated Land Officer has raised no objection to this application.

The Council's Environmental Protection Manager has no comment to make on the application, being satisfied that the development would not have an adverse impact on any neighbouring land uses.

By virtue of their size, scale, proportions, positioning, form and materials, the access junctions and distributor roads, footpaths, SuDS detention basins and landscape works are all appropriate for their locations and are in keeping with their surroundings and acceptable to their purpose of serving the mixed use new settlement of Blindwells.

By its nature and by its positioning the proposed infrastructure would not result in any harm

to any neighbouring land use or to the privacy or amenity of any neighbouring residential property.

On all of the foregoing considerations of layout, design, amenity and landscape, the proposed infrastructure development is consistent with the Indicative Masterplan docketed to planning permission in principle 14/00768/PPM.

In conclusion, given all of the above, the proposed development is not contrary to Proposal BW1 and Policies DP2, CH5, T1, T2, NH10 and NH11 of the adopted East Lothian Local Development Plan 2018

RECOMMENDATIONS:

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

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

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

Reason:

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

- 2 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.

REPORT TO: Planning Committee
MEETING DATE: Tuesday 19 May 2020
BY: Head of Development
SUBJECT: Application for Planning Permission for Consideration

4

Application No. **19/00900/AMM**

Proposal Approval of matters specified in conditions of planning permission in principle 14/00768/PPM -Erection of 146 houses and associated works

Location **Blindwells
Tranent
East Lothian**

Applicant Bellway Homes Ltd (East) and Hargreaves (Blindwells)

Per EMA Architecture and Design

RECOMMENDATION Consent Granted

REPORT OF HANDLING

PROPOSAL

Although this application is for the approval of matters specified in conditions of planning permission in principle 14/00768/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.

A Development Framework for the allocated land of Blindwells was approved by the Council on the 08 June 2010. It sets out the role of the new settlement in the settlement hierarchy and its characteristics in terms of service provision, the consequent scale and range of development/ land uses expected, and how the Council requires it to be developed in terms of infrastructure and design requirements.

Planning permission in principle 14/00768/PPM was granted in May 2018 for the creation of a new settlement that could comprise residential, employment, education and commercial uses with park and ride and rail halt facilities and associated works, all on a site of 128 hectares on land at Blindwells which is located in close proximity to the settlements of Prestonpans, Tranent, Cockenzie and Port Seton.

In October 2019 planning permission (Ref: 19/00242/AMC) was granted for approval of matters specified in conditions 1d and 1h (details of road infrastructure for Phase 1 Plot 1) of planning permission in principle 14/00768/PPM.

In December 2019 planning permission (Ref: 19/00725/AMC) was granted for approval of matters specified in Conditions 1d and 1h (details of road infrastructure for Phase 1 Plot 2) of planning permission in principle 14/00768/PPM.

In June 2019 approval of matters (Ref: 19/00620/AMM) was sought in respect of conditions 1d, 1h, 1l and 1n (details of road, drainage and landscape infrastructure for Phase 1) of planning permission in principle 14/00768/PPM. That application is pending consideration and to be decided by members at Planning Committee on 19th May 2020. The officer recommendation for that application is that it be approved.

Approval of matters is now sought for the erection of 146 houses and for associated works as an approval of matters specified in conditions of planning permission in principle 14/00768/PPM. The site constitutes phase 1 of the phasing plan approved within planning permission in principle 14/00768/PPM.

In March 2020 a Section 75A was concluded to modify the planning obligations associated with the planning permission in principle for the Blindwells development of 1,600 homes (Ref: 14/00768/PPM).

The section 75A secured mechanisms for the provision within the residential development of 1600 residential units of 30% affordable housing (i.e. 480 units of the proposed 1600 units).

The site that is the subject of this application is 4.78 hectares in size and is located within the western part of the wider Blindwells site. The larger allocated site is in close proximity to the settlements of Prestonpans, Tranent, Cockenzie and Port Seton and is predominantly bounded to the south by the A1 trunk road with agricultural land beyond, to the west by Bankton Roundabout and the A198 public road, to the east by agricultural land and to the north by the east coast main railway line.

The majority of the application site is within the inventory boundary of the Battle of Prestonpans, a battlefield included within the Inventory of Historic Battlefields.

A Scheduled Ancient Monument, known as the Seton West Mains Enclosures 500M SW Of, is located some 400 meters to the northwest of the application site.

The details now submitted for approval are for the erection of 146 houses and associated works comprising a scheme of development composed of 14 different house types including detached (107), semi-detached (23) and terraced houses (16).

All of the houses to be erected within the site would be 2-storey private houses for sale. The house types proposed would include a mix of detached and integral garages throughout the site. In terms of size 77 of the proposed houses would contain 3 bedrooms, 65 would contain 4 bedrooms and 4 would contain 5 bedrooms.

The application site is composed of 2 areas identified as Area 2AA/2AB to the north and Area 2B to the south. 92 houses are proposed on the land identified as Area 2AA/2AB and 54 houses are proposed on the land identified as Area 2B.

Within application ref 19/00620/AMM 2 main distributor spine roads are proposed that would provide access to the wider Blindwells site from the A198 Road to the west. The roads would be taken from a northern position on the A198 Road opposite an existing vehicular access

that serves the former St Joseph's School, and from the Bankton Interchange to the south.

Area 2AA/2AB is located between the two spine roads and 2 vehicular, pedestrian and cycle accesses to the houses proposed would be taken from points at the north and south roads respectively. Area 2B is located to the south of the southern spine road and vehicular, pedestrian and cycle access would be taken from a point to the north of that Area.

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

This application is supported by a Design and Access Statement, a Landscape Design Statement and an updated Drainage Strategy.

DEVELOPMENT PLAN

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

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

There are no policies of the approved South East Scotland Strategic Development Plan (SESplan) relevant to the determination of the application. Proposal BW1 (Blindwells New Settlement) and Policies HOU1 (Established Housing Land), DP1 (Landscape Character), DP2 (Design), DP3 (Housing Density), DP9 (Development Briefs), CH5 (Battlefields), T1 (Development Location and Accessibility), T2 (General Transport Impact), W3 (Waste Separation and Collection), OS3 (Minimum Open Space Standards for New General Needs Housing), NH10 (Sustainable Drainage Systems) and NH11 (Flood Risk) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of this application.

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

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

Also material to the determination of the application is the approved masterplan for the site

as approved by the grant of planning permission in principle 14/00768/PPM. The masterplan sets out the land uses expected for the allocated site and how the Council requires the site to be developed.

REPRESENTATIONS

No public objection to this application has been received

COMMUNITY COUNCIL COMMENTS

Cockenzie and Port Seton Community Council as a consultee to the application have made no comment on the application

PLANNING ASSESSMENT

By the grant of planning permission in principle 14/00768/PPM approval has been given for the principle of the erection of up to 1600 houses on the wider Blindwells 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 146 residential units now proposed on this particular part of the site.

Therefore, in the determination of this application the Council, as Planning Authority, can only concern itself with the siting, design and external appearance of the development, the 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 14/00768/PPM.

A condition of planning permission in principle 14/00768/PPM requires that the phasing of the development of the site should be carried out in strict accordance with the phasing plans that are in the Masterplan Document docketed to the planning permission in principle, unless otherwise approved in writing in advance by the Planning Authority. The approved phasing plans of the docketed Masterplan Document split the housing development of the wider Blindwells site of 1600 houses into 11 Phases of development and sets out the number of housing completions for each phase of development in each audit year.

The site the subject of this application constitutes Phase 2 of development of the wider Blindwells site.

The houses and associated areas of ground, in their proposed groupings, orientations, and layout would be consistent with the principles of the Scottish Government Policy Statement entitled "Designing Streets". The proposed layout of roads, pathways and parking spaces would also generally be consistent with those principles.

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.

The architecture of the proposed houses is of a relatively traditional pitched roof form. Submitted details propose render as the predominant wall finish with some use of reconstituted stone as a contrasting wall finish. Two different colours of render and two different colours of roof tile are proposed to add visual interest to the development. In all of this the proposal would be an appropriate residential development of the site.

The proposed layout is broadly consistent with the layout shown in the Illustrative Masterplan docketed to planning permission in principle 14/00768/PPM. 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 and overshadowing. The occupants of each of the new houses would be afforded an appropriate level of privacy and residential amenity.

The application site is capable of accommodating all of the houses without being an overdevelopment of the site. The proposed positioning of the 146 residential units and other components of the development would not prejudice the form of development of the remainder of the 1600 houses approved in principle by the grant of planning permission in principle 14/00768/PPM.

The Council's Landscape Officer has been consulted and advises that a submitted scheme of landscaping generally accords with the 'Landscape Design Statement' which is docketed to planning permission in principle 14/00768/PPM and is acceptable. Subject to that landscaping plan being implemented which can be made a condition of any grant of planning permission he raises no objection to the planning application.

The Council's Environmental Health Manager advises that due to their position there are concerns regarding the potential impacts on occupiers of the proposed residential properties arising from noise from road traffic. A Noise Assessment of Proposed Residential Development Report (Project number WIE11853-100-R-139.1.3, dated December 2019) has been submitted with the application.

The Environmental Health Manager has reviewed that report and advises that he accepts its conclusions.

Accordingly, subject to the glazing units of the windows of any bedroom or living room windows of the houses facing onto the western and southern boundary of the development with line of site to the A198 road or A1 Dual carriageway being fitted with glazing and passive acoustic vents that provide a minimum Attenuation of 26dB_{Rw}, the Environmental Health Manager raises no objection to the proposed development. The applicant's agent has submitted details confirming that windows to be fitted throughout the site meet the required standards.

The masterplan docketed to planning permission in principle 14/00768/PPM indicates how areas of formal and informal open space could be located throughout the allocated site.

The site that is the subject of this approval of matters application includes small areas of land shown on the docketed masterplan as being the location for areas of open space. However this site is not shown on the masterplan to have any areas for play area provision within it. The masterplan does show that there are to be more substantial areas of open space adjacent to the east side of the site that would include a local park.

Consequently, although the proposed development does not include the provision of formal play area provision, this is consistent with the docketed masterplan. On this consideration the proposed development is consistent with Policies OS3 and OS4 of the adopted East Lothian Local Development Plan 2018 and with the indicative masterplan docketed to

planning permission in principle 14/00768/PPM.

On all of these foregoing findings on matters of design, density, layout, landscaping and amenity the details submitted for approval are consistent with Policies DP1, DP2, DP3 and DP4 of the adopted East Lothian Local Development Plan 2018, the Council's approved development framework for Blindwells and the Scottish Government's Designing Streets.

Parking for the proposed houses would be primarily located to the side and rear of primary frontages. On street parking would be interspersed with areas of landscaping. Road widths would be narrowed with on-street visitor parking and traffic calming measures, and the back lanes/courts would be short in length with widths narrowing. All of this would encourage lower vehicle speeds on primary streets and in back lanes/courts. In all of this the proposed housing development would provide an attractive street setting which would not be dominated by parking.

Further to the submission of revised layout drawings showing the repositioning of detached garages to achieve required visibility splays when exiting driveways, the Council's Road Services are generally satisfied with the detailed proposals for site access and parking, subject to the following 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;

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

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

Transport Scotland have been consulted on this application and raise no objection.

The Council's Waste Services Manager has been consulted and has no comment other than to stipulate that plots 12-15, 25-28, 65-72 and plots 77 and 78 should present containers for emptying at the kerbside rather than being set back in driveways or car parking areas.

The Coal Authority has been consulted and has no objection to the application on the basis that Ground Remediation conditions 18, 19, 20 and 21 of planning permission (Ref:

14/00768/PPM which seek to address coal mining legacy related issues can be addressed.

The Councils Biodiversity Officer offers no comment on the application.

Historic Environment Scotland raise no objection to the principles of the proposed development, advising that whilst the development has the potential to impact upon the Prestonpans Battlefield landscape and the Seton Mains West Enclosures scheduled ancient monument, they do not consider this to be of such a level as to warrant their objection. On this consideration the proposed development would not have a significant adverse affect on the key features of the Battlefield.

The masterplan docketed to planning permission (Ref: 14/00768/PPM) indicates the parts of the wider Blindwells development that will provide for affordable housing. There is no affordable housing allocated for this part of the site in that docketed masterplan. In this regard, as no affordable housing is proposed in this application, the proposal is consistent with the indicative masterplan docketed to planning permission in principle (Ref: 14/00768/PPM).

The Council's Contaminated Land Officer was consulted and, taking into account the findings of previous site-wide investigation reports, confirmed the potential for areas of made ground to exist on the site due to historic coal mining in the area and the possibility of associated contamination issues. He therefore recommended that, prior to any site development works, a suitable Geo-Environmental Assessment be carried out.

The applicants agent has submitted Geo-Environmental and Gas Risk Assessments for Areas 2AA/2B and 2AB. The Councils Contaminated Land Officer is satisfied that the submitted Assessments have been carried out in accordance with best practice guidelines and the relevant standards. He is in agreement with the findings of the Geo-Environmental Report that site investigations undertaken have not identified any significant soil / made ground contamination that could impact upon human health or the water environment, and is supportive of recommendations for cover layers for gardens and areas of soft landscaping due to the poor growing medium of the on-site soils, as well as offering mitigation to potential soil combustibility issues.

However based on findings from an initial risk assessment that identified ground gas as a major issue across the site requiring gas protection measures for any approved houses, the Contaminated Land Officer confirms that the submitted updated Gas Risk Assessment, carried out post ground consolidation works, corroborates the requirement for these measures for any approved developments.

The Contaminated Land Officer requires that prior to any works being undertaken on site a detailed Remediation Statement be produced that shows how the site is to be brought to a condition suitable for the proposed development by the removal of unacceptable risks to all relevant and statutory receptors. The Statement should detail all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. It should also ensure that the site will not qualify as contaminated land under Part2A of the Environmental Protection Act 1990 in relation to the intended use of the land following development. The Statement must be submitted to the Planning Authority for approval.

Further to completion of measures identified in an approved Remediation Statement, a Verification Report should be submitted that demonstrates the effectiveness of the remediation carried out. It must be approved by the Planning Authority prior to commencement of development.

The Contaminated Land Officer further advises that, due to the poor growing medium of the on-site soils, details of a layer of overlying subsoil and topsoil to be provided to the front and back gardens of the proposed houses on a plot by plot basis and all soft landscaping areas be submitted to and approved by the planning authority prior to the commencement of development.

All of these recommendations can reasonably be secured by the imposition of conditions on any planning permission granted for the proposed development. Subject to these planning controls the Contaminated Land Officer raises no objection to the proposed development.

The matter of site drainage was considered through the determination of previous application 14/00768/PPM. The Indicative Masterplan docketed to planning permission in principle 14/00768/PPM indicates how in principle sustainable urban drainage scheme (SUDS) detention basins could be formed within the site to attenuate the flow of surface water run-off. Conditions 22 and 23 of planning permission in principle 14/00768/PPM state that a SUDS scheme, Drainage Assessment and Surface Water and Flood Risk Report should be submitted for the written approval of the planning authority, in consultation with the Scottish Environment Protection Agency (SEPA).

The matter of drainage is included as part of the infrastructure application 19/00620/AMM also being determined at Planning Committee.

An updated Drainage Strategy covering the Phase 1 of the Blindwells site has been submitted as part of application 19/00620/AMM. This drainage strategy provides details of the surface water, flooding and ground water drainage strategy for the site the subject of that application.

Having reviewed the updated Drainage Strategy and amended Drainage Layout, the **Council's Flooding and Structures Officer** raises no objection to this application being satisfied that the Drainage Strategy for the site is acceptable. However, he advises that no details have been submitted for onsite SuDS features. Therefore details of all SUDS features/structures to be constructed on site should be submitted to and approved by the planning authority which should demonstrate how they integrate with the afore-mentioned Phase 1 Drainage Strategy prior to commencement of works on site. These details should include confirmation of Scottish Water's technical approval of any such SuDS proposals. This can reasonably be made a condition of a grant of Approval of Matters.

The Scottish Environment Protection Agency (SEPA) have appraised the submitted updated Drainage Strategy for the site and raise no objection to the proposals, being satisfied that the updated Drainage Strategy is acceptable in principle.

Scottish Water were consulted on the planning application and raised no objection to it.

RECOMMENDATION:

That approval of matters specified in conditions for the proposed residential development be granted subject to the following conditions:

- 1 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 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.

Reason:

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

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

Details of the form and appearance of all boundary treatments, including the 1.8m high fences within the rear gardens of the houses, shall be submitted to and approved by the Planning Authority prior to the occupation of the first house.

A timetable for the provision of those boundary treatments shall be submitted to and approved in advance by the Planning Authority and shall thereafter be carried out in full accordance with the timetable so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

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

- 4 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. Specific planting details shall include hedges to front gardens. The scheme shall include a timetable for implementation of landscaping, and this scheme shall show that the structural landscape planting (proposed woodland planting on east and west boundaries) 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.

- 5 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 parking, routes to/from site and delivery times) and shall include hours of construction work. Temporary measures shall be put in place to control surface water drainage during the construction of the SuDS.

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.

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

Reason:

In the interest of road safety.

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

(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 11m length;

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

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

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

(vi) where there is no footway provision and the road will act as a shared surface, road design should emphasise this e.g. change of level and surface treatment and should be augmented by traffic calming or signage as appropriate. This could include differential surface treatment to indicate to drivers and pedestrians where pedestrians will be located. Details of this should be submitted to and approved by the Planning Authority;

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

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.

- 8 Prior to the commencement of development, a report on the actions to be taken to reduce the Carbon Emissions from the build and from the completed development shall be submitted to and approved in writing by the Planning Authority. This shall include the provision of renewable technology for all new

buildings, where feasible and appropriate in design terms, and new car charging points and infrastructure for them, where feasible and appropriate in design terms. The details shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the report so approved.

Reason:

To minimise the environmental impact of the develo

- 9 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 developmant and SEPA should be re-consulted.

Reason:

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

- 10 Unless otherwise agreed by the Planning Authority, no house shall be occupied unless and until the amended Phase 1 Drainage Strategy (Waterman) June 2019 has been implemented to the satisfaction of the Planning Authority, and confirmation has been received from the Planning Authority that the Phase 1 Drainage Strategy (Waterman) June 2019 has been implemented to their satisfaction.

Prior to the commencement of development a Surface Water Management Plan for the housing site hereby approved, with details of all SuDS features/structures to be constructed on the site shall be submitted to and approved by the Planning Authority. This Surface Water Management Plan must demonstrate how onsite SUDs features will integrate with the Blindwells Phase 1 Drainage Strategy (Waterman) June 2019 (as amended on 6 February 2020) and should include technical approval of the Surface Water Management Plan by Scottish Water. 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.

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

Reason:

In the interests of road safety.

- 12 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	-	24 residential units
Year 2021/22	-	73 residential units
Year 2022/23 to 2030/31-	97 residential units per annum	
Year 2031/32 to 2034/35-	122 residential units per annum	
Year 2035/36	-	102 residential units
Year 2036/37	-	40 residential units

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

Reason:

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

- 13 There should be at least one dedicated EV charging point per driveway. Developers should engage with electricity providers to ensure that the entire electricity supply infrastructure will have sufficient capacity to enable all chargepoints to operate simultaneously.

Reason
In the interests of sustainability.

- 14 Prior to commencement of development, a Factoring Plan should be submitted clearly indicating the different responsibilities for long term maintenance including: private and shared private areas, factored areas, and prospectively adoptable roads.

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

- 15 Prior to commencement of development, a Quality Audit to independently assess walking, cycling, access and road safety aspects within and around the development should be submitted and approved by the planning authority. This will be reviewed after construction is substantially complete and the developer required to make good any issues.

Reason
In the interests of road and pedestrian safety and to provide a safe route to schools.

- 16 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.

- 17 Prior to the commencement of development details shall be submitted to and approved by the Planning Authority of overlying subsoil/topsoil to be provided to the front and back gardens of the houses hereby approved on a plot by plot basis and on all soft landscaping areas to ensure the provision of a layer of subsoil/topsoil of at least 600 mm in thickness. Thereafter the subsoil/topsoil shall be provided in accordance with the details so approved unless otherwise agreed in writing by the Planning Authority.

Confirmatory testing for both subsoil and topsoil materials is to be included within the Remediation Strategies being produced for the development site, with validation of these results being included within subsequent Verification Reports.

Reason
To ensure the provision of a suitable growing medium for garden areas and other areas of soft landscaping.

REPORT TO: Planning Committee
MEETING DATE: Tuesday 19 May 2020
BY: Head of Development
SUBJECT: Application for Planning Permission for Consideration

5

Application No. **19/01131/PM**
Proposal Erection of 32 houses, 28 flats and associated works
Location **Land At Windygoul South
Tranent
East Lothian**
Applicant Springfield Properties

RECOMMENDATION **Consent Granted**

REPORT OF HANDLING

PROPOSAL

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

The application proposes residential development on part of a wider site (Windygoul South) which was the subject of a Proposal of Application Notice (Ref: 17/00016/PAN) and thus of community consultation prior to this application for planning permission being made to the Council.

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

This application relates to some 1.5 hectares of farmland, located at Windygoul South on the southern edge of Tranent. The land of the application site forms part of some 35 hectares of

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

On the 19th December 2019, following the conclusion of a Section 75 Legal Agreement, planning permission in principle (reference 18/00937/PPM) was granted for a proposed residential development of the wider site to include some 561 homes and also for an expansion of the Windygoul Primary School site, a community sports pitch, a Sustainable Urban Drainage System (SUDS) detention basin, areas of open space including children's formal play areas, and for associated infrastructure including formation of vehicle accesses, internal roads and footpaths, shared use paths and landscaping.

This current application was submitted to the Council prior to the determination of planning permission in principle 18/00937/PM and as such it has been submitted as an application for full planning permission and not as an application for the approval of matters specified in conditions of a planning permission in principle.

A detailed planning permission (reference 19/00378/P) was granted on the 12th September 2019 for the formation of a vehicular access from the classified road of Ormiston Road and for the formation of part of a spine/link road through the land allocated by Proposal TT1 and another detailed planning permission (reference 19/00379/P) was granted on the 23rd December 2019 for the formation of a SUDS basin designed to serve the overall residential development the subject of planning permission in principle 18/00937/PPM. Site works have commenced on the developments the subject of those detailed planning permissions.

A further detailed planning permission (reference 19/00388/P) was granted on 26th February 2020 for the erection of 41 houses and associated works on an area of land located roughly in the centre of the wider site the subject of planning permission in principle 18/00937/PPM and immediately to the south of a section of the spine road the subject of detailed planning permission 19/00378/P. That residential site is referred to by the applicant in the drawings accompanying the application as 'Area D' of the overall site the subject of planning permission in principle 18/00937/PPM.

Application (reference 20/00018/AMC) for the approval of matters specified in conditions of planning permission in principle 18/00937/PPM for the construction of the remainder of the spine/link road (Phase 2) and footpaths was granted on the 12th March 2020.

The application site is located in the north eastern part of the wider Windygoul South site. It is bounded to the west by a woodland strip and beyond by the existing residential properties of George Grieve Way and on all other sides by the remainder of the site the subject of planning permission in principle 18/00937/PPM. The indicative site plan docketed to that planning permission in principle indicates that the land to the north of this current application is to become landscaped open space with a public footpath running through it in an east to west alignment, the land to the east of this current application is to be developed with further residential properties, the land to the south of this current application is to be developed as a length of the spine road which is to be formed through the full length of the Windygoul South site from its eastern boundary to its western boundary and that beyond that to the south

would be further residential development. Beyond the landscaped open space to the north of the site lies the existing residential properties of Fleets View. The land of the site is generally flat.

The majority of the application site is within an area identified by The Coal Authority as being a Coal Mining Development High Risk Area. The north western corner of the site is within an area identified by The Coal Authority as being a Coal Mining Development Low Risk Area. Small areas of land on the north and west boundaries of the site are identified as being at risk from surface water flooding.

Detailed planning permission is sought through this application for the erection on the application site of 32 houses and 28 flats, all of which are to be provided as affordable housing representing the Affordable Phase 1 of the wider housing development the subject of planning permission in principle 18/00937/PPM. Since the registration of the application, a number of non-material amendments have been made to the proposals resulting in the submission of revised house types, landscaping, boundary treatments, footpath layouts and a reduction in the number of car parking spaces proposed.

The development site layout plan shows how the proposed 32 houses and 28 flats would be accommodated on the site along with associated access roads, parking spaces and areas of landscaping and footpaths. The houses would comprise of a mix of semi-detached and terraced and 1 detached house of 6 different house types and the flats would comprise of two types of cottage flats. The cottage flats would all be two-storey and the houses would be a mix of 3 single storey and 29 two storey properties.

In terms of size, of the proposed 32 houses 6 would contain 4 bedrooms, 14 would contain 3 bedrooms and 12 would contain 2 bedrooms. Of the cottage flats 12 would contain 2 bedrooms and 16 would each contain 1 bedroom. All of the houses and flats would be affordable housing to be managed by East Lothian Council.

Vehicular, pedestrian and cycle access to the site would be taken by way of an access which would be formed directly from the new spine road the subject of planning permission 19/00378/P which is currently being developed on site. The proposed access would continue northwards then eastwards through the site and would terminate at the eastern boundary of the site in a manner which would allow it to be continued beyond to the next area of land at a future date. Residential properties would be formed around the access road and would face towards the street or towards the new spine road to the south of the site. The majority of the proposed residential properties would have off curtilage parking created in parking courts or in spaces formed just off the access road. Visitor parking would also be formed throughout the site. Footpaths would be formed throughout the site and these would connect to the wider site the subject of planning permission in principle 18/00937/PPM to connect the development the subject of this application to areas of landscaping and other parts of the residential development the subject of that planning permission in principle and beyond. Small pockets of landscaped areas would be formed including tree planting in and around the parking areas.

The application is supported by a number of detailed drawings and reports including a Design and Access Statement, a Site Investigation, a Mineral Risk Assessment, a Coal Mining Consolidation Report, a Drainage Statement, an Odour Impact Assessment, a Noise Impact Assessment, an Ecology Report, some of which have been submitted since registration of the application.

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 the proposed development falls within the category of a Schedule 2 Development, being one that may require the submission of an

Environmental Impact Assessment (EIA). Schedule 3 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 sets out the selection criteria for screening whether a Schedule 2 development requires an EIA. On 29th September 2017 the Council issued a formal screening opinion relating to the wider development of the Windygoul South site. The screening opinion concludes that it is East Lothian Council's view that the proposed development of the overall Windygoul South Site is not likely to have a significant effect on the environment such that consideration of environmental information is required before any grant of planning permission. It is therefore the opinion of East Lothian Council as Planning Authority that there is no requirement for the proposed development to be the subject of an EIA.

DEVELOPMENT PLAN

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

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

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

Relevant ELLDP Policies and Proposals are PROP TT1: Housing at Windygoul South, Tranent, PROP ED4: Tranent Cluster Education Proposals, PROP CF1: Provision of New Sports Pitches and Changing Accommodation, PROP OS6: Allotment Sites, Policy SECF1: Safeguarded Education and Community Facilities; Policy HOU3: Affordable Housing Quota, Policy HOU4: Affordable Housing Tenure Mix, Policy OS3: Minimum Open Space Standard for New General Needs Housing Development, Policy OS4: Play Space Provision in New General Needs Housing Development, Policy OS5: Allotment Provision, Policy T1: Development Location and Accessibility, Policy T2: General Transport Impact, Policy T4: Active Travel Routes and Core Paths as part of the Green Network Strategy, PROP T9: Safeguarding of Land for Station Car Parks – Musselburgh, Longniddry, Drem, PROP T10: Safeguarding of Land for Platform lengthening – Musselburgh, Prestonpans, Longniddry, Drem and Dunbar, PROP T15: Old Craighall Junction Improvements, PROP T17: A1 Interchange Improvements (Salters Road, Dolphinstone Interchange, Bankton Interchange and Gladsmuir), PROP T21: Musselburgh Urban Traffic Control System, PROP T27: Tranent Town Centre One-Way System, PROP T28: Junction Improvements at Elphinstone Road and Edinburgh Road, Policy T32: Transport Infrastructure Delivery Fund, Policy W3: Waste Separation and Collection, Policy NH10: Sustainable Urban Drainage Systems, Policy NH11: Flood Risk, Policy NH12: Air Quality, Policy NH13: Noise, Policy DP1: Landscape Character, Policy DP2: Design, Policy DP3: Housing Density, Policy DP4: Major Development Sites, Policy DP8: Design Standards for New Housing Areas, Policy DP9: Development Briefs and Policy DEL1: Infrastructure and Facilities Provision.

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

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

Scottish Planning Policy highlights that new housing developments should be integrated with

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

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

REPRESENTATIONS

Material to the determination of the application are the written representations received to it. One written representation has been received. It raises concerns that due to higher ground levels of the application site in comparison to Fleets View, properties in Fleets View could be overshadowed, particularly from any new two storey properties or if the ground levels of the application site were not to be lowered significantly. A copy of the written representation is contained in a shared electronic folder to which all Members of the Committee have access.

COMMUNITY COUNCIL COMMENTS

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

PLANNING ASSESSMENT

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

The land of the application site forms part of an allocated housing site (TT1 Windygoul South) in the ELLDP. Thus the Council recognises its potential for residential development. By the grant of planning permission in principle application 18/00937/PPM the Council has accepted the principle of a development of 561 residential units over the wider allocated site which includes the provision of some 60 affordable housing units on the site of this current detailed planning application. The indicative site plan docketed to planning permission in principle application 18/00937/PPM is indicatively detailed down to the level of individual house plots and house types which could be accommodated on the overall site the subject of that planning permission in principle and the detailed layout the subject of this current application shows a layout, a density, overall number of units and house types that are broadly consistent with the indicative layout docketed to permission in principle 18/00937/PPM for this part of the Windygoul South site. Full regard has therefore been had to the terms of the approved site layout drawing that relates to the wider site and the development now

proposed is in conformity with the overall provisions of that approved site layout drawing including the principle that this part of the wider site be a development of 60 affordable housing units.

The proposed houses and flats, due to their positioning on the application site and by virtue of their height, size and scale, architectural design and finishes would satisfactorily integrate into their surroundings and would not appear as prominent or intrusive features. The other components of the proposed development would not be harmful to the character and appearance of the area.

The architecture of the proposed houses and flats is of a relatively traditional pitched roof form. Render is proposed as the predominant wall finish with some use of facing brick and feature 'weatherboard' style cladding as contrasting wall finishes to add visual interest to the development. Roof tiles are to be slate grey coloured. These materials already feature extensively throughout the existing Windygoul residential area to the north and west of the site. In all of this the proposal would be an appropriate residential development of the site. It would be well designed and integrated into its landscape and settlement setting.

The proposed development would provide an attractive residential environment for future residents of the proposed houses and flats. The units are shown to be laid out in such a way that adheres to the normally accepted privacy and amenity criteria on overlooking and overshadowing, whilst affording the future occupants of the houses and flats an appropriate level of privacy and residential amenity. The proposed new houses and flats would be so sited, oriented and screened such as not to harm the privacy and amenity of existing or future neighbouring or nearby residential properties through overlooking or overshadowing.

Footpath links to the wider residential site the subject of planning permission in principle 18/00937/PPM are proposed and they will allow for pedestrian and cycle access to the wider area and will allow for good connectivity with the remainder of the Windygoul South site.

In respect of landscape matters the applicant has taken into consideration a number of comments of the Council's Landscape Projects Officer in the submission of revised drawings to incorporate enhanced landscape planting within the site. The provision, maintenance and retention of a scheme of landscaping of the site can be made a condition of a grant of planning permission. On this consideration the proposed development is consistent with Policy DP1 of the ELLDP.

The Council's Road Services have considered the details of the application and raise no objection to the proposed development, being satisfied that it could be accessed safely and would not led to a road or pedestrian safety hazard. They advise that the 100% level of parking provision would not be sufficient for a private housing development but is an adequate level to serve an affordable housing development. They recommend a number of transportation requirements which can be met through a conditional grant of planning permission for the proposed development. With the imposition of conditions to cover these recommendations of Roads Services, the proposed development does not conflict with Policies T1 or T2 of the ELLDP.

The Council's Waste Services have provided comments, initially expressing reservations that the proposed street layout, and in particular the rows of perpendicular parking spaces, could cause difficulties for operatives having to manoeuvre bins around rows of parked vehicles. The applicants have subsequently amended the parking layout and reduced the extent of parking spaces so that gaps between the spaces have been introduced which will aid the collection of waste containers. With these amendments carried out the proposal complies with Policy W3 of the ELLDP.

The Council's Senior Environmental Health Officer raises no objection to the proposed development, satisfied that it would not result in harm to the amenity of any neighbouring land use and future residents of the proposed development would also benefit from a satisfactory level of amenity.

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

On all of these foregoing findings on matters of density, design, layout, road, pedestrian, cyclist and other transportation design considerations, landscaping and amenity, and subject to the imposition of conditions, the proposed development is not inconsistent with Proposal TT1 or Policies DP1, DP2, DP3, DP4, DP8, DP9, NH12, NH13, T1, T2 or T4 of the ELLDP, the Council's adopted development brief for the site or the Scottish Government Policy Statement entitled "Designing Streets".

The Scottish Environment Protection Agency (SEPA) raise no objections to the proposed development and nor do they request any conditions be imposed in the event that planning permission is granted. They have provided details of regulatory requirements and good practice advice for the applicant in their consultation response and these recommendations have been forwarded to the applicant for their attention.

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

The matter of flood risk was fully considered in the assessment of application 18/00937/PPM. The Council's Team Manager for Structures, Flooding & Street Lighting has been consulted on this current application and raises no objections on flood risk grounds. The proposals are consistent with Policies NH10 and NH11 of the ELLDP.

Small areas of landscaped open space are proposed to be created on the site of this current application however the majority of open space provision and the formal play provision are to be formed elsewhere on the wider Windygoul south site. In terms of open space and formal play provision the details for this site are consistent with the indicative details shown for this area of the wider site in the indicative site plan docketed to planning permission in principle application 18/00937/PPM and therefore the proposals are consistent with Policies OS3 and OS4 of the ELLDP.

As the majority of the site is within a Coal Mining Development High Risk Area **the Coal Authority** has been consulted on the application. The Coal Authority initially objected to the application on the grounds of lack of information relating to potential coal mining features and hazards. In response to that objection the applicant submitted a number of documents including a Mineral Risk Assessment Report. Based on a review of appropriate sources of coal mining and geological information, and the results of intrusive site investigation, the Mineral Risk Assessment concludes that recorded mine entries and former underground coal mine workings pose a risk to development across the wider site. The indicative extent of the area of potential mineral instability, which the report author advises should be subject to pre-commencement remedial treatment works (drilling and grouting), is shown on Drawing No. E10959/0104 contained in Appendix D of the report. The Coal Authority notes that the current application site falls entirely outside the identified area of potential mineral instability.

As such, based on the submitted information and the professional opinions of the report authors set out therein, the Coal Authority has subsequently withdrawn their objection to the planning application and do not request any conditions be imposed in the event that planning permission is granted. They advise that further considerations of ground conditions, foundation design and gas protection measures may be required as part of any subsequent building warrant application.

At its meeting on Tuesday 27th August 2019 the Council approved a motion declaring a Climate Emergency. Thereafter, at its meeting on Tuesday 3rd September 2019 the Council's Planning Committee decided that a condition requiring a developer to submit for the approval of the Planning Authority a report on the actions to be taken to reduce the carbon emissions from the building and from the completed development should be imposed on relevant applications for planning permission. Such a condition should be imposed on a grant of planning permission for this proposed development.

The Council's Economic Development & Strategic Investment Manager advises that in the case of this application, for Affordable Area Phase 1 of the wider housing masterplan the subject of planning permission 18/00937/PPM, as a minimum serviced land should be available for 60 units of affordable housing. The Economic Development & Strategic Investment Manager advises that the mix, size and location of the 60 affordable units proposed to be provided on the site is acceptable and in this respect the proposal is consistent with Policies HOU3 and HOU4 of the ELLDP.

Consideration must then be given to the potential impact of the proposed development on the infrastructure of the area. Policy DEL1 of the ELLDP stipulates that new housing will only be permitted where appropriate provision for infrastructure, required as a consequence of the development, is made. In the event that the Council were minded to grant planning permission for a proposal such as this for more than 4 residential units, such a decision would normally be subject to the prior conclusion of a Section 75 Agreement designed to secure developer contributions towards primary and secondary education, transportation and sports pitches as well as the securing of affordable housing. However, the Planning permission in principle (ref:18/00937/PPM) for the overall Windygoul South site, of which this site forms part, was granted subject to conditions and following the conclusion of a Section 75 Legal Agreement to secure from the applicant, sports pitch provision, the transfer of land for additional school campus provision, financial contributions towards primary and secondary school provision, transport improvements, allotment provision, path provision and the provision of 141 units of affordable housing on the overall planning permission in principle site.

That Section 75 Legal Agreement applies in respect of the planning permission in principle application (ref: 18/00937/PM) and in respect of the detailed planning permission for 41 houses (ref: 19/00388/P) elsewhere on the overall site the subject of the planning permission in principle. It does not however refer to this current planning application. In order to tie this application to the Section 75 Agreement relating to the overall site, that Agreement needs to be modified so that the definition of "planning permission" in the Agreement is also inclusive of this new detailed planning application. Doing so would ensure that the development the subject of this application is included within the 561 unit total to which the Agreement relates and ensures that the 60 units to which this current application relates cannot be built out without the associated planning obligations being fulfilled. An application has been submitted (reference: 20/00003/OBL) to modify the existing S75 Agreement in such a manner and the delegated planning decision has recently been taken to approve this modification. However, the modified S75 Agreement has yet to be registered with Registers for Scotland and until that has taken place the Council cannot issue its decision notice on the application to modify the existing S75 Agreement.

Subject to the process detailed above first being concluded, there would be no requirement to secure through a further Section 75 Agreement the relevant developer contributions, affordable housing, paths or allotment provision or land transfers as all relevant contributions which would be required as a consequence of this development of 60 residential units would be secured in the existing S75 Legal Agreement as it will be modified. On this basis the proposed development would be consistent with Policies DEL1, SECF1, HOU3, HOU4, OS5, and T32 and, as applicable Proposals TT1, ED4, CF1, OS6, T9, T10, T15, T17, T21, T27 and T28 of the ELLDP.

In summary, the site is capable of accommodating the proposed development including vehicular and pedestrian access and landscaped open space. A grant of planning permission for the proposed development in the context of the site being part of housing allocation PROP TT1 of the East Lothian Local Development Plan, and in that its impacts in respect of amenity and technical considerations are acceptable in themselves, or can be mitigated through the appropriate use of planning conditions and necessary developer contributions, would not be inconsistent with Scottish Planning Policy: June 2014, with the relevant policies and proposals of the East Lothian Local Development Plan 2018 or with its adopted supplementary guidance.

RECOMMENDATION

It is recommended that planning permission be granted subject to:

1. The undernoted conditions.
2. The satisfactory modification of the existing Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 which relates to planning permission in principle 18/00937/PPM, so that the definition of "planning permission" in the Agreement is also inclusive of this new detailed planning application.
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 satisfactorily modified 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.

- 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 Prior to the commencement of development, a report on the actions to be taken to reduce the Carbon Emissions from the build and from the completed development shall be submitted to and approved in writing by the Planning Authority. This shall include the provision of renewable technology for all new buildings, where feasible and appropriate in design terms, and new car charging points and infrastructure for them, where feasible and appropriate in design terms. The details shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the report so approved.

Reason:

To minimise the environmental impact of the development.

- 3 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.

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

(a) Housing completions on the application site and otherwise on the site of planning permission in principle 18/00937/PPM 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 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 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.

- 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 specifically include:
- Hedge planting to front and side gardens as indicated on the drawing 'Boundary Treatments' numbered SL_PH1-003 rev E
 - Hedge planting to the north side of the rear fences to plots 28-35
 - Hedge planting to the rear edge of the footway to the distributor road
 - Tree planting as indicated on the drawing 'Boundary Treatments' numbered SL_PH1-003 rev E
 - Shrub planting underneath trees between parking bays

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 completion of the development or occupation of any residential unit hereby approved, whichever is the sooner. Any trees or plants which die, are removed or become seriously damaged or diseased during the course of the development or within 10 years of the completion of the development 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 new planting comprised in the scheme of landscaping shall be retained and maintained unless the Planning Authority gives written consent to any variation.

Reason:

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

- 7 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.

- 8 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.

- 9 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.

- 10 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.

- 11 Prior to the commencement of development on site details demonstrating how the site can be serviced for waste collection shall be submitted to and approved in writing by the Planning Authority. The details shall include a swept path assessment of the roads based on a waste collection vehicle measuring 2.5 metres wide, 10 metres long with a 6.1 metres wheelbase and details of any amendments to the site layout required for the safe and efficient waste collection on the development.

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

Reason:

To ensure that waste vehicles can access and service the site.

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

- (i) All roads and paths shall conform to East Lothian Council Standards for Development Roads;
- (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. 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;
- (iii) Vehicle accesses to private parking areas (i.e. other than driveways) shall be via a reinforced footway crossing. Within private parking areas, the minimum dimensions of a single parking space shall be 2.5 metres by 5 metres;
- (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;
- (v) Cycle parking for dwellings without private back garden with a gate (e.g. flats/mid-terraces), shall be included at a rate of 1 space per dwelling. This shall be in the form of a lockable room or shed.

Reason:

In the interests of road safety.

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

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 and pedestrian safety.

- 14 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 on the site of planning permission 19/00378/P, 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.

Reason:

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

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

REPORT TO: Planning Committee
MEETING DATE: Tuesday 19 May 2020
BY: Head of Development
SUBJECT: Application for Planning Permission for Consideration

6

Application No. **19/01321/AMM**

Proposal Approval of matters specified in conditions of planning permission in principle 18/00485/PPM - Formation of infrastructure associated with proposed new primary school, sports playing fields, sports changing facility and future proposed residential development including ground improvement, earthworks, access roads, foot & cycle paths, services and drainage

Location **Land at Old Craighall Village
Musselburgh
East Lothian**

Applicant Persimmon Homes East Scotland Ltd

RECOMMENDATION Consent Granted

REPORT OF HANDLING

PROPOSAL

Although this application is for the approval of matters specified in conditions of planning permission in principle 18/00485/PPM it has to be determined as a major development type application because the area of the application site is greater than 2 hectares. Accordingly, the application cannot be decided through the Council's Scheme of Delegation. It is therefore brought before the Planning Committee for a decision.

In October 2019 following the conclusion of a Section 75 Legal Agreement to secure education and affordable housing contributions and a land transfer, as well as financial contributions towards allotment provision and transportation interventions, and either provision of, or financial contributions towards, sports pitches, changing room facilities, planning permission in principle 18/00485/PPM was granted for a mixed use development comprising residential development, education, business, industry, storage and distribution, innovation hub (including class 2,3,4,5 and 6), employment uses, community facilities, residential neighbourhood centre (including class 1,2,3 and 10 uses), playing fields, changing facilities, public park(s) and associated works on some 116.5 hectares of land at Craighall to the south of Musselburgh, allocated by Proposal MH1 of the adopted East Lothian Local Development Plan 2018 (ELLDP 2018) for mixed use development.

The MH1 allocation is for a mixed use development including 1,500 homes, around 41ha of employment land, a new local centre, a new primary school and community uses as well as infrastructure and associated works. It is also subject to a Development Brief which forms part of the Council's approved Supplementary Planning Guidance Development Briefs as required by the ELLDP 2018. The Development Brief defines areas within the site.

Within the Development Brief, 21 hectares of land to the south of the A1 at Old Craighall (Area 1) is proposed for mixed use, predominantly housing development with a primary school and local centre, accessed from the local road network.

The site to which this application relates comprises part of Area 1 of the MH1 allocation, specifically the site for the new primary school, sports pitches and changing facilities, future housing land and a SUDS area.

Through this application, approval of matters specified in conditions of planning permission in principle 18/00485/PPM is sought only for the formation of infrastructure, specifically in respect of that required for a future proposed new primary school, sports pitches and sports changing facility on the land of the application site; although elements of the infrastructure would also serve future residential development within the wider Area 1 part of the MH1 allocation. The proposed infrastructure comprises of ground improvement and earthworks, utilities works, the formation of access roads, foot and cycle paths and a SUDS basin.

This application has been submitted as the S75 Legal Agreement attached to planning permission in principle 18/00485/PPM requires not only the transfer of title of the land required for the new primary school, sports pitches and sports changing facility, but also that the land on which they would be built be remediated (i.e. ground stabilisation and levelling works), accessible (roads and footpaths provided to an adoptable standard) and serviced prior to its transfer.

Detailed applications for a new primary school, playing fields, sports changing facility and residential development would be the subject of separate future applications for approval of matters specified on conditions of planning permission in principle 18/00485/PPM.

The proposed ground improvement and earthworks comprise of a site wide 'cut & fill' exercise (ground remediation) which is required to create platforms for the future proposed new primary school, sports pitches and sports changing facility.

The proposed utilities works comprise of the erection of a new electricity substation and a new gas governor. The proposed electricity substation would be positioned centrally within the site adjacent to the future school site. The proposed substation would be of brick construction and would measure some 4m by 4m by 4.23m high to the ridge of its pitched pitched roof. The proposed gas governor would be positioned in the northeast corner of the site, would be of green coloured GRP construction and would measure some 2.65m by 1.95m by 2.15m high.

It is proposed to realign and create a new junction on the B6415 public road on its approach to Old Craighall village such that road access to the village would be maintained. A new length of road would be formed into the application site extending westwards to serve a future school, sports pitches and sports changing facilities on the application site. In the future this length of road would be extended southwards into the application site and would reroute traffic around Old Craighall village and would serve the wider Area 1 part of the MH1 allocation. Also proposed is the formation of a 3.5m wide cycle/footway which would form part of the Council's Segregated Active Travel Network. This would run under the A1 underpasses, through the application site in a northwest-southeast direction and also southwards to the southern point of the application site, and in the future would serve to link

the MH1 allocated site to surrounding areas.

The proposed SUDS basin would be formed at the southeastern part of the site on the southern site of a length of the proposed access road. It would be enclosed with a bow top fence and landscaped.

Since the registration of the application revised drawings and additional Flood Risk Assessment documents have been submitted.

DEVELOPMENT PLAN

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

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

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

Proposal MH1(Land at Craighal) and Policies DP2 (Design), DP9 (Development Briefs), NH10 (Sustainable Urban Drainage Systems), NH11 (Flood Risk), CH4 (Scheduled Monuments and Archaeological Sites), CH5 (Battlefields), T2 (General Transport Impact) and T3 (Segregated Active Travel Corridor) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of the application.

The Council's approved Development Briefs Supplementary Planning Guidance can be a material consideration in the determination of planning applications. They are a set of guiding principles, and indicative design, to be followed where possible. Policy DP9 of the ELLDP 2018 requires that development conforms to the relevant brief.

The Development Brief for the MH1 allocation refers to the areas of the site and proposed forms of development within these as set out above. It also includes design guidance for access, internal connections, landscaping and layout and design.

REPRESENTATIONS

One written representation to the application has been received, which is in support of the proposed development, stating it will be of local benefit.

COMMUNITY COUNCIL COMMENTS

Musselburgh and Inveresk Community Council have not commented on the application.

PLANNING ASSESSMENT

By the grant of planning permission in principle 18/00485/PPM approval has been given for the principle of a mixed use development of the allocated land at Craighall. There can therefore be no objection in principle to the proposed infrastructure associated with that mixed use development of the Craighall site.

Therefore, in the determination of this application the Council, as Planning Authority, can only concern itself with the siting, design and external appearance of the development and the landscaping of and means of access to the site. In this regard the detailed proposals have to be considered against relevant development plan policy, the Council's approved Development Brief for the MH1 allocation and the indicative Craighall Masterplan and conditions attached to planning permission in principle 18/00485/PPM.

By virtue of their size, scale, proportions, positioning, form and materials, the proposed ground improvement and earthworks, utilities works, formation of access roads, foot and cycle paths and the SUDS basin are all appropriate for their locations, in keeping with their surroundings and acceptable to their purpose of serving the mixed use development of Craighall.

Detailed site levels drawings have been submitted with the application showing the ground levels of the different development platforms that are proposed within the site for the land of the future new primary school, sports pitches and sports changing facility. Extensive cut and fill would be required to create the proposed platforms. However those drawings do not contain the ground levels of the existing ground that is outwith, but adjacent to, the application site. It is not therefore possible to clearly determine what impact the proposed change in ground levels would have on that adjacent land. For example, were the ground levels of one of the development platforms to be increased in height, then there is the potential that a development on it may well have an adverse effect on the privacy and amenity of neighbouring land, particularly if that land were in residential use. It would therefore be prudent to impose a condition requiring final site setting out details to be submitted to and approved by the Planning Authority. Those details should include finished ground levels of the development relative to existing ground levels of the site and of adjoining land and building(s).

By its nature and by its positioning the other proposed infrastructure works would not result in any harm to any neighbouring land use or to the privacy or amenity of any neighbouring residential property.

The Council's Service Manager - Strategic Asset & Capital Plan Management, in his role in managing the Council's schools estate, advises that he is content with the 'cut & fill' works to create platforms for the future proposed new primary school, sports pitches and sports changing facility, the positioning of the access road to the school and of the cycleway/footway and the positioning of the utilities, servicing and drainage.

The Council's Service Manager - Sports, Countryside and Leisure confirms he is satisfied with the future location of the sports pitches and changing provision.

The applicant has submitted detailed landscaping plans for the infrastructure site, which sets out the landscaping proposals for the site. It shows that extensive grass and tree planting would take place around the new lengths of road and cycle/pedestrian paths and tree planting and grasslands formed around the SUDS basin.

The Council's Landscape Project Officer advises that the proposed scheme of landscaping is acceptable.

On all of the foregoing considerations of layout, design, amenity and landscape, the proposed infrastructure development is consistent with Policies DP2 and DP9 of the adopted East Lothian Local Development Plan 2018 and the Council's approved Development Brief for the MH1 allocation and the indicative Craighall Masterplan attached to planning permission in principle 18/00485/PPM.

Condition 9 of planning permission in principle 18/00485/PPM requires a Construction Method Statement or Construction Environmental Management Plan to be submitted prior to the commencement of development of Areas 1 as identified within the Development Brief of the MH1 allocation, which area forms part of the application site. A Construction Method Statement relating to the proposed infrastructure works has been submitted with the application.

The Council's Public Health and Environmental Protection Officer raises no objection to the proposed development. He has carefully considered the Construction Method Statement with the mitigation measures proposed. If those measures were implemented then the Public Health and Environmental Protection Officer is satisfied that the amenity of nearby residential properties would not be harmed by the proposed infrastructure works.

The principles of the means of accessing Area 1 of the MH1 allocation, to which this application relates, is already decided by the grant of planning permission in principle 18/00485/PPM. These are that a new junction would be formed on the B6415 public road on its approach to Old Craighall village. A new length of road would be formed into the Area 1 site and from this a new access road would be formed into the school site. The new length of road into the Area 1 site would in time would be extended and would reroute traffic around Old Craighall village (serving as a bypass around it) and would serve the wider Area 1 part of the MH1 allocation. These future works would be the subject of a further application. The new junction on the B6415 public road would continue to provide road access to Old Craighall village.

The submitted details for accessing the site are in accordance with these established principles of the means of accessing Area 1 of the wider mixed use development.

The Council's Road Services are satisfied with the proposed junction works, and the positioning of the proposed new lengths of road, footpaths and cycleway. They have perused the submitted Construction Method Statement and advise that it shows the site compound/storage and parking appears to be remote from the infrastructure works site and that a route needs to be identified to facilitate movement of construction plant/materials that would not harmfully impact on traffic using the B6415 public road. Therefore they recommend an addendum to the submitted Construction Method Statement should be submitted to address this.

Road Services also recommend that road safety audits be undertaken for the preliminary design of all roadworks, footways and cyclepaths proposed within the application, including works to the B6415, and that wheel wash facilities be provided during construction.

Road Services raised concern over the SUDS basin track, as a length of it would be formed over the future extension of the realigned B6415 public road. However the applicant has confirmed this is a temporary measure until such time as further detailed applications are submitted for the extension to the road. Road Services advise as long as this is temporary and that the section of SUDS access track is not disposed of to Scottish Water, which the applicant advises is the case, then this is satisfactory. The Council's Team Manager for Structures, Flooding and Street Lighting agrees with this position.

The requirement for an addendum to the submitted Construction Method Statement, for road safety audits and wheel washing facilities can competently be secured by the imposition of conditions on a grant of approval of matters specified in conditions, in which case Road Services raise no objection to the application.

In their routing, the cycle/pedestrian footpaths to be formed on the application site comply with the indicative Craighall Masterplan docketed to planning permission in principle 18/00485/PPM and will, when all in place provide a permeable network of connecting links for pedestrians and cyclists between the Craighall site and the adjacent residential areas of Musselburgh, Old Craighall and Newcraighall.

The Council's Outdoor Access Officer raises no objection to the proposed development, being satisfied with the network of paths being proposed within the site.

Transport Scotland raise no objection to the application.

On these foregoing transportation and other access considerations the proposed infrastructure development is consistent with Policies DP9, T2 and T3 of the adopted East Lothian Local Development Plan 2018, the Council's approved Development Brief for the MH1 allocation and the indicative Craighall Masterplan attached to planning permission in principle 18/00485/PPM.

The Council's Environmental Health (Contaminated Land) Officer advises that there is unlikely to be any contamination issues impacting on the proposals. However he recommends that there should be an assessment of any material used as fill during the earthworks proposed in the application to ensure it's free of contamination.

Part of the application site is within the wider designated area of the Battle of Pinkie.

Condition 4 of planning permission in principle 18/00485/PPM requires a Programme of Works (evaluation by archaeological trial trench) be undertaken and reported upon in accordance with a written scheme of investigation, prior to the commencement of development of Areas 1 as identified within the Development Brief of the MH1 allocation, which area forms part of the application site.

An Archaeological Works Written Scheme of Investigation Report has been submitted with the application, and **the Council's Archaeology/ Heritage Officer** confirms that the report is generally to an acceptable standard. The Archaeology/ Heritage Officer further advises however that the Programme of Works required in accordance with Condition 4 of planning permission in principle 18/00485/PPM is yet to be carried out.

Historic Environment Scotland have been consulted on the application and they advise that the submitted Archaeological Works Written Scheme of Investigation Report contains a clear statement that an archaeological programme of works in advance of development is still required.

The requirement to submit the Programme of Works is embodied in Condition 4 of planning permission in principle 18/00485/PPM and therefore remains in force, and thus there is no requirement to also secure this again through a condition attached to this approval of matters specified in conditions application. On this consideration the proposed development does not conflict with Scottish Planning Policy: June 2014, Planning Advice Note 2/2011: Planning and Archaeology and with Policy CH5 of the ELLDP.

Part b) of Condition 6 of planning permission in principle 18/00485/PPM requires details of SUDS provision and any required flood risk measures be submitted for the written approval of the Planning Authority, in consultation with the Scottish Environment Protection Agency (SEPA).

The proposed SUDS basin would be formed at the southeastern part of the site on the southern side of the new length of access road into the site, which would be taken from the B6415 public road (as it would be realigned in the manner proposed). The proposed new length of access road into the site would be formed through part of a functional floodplain and thus an area at risk from flooding. As a result of this a flood compensatory storage area is proposed to be formed on the north side of the new length of access road. Flood routing pipes would be formed underneath the new length of access road so flood waters can pass to the north of the access road into the compensatory storage area to prevent any flooding occurring on adjacent land.

SEPA have been consulted on the SUDS proposal and the proposed flood risk measures.

SEPA advise they have no objection to the proposals, content with the size and location of the SUDS basin and also satisfied that the compensatory flood storage area and flood routing pipes would ensure any potential floodwater would be directed to and stored such that the surrounding land of the application site would not be at risk from flooding.

The Council's Team Manager for Structures, Flooding and Street Lighting has considered the applicant's SUDS basin and flood prevention measures and confirms they are acceptable and thus he raises no objection to the proposals.

Scottish Water raise no objection to the application.

On these considerations of SUDS design, flood risk and drainage the proposals are consistent with Policies NH10 and NH11 of the adopted East Lothian Local Development Plan 2018.

Condition 10 of planning permission in principle 18/00485/PPM requires that applications for approval of matters specified in conditions shall include:

- (i) a scheme of treatment for the recorded mine entries;
- (ii) a scheme of remedial works for the shallow coal workings; and
- (iii) timescales for the implementation of those remedial works.

A Coal Mining Risk Assessment and Remediation Method Statement Report (the report) has been submitted with the application.

The Coal Authority have been consulted on the submitted report, and advise that it confirms that shallow mine workings were not investigated on this particular part of the site, specifically due to them not representing any risk to ground instability. The Coal Authority state that these findings correspond with their information on shallow mine workings and therefore these pose no risk to development.

However, The Coal Authority states that the report does go on to confirm that one of the two recorded mine entries on the application site has been located, with only one being investigated. The other has not been investigated as it requires an overhead power line to be either diverted or powered down to allow investigations to confirm the position and subsequent investigation of it. On the basis that the second mine entry has yet to be investigated and that both mine entries may require to be treated the requirements of Condition 10 of planning permission in principle 18/00485/PPM have not been satisfied. Therefore site investigation and remedial works should be submitted for the prior approval of the Planning Authority and thereafter implemented prior to the commencement of development, a requirement which can be imposed as a condition on a grant of approval of matters specified in conditions.

Network Rail raise no objection to the proposed development.

RECOMMENDATION:

That approval of matters specified in conditions for the proposed infrastructure 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 finished ground 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.

Reason:

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

- 2 Prior to the commencement of development: a) a scheme of intrusive site investigations for the site; b) a scheme of treatment for the recorded mine entries; and c) a scheme of remedial works, shall be submitted to and approved by the Planning Authority.

Prior to the commencement of development (excluding groundworks and site regrading) the scheme of intrusive site investigations shall be undertaken and any required treatment and remedial works identified shall be implemented in accordance with the details so approved.

Reason:

To secure the necessary site investigations for the mine entries and shallow coal workings, together with the implementation of the necessary treatment and remedial works, in order to ensure that development does not occur above or too close to these mining hazards.

- 3 The mitigation measures identified in Part 3: Dust, Noise and Vibration Control Measures of the 'Construction Method Statement, Land at Craighall, Musselburgh: School Site Infrastructure Works' document that is docketed to this approval of matters specified in conditions shall be implemented in full throughout the duration of the works of the development hereby approved.

Throughout the duration of the construction works of the development hereby approved, any works that result in noise that is audible at the application site boundary shall be restricted to the following hours of operation only:

(i) Monday to Friday - 0730 hours to 1800 hours;

(ii) Saturday - 0800 hours to 1300 hours.

Otherwise hours of construction works shall be:

(i) Monday to Friday - 0730 hours to 1800 hours;

(ii) Saturday - 0800 hours to 1400 hours;

(iii) Sunday - 0800 hours to 1400 hours.

Reason:

In the interests of the amenity of the area.

- 4 Prior to the commencement of development, details of the source and nature of any material (both site-won and imported) used for earthworks on site shall be submitted to and approved by the Planning Authority. The detail shall include information of any testing carried out to confirm that the material is free of contamination.

Reason:

To ensure that the material to be used is clear of contamination.

- 5 The area for the site compound/storage and parking for the proposed development as shown in the docketed 'Construction Method Statement, Land at Craighall, Musselburgh: School Site Infrastructure Works' document are not hereby approved. Instead, an addendum to that docketed document shall be submitted to and approved by the Planning Authority prior to the commencement of development, which shall show revised details for the site compound/storage and parking.

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.

- 6 The length of the proposed SUDS basin access track that would be formed over the future extension of the realigned B6415 public road as shown dotted on the docketed drawings shall only be in place temporarily until the future road extension proposed for the Old Craighall bypass (realigned B6415 public road) is completed. The applicant shall not dispose of that section of SUDS access track to Scottish Water.

Reason:

To ensure the future delivery of the new Old Craighall bypass.

- 7 (a) Prior to the commencement of development a Stage 1 and Stage 2 Road Safety Audit shall be submitted to and approved by the Planning Authority, which shall be undertaken for the preliminary and detailed design of all roadworks, footways and cycle paths within the development hereby approved, including works to the B6415 public road and shall include an implementation programme describing when measures identified in the audits will be provided in relation to construction of the proposed development.
- (b) Immediately following completion of the development, the date of which shall be provided in writing to the Planning Authority, a Stage 3 Road Safety Audit - Post Opening shall be submitted to and approved by the Planning Authority.
- (c) 12 months following approval of the Stage 3 Road Safety Audit a Stage 4 Road Safety Audit shall be submitted to and approved by the Planning Authority.

All the Road Safety Audits shall be carried out in accordance with GG119 Road Safety Audit Rev 1. The Road Safety Audits shall include the proposed roads, junctions, footways, cycle ways, pedestrian crossings and double 'D' islands where applicable.

Reason:

In the interests of road safety.

- 8 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.

- 9 All new planting, seeding and turfing as shown on the docketed landscape layout drawing nos. 143.123.01a, 143.123.02a, 143.123.03a, 143.123.04a, and 143.123.05a shall be carried out in the first planting and seeding season following the completion of the development hereby approved, and 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 size and species, 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.

