



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

**TUESDAY 19 MAY 2020
VIA VIDEO CONFERENCE FACILITIES**

Committee Members Present:

Councillor N Hampshire (Convener)
Councillor L Bruce
Councillor J Findlay
Councillor N Gilbert
Councillor W Innes
Councillor S Kempson
Councillor K Mackie
Councillor C McGinn
Councillor K McLeod
Councillor J McMillan
Councillor F O'Donnell
Councillor J Williamson

Other Councillors Present:

Councillor S Currie
Councillor F Dugdale
Councillor A Forrest

Council Officials Present:

Mr K Dingwall, Service Manager – Planning
Mr C Grilli, Service Manager – Legal
Ms E Taylor, Manager Planning Delivery
Ms L Ritchie, Senior Planner
Ms J McLair, Planner
Mr D Taylor, Planning Officer
Mr D Irving, Planning Officer
Mr G Marsden, Planning Obligation Officer,
Mr M Greenshields, Senior Roads Officer
Mr D Northcott, Team Manager – Structures/Flooding
Ms L Gillingwater, Team Manager – Democratic Services
Ms F Currie, Committees Officer
Ms P Gray, Communications Adviser

Clerk:

Ms A Smith

Visitors Present and Addressing the Committee:

Item 2 – Mr R Holder, Ms A Patton, Mr A Hadden
Item 3 – Mr I Slater
Item 4 – Mr J Fraser
Item 6 – Mr N Davidson

Apologies:

None

Declarations of Interest:

None

1. MINUTES FOR APPROVAL – PLANNING COMMITTEE 4 MARCH 2020

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

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

A report was submitted in relation to Planning Application No. 15/99537/PPM. Keith Dingwall, Service Manager – Planning, presented the report, summarising the key points. The report recommendation was to grant consent.

Mr Dingwall and other officers responded to questions from Members. On the timescale for delivery of the affordable housing Mr Dingwall advised that discussions were ongoing with the Community Housing Service, this was clearly a key priority for the Council. In relation to the differing amounts for the rail contribution he explained that this was worked out depending on the costs of the works; the level of contribution had been reassessed and reduced. Regarding timescales for provision of land for the secondary school, he advised that the Education Service was not certain how Covid-19 would affect timings but felt there would be spare capacity at Musselburgh Grammar until the new school was built. As regards sufficient flexibility within the process, the Convener said that considerable discussion was ongoing, officers were trying to tie in the school and housing; it was a tight timeframe but there was confidence that the school could be delivered to meet the housing requirements. Mr Dingwall added that clearly there had to be flexibility, he drew attention to condition 1 which referred.

On queries about Network Rail's financial contribution and a platform extension programme, Graeme Marsden, Planning Obligation Officer, indicated there was not a fixed programme for platform extensions, however, the Council would retain the money for a minimum of 10 years after the final instalment. The Council was working with Network Rail. Regarding the active travel corridor, Marshall Greenshields, Senior Roads Officer, stated that although this would be going through the whole county, concentration would be to the west; he would be happy to go into more detail outwith the meeting. As regards health provision on site, Mr Dingwall stated that through the Local Development Plan (LDP) process health colleagues were consulted; no issues had been raised. The Convener added that although health was outwith the Council's control in planning terms, in delivering a site of this size there was a need to ensure availability of medical facilities.

Robin Holder of Holder Planning, agent for the applicant, indicated he had nothing to add to the officer's presentation.

Ann Patton representing Wallyford Community Council requested clarification on the advice provided regarding medical capacity. Mr Dingwall reiterated that through the LDP process the NHS were consulted on all housing sites and no issues had been raised. Responding to Alister Hadden, also from Wallyford Community Council, he clarified the location of the new primary and secondary schools.

Local Member Councillor McGinn welcomed the application. He reiterated that medical provision needed addressed. Excellent work had been done on the primary school, hopefully the new secondary school would progress. He would be supporting the application.

Local Member Councillor McLeod echoed his colleague's comments. He would be supporting the report recommendation.

Local Member Councillor Dugdale, not a member of the Planning Committee, welcomed the application. She echoed Councillor McGinn's comments about health provision.

Councillor McMillan also welcomed the report. He welcomed the construction industry jobs and would encourage local job opportunities. He would be supporting the application.

Councillor Currie, not a member of the Planning Committee, stated it was crucial that work on this site continued. There were ongoing concerns about primary care facilities. Musselburgh Primary Care Centre's capacity covered Musselburgh, Wallyford and Whitecraig, already a large area. This new site was further away from Musselburgh and would not have any primary care service, there would be a strain on existing facilities; more localised services were needed.

Councillor Innes welcomed the application which would be of huge benefit to the people of Wallyford. He shared the view of local members on health provision, this was a missed opportunity. He was disappointed that NHS Lothian felt that a facility was not needed here, this should still be pursued. A substantial community had substantial community needs which included appropriate health provision. He would be supporting the recommendation.

The Convener ended the discussion. He welcomed the commitment to this development and that work would be progressing. He would be supporting the recommendation to grant planning permission as set out in the report.

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

For: 12

Against: 0

Abstentions: 0

Decision

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

1. A direction to substitute the period of 3 years referred to in Section 59(2)(a)(i) and (3) of the Town and Country Planning (Scotland) Act 1997 (as amended) with a period of 10 years;
2. The conditions set out in Appendix D;
3. The satisfactory conclusion of an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997, or some other legal agreement designed to:
 - (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, Salters 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.

4. That in accordance with the Council's policy on time limits for completion of planning agreements it is recommended that the decision should also be that in the event of the Section 75 Agreement not having been executed by the applicant, the landowner and any other relevant party within six months of the decision taken on this application, the application shall then be refused for the reason that without the developer contributions to be secured by the Agreement the proposed development is unacceptable due to 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.

APPENDIX D - 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, 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 Dolphingstone 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.

3. PLANNING APPLICATION NO. 19/00620/AMM: 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 AT BLINDWELLS

A report was submitted in relation to Planning Application No. 19/00620/AMM. Julie McLair, Planner, presented the report, summarising the key points. The report recommendation was to grant consent.

Ms McLair and other officers responded to questions. Mr Dingwall stressed that this application was solely for the infrastructure so some details for other aspects could not be provided at this stage. On school provision and capacity, Mr Marsden advised that academic year 2023/24 was the current projection for the new primary school on site; based on current projections there was sufficient capacity at Cockenzie Primary School to temporarily host pupils until 2024. Several Members raised concerns about the 40mph speed limit on the A198, stating that 30mph would be more appropriate. Mr Greenshields clarified the response from Road Services for 40mph stating that there was no frontage on that piece of road, there would be controlled crossing points, so speeds would naturally be lower than 40mph. Regarding the Millerhill roundabout and possible improvements required due to increased demand, Mr Greenshields advised that future plans included a set of lights and crossroads.

Ms McLair clarified, in relation to the Environmental Protection Manager's comments that these were linked to the previous planning permission in principle application so conditions regarding that application applied and would be brought forward. Regarding primary care consultation Mr Dingwall stated this had been carried out for the planning permission in principle application so as the matter had previously been decided there would not be further consultation. On ensuring joined up cycleways/footpaths across the entire site she, and Mr Greenshields, said that across all developments on this site good connections would be

ensured. In relation to geo-environmental and gas assessment reports, Ms McLair confirmed that these had been reviewed by the Contaminated Land Officer who was content that there was no issue regarding gas monitoring leakage.

On the burial strategy and a site at Blindwells, McMcLair stated that this application was purely for the infrastructure for phase 1, so this element did not feature at this stage. The Convener added that there were plans to create a new cemetery at the west of the county; provision at Blindwells would be used until this was ready but reiterated that this was not part of this application. Regarding access to the new site from the southern roundabout and capacity queries, Mr Greenshields said that discussions were taking place with Transport Scotland; timescales for further improvements were ongoing, the final solution would be to put signals on that roundabout.

Iain Slater of Hargreaves Services Limited, the applicant, responded to points raised. In relation to primary care, he advised that work was ongoing and a site had been identified at the end of what would be the High Street. As regards schooling, plans were on course to deliver the site on time by 2023/24. In respect of the roundabout, considerable study had been done, work was ongoing with Road Services and further details would come forward in due course. On the burial ground, he confirmed that this would be situated on site, it was a brownfield site and every section had to be remediated.

Mr Slater responded to questions. Regarding local employment opportunities he advised that Hargreaves did not directly hire people but contractors had a policy to employ locally where possible. On modern construction methods he indicated that in relation to modular build a number of systems had been looked at; there was a supplier in North Yorkshire but unfortunately the building code in Scotland was different and they could not supply those houses but this was something actively being looked into. The other option would be to build a factory on site for the build. In relation to monitoring contractors regarding local employment he advised that this would be done on a monthly basis by the HR department. On primary care he clarified that this would be in the next phase of development, he gave further details of the proposed location adding that it was hoped to provide a multi-use health type centre if possible; work was ongoing with the NHS. Regarding the overall masterplan, Mr Slater stated the intention was to keep access to the site as green as possible so some areas would not need full remediation. Hargreaves owned the whole site and would deliver all the infrastructure and services and then sell off sections to housing developers.

Local Member Councillor McLeod welcomed the application and progress with this site; he would be supporting the recommendation in the report.

Local Member Councillor McGinn also expressed support for the application. He stressed that a joined up approach was key in relation to provision of cycleways, footpaths, etc. He welcomed the much needed sports provision. He noted the comment in respect of the gas survey works.

Local Member Councillor Dugdale, not a member of the Planning Committee, agreed with the other local members. She welcomed progress with this development.

Councillor O'Donnell expressed support for the application. She was encouraged to hear that developers were discussing primary care services. She had concerns however about speed limits and pedestrian safety, she felt that a 30mph limit would be more appropriate than 40mph; she suggested an amendment to review these speed limits.

Councillor Bruce indicated he would be willing to second Councillor O'Donnell's proposed amendment regarding speed limits. He would be supporting the report recommendation. This was an exciting proposal presenting many opportunities.

Councillor Currie, not a member of the Planning Committee, also welcomed discussions by the developer regarding heath provision. It was important that this site progressed, it would bring many employment opportunities and a considerable number of affordable houses.

Councillor Innes welcomed progression with this development, he would be supporting the application. Blindwells had originally been selected when a new large area was needed that would protect original communities. There were many key messages in respect of this site.

Further discussion and advice from officers took place in relation to speed limits. Mr Dingwall reiterated that there was a condition on the previous planning in principle application which had approved a 40mph speed limit. He noted the level of concern expressed however and the desire for a reduction to a 30mph limit; he suggested that this matter could be taken offline for further discussion with the developer or, if Members so wished, they could impose an additional condition to the grant of planning permission.

There was unanimous agreement from Members for the amendment, proposed by Councillor O'Donnell and seconded by Councillor Bruce, to review speed limits.

The Convener then moved to the vote on the report recommendation (to grant consent) subject to inclusion of the above additional condition:

For: 12
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 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.

- 3 None of the residential units approved by planning permission in principle 14/00768/PPM shall be occupied unless and until the speed limit on the section of the A198 road immediately to the west of the application site has been reviewed, with consideration given to the implementation of speed reducing measures and the introduction of a 30mph speed limit. Details of any proposals, including a timetable for implementation, shall be submitted to and approved in advance by the Planning Authority, and be implemented and installed thereafter in accordance with the details so approved.

Reason

In the interests of road and pedestrian safety.

4. PLANNING APPLICATION NO. 19/00900/AMM: APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF PLANNING PERMISSION IN PRINCIPLE 14/00768/PPM – ERECTION OF 146 HOUSES AND ASSOCIATED WORKS AT BLINDWELLS

A report was submitted in relation to Planning Application No. 19/00900/AMM. David Taylor, Planning Officer, presented the report, summarising the key points. The report recommendation was to grant consent.

Officers responded to questions. On safe routes to school, Mr Taylor advised that the infrastructure, which included this aspect, formed part of the wider Blindwells settlement. Mr Dingwall stated this had been an important matter of the planning permission in principle application; there would be safe routes to schools and these would be delivered at the right time. In relation to safe crossing points Mr Greenshields said there would be traffic calming and a 20mph speed limit so there would be opportunities for crossing points. Mr Dingwall added that through the previous application crossing tables would be provided so there would be safe access to schools. Regarding noise of construction traffic from the A198 and mitigation measures, he said that a noise assessment had been submitted which concluded that glazing to western/southern properties would give sufficient amenity; it was not therefore necessary to include a separate planning condition. In relation to noise from gardens he clarified that the noise assessment had not specified any additional measures. On affordable housing, Mr Taylor confirmed that the 30% figure quoted in the report was correct.

James Fraser of EMA Architects, agent for the applicant, indicated he had nothing to add to the officer's presentation.

Local Member Councillor McLeod welcomed the report and supported the recommendation.

Local Member Councillor McGinn reiterated his points made during the previous application regarding travel, cycleways and footpaths. He welcomed and supported the application.

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

For: 12

Against: 0

Abstentions: 0

Decision

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

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

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

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

- 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 development 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.

5. PLANNING APPLICATION NO. 19/01131/PM: ERECTION OF 32 HOUSES, 28 FLATS AND ASSOCIATED WORKS AT LAND AT WINDYGOUL SOUTH, TRANENT

A report was submitted in relation to Planning Application No. 19/01131/PM. Linda Ritchie, Senior Planner, presented the report, summarising the key points. The report recommendation was to grant consent.

Ms Ritchie along with Mr Greenshields responded to questions. Regarding energy efficient measures, Ms Ritchie advised that Springfield Properties had been made aware of the condition attached to the grant of permission regarding actions required to reduce carbon emissions but had still to provide the specifics. On whether 100% parking provision would be sufficient she advised that Road Services had been consulted and their parking standards did allow for this to reflect lower car ownership; this was similar to many other well connected sites. In relation to junction improvements at Elphinstone Road/Edinburgh Road Mr Greenshields clarified that this work would comprise upgrading existing signals to provide a more efficient use of that junction. On whether the flats would have a drying green area, Ms Ritchie clarified that all the flats had a garden area with open space that could be used as a drying area. Regarding supply of outdoor clothes drying facilities, given that the Council owned these properties, she said this would have to be pursued through the Community Housing Service, it was not a planning level decision.

Local Member Councillor McLeod expressed concern regarding health care provision. He also had concerns about traffic on the High Street in Tranent, volumes were increasing. He would nonetheless be supporting the recommendation in the report.

Local Member Councillor McGinn welcomed the application, it would benefit the community and he would be supporting it. He shared his colleague's concerns regarding traffic. He stressed that a Tranent by-pass needed to be given serious consideration.

Councillor McMillan made reference to the amount of detailed work undertaken as highlighted in the report. He would be supporting the recommendation.

Councillor Innes welcomed the affordable housing element. He referred to conditions 11 and 12 which would ensure that all roads and footpaths would be built to an adoptable standard. He would be supporting the application.

The Convener expressed support for these comments. He agreed that a Tranent by-pass was needed. He stated that the Council was delivering housing for the people of East Lothian and delivering Scottish Government's expectations but needed capital funding to deliver the infrastructure. He would be supporting the recommendation.

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

For: 12

Against: 0

Abstentions: 0

Decision

The Committee agreed to grant planning permission 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.

6. PLANNING APPLICATION NO. 19/01321/AMM: 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 AT LAND AT OLD CRAIGHALL VILLAGE, MUSSELBURGH

A report was submitted in relation to Planning Application No.19/01321/AMM. Daryth Irving, Planning Officer, presented the report, summarising the key points. The report recommendation was to grant consent.

Mr Irving responded to questions. In relation to the route for construction traffic, which had not yet been identified, and the need to ensure that Old Craighall residents were inconvenienced as little as possible, he referred to the Construction Method Statement (CMS). He stated that as works would be focused at the northeast corner of the site there should be no need for traffic to go through Old Craighall at all. On queries about construction working on Sundays he advised that an assessment had been done based on the location of the site and the hours of work required; every site had to be assessed regarding its own position in relation to existing properties. The Environmental Health Service had considered the CMS and was satisfied that the amenity of nearby residents would not be harmed. The CMS had also been approved by Road Services; measures would be in place to ensure that traffic movements were done safely.

Neil Davidson of Persimmon Homes, the applicant, highlighted the importance of this development for East Lothian. The infrastructure was of course a key element. Further detailed applications would come forward in due course. Approval today would ensure time to get the work started in line with the legal agreement. Pre-planning was already well underway and it would be the intention to start work on site before the end of the summer.

Responding to questions, Mr Davidson stated that the construction hours quoted were standard practice, flexibility as regards the hours was needed; he could not say at this stage if Sunday working would be needed to meet schedules but it would only be used if essential.

Local Member Councillor Mackie stated that she had concerns about Sunday working, nearby residents were entitled to a day of peace from construction noise; she would like to propose an amendment to condition 3 to exclude construction works on Sundays.

Local Member Councillor Currie, not a member of the Planning Committee, supported this proposal. His main concern was impact of construction traffic, working hours and workforce access to the site. He welcomed the affordable housing this application would bring forward.

Local Member Councillor Williamson agreed with comments expressed; he would second Councillor Mackie's proposal. He would be supporting the application.

Local Member Councillor Forrest, not a member of the Planning Committee, also agreed with all comments made and supported Councillor Mackie's proposal. He stressed it was important to get the infrastructure done and to ensure everything was well regulated.

Councillor Innes welcomed this application. It was a strategic site, not just for the LDP but in a national sense. It would deliver much needed affordable housing.

Further discussion took place in relation to the proposed amendment.

The Convener also stressed the importance of this site for East Lothian. He acknowledged the potential disturbance for people living nearby during the construction period but indicated that sometimes weekend working was required. He would be supporting the officer's recommendation which included having construction works on Sundays; there were measures in place to deal with problems should any arise.

He moved to the vote on the report recommendation (to grant consent) noting the differing views and asked Members to vote for:

Option 1 – as per the report which includes construction works on Sundays

Option 2 – the amendment (proposed by Councillor Mackie, seconded by Councillor Williamson) to exclude construction works on Sundays

For option 1: 4

For option 2: 8

Against: 0

Abstentions: 0

Decision

The Committee agreed that approval of matters specified in conditions for the proposed infrastructure development be granted subject to the following conditions (which includes the amendment to condition 3):

- 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;

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.

Signed

Councillor Norman Hampshire
Convener of the Planning Committee