

PLANNING COMMITTEE
TUESDAY 6 OCTOBER 2020

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

**TUESDAY 18 AUGUST 2020
VIA VIDEO CONFERENCE FACILITIES**

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Committee Members Present:

Councillor N Hampshire (Convener)
Councillor L Bruce
Councillor J Findlay
Councillor N Gilbert
Councillor W Innes
Councillor S Kempson
Councillor 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 A Forrest
Councillor J Goodfellow
Councillor J Henderson

Council Officials Present:

Mr K Dingwall, Service Manager – Planning
Ms E Taylor, Manager Planning Delivery
Mr G Grilli, Service Manager – Legal
Mr P Currie, Interim General Manager – Strategic Integration
Mr D Irving, Planning Officer
Mr C Clark, Senior Environmental Health Officer
Ms M Haddow, Transportation Planning Officer
Ms F Currie, Committees Officer
Ms P Gray, Communications Adviser

Clerk:

Ms A Smith

Visitors Present/Addressing the Committee:

Item 2 – Mr S Tolson, Mr R Matthew, Mr J Smith, Dr C Doldon, Ms J Lockhart
Item 3 – Ms P Reed-Smith, Ms L Baird, Ms K Leask, Mr I Clark, Mr R Leask, Mr B Harkins
Item 4 – Mr G Johnston

Apologies:

None

Declarations of Interest:

None

1. MINUTES FOR APPROVAL – PLANNING COMMITTEE 24 JUNE 2020

The minutes of the meeting of the Planning Committee of 24 June 2020 were approved.

2. PRE-DETERMINATION HEARING FOLLOWED BY DETERMINATION BY THE COMMITTEE

PLANNING APPLICATION NO. 19/01292/PM: ERECTION OF 152 RESIDENTIAL ACCOMMODATION AND CARE UNITS TO PEOPLE IN NEED OF CARE (CLASS 8), A COMMUNITY HUB AND ASSOCIATED WORKS AT LAND AT CASTLETON FARM, NORTH BERWICK

The Convener informed Members of the process to be followed.

Pre-Determination Hearing

Daryth Irving, Planning Officer, and Keith Dingwall, Service Manager for Planning, presented the report in relation to Planning Application No. 19/01292/PM, providing an outline of the development proposal and summaries of the development plan policies and other material considerations, consultation responses and public representations. The full planning assessment would be provided to Members at the determination stage of the meeting.

Mr Irving and other officers responded to questions. Regarding the local surgery data, he clarified that the paragraph referred to formed part of North Berwick Community Council's response to the applicant's Health Assessment and corrected the data provided. On the possibility of eviction if one half of a couple developed care needs or passed away, he said it would be unreasonable to evict an elderly resident in these circumstances. He clarified that there was no key worker housing provision on site. Regarding the basement independent living units, these would all have windows. Paul Currie, NHS Interim General Manager for Strategic Integration, responded to further queries. He advised that a GP practice could hold its list open for a year in the event of a closure; if a practice had to close, support would be directed elsewhere; he provided Members with further details. On the number of unoccupied care home beds, as at 13 August there were 102 vacancies across 19 homes. A care home would be opening soon in Musselburgh which would bring the total to 132 vacancies.

Responding to more queries Mr Irving confirmed that as all units would come under class 8 use, neither the educational contribution nor affordable housing requirements applied. Referring to a previous assessment in relation to Inveresk Village, Mr Dingwall advised it had been agreed that no educational contribution was needed. Mr Irving clarified, if this application was granted then due to a change of circumstances the intention was to change to mainstream housing, that there would have to be a further application for a change of use.

Steven Tolson, representing the applicant, Goldcrest Communities Ltd., informed Members that this was a positive plan to deliver what was needed for older people. Better ways to allow older people to live well were needed. North Berwick had 50% more older people than the Scottish average. An assessment of housing needs and demand had been done. A combined approach regarding health, housing and wellbeing was recognised as beneficial and cited in several public policy statements. The proposal's benefits would be longevity, a reduction in cost and demand on care and public services and the sociability aspect. Care villages were very popular in many parts of the world, Scotland was behind the curve.

Robin Matthew of PPCA Ltd., agent for the applicant, cited certain issues in relation to the development plan. North Berwick had been chosen after considerable review by the applicant. The proposed development had also changed significantly as regards location and by the removal of one storey. Support had been expressed through the pre-application development process. There would be a change in the landscape but the good design would allow views to North Berwick Law. The development had to be the size stated due to operational necessity. He added that no brownfield sites had been available.

Mr Tolson and Mr Matthew responded to questions. Regarding the incorrect data on the local surgery Mr Tolson said this had been assessed by BUPA. On Policy HOU6, Mr Matthew stated the site was outwith the designated settlement of North Berwick, so it was not covered by this policy; there were no sites of the size required within towns in East Lothian. Regarding evidence that alternative sites in North Berwick or East Lothian had been explored, he said that a site search around North Berwick had been done; land was either unavailable or marked for other developments. On lack of contact with North Berwick Trust, a major land owner, he confirmed that no approach had been made. On whether Bindwells had been considered, he accepted it was on a brownfield site and could potentially accommodate the proposal, but confirmed it had not been considered as a potential site.

Highlighting the number of objections, questions were asked if any support had been expressed. Mr Matthew accepted that the proposal had received a mixed response, stating that whilst it had generated a number of objections there had been some support from statutory bodies. The GP Practice had expressed concerns but in principle support had been received from the Integration Joint Board (IJB). Mr Currie remarked that he was not aware of any approach by the applicant to either the IJB or the East Lothian Health and Social Care Partnership (H&SCP). Responding to further points Mr Tolson said it was not possible to predict the percentage of existing county residents that may move to the facility but research suggested less demand for care services. Responding to a challenge, he stated that until it was built the demand on services was unknown. Regarding lack of key worker accommodation, given the challenges in recruiting staff, particularly in North Berwick, he said this had been discussed with the operator and could be looked at as land was available.

Responding to further points Mr Mathew acknowledged that the site in question had not been promoted through the East Lothian Local Development Plan 2018 (LDP) but remarked this was a timing issue rather than anything else. Regarding site selection he stated there were a number of criteria set out in the search site document, it was not a case of no other sites, but sites to the west and south of North Berwick had their own issues so east of the town was the preferred option. On why Blindwells had not been considered he clarified that a county wide search had not been undertaken; North Berwick had been identified as the preferred location, he outlined the reasons why this was the case. On the 120 jobs that would be created he indicated that as an estimate 90 of these would be full time posts.

Jay Smith, a local resident, spoke against the application. He stated that this was a commercial development, for a compound on the periphery of North Berwick. His contribution would focus on safety and health issues. On safety, the entry/egress at Dunbar Road was dangerous and unsafe. The increased volume of traffic would exacerbate an already busy roundabout. Parking in the town would also increase. On health, the site was not close to health or care services. The population of East Lothian was projected to rise by 18%, disproportionately in the 65/75 plus age groups, and disproportionately in North Berwick. This would have an impact on the already overstretched GP surgery. He urged refusal.

Claire Doldon, a GP at the North Berwick Group Practice, spoke against the application, highlighting the impact of forming such a community. Social isolation had a well-established detriment to the physical and mental wellbeing of the elderly. This proposal had the potential to ghettoise this community as it would be too far to walk into the town. The alternative was to drive but parking was wholly inadequate. The Practice was already working under severe

pressure. All new residents would be entitled to register here which would have a significant impact due to the volume of high need patients. The statement by the applicant that the Practice had capacity was erroneous. The Practice strongly opposed this application.

Judy Lockhart, representing North Berwick Community Council, spoke against the application. The community council had voted unanimously to object to this proposal on numerous grounds as highlighted in the report. The application lacked both a needs and site assessment. The LDP did not foresee development on this site. There had been no engagement with the community other than one open meeting. The character of the site would be destroyed. It was on the A198 and in a prominent location; the proposed buildings would destroy these views. She raised several other concerns regarding walking distances and the infrequent bus service. The removal of the care unit from the proposal had eliminated one of the only positive benefits the development had as people would have to move again if their health deteriorated. She urged Members to reject this application.

The Convener stated that the Pre-determination Hearing had closed. The Committee would now move to determination of the application.

Determination

Mr Irving outlined the planning assessment. The report recommendation was for refusal.

Local Member Councillor Findlay, highlighting the significant local resistance to this application, queried why the applicant had pursued this proposal. The site was not in the LDP. The proposal was contrary to numerous policies, especially Policies DC1 and DC8. It would have a serious impact on tourism, which was a vital part of the local economy. The GP surgery did not have the additional capacity required. The H&SCP did not support the application. The county's prime agricultural land was already reducing alarmingly. No-one disagreed that more provision was needed for an ageing population but this was not the right application or the right place. He would be supporting the recommendation for refusal.

Local Member Councillor Goodfellow, not a member of the Planning Committee, stated that this was a straightforward application to determine. There had been 509 objections. The officer's report was excellent and covered all aspects of the proposal. This was a speculative application which should be refused for the reasons outlined in the report. The proposal contravened the Countryside Around Towns objective and was contrary to many policies.

Local Member Councillor Henderson, also not a member of the Planning Committee, stated that she agreed with the report recommendation for refusal.

Councillor Bruce remarked that this was an interesting application which brought forward more care options but this had to be weighed up with protecting planning policies. He would therefore be supporting the report recommendation for refusal.

Councillor Currie, not a member of the Planning Committee, remarked that this application contravened the most number of policies he had ever seen in his 13 years as a councillor. This was the wrong application in the wrong place.

Councillor O'Donnell stressed the importance of keeping East Lothian's prime agricultural land. She agreed with local members. This was the wrong time for this application; the H&SCP and the IJB were currently looking at re-provision of services for the elderly. She agreed with the reasons for refusal and would be supporting the officer's recommendation.

Councillor McMillan stated that he was also not convinced this was the right place or time for this application. The objectors had argued very well. This was not a sustainable

development. This was a distinctive landscape which would be damaged by this proposal. Integration with, and within, communities was important. He supported the recommendation.

Councillor McGinn also expressed support for the officer's recommendation. Many good points had been raised during the presentations, questions and debate. He made reference to why Blindwells had not been considered as a potential site for this proposal.

The Convener brought the discussion to a close. The officer's report was very detailed and had considered all points of the proposal. This had been an informative debate. He would be supporting the recommendation as set out in the report.

He moved to the vote on the report recommendation (for refusal), taken by roll call:

For: 12

Against: 0

Abstentions: 0

Decision

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

- 1 The proposed 152 residential accommodation and care units to people in need of care (Class 8) has no operational requirement for a countryside location. Rather it would be a significant, sporadic development that would harm the objectives of the North Berwick Countryside Around Town area. As such the proposal is contrary to Policies DC1 and DC8 of the adopted East Lothian Local Development Plan 2018.
- 2 The proposed development cannot successfully integrate into its landscape setting and would appear harmfully prominent, incongruous and intrusive, and grossly out of character within the surrounding rural landscape. It would be harmful to the landscape character of the Coastal Plain, the distinctive landscape setting of the North Berwick Countryside Around Towns area and would harmfully affect the special character of the North Berwick Law, Tantallon Coast and North Berwick to Seton Sands Coast Special Landscape Areas, contrary to Policies DC8, DC9, DP1 and DP2 of the adopted East Lothian Local Development Plan 2018, the Council's approved Countryside and Coast and Special Landscape Areas Supplementary Planning Guidance and Scottish Planning Policy: June 2014.
- 3 The proposed development would have an adverse effect on the integrity of the setting of the North Berwick Law and Tantallon Castle Scheduled Monuments and would detrimentally impact on the setting of North Berwick Conservation Area, contrary to Policies CH2 and CH4 of the adopted East Lothian Local Development Plan 2018, Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and Scottish Planning Policy: June 2014.
- 4 The proposed development would lead to an unacceptable loss of prime agricultural land, contrary to Policy NH7 of the adopted East Lothian Local Development Plan and Scottish Planning Policy: June 2014.

3. PLANNING APPLICATION NO. 20/00044/P: ERECTION OF DRIVE-THRU RESTAURANT (FAST FOOD) (CLASS 3) AND ASSOCIATED WORKS AT LAND EAST OF INVERAVON TERRACE, OLIVEBANK ROAD, MUSSELBURGH

A report was submitted in relation to Planning Application No. 20/00044/P. Mr Irving presented the report, summarising the key points. The proposed decision set out in the report was to grant consent.

Mr Irving and other officers responded to questions. Morag Haddow, Transportation Planning Officer, clarified that the traffic network modelling exercise had used 2015 data cast forward to 2024, 2 scenarios had been run. Regarding figure comparisons, the 2024 data looked at the worst case scenario and took into account all new developments within the LDP. On the parking standards, these were maximum numbers and set by the Scottish Government; the Council's own policy guidelines were also taken into account. The

observations were taken over 2 days last summer. The car park was very rarely full so there were no concerns about parking capacity. Responding to further queries about Road Services' view that there would be no adverse impact on the road network Ms Haddow said there were issues with congestion on the network at specific times of the day but not per the subject of this application. McDonald's did not predict a particularly large increase of traffic at peak times. Their peak did not coincide with the network peak therefore traffic to/from McDonald's would not make a significant increase to traffic congestion. She clarified that the morning peak was defined as between 8am and 9am. On whether this application would have an impact on an agreement in 2017 that 70 spaces in the car park would be utilised by new flats, she reiterated that there were no concerns regarding parking capacity.

Regarding queries about the initial operation of 24 hours a day for the first year, then a reduction after 1 year, Mr Irving stated this was on the advice of Environmental Health so the impact could be monitored. On whether anti-social behaviour issues had been considered as regards 24 hour opening, noting that McDonald's at Fork Kinnaird closed at 10pm due to this, Mr Irving stated that this was not a planning matter. Colin Clark, Senior Environmental Health Officer, clarified that the assessment had been carried out pre COVID-19. Regarding any other outlets operating 24 hours and close to housing, he stated that the existing Tesco store, when granted planning permission, operated on a 24 hour basis, but chose to reduce their hours in 2016. On background noise levels, the background noise assessment was done to show the existing noise climate over a 24 hour period, it had been carried out during the quietest period for an appropriate comparison. He gave further details on the figures in the environmental noise report. On potential additional pollution he reiterated that officers were satisfied that the levels would not breach air quality levels. Officers responded to further queries regarding hours of operation and licensing restrictions.

Paula Reed-Smith, representing McDonald's, the applicant, informed Members that they had listened closely to the objections and addressed these in their final proposal. She acknowledged the concerns in relation to the proximity of the secondary school but stated that the location had been chosen because of Tesco, not the school. All concerns regarding traffic had been assessed, the application was robust. The proposal would create 65 full and part time jobs. McDonald's was passionate about looking after its locations and did frequent litter pick-ups. As regards public health, McDonald's served good quality food and provided an increasing number of healthy options. She gave Members with some statistics in relation to the food provided. She hoped this application would be supported.

Ms Reed-Smith responded to questions. On the statistics quoted she clarified that the 72% was of menu items for a Happy Meal. Regarding litter, which given a drive-thru may not always be contained at the site, she stated there would be daily litter patrols, over a more widespread area, adding that the McDonald's franchises worked with, and gave assistance to, local communities. Regarding the proximity to the secondary school, she reiterated that the location was not chosen because of the school but because of the Tesco store.

Lynda Reid spoke in support of the application. As a local resident and mother of 4 teenagers a McDonald's in Musselburgh would be welcomed, particularly by people that did not have a car. The bus fare to Fort Kinnaird was £2.75 each way. As an ex-employee of McDonald's she knew they took care of their staff, provided a good range of top quality food, had good hygiene and cleanliness standards. As regards litter the responsibility was with the individual not the company; other outlets did not take as much care over their area as McDonald's did. She hoped that the Committee would support the application.

Kirsten Leask, a local resident, spoke against the application. This proposal would have an adverse impact socially and economically to Musselburgh. She highlighted a number of health and nutritional concerns. The health and wellbeing of children was at the heart of Council policy. This site was close not only to the secondary school but also to 3 primary schools. Approving this would undermine the award winning Council's school meals service.

People were being urged to shop locally; supporting a national chain that did not use a local supply chain should not be promoted. She urged Members of the Committee to refuse this.

Iain Clark, representing Musselburgh Area Partnership, spoke against the application. He stated that 14 organisations had made representation regarding the location of this proposal. He raised several concerns; air quality, increase in traffic and associated emissions and traffic capacity constraints. The proposal was completely in conflict with the Council's LDP. There were 3 McDonald's drive-thru's near Musselburgh, none of these in a town centre; there was no reason why Musselburgh should be the exception. Musselburgh Town Centre Strategy stated that future traffic growth deterred people from using a town centre. He drew attention to a Coventry University study on the effects of air pollution. He urged refusal.

Ranald Leask, a local resident, spoke against the application. He stated that 1,300 local residents had signed a petition against this proposal. He highlighted numerous issues including traffic concerns, vehicle emissions, air pollution, air quality and litter. The proposal was contrary to the Council's Climate Change Strategy. The site was near 4 schools. He referred to the number of expected vehicles journeys per day. He highlighted the increase in noise pollution due to the 24 hour opening and disturbance to nearby residents including the sheltered housing complex. There were other more appropriate sites. Given the huge public objection to this application he hoped it would be refused by the Committee.

Bernard Harkins, representing Musselburgh and Inveresk Community Council, spoke against the application. He highlighted traffic concerns; Olivebank Road and Mall Avenue were currently congested. The west side of Musselburgh already had many food outlets. The AQMA had been introduced due to concerns about high levels of nitrogen dioxide; during the lockdown pollution levels had reduced significantly and ways of keeping these low should be looked at, not increasing them by having a drive-thru facility. He also raised issues regarding health, litter and the effect on the environment. This site was in very close proximity to the secondary school. This proposal was not supported by the people of Musselburgh.

Local Member Councillor Currie, not a member of the Planning Committee, raised several issues. He referred to an agreement in 2017 that 70 spaces in the car park would be utilised by those new flats, the Council as Planning Authority had insisted on this. He questioned the logic of using spaces in a food store car park for a drive-thru facility. There was a record of anti-social behaviour issues in this location. As regards traffic, there were huge issues and this proposal would only exacerbate the situation. There had been cross party support for declaring a Climate Emergency, an aspect of this was finding alternatives to car use. Secondary school pupils would go to McDonald's at lunchtime. He referred to the site's history, specifically the numerous complaints regarding Tesco deliveries, discussed by Committee many times. There was a McDonald's nearby at Fort Kinnaird. He urged refusal of this application; it was not required and was not wanted by the people of Musselburgh.

Local Member Councillor Forrest, also not a member of the Planning Committee, agreed with all of his colleague's comments. He felt that traffic modelling needed to be done in person and not by computer modelling; there was no peak time in Musselburgh, the town centre was constantly busy. He drew attention to the nearby bus garage. He also highlighted litter issues. He added that it would only take 180 seconds for pupils from the secondary school to get to McDonald's. He also urged the Committee to refuse this application.

Local Member Councillor Mackie stated that she had received more correspondence on this application than any other issue since she had been elected in 2017. She referred to traffic issues, traffic was constantly backed up around this location. She queried the traffic modelling stating it had taken her 5 minutes to drive along the length of road that would be used for the drive-thru. She agreed there was no peak time in Musselburgh. She highlighted other concerns including crowds gathering, anti-social behaviour, noise and litter; it would be

intolerable for local residents. Jobs were important but she felt the detrimental impact of this proposal undermined that benefit. She would not support the report recommendation.

Local Member Councillor Williamson thanked all those who had submitted representations; there had been a massive negative response to this application. Many serious concerns had been raised around traffic issues, congestion, environmental factors, air quality and health concerns. There were many other issues that also had to be taken into account including noise, litter, anti-social behaviour, 24 hour opening and proximity to the secondary school and 3 primary schools. He noted that the petition now had 1,420 signatures. He pointed out that McDonald's had lodged an application for the old Raceland site. He would not be supporting the officer's recommendation to grant consent.

Councillor McGinn highlighted the serious traffic congestion problems in Musselburgh. If this application was granted people would drive there, thereby increasing the amount of traffic coming into the town from many different directions; roads were already gridlocked. This was not a good location. It was also near 4 schools. He would not support the recommendation.

Councillor Bruce referred to the anti-social behaviour aspect stating that people would gather regardless of efforts against this. This was a concern given the proximity to housing. There were serious traffic concerns, these roads were constantly busy; he questioned the data used for the traffic modelling. He would not be supporting the report recommendation.

The Convener brought the discussion to a close. He agreed with comments expressed by colleagues. There were a number of issues that had to be taken into account and the subsequent adverse impact on the town centre. He would not be supporting this application.

He moved to the vote on the report recommendation (to grant consent), taken by roll call:

For: 0
Against: 12
Abstentions: 0

Mr Dingwall outlined a number of proposed reasons for refusal based on the debate by Members. The Committee agreed with all the reasons for refusal outlined.

Decision

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

- 1 The proposal would result in increased congestion, threatening the safe and effective operation of the local road network, contrary to Policy T2 of the adopted East Lothian Local Development Plan 2018.
- 2 The proposal would have an unacceptable impact on air quality, contrary to Policy NH12 of the adopted East Lothian Local Development Plan 2018.
- 3 The proposed development would result in unacceptable noise and disturbance which would be harmful to the amenity of nearby residential properties and the amenity of the area, contrary to Policies DP2 and NH13 of the adopted East Lothian Local Development Plan 2018
- 4 The development would result in an unacceptable loss of car parking, to the potential detriment of road safety.
- 5 The proposal could result in an unacceptable increase in levels of litter in the area, to the detriment of the local environment.

Sederunt – Councillor O'Donnell left the meeting

4. PLANNING APPLICATION NO. 19/00869/AMM: APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF PLANNING IN PRINCIPLE 17/00917/PPM – ERECTION OF 230 HOUSES, 20 FLATS AND ASSOCIATED WORKS AT EAST OF COWPITS ROAD, WHITECRAIG

A report was submitted in relation to Planning Application No. 20/00044/P. Emma Taylor, Manager for Planning Delivery presented the report, summarising the key points. The report recommendation was to grant consent.

Ms Taylor responded to questions. She confirmed that the broadband infrastructure for this development would be enabled for occupancy of the houses. Regarding the SuDS basin, she advised that this would be designed as part of the green space, therefore useable and attractive. On the time frame for landscaping she referred to the conditions which set out details for the phasing plan and infrastructure needed for drainage capacity.

Gordon Johnston, representing Persimmon Homes, the applicant, outlined the background to this application. He informed Members that they had worked closely with officers to ensure the design met the key principles of the design brief. This would be an attractive development providing a range of units. Persimmon Homes was invested in East Lothian and these new homes would be a positive addition to the county. There would be 63 new affordable properties for social and mid-market rent. The financial contribution towards education, roads and other provisions would bring benefit to new and existing residents.

Mr Johnston responded to questions. On factoring arrangements he clarified that Persimmon Homes used a few, long standing companies. The factor for this development had not yet been selected. He added that residents did have the opportunity to change factor if desired. Regarding arrangements for the affordable housing units, the Housing Association would be responsible for maintenance for any private areas. In relation to the cycle path this would be a standalone cycle path throughout the development. As regards the SuDS basin he outlined the relationship with Scottish Water in delivering flood prevention and water protection measures. The SuDS basin was designed to be an open space and would have a standard clay lining but an agreement was still needed with Scottish Water.

Local Member Councillor McLeod welcomed the detailed plans for this development; he was delighted there would be affordable housing for rent. He did have some concerns about the infrastructure but would be supporting the report recommendation.

Local Member Councillor McGinn shared his colleague's concerns about some aspects of the infrastructure, particularly health provision. He welcomed the cycle path. He liked the format of the affordable housing units, particularly the single flats, which he hoped would keep the local connection for young people. He would be supporting the application.

The Convener indicated he would also be supporting the recommendation to grant planning permission as set out in the report.

He moved to the vote on the report recommendation (to grant consent), taken by roll call:

For: 11
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 Prior to the commencement of development, final site setting out details shall be submitted to and approved in writing by the Planning Authority.

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

a. the position within the application site of all elements of the proposed development and the position of adjoining roads, land and buildings;

b. finished ground levels and finished floor levels of the development relative to existing ground levels of the site and existing ground and road levels of adjoining land. 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 hereby approved, shown in relation to the finished ground and finished floor levels on the site.

Thereafter, the details shall be implemented as approved.

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 ensuring active frontages and to enhance character and appearance of the area.

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

Reason:

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

- 4 Notwithstanding that shown on the drawings docketed to this approval of matters, and unless otherwise agreed by the Planning Authority, 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.

Notwithstanding that shown on the drawings docketed to this planning permission, the boundary enclosures shown on those drawings are not hereby approved. Instead, and prior to the commencement of development, revised details of all boundary enclosures to be erected on the application site, and the timescales for their provision, shall be submitted to and approved in advance by the Planning Authority. Those details shall show 1.8 metre high solid enclosures around rear gardens of the houses hereby approved except where those boundaries are adjacent to a road or pathway where they shall be some other form of enclosure such as feature walls or hedges to heights and finishes to be approved in advance by the Planning Authority.

Details submitted shall also include the design, construction and materials of the entrance feature walls at the main accesses to the site.

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

Reason:

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

- 5 The landscaping scheme as shown on docketed landscape drawings(ref: 143 121 01G -143 121 11G) shall be carried out in accordance with the details so approved unless otherwise approved by the Planning Authority. A timetable for the implementation of the landscaping scheme shall be submitted to and approved by the Planning Authority prior to the commencement of development. Thereafter the landscaping of the site shall be carried out in accordance with the approved timetable, unless otherwise agreed by the Planning Authority.

Reason:

To ensure the implementation and maintenance of a landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area.

- 6 Unless otherwise agreed in writing by the Planning Authority all new planting as approved in terms of the detailed scheme of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings in the phases of the site, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

All the new planting shall be maintained in accordance with the maintenance programme of the approved revised detailed scheme of landscaping.

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

Reason:

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

- 7 A play area with equipment suitable for children aged 0 - 15 years shall be provided on the area of open space in the northwest part of the application site to the west of plot 233 as shown on docketed site layout drawing no. 18167(PL)001-Z . Prior to the commencement of the development hereby approved the details of the play equipment and surfacing materials to be installed in the play area shall be submitted to and approved in advance by the Planning Authority. The details to be submitted shall include a timetable for its installation.

The play equipment and surfacing materials shall thereafter be installed in accordance with the details so approved.

The equipped play area, when provided, shall be maintained and used for such purposes at all times thereafter unless agreed in writing by the Planning Authority.

Reason:

To ensure the satisfactory laying out of all play areas in the interest of the amenity of the future occupants of the residential units hereby approved.

- 8 Prior to the commencement of development a plan showing all areas of factored open space shall be submitted to and approved by the Planning Authority, Thereafter all the open space areas indicated on the docketed site layout plan and on the factoring plan shall be available for use prior to the occupation of the last house on the site.

Other than to provide the play area as required by Condition 7 above, the open space recreation areas, when provided, shall be used for such purposes at all times thereafter unless agreed in writing by the Planning Authority.

Reason:

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

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

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

Thereafter, the approved details shall be implemented as approved.

Reason:

To ensure that the final SuDS design complies with Sewers for Scotland 3 and can be vested by Scottish Water in the interest of flood prevention, environmental protection and the long term amenity of the area.

- 10 Prior to the occupation of the last of the residential units hereby approved, the proposed site access roads, parking spaces and footpaths shall have been constructed on site, in accordance with that which is shown on the docketed drawings, otherwise the layout shall be subject to the following requirements:

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

2) All access roads shall conform to ELC Standards for Development Roads in relation to road layout and construction, footways & footpaths, parking layout and number, street lighting and traffic calming measures. This shall also comply with ELC Design Standards for New Housing Areas. NB the minimal level of treatment on home zone roads for streets with a single access.

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

4) 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.

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

Thereafter those access, parking and footpath provisions shall not be used for any other purpose than for accessing and for parking in connection with the residential use of the houses and shall not be adapted or used for other purposes without the prior written approval of the Planning Authority.

Reason:

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

- 11 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.

Reason:

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

- 12 A Construction Method Statement to minimise the impact of construction activity on the amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control construction traffic and shall include hours of construction work.

Thereafter, unless otherwise agreed in writing, the measures identified within the CMS must be implemented on site for the duration of construction works.

Reason:

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

- 13 A Construction Method Statement to specify the measures to be adopted to protect the amenity of neighbouring residential properties from the effects of noise and dust arising as a result of the construction phase of the proposed development shall be submitted to and approved by the Planning Authority prior to the commencement of development.

Thereafter the measures identified in the report shall be implemented on site until the build out of the site is complete unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of the amenity of the area.

- 14 No work shall be carried out on the site unless and until an effective vehicle wheel washing facility has been installed in accordance with details to be submitted to and approved by the Planning Authority prior to its installation. Such wheelwash 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 for the duration of constructions works on site unless otherwise agreed by the Planning Authority.

Reason:

In the interests of road safety.

- 15 Prior to the commencement of development the following offsite works shall be completed to the satisfaction of the Planning Authority:

- 1) the provision of a controlled pedestrian/cycle crossing of the A6094 near NCR1 at a location to be agreed with East Lothian Council;
- 2) a scheme of works and associated measures on Cowpits Road to the north of the proposed new junction to control vehicle speeds. The proposed measures shall be submitted to the Council for approval and shall include a reduced speed limit with the relocation of the existing 30 miles per hour speed limit some 700m north of the proposed new junction onto Cowpits Road, the provision of a pedestrian footway/footway widening, traffic calming and street lighting;
- 3) Provision of a 2.0m wide footpath on the east side of Cowpits Road from the proposed site access, southwards to the existing pedestrian footway. Where the existing footway on Cowpits Road is less than 2.0m wide, the footway shall be increased to 2.0m in width;
- 4) Provision of a footpath link of not less than 2.0m width on the north side of Whitecraig Road between the proposed site access junction and the existing residential properties (no 2 Whitecraig Road) and the footpath shall have adequate width for cyclists and bus shelters.
- 5) If provision (of) a footpath link from the site to Whitecraig Road that adjoins the south side of the site is possible, the said footpath link shall be included in the scheme of landscaping. If such provision is not possible, the scheme shall nevertheless be designed so as to facilitate provision of such a link at a future date should circumstances change.
- 6) Street lighting shall be provided over the full extent of the proposed 30 mph speed limit on the A6094 and Cowpits Road from the existing lighting on both roads to a point beyond both proposed site access junctions.

Reason:

In the interests of road safety.

- 16 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.

- 17 All roadworks including the cycle path shall be subject to Road Safety Audit, completed through Stages 1, 2, 3 and 4 (Preliminary Design, Detailed Design, Post Opening Audit and finally Post Opening Audit + 12 months and a Stage 2 Quality Audit. The Road Safety Audit process shall be undertaken in accordance with DMRB Volume 5, Section 2, HD 19/3 or as amended by latest version. Thereafter, all roads and footpaths shall be constructed in accordance with the Road Safety Audit and Stage 2 Quality Audit details so approved.

Reason:

In the interests of road and pedestrian safety.

- 18 Prior to the commencement of development, a programme for monitoring the condition of the section of the public road (i) between the roundabout at the junction of Carberry Road/Whitecraig Road and the new site access to be formed on Whitecraig Road, and (ii) between the A6094 (Whitecraig Road) and the new site access to be created on Cowpits Road, prior to and immediately following the completion of the housing development, shall be submitted to and approved in writing by the Planning Authority. Thereafter the approved programme of monitoring shall be implemented. Any remedial works shown by the monitoring as arising from the construction of the development, shall be undertaken by the applicant within 3 months of the completion of the final monitoring undertaken, unless an alternative means of securing the works is approved in writing by the Planning Authority.

Reason:

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

- 19 Prior to the commencement of development a phasing plan detailing the number of housing completions on this site in any one year shall be submitted to and approved by the Planning Authority. Thereafter the build out of the site will be in accordance with the agreed phasing plan, unless otherwise agreed by the Planning Authority.

Reason:

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

- 20 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.

DRAFT

Signed

Councillor Norman Hampshire
Convener of the Planning Committee



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

**TUESDAY 1 SEPTEMBER 2020
VIA A DIGITAL MEETING FACILITY**

1b

Committee Members Present:

Councillor N Hampshire (Convener)
Councillor L Bruce
Councillor J Findlay
Councillor N Gilbert
Councillor K Mackie
Councillor K McLeod
Councillor F O'Donnell
Councillor J Williamson

Council Officials Present:

Mr K Dingwall, Service Manager – Planning
Ms E Taylor, Manager Planning Delivery
Mr D Taylor, Planning Officer
Ms F Currie, Committees Officer
Ms P Gray, Communications Adviser

Clerk:

Ms A Smith

Apologies:

Councillor W Innes
Councillor S Kempson
Councillor C McGinn
Councillor J McMillan

Declarations of Interest:

None

1. PLANNING APPLICATION NO. 20/00627/PM: VARIATION OF CONDITION 5 OF PLANNING PERMISSION P/0867/91 TO CHANGE THE DATE OF RESTORATION TO WITHIN 28 YEARS FROM THE FIRST COMMENCEMENT OF OPERATIONS AT OXWELL MAINS, DUNBAR

A report was submitted in relation to Planning Application No. 20/00627/PM. David Taylor, Planning Officer, presented the report, summarising the key points. The report recommendation was to grant consent.

Mr Taylor responded to questions from Members. Regarding the restoration plan he clarified that such a plan was already in place, based on the presumption for landfill. There had been a drop in anticipated landfill rates. He confirmed that the proposal was compliant with Scottish Government legislation. On timescales and possible extensions, given the reducing amount going to landfill, he clarified that the applicant would have to discuss this with the Planning Authority. On possible operation creep over a number of years, he stated that Scottish Government legislation would not allow this. In relation to the reduction in the number of landfill cells from 12 to 8 and plans for the rest of the land, Mr Taylor advised that this would form the basis of the conditions as regards post restorative contours; the applicant would have to specify how they would use the land.

The Convener, a Local Member, commented that this site had been in this location for a long time and had created a lot of employment. He hoped that a final solution could be found to area being used as a quarry. He would be supporting the recommendation in the report.

Councillor O'Donnell remarked that the reduction in landfill was a mark of the success of recycling. She would be supporting the report recommendation.

The Convener moved to the vote on the report recommendation (to grant consent), taken by roll call:

For: 8
Against: 0
Abstentions: 0

Decision

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

- 1 The entire site will have been infilled and restored in accordance with approved restoration and recontouring schemes required under the terms of the following conditions no later than 28 years from the date on which landfill operations first commenced in September 1997 and therefore the works to restore the quarry shall unless any extension to the time is granted in advance by the Planning Authority be completed by September 2025.

Reason

To secure the timeous restoration of the site in the interests of the amenity of the area

- 2 Within a period of 3 years from the date of this planning permission a scheme detailing the final restorative contours of the site will be submitted for planning authority approval. The details shall include before and after restoration contours (at 1 metre intervals) of the excavated areas. All works to recontour the site will thereafter be carried out in strict accordance with the approved scheme unless otherwise agreed by the Planning Authority.

Reason:

To ensure that the finished land form is acceptable in the interests of the visual amenity of the area.

- 3 Within a period of 4 years from the date of this planning permission a detailed restoration plan and phasing programme for the entire site will be submitted to the Planning Authority for approval. The restoration plan will provide for a mixed scheme of restoration to include agricultural land, tree planting, the creation of a wide range of natural habitats and a measure of the potential of the site to accommodate other uses such as recreational.

Restoration of the site will be progressively carried out and completed in accordance with the approved phasing programme unless otherwise agreed by the Planning Authority.

The detailed restoration plan will specify the method and standard of soil replacement, finished land surfacing, and the size, species and planting matrix of trees, hedges and other structural planting to be carried out within the site. It will also include proposals for the future post-restoration management and maintenance for the restored site, including all landscape planting undertaken.

Reason

To ensure a satisfactory restoration of the site in the interests of the amenity of the area

DRAFT

Signed

Councillor Norman Hampshire
Convener of the Planning Committee

REPORT TO: Planning Committee
MEETING DATE: Tuesday 6 October 2020
BY: Head of Development
SUBJECT: Application for Planning Permission for Consideration

2

Application No. **19/00643/PM**
Proposal Erection of 232 houses, 42 flats and associated works
Location **Letham Mains
Haddington
East Lothian**
Applicant Taylor Wimpey, Mactaggart Mickel, Andrew Bain, Classhappy
Per Geddes Consulting

RECOMMENDATION Consent Granted

REPORT OF HANDLING

PROPOSAL

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

As a statutory requirement for major development proposals this development proposal was the subject of a Proposal of Application Notice (Ref: 18/00005/PAN) and thus of community consultation prior to this application for planning permission being made to the Council.

As an outcome of that and as a statutory requirement for dealing with major development type applications a pre-application consultation report is submitted with this application. The report informs that some 50 people attended the pre-application community consultation event, which was held at the Maitlandfield Hotel, Haddington on Thursday October 4th 2018 and that those attendees made a number of queries and suggestions regarding the proposals. The PAC report informs that 8 completed feedback forms were received following the consultation event with a further 13 emails or letters also received in respect of the proposal. The development for which planning permission is now sought is of the same character as that which was the subject of the community engagement undertaken through the statutory pre-application consultation of the proposal.

The application site is some 10.19 hectares in area and is allocated by Proposal HN2: Letham Mains Expansion, Haddington by the adopted East Lothian Local Development Plan 2018 for a residential development of circa 275 homes. The application site is adjacent to and would form an expansion of the larger Letham Mains development site allocated by Proposal HN1: Letham Mains, Haddington. That site is allocated for a mixed use development of circa 800 homes, plus education and community facilities, a local centre and associated work. That site is currently well under construction. The site rises slightly in gradient from the south.

The application site comprises almost the whole of an arable field but excludes the north and eastern side of the field which forms part of the site allocated by Proposal HN1 of the ELLDP and which is currently under construction. The site is otherwise bounded to the east by another part of the allocated site HN1 Letham Mains of the ELLDP, to the south in part by No.s, 32-34 Letham Holdings and in part by the A6093 with the residential properties of 35 & 36 Letham Holdings, Endrigg, 1-3 Black House Steading and some agricultural land beyond. To the west of the site is No.s 30 & 31 Letham Holdings beyond which is an unnamed road through the Holdings and which links the A6093 Pencaitland Road to the A199 to the north. It is bounded to the north and east by the allocated site of HN1 Letham Mains of the ELLDP which are approved through the grants of planning permission 13/00519/PM and 14/00089/PM for development.

Planning permission is sought through this application for the erection on the northern half of the application site of 232 houses, 42 flats and associated works.

The development site layout plan shows how the proposed 232 houses and 42 flats would be accommodated on the site along with associated access roads and footpaths, parking areas, landscaping, open space and two SUDS basins.

In accordance with the Development Brief vehicular access into the site would be taken from an access to be formed on the south side of the new distributor road to be built as part of planning permissions 13/00519/PM and 14/00089/PM. There will also be 2 points of access from the adjacent development to the north of the site also approved as part of planning permission 13/00519/PM. Also in accordance with the Development Brief four new vehicular accesses would also be created to access the houses fronting onto the A6093 Pencaitland Road. A pedestrian footway from the A6093 would also be formed which would give direct access to the centre of the site. Whilst not required through the Developer Brief a vehicular access would also be created from the un-named road to the west of the site into the development.

Areas of openspace are provided through out the site and which would include an informal 7 a side football pitch would be located centrally within the site. This area of openspace would incorporate a children's play area upon it. An area of landscaped openspace would also be formed at the southwest corner of the site which would be seen as the gateway to the site and to Haddington from Pencaitland Road. SuDs basins and areas of openspace would be formed at the northeast and northwest corners of the site.

Otherwise Development of the site would be undertaken in 2 parts – the 5.4 ha on the north and western part of the site would be developed by Taylor Wimpey who would build 105 market units (comprising 57 x 4 bedroomed detached houses, 42 x 3 bedroomed semi-detached houses and 6 x 2 bedroomed semi-detached houses), and 35 affordable units. The market houses would comprise 53 x 4 bedroomed houses, 46 x 3 bedroomed houses and 6 x 2 bedroomed houses. The 2 bungalows would be located on the southern part of the site. The 35 affordable units would comprise 6 x 1 bedroomed, 6 x 2 bedroomed flats, 14 x 3 bedroomed terraced houses, 2 x 3 bedroomed bungalows, 4x 3 bedroomed semi-detached houses and 2 x 3 semi-detached apartments. The affordable units would be grouped

together on the western part of the site.

The remainder of the site - the south and eastern parts of the site would be developed by Mactaggart and Mickel and would have 132 units comprising 98 market units and 34 affordable units constructed on it. Of the 98 market units there would be 15 x 4 bed roomed detached houses, 11 x 3 bed detached houses, 47 x 3 bed semi-detached houses, 6 x 3 bed terrace houses, 7 x 2 bed terraced houses and 12 x 2 bed roomed flats. The affordable units would be made up of a mix of 8 x 1 bed roomed flats, 6 x 2 bed roomed flats, 12 x 2 bed roomed houses, 4 x 3 bed roomed houses and 4 x 4 bed roomed houses. The affordable units would be grouped together in the southeast corner of the site.

The application is also supported by a Cultural Heritage Assessment, a Transport Statement, a Drainage Design Strategy, a Design and Access Statement (Masterplan), and Ecological Assessment, a Flood Risk Assessment, a Sustainability Statement, An Air Quality Impact Assessment, a Noise Impact Assessment, Transport Assessment, Road Safety Audit and a Landscape and Visual Appraisal.

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 the proposed development falls within the category of a Schedule 2 Development, being one that may require the submission of an Environmental Impact Assessment (EIA). Schedule 3 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 sets out the selection criteria for screening whether a Schedule 2 development requires an EIA. On 7th February 2018 the Council issued a formal screening opinion to the applicant's agent. The screening opinion concludes that it is East Lothian Council's view that the proposed development is not likely to have a significant effect on the environment such that consideration of environmental information is required before any grant of planning permission. It is therefore the opinion of East Lothian Council as Planning Authority that there is no requirement for the proposed housing development to be the subject of an EIA.

DEVELOPMENT PLAN

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

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

There are no of the approved South East Scotland Strategic Development Plan (SESplan) relevant to the determination of the application. Proposal HN2 – Letham Mains Expansion, and Proposal ED5: Haddington Cluster Education Proposals, Policies HOU3: Affordable Housing Quota, Policy HOU4: Affordable Housing Tenure Mix, Policy OS3: Minimum Open Space Standard for New General Needs Housing Development, Policy OS4: Play Space Provision in New General Needs Housing Development, Policy CF1: Provision of New Sports Pitches and Changing Accommodation, Policy T1: Development Location and Accessibility, Policy T2: General Transport Impact, Policy T4: Active Travel Routes and Core Paths as part of the Green Network Strategy, PROP T15: Old Craighall Junction Improvements, PROP T17: A1 Interchange Improvements (Salters Road, Dolphinstone Interchange, Bankton Interchange and Gladsmuir), PROP T21: Musselburgh Urban Traffic Control System, PROP T27: Tranent Town Centre One-Way System, PROP T28: Junction Improvements at Elphinstone Road and Edinburgh Road, Policy T32: Transport Infrastructure Delivery Fund, Policy W3: Waste Separation and Collection, Policy DCN2: Provision for Broadband Connectivity in New Development, Policy NH5: Biodiversity and Geodiversity Interests, including Nationally Protected Species, Policy NH10: Sustainable Urban Drainage Systems, Policy NH11: Flood Risk, Policy NH12: Air Quality, Policy NH13:

Noise, Policy CH4: Scheduled Monuments and Archaeological Sites, Policy DP1: Landscape Character, Policy DP2: Design, Policy DP3: Housing Density, Policy DP4: Major Development Sites, Policy DP9: Development Briefs and Policy DEL1: Infrastructure and Facilities Provision.

Material to the determination of the application is the non-statutory Development Brief HN2 – Letham Mains Expansion which was adopted by the Council on 30 October 2018.

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

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

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

REPRESENTATIONS

Also material to the determination of the application are the written representations received to it. A total of 38 written representations have been received, 36 of which raise objections to the proposals and 1 of which neither supports nor objects to the proposals. Copies of the written representations are contained in a shared electronic folder to which all Members of the Committee have access.

The majority of objections to the proposals are from individual residents from the surrounding area. One of the objections is from The Haddington and District Amenity Society.

* There were a number of reports that were not available to view on the Council website when neighbours were first notified such as the Flood Risk Assessment and Habitat Survey;

* Despite objections raised at the public meeting the application site has a vehicular access from the site onto the Letham Mains Lane (U137). This lane is single track with blind bends, and 22 accesses onto it and is therefore not suitable for any additional traffic and contrary to Policy T2 of the adopted ELLD 2018;

* Letham Mains Lane is without a footpath and has no lighting. It is shared by motorists, cyclists horse riders and dog walkers. If two vehicles meet then one has to pull over into a driveway of field access to allow the other to pass. That will happen when drivers from the proposed development use it as a short cut to the A1?

* The Penciatland Road A6093 is used at times like a race track with traffic paying no heed to speed limits;

* The Development Brief for the site prepared as Supplementary Planning Guidance has not been adhered to, including (i) the proposed access to the site being taken from the site of PROP HN1, (ii) the special character of the Holdings being respected including having a 10m setback from the road and (iii) houses being 1.5 storey in height in the SW corner of the site;

* The proposed house design at the SW corner fronting onto the A6093 - this location is characterised by single storey type Holding Houses and it is inconceivable that unsympathetic urbanisation is proposed in such a rural setting;

* What allowances have been made to safeguard the soakaway and field drains from the septic tanks of the Holding houses?

* The title deeds of the Holdings requires maintenance of fences/hedges surrounding their properties. Access is therefore required for this. This suggests some margin between existing properties and the new development is required.

* Impact on Social Responsibility – How can continued housebuilding without interruption be positively sustained?

* Impact on local infrastructure;

* A new bus stop will be located outside of a bedroom window of an existing house;

* The proposal shows that there will be a road running along half of rear of 32 Letham Mains Holdings. It will be very close to the rear gardening and no screening is proposed. This could result in road traffic noise and fumes;

* The proposal is not compatible with the declaration of a Climate Emergency – Building that is dependent on the motor car contradicts the goal of reducing fossil fuel emissions;

* The housing density used is typical of an urban not a rural development;

The matter of the objections raised during the Pre Application Consultation being ignored is not a material planning consideration of this planning application. It is for the applicant to decide whether or not to amend the scheme of development in accordance with those matters.

The matter of the title deeds requiring maintenance to fences/hedges surrounding properties and the safeguarding of a soakaway are civil matters between the occupants of the houses of the Holdings and the landowner. They are not matters relevant to the determination of a planning application.

Whilst there may have been reports not immediately available when the application was first registered this was due to administrative reasons and not for reasons within the control of the applicant. However, these reports were made available to view soon after registration and the public had access to those reports. The fact that the reports were not made public at

the outset has not prejudiced the ability of the public to make representations to this application.

The Development Brief is not a Blueprint stipulating how the development of the site must be carried out. Instead it is a high level document that gives guiding principles that developers are expected to apply in their layout. Therefore and provided any deviations from the Development Brief are otherwise acceptable and comply with other policies of the ELLDP 2018 then such deviations can be acceptable and do not conflict with the requirements of the Development Brief.

COMMUNITY COUNCIL COMMENTS

Haddington Community Council largely support this application. However they are concerned that (i) works to extend Knox Academy need to be progressed before any further developments are granted planning permission and (ii) that this development should make a financial contribution to fund that extension. The residents of Haddington are tired of more houses being built without matching infrastructure projects to accommodate the increased population.

PLANNING ASSESSMENT

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

The land of the application site is within the allocated housing site (HN2 Letham Mains Expansion) in the ELLDP 2018. Proposal HN2 of the ELLDP allocates the whole of the allocated site for a residential development of circa 270 homes and thus the Council recognises its potential for residential development for circa 270 homes. However, whilst the whole of the field is allocated, there are 3 large plots – 32 Letham Holdings, 33 Letham Holdings and 34 Letham Holdings – that are on part of the south boundary of the field which are outside the application site. Furthermore, an area of land adjacent to the most eastern of those 3 holdings – 34 Letham Holdings - has planning permission ref: 19/00382/P for the erection of 3 houses on it. Development of those 3 houses has recently commenced.

The adopted Development Brief HN2 – Letham Mains Expansion was prepared for the site and sets out guiding principles, and indicative design, to be followed, for its development. These include (i) that larger plots are required along the frontage with the A6093 and the unnamed road to the west. The building lines of houses built here should be set back between 10m-15m from the A6093; these houses should front onto and be accessed from the A6093. Buildings should be no higher than 1.5 storey and be of a detached form; (ii) provision of a 3m wide pavement suitable for shared use walking and cycling along the A6093; (iii) A 10m deep landscape edge in the southwestern corner of the site to create a landscape gateway to Haddington; (iv) access to be from the larger Letham Mains allocation to the east and north, and (v) layout and orientation of streets, paths and spaces should connect with the existing consented development to create networks.

In accordance with the Development Brief the site will be accessed from the existing Letham Mains development that is currently under construction and granted planning permission 13/00519/PM & 14/00089/PM previously. Whilst the proposed vehicular access from the site onto the Letham Holdings Road does not feature in the Development Brief the Development Brief does not state that there should not be a vehicular access onto Letham Holdings road from the site. Therefore and as there was no objection to the principle of this vehicular access from Road Services the proposed means of access to the site is not inconsistent with the requirements of the Development Brief.

Thereafter, the proposed housing site is to be developed in 2 halves by 2 different developers. However, care has been taken to ensure that through the layout and design of the houses, of the positioning of openspace and the alignment of roads and footpaths that overall this will appear as one integrated development.

The houses would be largely 2 storey in height. However, the houses along the south boundary of the site would be single storey in height to reflect the single storey houses of the Holdings. The building line of the front elevations of those houses would be set back some 10m from the edge of the A6093, all in accordance with the Development Brief. Whilst the building line of the front elevations of the 3 houses to be built to front onto the unnamed Letham Holdings road to the west would not have this same set back, this would be mitigated by the large landscaped gateway feature that is to be some 45 m in length and some 75m in width in the southwest corner of the site. Therefore, this deviation from the Development Brief would not be so significant to detract from the overall character of the development.

Policy DP3 of the ELLDP states that new housing sites will be expected to achieve a minimum average density of 30 dwellings per hectare (net) using a full range of housing types and sizes. This is to ensure efficient use of land and other resources and create mixed communities with a full range and choice of house types and sizes. The net density of the development proposed through this application is, some 30.1 units per hectare, and therefore is in accordance with Policy DP3 of the ELLDP 2018.

The range of house types and sizes proposed would give a variation of architectural form to the development, which coupled with the orientation and layout of the buildings and the variation in roof materials, would give a degree of variety of appearance to the development. The proposed development would be of a pattern and density not out of keeping with patterns and densities of housing and other development in Haddington.

The architecture of the proposed houses and flats would be of a traditional pitched roof form and a relatively traditional design overall and the materials proposed are generally traditional in appearance including two different roofing colours and two different render colours. A condition can be imposed on the grant of planning permission for the proposed development to ensure that the finishing colours and mix of colours to be used respect the character and appearance of the village.

The proposed housing development is shown as being laid out with the majority of houses having side driveways and rear parking courtyards to emphasis pedestrian/cycle use and reduce the dominance of vehicle parking. The large area of open space which will incorporate the 7 a side grass pitch will be a central focus for the site, linking the 2 halves with direct and accessible footpath links to it from within all parts of the development. This large central area of open space together with the areas of openspace to the northwest, east and southwest will ensure that sufficient space for recreation and leisure will be provided for the future residents of this development.

There will be a permeable street pattern, road and pedestrian/cycle accesses and open spaces, which will result in a distinctive yet attractive urban expansion of the development at Letham. In its relationship with that existing consented development at Letham, it will appear as a natural expansion of Letham Mains with a layout taking due regard to the existing consented development and which links into and connects to that development and also links into and connects to adjacent road and footpath networks. A shared use footpath is proposed along the frontage of the site on the north side of the A6093.

In respect of landscape matters the applicant has taken into consideration a number of comments of the **Council's Landscape Projects Officer** in the submission of revised

drawings to incorporate enhanced landscape planting within the site. The landscaped area of openspace some 45m in depth and some 75m in length in the southwest corner of the site would be a significant and attractive gateway feature forming a the new entrance into Haddington along the A6093 Pencaitland Road. Whilst it would bring change to the western edge of Haddington this area of landscaping together with the wider landscaping of the development would be well designed and would ensure that the housing development was well integrated into its landscape setting. The provision, maintenance and retention of a scheme of landscaping of the site can be made a condition of a grant of planning permission. On this consideration the proposed development is consistent with Policy DP1 of the ELLDP.

The proposed housing development would provide an attractive residential environment. The houses and flats are shown to be laid out in such a way that adheres to the normally accepted privacy and amenity criteria on overlooking and overshadowing, whilst affording the future occupants of the houses and flats an appropriate level of privacy and residential amenity.

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

The areas of open space shown to be provided would provide sufficient, usable areas of open space for informal recreation for the proposed development.

The site is capable of accommodating all of the proposed development including vehicular and pedestrian access and amenity space without being an overdevelopment of it. The pattern and density of the proposed development would not be at odds with the existing patterns and densities of housing and other development within the town of Haddington.

On all of these foregoing findings on matters of density, design, layout, landscaping and amenity, and subject to the imposition of conditions, the proposed development is not inconsistent with Proposal HN2 or Policies DP1, DP2, DP3, DP4, DP8, DP9, OS3 and OS4 of the adopted ELLDP, the Council's adopted development brief for the site and Scottish Government Policy Statement entitled "Designing Streets".

The applicant's agent has confirmed that the infrastructure for broadband connectivity will be installed within this development. Therefore the proposals are in accordance with Policy DCN2 of the adopted ELLDP 2018.

East Lothian Council Health and Social Care Partnership states that as the site is allocated by the adopted East Lothian Local Development Plan 2018 they have no objection to the application for 274 residential units.

The **Council's Environmental Health Service Manager** has perused the Noise Impact Assessment Technical Report and advised that in order to protect amenity of occupiers of proposed housing from noise associated with road traffic he requests the following condition be imposed:

1. Details of the proposed glazing mitigation scheme for each dwelling with an exposed elevation within the noise mitigation zones shown in Figures 4.1 and 4.2 of The Airshed's Technical Report Ref AS 0649 of Sth July 2019 shall be submitted for approval to the planning authority prior to the commencement of development. This can reasonably be made a condition of any grant of planning permission.

Subject to the imposition of that condition he raises no objection to the proposed

development, satisfied that it would not result in harm to the amenity of any neighbouring land use. This can be secured by a conditional grant of planning permission for the proposed development. Subject to the imposition of this condition, on the matter of noise, the proposals comply with Policy NH13 of the ELLDP 2018.

In relation to considerations of contaminated land issues, the **Council's Environmental Health Service Manager** advises that the site has been agricultural / open field for most of its history, however, it cannot be ruled out that there may be localised deposits of made ground associated with this use. Given the size of the site (12.4 Ha) and the nature of the proposed development (residential) additional information will be required in order to determine both the ground conditions and potential contamination issues impacting on the site. Therefore the Council's Environmental Health Service Manager anticipates that as a minimum a Phase I Geo-environmental Assessment (Desk Study) will need to be carried out. He advises that prior to commencement of development a suitable Geo-Environmental Assessment must be carried out. If it is concluded by a written report that remediation of the site is not required then no further investigations are required. If the investigations find that remediation is required then prior to works commencing on site a detailed Remediation Statement should be produced to show how the site is to be brought to a condition suitable for the intended use and following completion of the remediation work a Validation Report should be submitted to demonstrate the effectiveness of the remediation. In the event that contamination is found at any time when carrying out the development that was not previously identified, work shall cease and the issue reported to the Planning Authority. All of this can be secured through a condition attached to a grant of planning permission for the proposed development. The Council's Environmental Health Service Manager has no further comments on the proposed development.

The Council's Archaeology/Heritage Officer advises that previous extensive archaeological fieldwork in the vicinity has not uncovered any archaeological remains. Therefore based on the available evidence he raises no objection to the proposal which is consistent with Policy CH4 of the adopted ELLDP 2018.

The Council's Waste Services advise that they are satisfied that the proposed development could be serviced by waste collection vehicles and is consistent with Policy W3 of the adopted East Lothian Local Development Plan 2018.

The Council's Biodiversity Officer raises no objection to the proposed development, being satisfied that no notable habitats will be affected by the development. Therefore based on the available evidence he raises no objection to the proposal which is consistent with Policy NH5 of the adopted ELLDP 2018.

The Council's Road Services have considered the objections to the proposed vehicular access onto the Letham Holdings Lane. They are satisfied that use of the proposed vehicular access would not raise issues of road safety on Letham Holdings Lane and do not object to the provision of that vehicular access. Therefore the Council's Road Services do not object to the proposed development subject to the following transportation requirements:

* A 2m wide footway should be provided on at least one side of the road between plots 86 and 95, along the frontage of plots 1-16 of the Mctaggert and Mickel part of the development;

* The entrance to the rear parking courtyard serving plots 103-114 of the Mctaggert and Mickel part of the development must be re-designed and if necessary the parking bay relocated if necessary;

* the detailed design of (i) site access onto Letham Holdings Road and (ii) improvement

works to the A6093 Pencaitland Road including the carriageway realignment, footways, bus stops, kerbs and associated infrastructure shall be submitted to and approved prior to works commencing on site;

- * 1 secure cycle storage space should be provided per flat;
- * A Quality audit to include visibility splays and removal of parking within these should be undertaken for the application site. This should include a risk assessment;
- * Single driveways should be at least 6 metres long and be at least 3.0 metres wide;
- * Double driveways should be at least 6 metres long and be at least 5 metres wide. Double length driveway should be at least 11 metres long and 3 metres wide;
- * A Construction Management Plan is required. Construction access to southern part of the site will not be permitted via the Knox Place junction via West Road. All access shall be from West Road and with dilapidation surveys given level of construction. A Construction Method Statement to minimise the impact of construction activity on the amenity of the area should be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement should recommend mitigation measures to control noise, dust, construction traffic and should include hours of construction work and delivery routes. This should also include the phasing of the development and restrictions that may be required particularly for those travelling to existing and/or proposed schools;
- * A Green Travel Plan is required; and
- * Vehicle wheel washing is required during the construction phase of the development.

Details of the above transportation requirements, including a timetable for their implementation, should be submitted to and approved in advance by the Planning Authority.

With the imposition of conditions to cover the recommendations of Road Services the proposal does not conflict with Policies T1 and T2, of the adopted East Lothian Local Development Plan 2018.

Transport Scotland raise no objections to the proposal provided East Lothian Council secure appropriate proportionate financial contributions from this proposal to address the cumulative impact on the strategic network arising from the development.

Policy DEL1 of the adopted East Lothian Local Development Plan 2018 stipulate that new housing will only be permitted where appropriate provision for infrastructure, required as a consequence of the development, is made. Policy T32 of the ELLDP specifically relates to the package of transportation interventions to mitigate the cumulative impact of development on the transport network which have been identified by the Council in consultation with Transport Scotland. In line with Policy DEL1, relevant developments are required to contribute to the delivery of these transportation interventions, on a proportionate, cumulative pro-rata basis, as set out in Developer Contributions Framework Supplementary Guidance.

The Council's Planning Obligations Officer advises that the cumulative transport impacts of the development of proposed housing site HN2 was assessed for 275 dwellings in the 2018 Developer Contribution Framework Supplementary Guidance. Therefore, for the PROP HN2: Letham Mains Expansion, Haddington the Council's Road Services has advised that the contributions required for each transport intervention are as detailed in the Developer Contributions Supplementary Guidance are:

- * Improvements to Old Craighall junction (PROP T15): £2696
- * Improvements to Salters Road Interchange (PROP T17): £1948
- * Improvements to Bankton Interchange (PROP 17): £6431
- * Musselburgh Town Centre improvements (PROP T21): £688
- * Tranent Town Centre Improvements (PROP T27 and T28): £1495
- * Rail Network Improvements (PROP T9 and T10): £0
- * Segregated Active Travel (Prop T3): £135,212

The total contribution required for transportation improvements resulting from cumulative impacts of the development is therefore £148,470.

The total developer contributions towards the transportation interventions of £148,470 (indexed linked) can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. The applicants have confirmed in writing that they are willing to enter into such an agreement.

The Council's Depute Chief Executive (Resources and People Services) informs that the application site is located within the school catchment areas of Letham Mains Primary School and Knox Academy High School. Policy ED5 (Haddington Cluster Education Proposals) of the ELLDP 2018 stipulates that the Council will provide new permanent accommodation for Knox Academy, Letham Mains Primary and Nursery School to accommodate pupils from relevant development within the Haddington catchment.

He advises that Letham Mains Primary and Nursery School and Knox Academy will not have sufficient capacity to accommodate children that could arise from the proposed development the subject of this application. Therefore he objects to the application on the grounds of lack of permanent capacity at Letham Mains Primary and Nursery School and Knox Academy. However, he would withdraw that objection provided the applicant makes a financial contribution to the Council of £8431 per home (£2,310,094) towards the provision of additional school accommodation at Letham Mains Primary School and £5308 per home (1,454,392) towards the provision of additional school accommodation at Knox Academy.

The required payment of a financial contribution of a total of £3,764,486 towards the provision of additional accommodation at Letham Mains Primary and Nursery School and Knox Academy can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the payment of the required contribution towards educational accommodation the proposal is consistent with Policy ED5 of the ELLDP 2018 which stipulates that new housing will only be permitted where appropriate provision for infrastructure required as a consequence of the development is made. The applicants have confirmed in writing that they are willing to enter into such an agreement.

The Council's Sports Development & Community Recreation Manager has advised that there are requirements for a 7 a side grass sports pitch to be provided within the site. An appropriately sized area in the centre of the site has been identified for this and is shown on the site plan. Additionally a financial contribution of £92,500 is required towards the provision of that sports pitch. Therefore a financial contribution of £336 per home is required towards the provision of the sports pitch.

The Council's Sports Development & Community Recreation Manager also advises that a contribution towards the enhancement of existing sports facilities in the Haddington area is

also required. This would amount to £1,290 per dwelling 'to support the enhancement of sporting facilities in the Haddington area. This would amount to a total contribution of £353,460 for this development.

The required payment of a financial contribution of a total of £445,960 towards the proposed sports pitch and the enhancement of sporting facilities in the Haddington area can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the payment of the required contribution towards the sports pitch and the enhancement of sporting facilities in the Haddington Area the proposal is consistent with Policy CF1 of the ELLDP which stipulate that new housing will only be permitted where appropriate provision for infrastructure required as a consequence of the development is made. The applicants have confirmed in writing that they are willing to enter into such an agreement.

Subject to the payment of the required contribution towards transport interventions, education provision, sports pitch provision and the enhancement of existing sports facilities the proposal is consistent with Proposals T15, T17, T2`, T27 and T28 and Policies DEL1, ED5, CF1, and T32 of the ELLDP 2018.

The Council's Economic Development & Strategic Investment Manager advises that in accordance with the Council's Affordable Housing Policy, 25% of the proposed 274 residential units require to be affordable housing units. In the case of this application, the affordable housing component of the proposed housing development is 69 units. Discussions have taken place between Housing Strategy and Development and the applicant and the Economic Development & Strategic Investment Manager confirms that the location, mix and sizes of the affordable units have been agreed and it has been agreed that the units will be delivered on this site by the applicant. Therefore and as the affordable housing would be sufficiently integrated into the overall development, the Economic Development & Strategic Investment Manager therefore advises that the number, mix and location of affordable units to be provided on the site is acceptable.

The terms for the provision of this affordable housing requirement could be the subject of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the Council securing the affordable housing requirement, which the applicant is willing to do, the proposal would be consistent with Policies HOU3 and HOU4 of ELLDP 2018.

Scottish Environment Protection Agency have reviewed the Flood Risk Assessment and raise no objection to the proposals, being satisfied that the proposed development would not result in an unacceptable flood risk.

Furthermore, **the Manager for the Council's Structures, Flooding and Street Lighting** team raises no objection to the application.

Therefore on the matter of flood risk the proposed development would be consistent with Policies NH10 and NH11 of the adopted East Lothian Local Development Plan 2018.

Scottish Water were consulted on this planning application and have advised that the proposed development will be fed from Castle Moffat Water Treatment Works and will be serviced from the Haddington Waste Water Treatment Works. Whilst Scottish Water are unable at this time to confirm capacity at these facilities they raise no objection to the proposals. They do however suggest the applicant contact Scottish Water at their earliest

convenience to discuss this development.

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

In summary, in the context of the site being part of housing allocation PROP HN2 of the adopted East Lothian Local Development Plan 2018, and in that its impacts in respect of amenity and technical considerations are acceptable in themselves, or can be mitigated through the appropriate use of planning conditions and necessary developer contributions, the balance of the material considerations of this case supports the proposals. This includes consideration of the matters raised in objections to the application. A grant of planning permission would therefore be consistent with the relevant

RECOMMENDATION

It is recommended that planning permission be granted subject to:

1. The undernoted conditions.

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

(i) a financial contribution to the Council of £3,764,486 towards the provision of additional accommodation at Letham Mains Primary and Nursery School and Knox Academy;

(ii) a financial contribution to the Council of £92,500 towards the cost of a 7 a side sports pitch and £353,460 towards the enhancement of existing sporting facilities within the Haddington Area;

(iii) 69 affordable residential units within the application site;

(iv) a financial contribution to the Council of £148,470 for transport improvements. (Comprised of £2696 for road improvements to Old Craighall Junction, £1948 for improvements to Salters Road Interchange, £6431 for improvements to Bankton Interchange, £688 for Musselburgh town centre improvements, £1495 for Tranent town centre improvements and £135,212 for Segregated Active Travel).

3. That in accordance with the Council's policy on time limits for completion of planning agreements it is recommended that the decision should also be that in the event of the Section 75 Agreement not having been executed by the applicant, the landowner and any other relevant party within six months of the decision taken on this application, the application shall then be refused for the reason that without the developer contributions to be secured by the Agreement the proposed development is unacceptable due to a lack of sufficient school capacity at Letham Mains Primary and Nursery School and Knox Academy, a lack of provision of affordable housing, a lack of formal play provision and a lack of roads and transport infrastructure improvements contrary to, as applicable, Policies ED5, DEL1, HOU3 and T32 of the adopted East Lothian Local Development Plan 2018.

1 Prior to the commencement of development, final site setting out details shall be submitted to and approved in writing by the Planning Authority.

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

a. the position within the application site of all elements of the proposed development and the position of adjoining roads, land and buildings;

b. finished ground levels and finished floor levels of the development relative to existing ground levels of the site and existing ground and road levels of adjoining land. 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 hereby approved, shown in relation to the finished ground and finished floor levels on the site.

Thereafter, the details shall be implemented as approved.

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 drawings 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 of the development.

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

Reason:

In the interests of ensuring active frontages and to enhance character and appearance of the area.

- 4 Notwithstanding that shown on the drawings docketed to this planning permission, 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.

Notwithstanding that shown on the drawings docketed to this planning permission, the boundary enclosures shown on those drawings are not hereby approved. Instead, and prior to the commencement of development, revised details of all boundary enclosures to be erected on the application site, and the timescales for their provision, shall be submitted to and approved in advance by the Planning Authority. Those details shall show 1.8 metre high solid enclosures around rear gardens of the houses hereby approved except where those boundaries are adjacent to a road or pathway where they shall be some other form of enclosure such as feature walls or hedges to heights and finishes to be approved in advance by the Planning Authority.

Details submitted shall also include the design, construction and materials of the entrance feature walls at the main accesses to the site. Thereafter the boundary treatments erected shall accord with the details so approved unless otherwise agreed in writing by the Planning Authority.

Reason:

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

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

The details shall include confirmation of Scottish Water's technical approval of the SuDS proposals. Thereafter, the approved details shall be implemented as approved.

Reason:

To ensure that the final SuDS design complies with Sewers for Scotland 3 and can be vested by Scottish Water in the interest of flood prevention, environmental protection and the long term amenity of the area.

- 6 The front gardens of the houses shall be enclosed where possible with a hedge including to the front of plots 410, 411-413, 419-422, 501-502. Other than the provision of additional hedging to plots 410, 411-413, 419-422, 501-502 and unless otherwise agreed by the Planning Authority all development shall be carried out in accordance with Landscape General Arrangement Plan ref: 17021-LAGA-P001 rev D. Thereafter development shall be carried out in accordance with the landscape plan unless otherwise agreed by the Planning Authority. The scheme shall provide details of; the height and slopes of any mounding on or re-contouring of, the site; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting.

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

Reason:

To allow the consideration of details yet to be submitted and in the interest of residential and environmental amenity.

- 7 All existing trees shown to be retained on landscape drawing ref: 17021-LAGA-P001-D shall be retained and protected unless otherwise agreed with the Planning Authority.

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

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

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

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

Reason

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

- 8 Prior to the commencement of development a delivery schedule and phasing plan that establishes the phasing and timing programme for the proposed development shall be submitted to and approved in advance by the Planning Authority. It shall include the phasing and timing for the provision of footpaths/cycleways, landscaping and openspace. It must also include for public road links, including paths, to local services, schools and the public road network. It shall further include the provision of drainage infrastructure, equipped play facilities, sports pitch, landscaping and open space. The details to be submitted shall also include construction phasing plans. The footpaths/cycleways, landscaping and openspace of each phase of development must be completed and available for use prior to the commencement of the next phase of the development unless otherwise agreed by the Planning Authority.

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.

- 9 Construction access to the site will not be permitted via the Knox Place junction via West Road. All access shall be from West Road. A Construction Method Statement to minimise the impact of construction activity on the amenity of the area should be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement should recommend mitigation measures to control noise, dust, construction traffic, surface water during construction, and should include hours of construction work and delivery routes. This should also include the phasing of the development and restrictions that may be required particularly for those travelling to existing and/or proposed schools.

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 Unless otherwise agreed by the Planning Authority a play area with equipment suitable for children aged 0 - 15 years shall be provided on the large centrally located area of open space within the development hereby approved as shown on landscape General Arrangement Plan drawing ref: 17021-LAGA-P001. Prior to the commencement of the development hereby approved the details of the positioning of that play area, the play equipment and surfacing materials to be installed in the play area shall be submitted to and approved in advance by the Planning Authority. The details to be submitted shall include a timetable for its installation.

The play equipment and surfacing materials shall thereafter be installed in accordance with the details so approved.

The equipped play area, when provided, shall be retained on that site, maintained and used for such purposes at all times thereafter unless agreed in writing by the Planning Authority.

Reason:

To ensure the satisfactory laying out of all play areas in the interest of the amenity of the future occupants of the residential units hereby approved.

- 11 Unless otherwise agreed by the Planning Authority all areas of areas of landscaped open space and factored open space as shown on docketed drawings 17021-LAGA-P001 & 17021-LAGA-P002 shall be available for use prior to the occupation of the last house on each phase of the development hereby approved and in accordance with the phasing plan ref: 17021-MPPH-P001.

Other than to provide the play area as required by Condition 10, the open space recreation areas, when provided, shall be used for such purposes at all times thereafter unless agreed in writing by the Planning Authority.

Reason:

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

- 12 No work shall be carried out on the site unless and until an effective vehicle wheel washing facility has been installed on the site, 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 for the duration of the development 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.

- 13 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 12 metre waste collection vehicle 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.

- 14 Prior to the occupation of the last of the residential units hereby approved, the proposed site access roads, parking spaces and footpaths shall have been constructed on site, in accordance with that which is shown on the docketed drawings, otherwise the layout shall be subject to the following requirements:

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

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

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

4) 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.

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

6) 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.

7) a 2m wide footway shall be provided on at least one side of the road between plots 86 & 85 and along the frontages of plots 1 to 16 of the McTaggart and Mickle part of the site;

8) The entrance to the rear parking courtyard serving plots 103-114 of the MM site so should be redesigned and the parking bay relocated if necessary;

Thereafter those access, parking and footpath provisions shall not be used for any other purpose than for accessing and for parking in connection with the residential use of the houses and shall not be adapted or used for other purposes without the prior written approval of the Planning Authority.

Reason:

In the interests of Road Safety.

- 15 Unless otherwise agreed by the Planning Authority no residential unit shall be occupied unless and until the footpath along the front of the site on the north side of the A6093 Pencaitland Road has been constructed to adoptable standards the details of which shall be submitted to and approved by the Planning Authority prior to its construction. The footpath shall thereafter be carried out in accordance with the details so approved unless otherwise agreed by the Planning Authority.

Reason:

In the interests of road safety.

- 16 Unless otherwise agreed in writing by the Planning Authority prior to the occupation of any residential unit, a pair of covered bus shelters with associated hardstanding shall be provided on either side of the Pencaitland road, in accordance with details showing the locations of the bus shelters to be submitted to and approved in advance of their construction by the Planning Authority. Unless otherwise agreed in writing the bus shelters and associated hardstanding shall be provided in accordance with the details so approved.

Reason:

In the interests of road safety.

- 17 Prior to the occupation of any dwelling hereby approved, details of a Green Travel Plan shall be submitted to and approved in writing by the Planning Authority. This should seek to encourage the minimisation of private car trips and increased use of active means of travel and the use of public

transport.

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.

Thereafter, the Green Travel Plan shall be implemented as per the approved details.

Reason:

To encourage sustainable and active travel in the interests of environmental and residential amenity.

- 18 Unless otherwise agreed by the Planning Authority no house shall be occupied unless and until a new Haddington Gateway feature has been installed on the A6093 Pencaitland Road in a location to be submitted to and approved by the Planning Authority. The new Haddington Gateway feature shall introduce a new 30 mph speed limit from the existing 30 miles per hour (mph) speed limit on the A6093 Pencaitland Road westwards to include along the entire length of site frontage. Details of the new 30 miles per hour speed limit shall be submitted to and approved in advance by the Planning Authority and shall include the provision of street lighting over the full extent of the proposed new 30mph speed limit and shall incorporate town entry treatments and the new Haddington Gateway feature. Thereafter the new 30 miles per hour speed limit, street lighting, town entry treatments and Haddington Gateway feature shall be implemented and installed in accordance with the details so approved.

Reason:

In the interests of road safety.

- 19 Housing completions on the application site in any one year (with a year being defined as being from 1st April to 31st March the following year) shall not exceed the following completion rates, unless otherwise approved in writing by the Planning Authority:

Year 1 (2022/23) -	42 houses	(TW 30 & MM 12)	
Year 2 (2023/24) -	75 houses	(TW 50 & MM 25)	
Year 3 (2024/25) -	75 houses	(TW 50 & MM 25)	
Year 4 (2025/26) -	35 houses	(TW 10 & MM 25)	
Year 5 (2026/27) -	25 houses	(TW 0 & MM 25)	
Year 6 (2027/28) -	22 houses	(TW 0 & MM 22)	
Total	274	140	134

If less than the specified number of residential units are completed in any one year then those shall be completed instead at Year 6 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.

- 20 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.

- 21 Prior to the commencement of development details of the proposed glazing mitigation scheme for each dwelling with an exposed elevation within the noise mitigation zones shown in Figures 4.1 and 4.2 of The Airshed's Technical Report Ref AS 0649 of 5th July 2019 shall be submitted for approval to the planning authority.

Thereafter the glazing installed shall accord with the details so approved unless otherwise agreed with the Planning Authority.

Reason:

To safeguard the amenity of the future occupants of houses and flats hereby approved.

- 22 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.

- 23 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.

- 24 Prior to the commencement of development the large agricultural shed located adjacent to the west boundary of the application site and to the north of 30 Letham Holding shall be demolished and removed from site.

Reason:

In the interests of safeguarding the amenity of the future occupants of the housing development.

- 25 Prior to commencement of development a Quality Audit of the changes to Pencaitland Road shall be undertaken.

Reason:

In the interests of road safety..