

PLANNING COMMITTEE

TUESDAY 1 JUNE 2021

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REPORT TO: Planning Committee

MEETING DATE: 1 June 2021

BY: Head of Development

SUBJECT: Planning application 20/01224/P - Alterations, extensions to agricultural buildings, erection of buildings to form shop (class 1), visitors/conference centre (class 10), auditorium (class 11), cafe (class 3), bar (sui generis), letting bedrooms (class 7), offices/meeting rooms, 6 self contained holiday lets and associated works at Papple Steading, Papple, Whittingehame

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1 PURPOSE

- 1.1 To consider a suggested amendment to the wording of condition 23 that was agreed at the Planning Committee meeting of 30 March 2021.

2 RECOMMENDATIONS

- 2.1 It is recommend that the Planning Committee agree to grant planning permission 20/01224/P subject to the conditions previously approved by the Planning Committee at their meeting of the 30 March 2021 and subject to condition 23 being varied to read:

'Planning permission for the use of the auditorium for amplified music is granted for a temporary period of one year from the date of the first use of the auditorium. The applicant shall confirm in writing to the Planning Authority the first use of the auditorium within 21 days of that first use. At the end of this temporary period, no use shall be made of the auditorium for amplified music, unless planning permission is otherwise granted.'

Reason:

To enable the Planning Authority to monitor the noise impact of the auditorium, in the interests of the amenity of nearby residential properties'.

3 BACKGROUND

- 3.1 On 30th March the Planning Committee agreed to grant planning permission (Ref: 20/01224/P) for the conversion of Papple Steading subject to the recommended conditions set out in the Report of Handling (see Appendix A) and to the imposition of 4 additional conditions. Of these additional four conditions, condition 23 states:

'Planning permission for the use of the auditorium for amplified music is granted for a temporary period of two years from the date of this decision notice. At the end of this temporary period, no use shall be made of the auditorium for amplified music, unless planning permission is otherwise granted.'

Reason:

To enable the Planning Authority to monitor the noise impact of the auditorium, in the interests of the amenity of nearby residential properties'.

- 3.2 Subsequent to the Planning Committee's decision to grant planning permission 20/01224/P the applicant's agent wrote to the planning case officer to advise that the conversion of Papple Steading would be a phased development, and that the auditorium would not be built until Phase 2 of the project. He further advised that the Phase 2 works will take a while to fully realise, which is likely to result in none of the two years remaining once the auditorium is complete. He therefore suggested that, with regards to condition 23 set out above, the two years should start from the date of the first use of the auditorium rather than the date of the Decision Notice. The applicant's agent therefore suggested that the wording of condition 23 be changed to:

'Planning permission for the use of the auditorium for amplified music is granted for a temporary period of two years from the date of the first use of the auditorium. At the end of this temporary period, no use shall be made of the auditorium for amplified music, unless planning permission is otherwise granted.'

Reason:

To enable the Planning Authority to monitor the noise impact of the auditorium, in the interests of the amenity of nearby residential properties'.

He has since confirmed in writing that his client would be agreeable to the temporary period being for one year, and not two years, as he originally suggested.

- 3.3 The Council's Environmental Health Officer has been consulted on this proposed amendment, and a copy of his consultation response is set out in Appendix B. He recommends that consent for use of the auditorium should be from its first use and not from the date of the Decision Notice.

This is because by the time the auditorium is complete the applicant may have no time to use it. He also states that consent should be for a temporary period of one year (not two years), as this would safeguard the amenity of nearby residents whilst allowing sufficient time for the use of the auditorium to be monitored should complaints be received regarding noise from amplified music. He also recommends that the applicant must advise the Planning Authority of the date to when the auditorium first comes into use.

- 3.4 In light of the response from the Council's Environmental Health Officer on this matter, the applicant's agent has been advised that the Planning Service would be agreeable to recommend that the wording of condition 23 be amended to:

'Planning permission for the use of the auditorium for amplified music is granted for a temporary period of one year from the date of the first use of the auditorium. The applicant shall confirm in writing to the Planning Authority the first use of the auditorium within 21 days of that first use. At the end of this temporary period, no use shall be made of the auditorium for amplified music, unless planning permission is otherwise granted.'

Reason:

To enable the Planning Authority to monitor the noise impact of the auditorium, in the interests of the amenity of nearby residential properties'.

- 3.5 The planning agent for the applicant has confirmed in writing that his client would be agreeable to the amendment set out in paragraph 3.4 above.

4 POLICY IMPLICATIONS

- 4.1 None.

5 INTEGRATED IMPACT ASSESSMENT

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

6 RESOURCE IMPLICATIONS

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

7 BACKGROUND PAPERS

- 7.1 Appendix A - Report of Handling for application 20/01224/P
- 7.2 Appendix B – Consultation from Colin Clark (ELC Environmental Health Officer) dated 12 May 2021.

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DATE	24 May 2021

REPORT TO: Planning Committee

MEETING DATE: 30 March 2021

BY: Executive Director for Place

SUBJECT: Application for Planning Permission for Consideration

Note - this application was called off the Scheme of Delegation List by Councillor Kempson (1) and Councillor McLennan (2) for the following reasons:

- (1) The concerns and objections of the local residents. This application represents a large commercial development in the heart of rural East Lothian and as such creates a precedent for the development of other farm steadings.
- (2) Dunpender Community Council objected to the application for a number of reasons, as a statutory consultee, their contribution needs to be heard.

Application No. **20/01224/P**

Proposal Alterations, extensions to agricultural buildings, erection of buildings to form shop (class 1), visitors/conference centre (class 10), auditorium (class 11), cafe (class 3), bar (sui generis), letting bedrooms (class 7), offices/meeting rooms, 6 self-contained holiday lets and associated works

Location **Papple Steading
Papple
Whittingehame
East Lothian
EH41 4QD**

Applicant Mr George Mackintosh

Per Cameronwebsterarchitects

RECOMMENDATION **Consent Granted**

REPORT OF HANDLING

PROPOSAL

This application relates to Papple Steading, a 'U' shaped group of former agricultural buildings, located in the countryside at Papple to the north of the village of Garvald. The west and north range of Papple steading, including the engine house and chimney stalk attached to it, are listed as being of special architectural or historic interest (Category B). It is also within the Whittingehame to Deuchrie Special Landscape Area.

The steading is bounded to the north and east by agricultural land, to the west by a private access road beyond which there is agricultural land and to the south by Grieve's Cottage and its adjoining bothy buildings. Grieve's Cottage and its adjoining bothy buildings are also listed, by their historic association with Papple Steading, as being of special architectural or historic interest (Category B).

In June 2008, the Council gave a minded to grant decision, subject to conditions and the satisfactory conclusion of an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997, for planning permission (Ref: 06/00990/FUL) for the conversion of the steading to form 9 houses, garages, 1 office/studio and associated works. However, no Agreement was concluded and planning application 06/00990/FUL has since been withdrawn. An associated application for listed building consent (Ref: 06/00990/LBC) was also withdrawn.

In April 2017, planning permission (Ref: 13/00699/P) was granted for the conversion of agricultural buildings to form 4 houses and associated works at Papple Steading. Planning permission 13/00699/P lapsed on 21st April 2020 without it being implemented. An associated application for listed building consent (Ref: 13/00699/LBC) was also granted in April 2017.

In July 2018, planning permission (Ref: 17/00851/P) was granted for alterations and extension of Grieve's Cottage and alterations, extension and change of use of agricultural buildings and land to form additional living accommodation to Grieve's Cottage, domestic garden ground, 2 holiday lets and associated works. Construction works have commenced on site and are still ongoing. An associated application for listed building consent (Ref: 17/00850/LBC) was also granted in December 2017.

In April 2020, planning permission (Ref: 20/00203/P) was granted for alterations to buildings and formation of hardstanding areas as changes to the scheme of development the subject of planning permission 17/00851/P. Planning permission 20/00203/P has not been implemented but remains extant until 17th April 2023. An associated application for listed building consent (Ref: 20/00216/LBC) was also granted in April 2020.

Planning permission is now sought for a number of alterations and extensions to the agricultural buildings at Papple Steading, including the erection of new buildings, to form a shop (Class 1), a café (Class 3), letting bedrooms (Class 7), a visitors/conference centre (Class 10), an auditorium (Class 11), a bar (sui generis), offices/meeting rooms and six self-contained holiday lets and associated works.

The proposed associated works comprise of (i) the formation of hardstanding areas to facilitate parking spaces within the curtilage of the steading buildings; and (ii) improvements to, and the resurfacing of, the private access road which serves the steading buildings to the west.

The existing hedging along the north boundary of the application site would be retained. So too would the existing trees on the east boundary of the site.

The application drawings also show the intention to remove three utilitarian buildings attached to the steading buildings and two outbuildings within its curtilage. The demolition of them do not require planning permission and thus they are not the subject of this planning application.

On 9th February 2021, listed building consent (Ref: 20/01223/LBC) was granted for alterations, extensions to buildings, erection of buildings, walls, fencing, gates and

formation of hardstanding areas.

The applicant's agent has submitted a Design Statement, a Historic Buildings Appraisal Survey, a Bat and Barn Owl Survey, a Noise Impact Assessment report, a Drainage Strategy report and a Transportation Statement.

Subsequent to the registration of this application, the applicant's agent has provided revised drawings and further information relating to traffic generation, access, servicing and swept path analysis relating to vehicle trips by coaches as requested by the Council's Road Services department.

The Design Statement submitted with this application states that the main aim of the proposal is to restore the steading to its original design by sensitively, and sustainably, repairing and reinstating the original character of the steading with contemporary additions to ensure an economically viable conversion. The proposal intends on reinstating missing elements of the original design (i.e. the vents on the principal elevation, finials and rebuilding the internal courtyard enclosures. The proposal aims to celebrate the history of the steading and adapt it without negatively affecting any historically important aspects of its listing. It states that much of the existing steading is in a state of disrepair such that walls need re-building/re-pointing with lime mortar, roofs need replacing with the original roofing materials reinstated. The majority of woodwork needs to be replaced and painted to match the 'Phase 1' work to Grieve's Cottage. Existing windows have either been boarded up or are in very poor condition and rooflights are small and damaged. Many of the internal courtyard low walls have been removed over the years, the scheme seeks to reinstate these and, where appropriate, use these walls to enclose the new courtyard. It also states that the proposals will provide a place for heritage, business and community use to attract tourists and visitors. The heritage centre will operate as a non-profit unit within Papple Steading. A museum curator is preparing the presentation of many implements and artefacts which have been given, or loaned out, by friends and neighbours of the farming community. Archive photography and video, virtual and augmented reality technologies will be used to explain, educate and entertain. The development will also include space for communities, such as a gift shop, a café, function room for events and well-being activities. Community groups can also make use of the larger auditorium (seating 128 people) for celebrations, musical and theatrical performances or for lectures. Papple Steading will also operate as a retreat for business groups with meeting facilities provided. The 26 bedroom accommodation will be used for groups using the business facilities and are not for individual rent akin to a hotel. The project will create 10 jobs by the end of 2023 and over 30 positions when in full time operation. A car parking area serving 73 parking spaces for visitors, which includes disabled and electric car charging points, 4 staff parking spaces and 4 parking spaces for users of the holiday let accommodation will all be provided.

DEVELOPMENT PLAN

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

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

There are no relevant policies of the approved South East Scotland Strategic Development Plan (SESplan). Policies CH1 (Listed Buildings), DC1 (Rural Diversification), DC9 (Special Landscape Areas), DP1 (Landscape Character), DP2

(Design), DP5 (Extensions and Alterations to Existing Buildings), T1 (Development Location and Accessibility) and T2 (General Transport Impact) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of the application.

Material to the determination of the application is Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Scottish Government's policy on development affecting a listed building given in the Historic Environment Policy for Scotland (HEPS): April 2019 and Scottish Planning Policy: Revised December 2020.

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

Also material to the determination of the application is supplementary Planning Guidance (SPG) on 'Farm Steading Design Guidance' adopted by the Council on 30th October 2018.

REPRESENTATIONS

Ten objections and three representations have been received to this application. The main grounds of objection are:

- (i) the scale of the proposals, particularly the traffic which will be associated with the creation of 70 parking spaces is indicative of the volume of traffic that will be generated;
- (ii) the existing road network leading to site, which are either C classified or unclassified roads, are narrow with limited passing places, soft verges and no pavements. The existing road network would not cope with the increased traffic that is likely to be generated by the proposals;
- (iii) the existing road networks are already used by local traffic from several farms and contractors with heavy and wide machinery. The increase in traffic could result in a road safety hazard for pedestrians and other road users;
- (iv) the proposals will destroy the tranquil nature of the area resulting in noise, light and air pollution;
- (v) the commercial nature and scale of the proposals is unwelcome and unnecessary and would be out of keeping with the rural character of the area;
- (vi) the proposed new buildings (such as the auditorium and accommodation) will be visible from the main road and do not appear to be of a size or scale appropriate to the existing steading building. Those new buildings, including the large extent of the proposed hardstanding area, will detract from the historic character and the setting of the listed building;
- (vii) the proposals will impact on nearby wildlife and habitats;
- (viii) the proposals will result in loss of privacy and amenity to the occupiers of neighbouring properties;
- (ix) greenhouse gas emissions in and around Papple will increase dramatically with all the extra traffic and large volume of visitors;
- (x) the application has not been accompanied by a comprehensive design statement, conservation report or a historic building appraisal;
- (xi) a number of trees have been felled within the neighbouring land of Papan Wood, located to the southwest of Papple House, which reduces wildlife habitat and potential for noise dampening;
- (xii) neighbours have not been notified of the development proposals sought for in this

application;
(xiii) no public consultation has been carried out.

Two of the three representations received to this application are made in support of the proposals. They state that the proposals would retain and restore the agricultural character of the B-listed steading and that the auditorium, heritage centre, meeting rooms and exhibition areas will afford excellent educational facilities and opportunities for all ages. They state that whilst they have some reservations with regards to the size, scale and impact of the 26 bedroom accommodation building, this is considered to be a necessary 'enabling' aspect which is likely to make the whole venture commercially viable. They also state that the proposed accommodation building is respectfully set back and off-set from the north and east elevations of the steading such that it would not detract from the listed steading.

The other representation received to this application states that the site is liable to flooding which is generally caused by water runoff from the surrounding fields and pools being built up within, and around, the steading as well as the main access road to it.

In response to some of the points raised by the objectors and representors above:

A Design Statement and a Historic Building Appraisal has been submitted with this application and are deemed to be satisfactory in order to fully assess and determine this planning application.

Any trees which have been felled within the neighbouring land of 'Papana Wood', located to the southwest of Papple House, would require a felling licence from Forestry Commission Scotland. However, the removal of trees from within a private woodland area is for Forestry Commission Scotland to regulate. In any event, the neighbouring woodland area does not form part of the curtilage of this application site.

Only the neighbouring property named 'Papple House' required to be individually neighbour notified as it is located within a 20 metre radius of the application site. In any event, the application was been advertised in the Edinburgh Gazette on 18th December 2020 and a site notice has been displayed all in accordance with the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

This planning application is a local development type in accordance with the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Accordingly, there is no requirement for a public consultation to have taken place.

The remaining points raised by the objectors and representors are addressed elsewhere within this report of handling.

COMMUNITY COUNCIL COMMENTS

Dunpender Community Council, as a consultee to this application, confirm that they object to this application. They consider that the development proposals would be too large in terms of its size and scale in relation to the landscape setting of this small scale rural settlement. In particular, they state that the extent of the hardstanding area, to facilitate the car park, would have an immediate impact on the rural setting. They also state that the transportation document submitted with this application seems unrealistic as it does not address the traffic movements that would flow from a development of this size. Moreover, they state that it does not (i) make reference to staff, caterers, ancillary support services and deliveries; and (ii) provide details on how much additional traffic might be expected from musical events and all of the other uses of the auditorium such

as for meetings, lectures and theatrical performances. Concerns are also raised that Papple Steading could become a late night venue for parties, weddings and other social events given that the application includes an auditorium, a bar, a café, conference rooms and a covered courtyard. They also state that no assessment has been made regarding light pollution and the impact this may have on neighbouring properties. They advocate that a proper consultation process with interaction with the Council and local residents should have been undertaken prior to the submission of this application. In summary, they state that the development of a 27 bedroom hotel, with entertainment, bar, conference and catering facilities plus six holiday lets and a small heritage centre within a quiet unspoilt rural area should not be supported.

Gifford Community Council, as a consultee to this application, raise concerns that the proposals may result in increased traffic passing through Gifford as a consequence of the proposed Heritage Centre and Business Retreat/Conference Centre at Papple Steading. In particular, they state that the Transportation Statement indicates that the estimated total average daily vehicle numbers (both to and from the development) is 305 and suggests that there would be three routes to the Papple Steading centre from i) the west approach via the B6369 road from Haddington through Gifford and onto the B6355 Duns Road, then left onto the B6370; (ii) the north approach involving the C130 road from East Linton; and (iii) the east approach via the B6370 road from Thistly Cross Roundabout onto the A1.

However, Gifford Community Council state that the majority of visitors could be expected to travel via the A1 at Haddington such that it would not be unreasonable for two thirds of the 305 average daily vehicle movements using the route through Gifford. This amounts to approximately 200 average daily vehicle movements. To put this in context, a traffic survey carried out by East Lothian Council in December 2016 as part of the Community Council's investigations into speeding in the village concluded that the 5 day 24hr mean on this road was 777 vehicle movements. They therefore state that if the Papple development could give rise to 200 additional daily vehicle movements then this would amount to an increase in traffic on the Duns Road in Gifford of more than 25%. Of the three roads into Gifford, the Duns Road currently has the biggest problem with speeding vehicles although traffic calming measures are about to be put in place. Nevertheless, they state that the increase in traffic volume will increase the risk to pupils at the nearby Yester Primary School, particularly during the rush hour periods when the Papple traffic is projected to be at a peak. Overall, they conclude that whilst the development at Papple may result in potential benefits in terms of job creation and business opportunities, they remain concerned about the significant increase in vehicular traffic through their village.

Garvald & Morham Community Council, as a consultee to this application, state that they do not object in principle to this application. However, they raise concerns that the proposals may generate additional road traffic which could impact on the roads around Garvald making them unsuitable and unsafe.

PLANNING ASSESSMENT

Papple Steading comprises of a 'U' shaped group of random rubble stone buildings, with pitched roof slopes mostly clad in slates, generally dating from the 19th century. There are also some later utilitarian agricultural buildings which are proposed to be removed. The steading buildings are, by their historic architectural form, no longer reasonably capable of modern agricultural use. They are therefore in need of a new lease of life in order to preserve them.

The west range and the north range of the steading, which includes the former engine house and the chimney stalk attached to the north range, are listed as being of special

architectural or historic interest (Category B). The other original steading buildings are of architectural merit. They are all well contained within their landscape setting and are part of the historic form and character of this part of the East Lothian countryside. They make a positive contribution to the rural landscape and built heritage of the area. Although they are substantially intact, some of the steading buildings are suffering from disrepair giving an appearance that is somewhat detracting from the amenity of the area. If left unused, or only put to limited use, they would be likely to fall into a further state of disrepair with a greater harmful affect on the appearance and amenity of the area.

Policy DC1 of the adopted East Lothian Local Development Plan 2018 states that development in the countryside, including changes of use or conversions of existing buildings, will be supported in principle where it is for:

- a) Agriculture, horticulture, forestry, infrastructure or countryside recreation; or
- b) Other business that have an operational requirements for a countryside location, including tourism and leisure uses.

The proposed conversion of the steading buildings to provide a heritage centre, business retreat with conference and community facilities would involve the whole group of steading buildings and they are capable of accommodating a conversion into the proposed mixed use facility without any demolition works to the original steading buildings. In particular, the north range and part of the west range of the steading buildings would be converted and extended to facilitate an auditorium (with a seating capacity of 128), a bar, a lobby/break out area, an entrance hall, a meeting room, office, kitchen with storage, a covered function room, a shop, staff and plant rooms and toilets. The south range and part of the west range of the steading buildings would be converted to facilitate heritage rooms and three heritage courtyards. At first floor level, the west end of the north range would be converted to facilitate two separate apartments. One of the apartments would contain two bedrooms (one with an en-suite), a bathroom and an open plan living/kitchen area. The other apartment would contain three bedrooms (one with an en-suite), a bathroom and an open plan living/kitchen area.

To the north and east of the steading buildings, a one and a half storey and a single storey 'L' shaped building would provide 26 bedrooms of accommodation. A landscaped courtyard area between the new extension and the existing steading buildings would be created.

Two single storey outbuildings to the southeast of the steading buildings would also be provided. One of them would be used as a garage building with store and the other would provide 4 holiday let units of accommodation. The 4 holiday let units would each contain a bathroom, a bedroom within an open plan living/kitchen area. They would have access to a patio terrace and a communal garden area to the rear (south) of them. The 4 holiday let units would also benefit from a parking space with access served from the southern section of road to the west of the steading buildings.

A parking area for 76 public car parking spaces (which includes 6 disabled bays and 4 electric vehicle spaces) is proposed to the north of the steading along with cycle rack provision. In addition, 6 staff spaces are proposed to the southwest of the steading buildings. The parking areas would be hard surfaced and would only be accessed from the northern section of road to the west of the steading buildings.

Policy DC1 supports, in principle, business use within a countryside location, including tourism and leisure uses. The proposals would, as a result of the heritage centre use, create a visitor/tourism attraction that would be supported by a small shop and a café. The proposed business retreat facilitates would be mostly utilised within the existing

building with the addition of an auditorium and an 'L' shaped extension to the east and north of the steading buildings. The size and scale of the proposed extensions to facilitate the business use of the proposals would be of an appropriate scale and character. Accordingly, the proposed use of the steading as a heritage centre, business retreat with conference and community facilities does not conflict with Policy DC1 of the adopted East Lothian Local Development Plan 2018.

The proposed alterations and extensions to the buildings of Papple Steading include (i) the re-slatting of the pitched roof slopes of the north and west ranges; (ii) the replacement of the existing pantiles on the pitched roof slopes of the south range; (iii) the installation of replacement, and new, roof windows; (iv) the installation of timber framed sash and case windows with astragals within existing window openings; (v) the installation of solid timber framed doors in existing door openings; (vi) the installation of solid timber framed doors recessed within the existing arched doorway opening in the centre of the west range; (vii) the installation of full height timber framed glazed doors within the south end of the north range which would be recessed behind a solid vertical timber shutter; (viii) the replacement of the existing metal corrugated pitched roof slopes of the centre component within the inner side of north range with a 'corten' steel finish; (ix) the formation of new stone walls with timber gates which would enclose the three heritage courtyards within the inner side of the south range; (x) the addition of a one and a half storey extension, comprising of a 'corten' steel pitched roof, within the inner side of the east end of the north range; (xi) the addition of a single storey pitched roofed extension, comprising of a part glazed part 'corten' steel roof finish, on the inner side of the south end of the north range; and (xii) the addition of an 'L' shaped extension onto the east end of the north range which would wrap around, and be off-set from, the north range of the building.

The proposed alterations to facilitate the proposed conversion of the steading buildings would be sympathetic to the architectural form and character of them. Where possible, original openings would be used. New openings, including roof windows, by virtue of the number to be created and their positioning, would not harm the architectural character of the buildings, subject to the proposed roof windows being installed as near flush as possible with the upper surface of the roof into which they would be installed. The proposed new and replacement timber framed windows and doors by virtue of their form, style, materials, proportions, positions and finishing, would not be inappropriate to the architectural character of the buildings. The existing stone walls of the buildings would be repaired and re-pointed with lime mortar and the existing roofs would be clad in natural slates or clay pantiles to respect the historic use of those roof claddings on the steading buildings. These proposed alterations to the buildings would be compatible with and would not harm any significant architectural features of them and would be in keeping with the size, form, scale, proportion, massing and architectural character of the buildings. They would not be harmful to the character and appearance of the landscape of the area. They would not harm the special architectural or historic interest of the listed building or its setting.

None of these proposed alterations would harm the privacy or amenity of any neighbouring residential properties.

The proposed one and a half storey extension, which would facilitate the auditorium, would be positioned on the inner side of the east end of the north range of the steading. It would measure some 22 metres long, some 12.5 metres wide and some 6.5 metres high to the ridge of its pitched roof. Its external walls would be clad in stone and otherwise it would be mostly clad in 'corten' steel. It would have timber framed glazed doors formed within its south elevation wall. The proposed extension would, due to its contemporary design and external materials, be architecturally different from the north

and west ranges of the existing buildings which display external stone walls and pitched roof slopes clad in grey coloured slates. However, in its position on the inner side of the east end of the north range, only a small section (some 1.2 metres) of its west facing pitched roof slope would be visible above the single storey pitched roof slope of the west range of the building. However, in its set back position (some 26 metres) from the east facing pitched roof slope of the west range of the building and due to the long distance views in which it would be seen, the limited and exposed amount of west facing pitched roof slope of the proposed extension would not appear as a harmfully dominant, intrusive or incongruous addition to the existing buildings. Moreover, the ridge height of the pitched roof slope of the proposed extension would be some 580mm lower than the existing ridge height of the north range of the building and thus would not be seen in views of it from the north. The proposed extension would also replace the largest of the modern utilitarian buildings within the steading. In all of this, and by virtue of its architectural form, size, scale, design, proportions and materials, the proposed extension would be a sympathetic and complementary addition to the building and would be well absorbed into its surroundings. It would not be harmful to the overall composition of the existing buildings. It would not be harmful to the character and appearance of the landscape of the area. It would not harm the special architectural or historic interest of the listed building or its setting.

The other proposed extension would be positioned on the inner side of the south end of the north range. It would be single storey in height and would comprise of a part glazed, part 'corten' steel, roof finish. It would measure some 12.9 metres long, some 12 metres wide and some 4 metres high to the ridge of its shallow pitched roofed form. It would be lower than the ridge heights of the existing roofs of the existing buildings and thus it would not be visible in public views of it. By virtue of its architectural form, size, scale, design, proportions and materials, the proposed extension would be a subservient and complementary addition to the building and would be well absorbed into its surroundings. It would not be harmful to the overall composition of the existing buildings. It would not be harmful to the character and appearance of the landscape of the area. It would not harm the special architectural or historic interest of the listed building or its setting.

The proposed 'L' shaped extension would abut the east end of the north range of the existing and otherwise would wrap around, and be off-set from, the east range of the building. The extension would provide 26 bedroom accommodation with a plant room, a laundry room, male and female toilets. The eastern component part of the proposed extension would be single storey in height. It would measure some 41 metres long, some 5.5 metres wide and some 5.5 metres high to the ridge of its pitched roof above ground level. The northern component of the proposed extension would be one and a half storey in height. It would measure some 35.7 metres long, some 5.2 metres wide and some 6.7 metres high to the ridge of its pitched roof above ground level. The proposed extension would be externally clad in 'corten' steel and otherwise it would have timber framed windows and full height glazed doors formed within it. A landscaped courtyard area between the proposed extension and the existing existing buildings would be created by its positional relationship with the east end of the north range of the existing buildings.

The proposed 'L' shaped extension would, due to its contemporary design and contrasting external materials, be a distinctive new component to the north range of existing building which displays external stone walls and pitched roof slopes clad in grey coloured slates. However, due to their lower ridge heights relative to the higher ridge height of the north range of the existing building and due to the north component of the proposed extension being set back some 28 metres from the west end of the north range of the existing building, these visible components of the proposed extension would not appear as harmfully dominant, intrusive or incongruous additions to the existing building. Rather the proposed extension would be subordinate in both its scale and form

and would make a deferential contrast to the steading buildings. By virtue of its architectural form, size, scale, height, design, proportions, materials and position, the proposed extension would be a subservient and complementary addition to the steading buildings and would be well integrated into its surroundings. The proposed extension has been designed in a high quality manner using appropriate materials and would not be harmful to the overall composition of the steading buildings. It would not be harmful to the character and appearance of the landscape of the area. It would not harm the special architectural or historic interest of the listed building or its setting.

There are no immediate neighbouring residential properties to the north, east, south or west of the steading buildings and thus the glazing to be formed in each of the proposed extensions would not have any harmful impacts of overlooking or overshadowing.

It is also proposed to erect two single storey outbuildings to the southeast of the steading buildings. One of them would be used as a garage building with store and the other would provide four holiday let units of accommodation as a 'bothy'. The four holiday let units would each contain a bathroom, a bedroom within an open plan living/kitchen area. They would have access to a patio terrace and a communal garden area to the rear (south) of them. The four holiday let units would also benefit from a parking space with access served from the southern section of road to the west of the steading buildings.

The proposed outbuildings would each be single storey in height and their pitched roof slopes and external walls would be clad in 'corten' steel. In their positions to the southeast of the steading building they would not be visible in public views of them. By virtue of their architectural forms, sizes, scales, designs, proportions and materials, the proposed outbuildings would be appropriate to their place and would be well absorbed into their surroundings. They would not be harmful to the setting of the steading building, which is listed as being of special architectural or historic interest, or to the character and appearance of the landscape of the area.

There are no immediate neighbouring residential properties to the north, east, south or west of the steading buildings and thus the proposed outbuildings would not have any harmful impacts of overlooking or overshadowing.

Although the proposed bothy outbuildings, which would provide four holiday let units of accommodation are small units they would, theoretically, be capable of being used as residential units. As units of holiday letting accommodation the use of the bothy outbuildings are consistent with development plan policy. However, they have not been assessed against the policy as new houses within the countryside and no locational justification has been given for them on these terms. In addition, the level of amenity in terms of garden ground and privacy has not been assessed as would be for a permanent house(s). Therefore, although the bothy outbuildings are acceptable as four holiday let units of accommodation when assessed against the adopted Local Development Plan, they are not approved for use as permanent residential dwellings.

To prevent the four bothy buildings from being used as separate permanent independent residential units of accommodation, the occupation of them should be restricted solely to short term lets of not more than 28 days and the holiday letting accommodation should not be re-let to the party who last occupied them anytime within a period of two months after that previous time of occupancy. This control can be imposed as a condition attached to a grant of planning permission.

The area proposed as a car park to the north of the steading would be a large area of hardstanding. However, it would be enclosed and given screening in views from outwith the steading by the existing hedgerow enclosing its north and west boundaries.

Screening would also be provided by the existing hedgerow on the east and west sides of the access road leading to the steading. New hedging is proposed to be planted on the east boundary of the site which would also provide screening in views from the east. Therefore the proposed areas of hardstanding including the proposed new car park would, by virtue of their extents, forms, materials and positional relationship with the proposed extension and the existing steading buildings, not be inappropriate to their place. They would not be harmful to the setting of the steading building, which is listed as being of special architectural or historic interest, or to the character and appearance of the landscape of the area. The use of the hardstanding areas would not allow for any harmful overlooking as there are no immediate neighbouring residential properties to the north, east, south or west of the steading buildings.

The proposed changes to the private access roads to the west of the steading building includes (i) the re-surfacing of them in a tarmac finish; and (ii) the widening of part of the west access road to include a reinforced verge to allow for passing places. These proposed alterations to the existing access roads to the west of the steading building would not radically alter the character or appearance of them. They would not appear harmfully intrusive, incongruous or exposed within their landscape setting. The proposed alterations would not be harmful to the setting of the steading building, which is listed as being of special architectural or historic interest, or to the character and appearance of the landscape of the area.

The application site is within the Whittingehame to Deuchrie Special Landscape Area. Policy DC9 of the adopted East Lothian Local Development Plan 2018 relates to Special Landscape Areas and seeks to protect the special character of such areas from inappropriate development. However, due to their nature and scale and the fact that the proposals are either located within the footprint of the existing steading buildings or within the curtilage of the steading buildings, they would not have an adverse impact on the special landscape area.

On these considerations and subject to the aforementioned controls the proposals are, as relevant, consistent with Policies CH1, DC9, DP1, DP2 and DP5 of the adopted East Lothian Local Development Plan 2018 and with Scottish Planning Policy: Revised December 2020. The proposals are also consistent with the Council's supplementary Planning Guidance on 'Farm Steading Design Guidance'.

The development proposals would be a radical change to Papple Steading and to the surrounding area. However the investment this proposal would bring into East Lothian must be weighed against the changes the proposal would bring to character of Papple Steading and its environs.

The **Service Manager for East Lothian Council's Economic Development Service** has confirmed that the mixed use development will secure the future of the steading, will attract further tourists to the local area, and importantly will assist East Lothian in its economic recovery. Around 10 jobs are expected to be created by the end of 2023 and over 30 positions when in full operation. Therefore the Service Manager for East Lothian Council's Economic Development Service supports the proposal as it would create employment and add value to the tourism accommodation offer in East Lothian, attract overnight stays and associated spending.

Due to the investment that this proposal would bring to the area, and as the proposed physical alterations and extensions to the steading are themselves acceptable, the change to the character of Papple Steading from one in agricultural use to one in use as an agricultural heritage centre, business retreat with conference and community facilities is in this circumstance acceptable.

The **Council's Policy & Strategy Manager** advises that the proposals seeks to repair and restore much of the original fabric of the steading while also inserting a new build auditorium in place of a 1960s or 70s shed and add a new range as an extension to the steading. The proposed new use is a mix of uses including an agricultural heritage centre, business retreat with conference and community facilities which is supported by Policy DC1 of adopted East Lothian Local Development Plan 2018. He also advises that the proposals comply with Policies CH2, DC9, DP1, DP2 and DP5 of the adopted East Lothian Local Development Plan 2018.

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 new buildings and from the completed development should be imposed on relevant applications for planning permission. Such a condition should be imposed on a grant of planning permission for the new build elements of this proposed development.

The **Scottish Environment Protection Agency (SEPA)** have been consulted on this application but have not responded with any comments. Nevertheless, at pre-application stage, SEPA did advise that the application site is outwith the SEPA Flood Maps and that they hold no records of flooding in this area.

The **Council's Archaeology Officer** confirms that an historic building recording was undertaken in 2007 for Papple Steading which has been submitted with this planning application. Accordingly, he has no further recommendations to make with regards to the development proposed in this planning application with regards to the historic environment.

The **Council's Environmental Health Officer** raises no objection to this application being satisfied that, having perused the noise impact assessment submitted with this application and due to separation distances to nearest noise sensitive receptors and performance of building fabric, noise impacts associated with entertainment arising from the proposed auditorium will not have a significant impact upon occupiers of Papple Cottages located some 200 metres to the west of the site. However he recommends that, with regards to the design criteria of the building fabric for the proposed auditorium, the minimum sound insulation RW rating values assumed for the main components of the building fabric shall be (i) roof and external walls providing 55 dB RW; and (ii) external laminated double glazing providing 40 dB RW as detailed in Table 2 of the Noise Impact Assessment dated 4th August 2020. This can be controlled by condition on a grant of planning permission. He also states that the glazed doors shall be maintained in a closed position during events within the proposed auditorium that involve amplified music and/or speech.

The Council's Environmental Health Officer also advises that air quality will be good in this location and thus he does not expect any significant impacts, in respect of air pollution, as a result of the development proposals. However he recommends that, in order to protect the amenity for occupiers of neighbouring properties due to lighting, the design of any proposed artificial lighting should take account of the Guidance contained within Annex 1 to Appendix 2 of Scottish Government Guidance to Accompany the Statutory Nuisance Provisions of the Public Health etc (Scotland) Act 2008. Accordingly, within an E2 Zone, (i.e. low district brightness areas such as rural, small village or relatively dark urban locations) light trespass (onto windows) of neighbouring residential properties, measured as Vertical Illuminance in Lux, (Ev), shall not exceed 5 between the

hours of 0700-2300 and shall not exceed 2 between the hours of 2300-0700. This can be controlled by condition on a grant of planning permission.

The **Council's Contaminated Land Officer** has advised that, as the site is a farm steading, there may be contamination issues associated with the current (and former) land use. Accordingly, he recommends that in order to determine the ground conditions and potential contamination issues impacting on the site, a Phase I Geo-Environmental Assessment (Desk Study) be carried out. This matter can be controlled by condition on a grant of planning permission.

The **Council's Flood Prevention Officer** advises that has reviewed the Drainage Strategy report and raises no objection to this application with regards to flood risk matters.

The **Council's Biodiversity Officer** states that that application site is located near the Biel Water Valley Local Biodiversity Site. However, she advises that the proposals would not have any significant affect on the Local Biodiversity Site or have an adverse impact on nearby wildlife. However, she notes that the submitted Barn Owl Survey (dated May-June 2020), observed two barn owls using several buildings for roosting and otherwise nesting in the tower. She therefore recommends that no development be carried out during the bird breeding season of March through to August and that details of a permanent nest space for barn owls must be provided within one or more of the developed buildings.

She also advises that the submitted Bat Survey (dated May-June 2020) identified 19 bat roosts within the buildings with two species of bats occupying them. However, she notes that this site can be registered under a low impact licence (BLIMP) as none of the bat roosts were identified as a breeding colony. Accordingly, she recommends (i) a copy of the relevant European Protected Species licence or a low impact licence (BLIMP) be submitted prior to the commencement of development; and (ii) a Species Protection Plan for bats, including a timetable for the implementation of mitigation and protection measures, be submitted prior to the commencement of development. Subject to these aforementioned controls, the Council's Biodiversity Officer raises no objection to this application. Accordingly, and subject to appropriately worded conditions, the proposals do not conflict with Policies NH3 or NH5 of the adopted East Lothian Local Development Plan 2018.

The **landscape advice from Policy & Projects** notes that the hedgerow on the northern boundary is to be retained which will provide some enclosure to the car park in views of it from the north. However, she advises that the paved surface finish of the car park should be off-set from the hedge by a minimum of 1.5 metres to enable its successful retention. She also advises that new tree planting should be provided along the northern and eastern boundaries of the site with details of their positions, sizes, numbers and species to be submitted. She also notes that there are mature lime trees located on the east side of the existing access road to the north of the steading and that the 'Proposed Site Plan' drawing, number PP-119, seeks to reinforce the verge with reinforced grass. However, she notes that details of the proposed material and design have not been provided to demonstrate that excavation of the verge will not be required or damage the roots of the mature lime trees which are important to the landscape character of the area. She therefore raises no objection to this application subject to details of a scheme of landscaping being provided, including the retention of the existing hedgerows positioned on the northern and eastern boundaries of the site and the materials and design of the reinforced grass, in advance of any works commencing on site. Accordingly, and subject to an appropriately worded condition, the proposals do not conflict with Policy NH8 of the adopted East Lothian Local Development Plan 2018.

The **Council's Road Services** state that the estimated traffic generation and arrival/departure profile is considered to be robust. The documents indicate that traffic generation, should both the conference and heritage elements be operating simultaneously and assuming conference visitors leave on the day they arrive, could reach 339 two way vehicle movements over the course of a day. The peak hours of generation are anticipated to be 08:00-09:00 and 16:00-17:00. During the morning peak hour, up to 48 movements are expected (40 arrivals and 8 departures) and during the afternoon peak hour, up to 55 movements (14 arrivals and 41 departures) with fewer movements during off peak hours. For assessment purposes, the traffic generation calculations assume a relatively modest proportion of the conference facility users will be car passengers or arrive by coach/minibus. The applicant states that users of both facilities will be encouraged to use coaches/minibuses to access the site which would reduce predicted traffic movements. This is to be encouraged, subject to appropriate coach routes being agreed as part of a Travel Plan.

With regards to traffic impact, the Council's Road Services officer advises that there are a number of routes that could be used to access the proposed development, particularly from the A1. The submitted Transport Statement focusses on three; the B6370 from the east, the B6370 from the west and the C130/U170 from the north. However it is considered that vehicle trips would distribute over a greater number of routes; some satnavs for instance would direct drivers from the A1 west via the A199 and C68/U170. The Road Services officer therefore advises that no more than 33% of the estimated traffic generation is likely to use any one of the possible approach routes which equates to fewer than 20 movements using any one route during the peak hour (averaging circa one vehicle every three minutes). Where the approach routes converge onto the U177 north and west/south of the site entrance, the volumes would be greater with potentially 50% (28) of the trips arriving from/ departing to the north and 50% (28) to from the west/south. It is generally accepted that adverse effects on accidents, safety, driver delay, pedestrian delay and pedestrian amenity due to increased traffic will be felt on road links where traffic flows are predicted to increase by more than 30% as a result of the development (Institute of Environmental Assessment - Guidelines for the Environmental Assessment of Road Traffic). In this instance a numerical assessment of traffic impact was not undertaken. Such an assessment requires recent representative base traffic data and with the Covid-19 restrictions resulting in abnormally low traffic volumes, any data collected since March 2020 cannot be considered representative. It is however, recognised that traffic flows, particularly on the unclassified roads immediately adjacent to the proposed development site, are low. Assuming 50% of the estimated trips will arrive from/ depart to the U177 north and 50% to/from the U177 west/south, the maximum additional traffic movements anticipated in any one hour on any one section of road would be circa 28, averaging less than one movement every two minutes. Whilst the Council's Road Services officer advises that she is unable to consider percentage impact, she notes that the applicant provided a supplementary traffic report which reviewed the increase in traffic flow in relation to the capacity of local road links; capacity being related primarily to road width. This is in line with standard practice. Roads in the vicinity of Papple Steading vary in width from 5m to 6m with localised reductions of between 4m and 5m; they are known not to experience capacity issues at present. The theoretical two-way capacity of a 4m carriageway is 280 vehicles per hour and of a 5m carriageway 1,100 vehicles an hour. The estimated maximum hourly two way traffic flows of 28 vehicles on the U177 north and 28 vehicles on the U177 west/south of the site access represent circa 10% of the hourly capacity of a 4m wide road link and less than 3% of a 5m wide road link. It is therefore considered that the level of traffic anticipated to be generated by the development will not cause significant impacts.

The Council's Road Service officer also advises that (i) reported personal injury accident

data indicates that the surrounding road network has a good record in terms of road safety; the level of development traffic is not expected to affect this; and (ii) whilst the roads in the vicinity of the proposed development site are used by walkers, cyclists and horse riders, none are formally designated routes or core paths. It is not considered that the type or volume of traffic attracted to the development will provide a significantly greater risk to these existing users than the current mix and volume of vehicles on the network.

With regards to coach traffic, the Council's Road Services officer states that the roads surrounding Papple Steading are adopted and unrestricted in terms of vehicle type and use but as the applicant intends to encourage access by minibuses and coaches, vehicle path assessments were requested at particularly constrained locations. Swept path assessments were provided for seven requested locations. These indicate that access from the north can be safely achieved to connect to the A199 at East Linton. Access via the B6370 and U177 west/south is not considered appropriate for coach traffic as vehicles will use all available road width to turn at the B6370 west/U177 junction at a point where the B6370 lies between embankments. The embankments constrain manoeuvring for large vehicles and restrict the ability of other traffic to pass a larger vehicle. However, she states that a management plan which set out details of how coach traffic will be restricted to appropriate routes to access the development can be agreed and implemented as part of Travel Plan. This can be made a condition on a grant of planning permission.

With regards to parking, the Council's Road Services officer states that ELC parking standards require 87 spaces to be provided as is detailed in the Transport Statement. However, the Transport Statement also notes that only 74 spaces will be provided as some users will arrive by coach/minibus. A parking accumulation assessment based on the provided arrival/departure profile for the conference facility and heritage centre suggests that up to 72 spaces could be occupied at any one time. The Council's Road Services officer therefore advises that the proposed level of parking would leave little margin should there be even a small increase in anticipated vehicle arrivals or users stay on site longer than the profile anticipates. As a result, the Council's Road Services officer initially advised that 87 spaces would be required.

The application drawings initially showed that 73 visitor spaces and 4 staff parking spaces were to be provided within the site (a total of 77 parking space). However, in light of the comments received from the Council's Road Services officer, the applicant's agent has provided revised drawings to show that 3 additional visitor spaces and two additional staff spaces can be accommodated within the site to increase the overall number of visitor parking spaces to 76 and staff parking spaces to 6 (a total of 82 parking spaces). The drawing also shows 5 covered cycle parking bays for staff and that four further parking spaces could be provided to the east of the south range of the steading building if additional parking at peak levels was required. The Council's Road Services officer confirms that the additional parking spaces and cycle parking, as shown on drawing number PP-119 Revision A, is acceptable. Subject to the parking spaces and cycle areas being laid out for them in accordance with the proposed site plan drawing the proposals do not conflict with Policies T1 or T2 of the adopted East Lothian Local Development Plan 2018.

Consideration must also be given to the potential impact of the proposed development on the infrastructure of the area. Policy DEL1 of the ELLDP stipulates that developer contributions are required for all new development proposals that meet or exceed the scale thresholds below, including windfall proposals:

- (i) Proposals of 5 or more dwellings, including affordable homes; and

(ii) Employment, retail, leisure or tourism proposals of 100 square metres gross floor space or larger.

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.

As the scale of the proposed development exceeds 100m², developer contributions are required towards the LDP Transport Proposals set out in the Developer Contributions Framework Supplementary Guidance and Adopted LDP Policies DEL1 and T32. This development proposal will have a cumulative impact with all other planned and windfall development on the East Lothian's transport network. The interventions have been designed to accommodate planned impacts.

The impacts and contributions of this proposed development at Papple Steading for a 978m² business retreat and 752m² heritage museum, have not been identified through the LDP and Developer Contributions Framework Supplementary Guidance transport appraisal process. However, the nearest assessed LDP non-housing site (DR9 Auction Mart, East Linton) can be used as a reasonable and scalable proxy to establish the relationships between the proposed development and planned interventions in this location and the scale and kind of that relationship and subsequent contributions. The contribution values below are based on the contributions for the site as set out in the Developer Contributions Framework Supplementary Guidance.

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

- * Improvements to Bankton Interchange (PROP T17): £513.81
- * Rail Proposals (PROP T9 and T10): £2,425.81

The total contribution required for transportation improvements resulting from cumulative impacts of the development is therefore £2,939.62.

The total developer contributions towards the transportation improvements of £2,939.62 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 applicant's agent has confirmed in writing that they are willing to enter into such an agreement. Subject to the payment of the required contribution towards transportation improvements the proposals are consistent with Policies DEL1 and T32 of the adopted East Lothian Local Development Plan 2018.

The decision to grant planning permission is subject to the prior conclusion of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 designed to secure from the applicant a financial contribution to the Council of ££2,939.62 for transport improvements to Bankton Interchange and Rail Proposals.

In accordance with the Council's time limits for completion of planning agreements the decision also is 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 transport improvements contrary to Policies DEL1 and T32 of the adopted East Lothian Local Development Plan 2018.

RECOMMENDATIONS:

That planning permission be granted subject to the undernoted conditions:

- 1 All new and replacement roof windows hereby approved shall be installed in a manner that ensures that their upper surfaces are as near flush as possible with the upper surfaces of the roof slope into which they will be installed and with minimum flashing.

Reason:

To safeguard the special architectural or historic interest of the listed building and the character and appearance of the steading building within its landscape setting.

- 2 Samples of new and replacement natural slates and new and replacement pantiles to be used in the development hereby approved shall be provided for the prior inspection and approval of the Planning Authority and the new and replacement slates and new and replacement pantiles used shall accord with the samples so approved. Where possible, existing slates and pantiles shall be reinstated following any roof repairs or alterations.

Reason:

To safeguard the special architectural or historic interest of the listed building and the character and appearance of the steading building within its landscape setting.

- 3 Notwithstanding what is shown for them on the docketed drawings the new and replacement windows and glazed doors hereby approved shall have through glazed astragals so as to divide their glazing and shall not have 'plant on' astragals. Prior to the installation of them a specification drawing, at a scale of 1:20, shall be submitted to and approved by the Planning Authority and the windows, glazed doors, astragals and glazing shall accord with the details so approved.

Reason:

To safeguard the special architectural or historic interest of the listed building and the character and appearance of the steading building within its landscape setting.

- 4 The following shall be finished in a colour to be approved in advance by the Planning Authority and the colour of the finish applied shall accord with the details so approved:

1. the external face of all new and replacement exterior timber boarded doors and timber boarded infill panels;

2. the external face of the frames of all new and replacement glazed doors, screens and infill panels;

3. the external face of the frames of all new and replacement windows.

Reason:

To safeguard the special architectural or historic interest of the listed building and the character and appearance of the steading building within its landscape setting.

- 5 All stonework repairs shall be carried out using salvaged stone from elsewhere on site. If this is not possible then natural stone specifically selected to match the existing stone in colour, tooling and shape shall be used.

Any new stone shall be coursed to match the original. In the case of replacement skews, door or window surrounds or other such features, the stone shall be dressed and laid in the same manner as the original, as far as reasonably possible.

Reason:

To safeguard the special architectural or historic interest of the listed building and the character and appearance of the steading building within its landscape setting.

- 6 All stonework repairs and re-pointing shall be carried out using a lime-based mortar, which shall match, as closely as possible, the existing lime pointing.

Prior to commencement of limework a detailed specification for limework together with details of the

lime specialist contractor to be used, shall be submitted to and approved by the Planning Authority.

Thereafter, the limework shall be implemented as approved.

Reason:

To safeguard the special architectural or historic interest of the listed building and the character and appearance of the steading building within its landscape setting.

- 7 All rainwater goods shall be cast iron and painted, unless otherwise agreed with the planning authority. Prior to installation of the rainwater goods, details of the proposed colour shall be submitted to and approved in writing with the Planning Authority.

Thereafter the rainwater goods shall be installed and the colour applied as approved.

No fascia boards shall be installed behind the gutters on the buildings. All new and replacement sections of guttering shall only be attached to the steading buildings using sarking straps, unless otherwise agreed in writing with the Planning Authority.

Reason:

To safeguard the special architectural or historic interest of the listed building and the character and appearance of the steading building within its landscape setting.

- 8 Samples of the external finishes of the extensions and ancillary buildings hereby approved shall be submitted to and approved in advance by the Planning Authority prior to their use in the development. The materials used shall accord with the samples so approved.

Reason:

To safeguard the special architectural or historic interest of the listed building and the character and appearance of the steading building within its landscape setting.

- 9 The occupation of the holiday letting accommodation use hereby approved shall be restricted solely to short term lets of not more than 28 days. The holiday letting accommodation units shall not be re-let to the party/parties who last occupied it anytime within a period of two months following the date on which the previous time of occupancy ends.

A record of occupancy shall be maintained by the operators of the holiday let, including details of the names and addresses of occupants and the dates of occupation. This record shall be made available for inspection by the Planning Authority at all reasonable times.

Reason:

To restrict the holiday letting use of the proposed buildings to that applied for and in the interests of safeguarding the purpose and integrity of the Council's policy for the control of housing development in the East Lothian countryside.

- 10 The minimum sound insulation RW rating values of the main components of the building fabric of the auditorium hereby approved shall be (i) roof and external walls providing 55 dB RW; and (ii) external laminated double glazing providing 40 dB RW as detailed in Table 2 of the Noise Impact Assessment dated 4th August 2020.

Reason:

In the interests of protecting the amenity of neighbouring residential properties in the area.

- 11 The glazed doors to be formed within the auditorium hereby approved shall be maintained in a closed position during events that involve amplified music and/or speech.

Reason:

In the interests of protecting the amenity of neighbouring residential properties in the area.

- 12 Any light trespass (onto windows) of neighbouring residential properties, as a result of any artificial lighting at the premise, measured as Vertical Illuminance in Lux, (Ev), shall not exceed 5 between the hours of 0700-2300 and shall not exceed 1 between the hours of 2300-0700.

Reason:

In the interests of protecting the amenity of neighbouring residential properties in the area.

- 13 Prior to any site development works a suitable Geo-Environmental Assessment must be carried out, with the Report(s) being submitted to the Planning Authority for approval. It should include details of the following:

- (i) A Preliminary Investigation incorporating a Phase I Desk Study (including site reconnaissance, development of a conceptual model and an initial risk assessment);
- (ii) A Ground Investigation comprising a survey of the extent, scale and nature of contamination, and an updated conceptual model of the site. It is required if the Desk Study has indicated that the

site is potentially contaminated and the degree and nature of the contamination warrants further investigation;

(iii) An appraisal of the remediation methods available and proposal of the preferred option(s).

The site investigation and risk assessment must be undertaken by suitably qualified, experienced and competent persons and must be conducted in accordance with the Environment Agency's Contaminated Land Report 11, Model Procedures for the Management of Land Contamination, CLR11.

If it is concluded by the written report that remediation of the site is not required, then Parts (a) and (b) of this Condition can be disregarded.

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

(b) Following completion of the measures identified in the approved Remediation Statement, a Validation Report should be submitted that demonstrates the effectiveness of the remediation carried out. It must be approved by the Planning Authority prior to commencement of the new use of the land.

In the event of the presence of any previously unsuspected or unforeseen contamination of the land of the application site being found, development shall not begin, or shall cease to continue, until further investigations have been carried out to determine if any additional remediation measures are required.

Reason:

To ensure that the site is clear of any contamination found to be present prior to the use or occupation of the buildings approved.

- 14 Prior to the commencement of development, details of a barn owl nesting box shall be submitted to and approved in writing by the Planning Authority. The details submitted shall include the location and specification of the nesting box and a timescale for its erection. Thereafter, the nest box shall be erected as approved and retained in perpetuity, unless otherwise agreed in writing with the Planning Authority.

Development shall not be carried out during the bird breeding season of March through to August of any year, unless otherwise agreed in writing with the Planning Authority.

Reason:

To mitigate the potential impact of the development on barn owls on the site and provide compensatory nesting sites in the interest of biodiversity.

- 15 Prior to the commencement of development hereby approved, a Species Protection Plan (for bats) and a timetable for the implementation of mitigation and protection measures, shall be submitted to and approved in writing by the Planning Authority. The mitigation and protection measures shall thereafter be implemented in strict accordance with the timetable so approved.

In addition, a copy of the relevant European Protected Species licence or a low impact licence (BLIMP) shall be submitted prior to the commencement of development.

Reason:

In the interests of biodiversity and the conservation of a European Protected Species.

- 16 No development shall take place on site until:

a) a scheme of landscaping has been submitted to, and approved in writing by, the Planning Authority. The scheme of landscaping shall include a programme of planting and details of tree sizes, species, habitat, siting and planting distances. In particular, the landscape scheme shall include (i) the retention of the existing hedgerows to the access roads and northern site boundary; (ii) the retention of the mature lime trees to the east side of the northern access road; (iii) new tree planting to the northern and eastern site boundaries; (iv) new hedgerow planting to the eastern boundary; and (v) show that the paved surface finish of the car parking area shall be off-set from the centre lines of the existing hedges enclosing the northern and eastern boundaries of the application site by a minimum of 1.5 metres; and

b) details of the construction of the grass verge reinforcement shall be submitted to and approved in writing by the Planning Authority. It shall be designed and carried out in accordance with section 7.4 of BS5837: 2012 "Trees in relation to design, demolition and construction ~ Recommendations". The design must not require excavation into the soil, including through lowering of levels and/or scraping, other than the removal, using hand tools, of any turf layer or other surface vegetation.

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

Reason:

In order to ensure the implementation of a landscaping scheme and the retention of trees and hedgerows in the interests of the landscape character, appearance and amenity of the area.

- 17 Prior to the commencement of development, details of the provision of new car charging points and infrastructure for them shall be submitted to and approved in writing by the Planning Authority. 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.

- 18 Prior to any use of the development hereby approved, the car parking spaces and cycle parking areas shown on docketed drawing number PP-119 Revision A, titled 'Proposed Site Plan', shall be fully formed and made available for use. So too shall the reinforced verge to be used as a passing area. Thereafter the car parking spaces, cycle areas and passing area shall all be retained in place in their entirety for use for the parking of vehicles, cycle bikes and to ensure that an adequate passing area is provided within the application site.

Reason:

To ensure the provision of adequate car and cycle parking facilities are available in the interests of road safety.

- 19 A Travel Plan to minimise private car trips to and from the site and to encourage use of alternative modes of transport such as buses and cycling shall be submitted to and approved by the Planning Authority prior to the use of the development hereby approved. Additionally the Travel Plan shall include details of the measures to be provided, the methods of management, monitoring, review, reporting and duration of the Plan. It shall also include a risk assessment/statement of the appropriateness of local roads to accommodate coaches and cyclists.

The approved Travel Plan shall be implemented prior to the use of the conference and heritage facilities.

Reason:

In the interests of ensuring sustainable travel patterns in respect of the conference and visitor centre use.

- 20 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 advance 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.

From: Dingwall, Keith
Sent: 24 May 2021 11:23
To: Dingwall, Keith
Subject: FW: Papple Steading, Phase 1

From: Clark, Colin - EHO
Sent: 12 May 2021 13:53
To: Millar, Neil
Subject: RE: Papple Steading, Phase 1

Neil

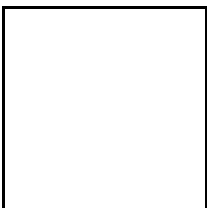
I agree on the following:

- Consent for use of the auditorium should be from it's first use and not the date of grant of consent. As the agent points out, by the time the auditorium is completed they may have no time left to use it!
- Consent from first use should be for 1 year. This should be sufficient to allow any use of the auditorium to be monitored should complaints be received re noise from amplified music/speech

Should we also consider advising that no use shall be made of the auditorium without prior approval of the planning authority otherwise, how will we know when it first comes into use? Will they be required to formally notify the planning authority so the temp consent kicks in from that date?

Regards

Colin Clark | Senior Environmental Health Officer, Public Health & Environmental Protection | Protective Services | East Lothian Council | John Muir House | Haddington | EH41 3HA |
Tel. 01620 827443 or 07909 880149 | Email. cclark1@eastlothian.gov.uk | Visit our website at www.eastlothian.gov.uk



NHS Coronavirus Information



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

**TUESDAY 30TH MARCH 2021
VIA DIGITAL MEETINGS SYSTEM**

2

Committee Members Present:

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

Other Councillors Present:

Councillor P McLennan

Council Officials Present:

Mr K Dingwall, Service Manager – Planning
Ms E Taylor, Manager Planning Delivery
Mr C Grilli, Service Manager - Legal
Mr D Taylor, Planning Officer
Mr J Allan, Assistant Planner
Mr M Greenshields, Senior Roads Officer
Mr G McLeod, Transportation Planning Officer
Ms E Hunter, Transportation Planner
Mr J Canty, Transportation Planner
Mr C Clark, Senior Environmental Health Officer
Mrs P Gray, Communications Adviser
Mrs L Gilligwater, Team Manager – Democratic & Licensing

Clerk:

Ms F Currie

Visitors Present/Addressing the Committee:

Item 2 – Mr D Sayers, Mr D Lawson
Item 3 – Mr G Mackintosh, Mr S Cameron, Ms V Sinclair, Mr I Parsons, Mr M Kelly,
Mrs F Constable, Mr J Kinnaird, Mr R Austin, Ms L Shaw Stewart
Item 4 – Mr J Frostwick, Mr D Henderson, Mr G Shiels
Item 5 – Mr A Cranston, Ms P Swan, Ms J Bell
Item 6 – Mr M Gilmartin

Apologies:

Councillor W Innes

Declarations of Interest:

Item 3 – Councillor McMillan stated that, in his role as Provost and Economic Development Spokesperson, he had met with both the applicant and some of the objectors at various times. He would withdraw from the meeting during consideration of this item.

1. MINUTES FOR APPROVAL – PLANNING COMMITTEE 12TH JANUARY 2021

The minutes of the meeting of the Planning Committee of 12th January 2021 were approved.

2. PLANNING APPLICATION NO. 20/01430/PM: SUBSTITUTION OF HOUSE TYPES ON PLOTS 1, 4-5, 8, 11, 13, 16, 18, 20-21, 23, 30, 53, 60, 71, 73, 75, 77-79, 86-96, 99-101 AND 104-105 AS CHANGES TO THE SCHEME OF DEVELOPMENT THE SUBJECT OF PLANNING PERMISSION 18/01366/AMM, LAND AT SALTCOATS FIELD, GULLANE, EAST LoTHIAN

A report was submitted in relation to Planning Application No. 20/01430/PM. David Taylor, Planning Officer, presented the report, summarising the key points. The report recommendation was to grant consent.

Referring to the previous planning application for this site, Councillor Findlay asked if the issue of a pedestrian walkway and connection with Gullane village had been resolved. Mr Taylor stated that this was not material to the application before the Committee today and he did not have this information to hand.

In response to further questions from the Convener, Mr Donald Sayers, agent for the applicant, advised that while the number of 5 bedroom units was increasing, the number of 3 bedroom units across the whole of the site would remain the same.

The Convener expressed disappointment regarding the loss of 4 bedroom homes on the site, and the potential for the loss of 3 bedroom homes. He said that all developers were encouraged to offer a range of house types as 5 bedroom homes were not always suitable for those looking to downsize or retire to the area. He noted that the problem of house types was not limited to CALA and that the Committee had no powers to impose controls on the variety and number of house types on a site.

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

For: 11
Against: 0
Abstentions: 0

Decision

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

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

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

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

Reason:

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

- 2 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 and flats, with a use of more than one render colour and with a strongly contrasting difference in the colours such that they will not each be of a light colour. All such materials used in the construction of the houses and flats shall conform to the details so approved.

Reason:

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

- 3 A timetable for the provision of the erection of the 1.8 metre high boundary enclosures for the rear gardens of the houses hereby approved shall be submitted to and approved in advance by the Planning Authority and development shall thereafter be carried out in full accordance with the timetable so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

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

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

Reason:

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

- 5 The roof lights on the east facing roof slopes of the houses to be built on Plots 08 & 101 on the west facing roof slopes of the house to be built on Plot 94 on the north facing roof slope of the house to be built on Plot 20 and on the south facing roof slope of the house to be built on Plot 21 shall be obscurely glazed, prior to the occupation of those houses. Thereafter those roof windows shall continue to be obscurely glazed unless otherwise agreed in writing by the Planning Authority.

Reason:

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

Sederunt: Councillor McMillan left the meeting.

3. **PLANNING APPLICATION NO. 20/01224/P: ALTERATIONS, EXTENSIONS TO AGRICULTURAL BUILDINGS, ERECTION OF BUILDINGS TO FORM SHOP (CLASS 1), VISITORS/CONFERENCE CENTRE (CLASS 10), AUDITORIUM (CLASS 11), CAFE (CLASS 3), BAR (SUI GENERIS), LETTING BEDROOMS (CLASS 7), OFFICES/MEETING ROOMS, 6 SELF-CONTAINED HOLIDAY**

LETS AND ASSOCIATED WORKS AT PAPPLE STEADING, PAPPLE, WHITTINGEHAME, EAST LOTHIAN EH41 4QD

A report was submitted in relation to Planning Application No. 20/01224/P. Emma Taylor, Manager – Planning Delivery, presented the report, summarising the key points. The proposed decision set out in the report was to grant consent for the application.

In response to questions from Members, Ms Taylor advised that a breach of condition notice could be served, if required but that officers would aim to engage with the applicant over any breach of conditions. She also said that advice had been received from a specialist officer on flood matters and no concerns had been raised.

Liz Hunter, Transportation Planner, responded to questions from Members regarding the Travel Plan, traffic assessments, the impact of increased traffic on road safety, and possible improvements to the site access road, including additional passing places, and improvements to directional road signage.

Colin Clark, Senior Environmental Health Officer, also replied to questions relating to noise pollution, fireworks usage, potential mitigation measures, monitoring and enforcement.

The Convener raised the possibility of additional conditions being imposed in response to some of the concerns expressed by Members. Keith Dingwall, Service Manager – Planning, confirmed that additional conditions could be included in relation to road signage and improvements, and light and noise pollution. Ms Taylor reminded Members that any conditions must be appropriate and reasonable.

Mr Stuart Cameron, agent for the applicant, outlined the background to the application and advised that 50% of the steading site would be given over to heritage use. He said that proposals were sympathetic and complimentary to the restoration of the building and a subservient series of developments would go hand in hand with the existing steading buildings. The LBC proposals had been agreed by Historic Environment Scotland, and a financial contribution had been agreed with the Council for the upgrades to the road network. On flooding he said that work had been carried out on a culvert following a recent flooding incident and further work was still to be done.

Mr George Mackintosh, the applicant, outlined his own personal connection with the site and emphasised the historical significance of the steading buildings both locally and nationally. He explained that he would be working in partnership with the Soil Association and that Queen Margaret University and Dunbar Music School would make use of facilities on the site. He hoped that other partnerships would follow. He said the project had 3 strands: heritage, community and business and he highlighted key aspects of each. In summary, he said his intention was to save the steading, create jobs and make the countryside and its heritage accessible to all.

Mr Cameron and Mr Mackintosh responded to questions from Members on the number of staff to be employed, the type of events and celebrations envisaged for the site, whether the site would operate all year round and security arrangements. They also provided information on how the facilities might be used by local community groups, the development's 'green' credentials and plans to develop a core paths network in and around the site.

In response to further questions, they discussed options for mitigation of potential noise and light pollution and the possibility of improvements to the access road to the site to address traffic concerns.

In response to a question from the Convener, Mr Dingwall confirmed that Members could add conditions to the planning permission to address concerns regarding the access road,

and noise and light pollution. These could include the imposition of a temporary period for use of the auditorium to allow assessment of noise levels and impact.

Mr Mackintosh said that a temporary condition of that nature may be too compromising for them but suggested a condition regarding maximum noise levels.

Mr Miles Kelly spoke against the application. He said he represented the views of Papple residents and while the community welcomed the restoration of the steading, they felt that the proposals failed to support local amenity. Referring to the flood risk, he advised that there had been regular flooding at the Steading and West Lodge and that current drainage was inadequate. He asked why no flood assessment had been carried out and quoted from a previous SEPA assessment which had rated the flood risk as 'medium' and whose guidance suggested that action should be taken to address such risks. He also raised concerns about noise levels, particularly from live music events. He said that the professional survey carried out on behalf of Papple residents had shown that the proposed mitigation of closed doors would not be sufficient and he questioned how any such condition could be enforced.

Mrs Fiona Constable spoke against the application as a local resident whose property boundary was less than 20 metres from the access road. She expressed concerns that the proposals failed to protect local amenity and posed a threat to the natural and cultural character of the area. She stated that any new lighting would be out of keeping with current levels and would adversely impact local fauna, including badgers, breeding barn owls and rare species of bats, as well as impacting the nearby Papple Woods which were part of the Biel Water Biodiversity Site. Bats were known to suffer significant disturbance at lighting levels lower than those specified in the proposed conditions. It was also possible that the proposals could obstruct bat roosts and feeding routes. She did not think there would be adequate protection offered to these and other species under the current proposals.

Mr Richard Austin, speaking on behalf of Gifford Community Council, said their objections related solely to the increase in traffic through the village. While acknowledging that the transport statement offered 3 routes from the west, he was concerned that the route most commonly used would be through Gifford. He questioned the assessment of vehicle movements, referring to a survey undertaken in 2016 which suggested that the actual number could be twice as high as that assessed for this application. He pointed to statistics showing that an increase in traffic of 25 – 30% gave an appreciable increase in the risk of accidents and he reminded Members that the primary school was situated on this route. He had been encouraged to hear suggestions for improved signage for the route via East Linton and said that if this was to be the main route it would alleviate some of his concerns.

Mr John Kinnaird spoke against the application. He summarised his concerns relating to increased traffic on local roads, particularly coaches. He said that reduced road width, blind corners, lack of passing places and some parts of roads being too narrow for two vehicles to pass would result in significant safety issues for road users and pedestrians. He also expressed concern about a lack of information on some aspects and pointed out that mitigation measures could not resolve all of the issues. He questioned whether the routes had been fully assessed and, if so, why such assessments had not been published. He also raised concerns about possible damage to the canopies and roots of some trees on the site and whether this had been adequately assessed. Finally, he suggested that incorrect information had been submitted by the applicant in relation to flooding.

The Convener asked for a comment from officers regarding the transportation survey. Ms Hunter advised that the transport statement did ask for further work to be done at pinch points in the network. Information on large coaches had been provided and some routes had been ruled out on this basis.

Ms Linda Shaw Stewart, speaking on behalf of Dunpender Community Council, said that while they were delighted that the building was to be redeveloped, they had concerns. The impact of increased traffic on narrow roads used by agricultural traffic, walkers, runners, cyclists and riders. The current infrastructure was inadequate and there were no plans to link the site to public transport. The proposed car parking for staff and visitors was inadequate and did not take into account the potential numbers visiting the various facilities on site. There was no detailed lighting plan and the site was very close to woodland where fauna would be adversely impacted by light pollution. The potential for noise pollution from events in the outdoor courtyard was also a major concern and no assessment had been carried out. She suggested that consent for the application in its present form should be refused.

Local Member Councillor Kempson began by addressing the applicant's proposal to create core paths for walkers. She pointed out that the applicant did not have a legal right of access over some of the land where the core paths were proposed. While she agreed that the steading buildings at Papple were in need of restoration and she supported the idea of a museum, she felt that this development was far more than that and would be too large for the site. She had concerns that the proposed car parking was not sufficient to accommodate the number of potential visitors and that it was unrealistic to assume the majority would come by bus. She also considered the proposed development to be a venue for activities which would be detrimental to the local environment. She would not be supporting this application.

Local Member Councillor McLennan said he had also called in this application. He felt that there should have been greater consultation with local community councils and he had concerns about the roads around the site, the scale of the development and potential noise pollution. He was satisfied that the flooding and lighting issues had been addressed by the applicant and he had no objection to the principle of development in rural areas. However, he remained particularly concerned about the impact on the local roads network and, if able to vote, he said he would not support this application.

Local Member Councillor Hampshire (the Convener) commented on the controversial nature of the application which had generated a high volume of correspondence expressing a variety of views. He welcomed the proposals, in particular the museum, and that restoration and development of a steading which would be open to the public to visit and enjoy. However, he acknowledged the local concerns regarding traffic, light pollution, noise, access and the impact on biodiversity. He referred to the assessments carried out by officers and suggested that with the addition of extra conditions related to improved signage, road access, and controls on lighting and amplified music, appropriate arrangements could be put in place to manage these concerns. He concluded by saying that the restoration of steading buildings was very important, as was the development of a museum to celebrate farming heritage and the creation of business and job opportunities in the countryside. For these reasons, he would be supporting the application.

Councillor Findlay said he understood the concerns expressed by local residents however he felt that there could be controls put in place to mitigate these matters. He supported the additional conditions suggested by the Convener and, on that basis, he would be supporting the report recommendation.

Councillor Gilbert echoed Councillor Findlay's remarks and confirmed that, subject to the addition of conditions relating to amplified music and improvements to the access road, he would be supporting the application.

Councillor McGinn would be supporting the report recommendation. He said that it was exciting to see this type of development in the countryside and offering the opportunity for young people to learn about farming and East Lothian's proud rural communities.

Councillor Forrest observed that this was the first time he could recall a steading being developed for something other than housing. He noted the concerns that had been raised and said he hoped that these had been listened to the conditions proposed would be helpful and allow the project to move forward. He would be supporting the report recommendation.

Keith Dingwall, Service Manager – Planning, suggested the following wording for the additional conditions discussed by Members during the debate:

21. Prior to the commencement of the mixed use development a signage strategy for the mixed use development shall be submitted to and approved in writing by the Planning Authority. None of the approved uses shall commence unless the signage is being displayed in accordance with the strategy so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure that the mixed use development is suitably advertised, in the interests of road safety.

22. Prior to the commencement of the mixed use development details of passing places to be installed adjacent to the access road serving the mixed use development shall be submitted to and approved in writing by the Planning Authority. None of the approved uses of the mixed use development shall commence unless the passing places have been formed in accordance with the details so approved.

Reason:

In the interests of road safety.

23. Planning permission for the use of the auditorium for amplified music is granted for a temporary period of two years from the date of this decision notice. At the end of this temporary period, no use shall be made of the auditorium for amplified music, unless planning permission is otherwise granted.

Reason:

To enable the Planning Authority to monitor the noise impact of the auditorium, in the interests of the amenity of nearby residential properties.

24. Prior to their use in the mixed use development, details of any external lighting to be installed within the application site shall be submitted to and approved in writing by the Planning Authority. No external lighting shall be installed within the application site unless and until details of it have been approved in writing by the Planning Authority.

Reason:

In the interests of the amenity of the area and local wildlife.

The Convener formally moved that these conditions be added to the proposed conditions of planning permission. This motion was seconded by Councillor Findlay. The Convener moved to the vote on the amendment to the proposed conditions (taken by roll call):

For: 10
Against: 0
Abstentions: 0

The Convener then moved to the vote on the report recommendation, as amended, (to grant consent) which was also taken by roll call:

For: 9
Against: 1
Abstentions: 0

Decision

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

1. All new and replacement roof windows hereby approved shall be installed in a manner that ensures that their upper surfaces are as near flush as possible with the upper surfaces of the roof slope into which they will be installed and with minimum flashing.

Reason:

To safeguard the special architectural or historic interest of the listed building and the character and appearance of the steading building within its landscape setting.

- 2 Samples of new and replacement natural slates and new and replacement pantiles to be used in the development hereby approved shall be provided for the prior inspection and approval of the Planning Authority and the new and replacement slates and new and replacement pantiles used shall accord with the samples so approved. Where possible, existing slates and pantiles shall be reinstated following any roof repairs or alterations.

Reason:

To safeguard the special architectural or historic interest of the listed building and the character and appearance of the steading building within its landscape setting.

- 3 Notwithstanding what is shown for them on the docketed drawings the new and replacement windows and glazed doors hereby approved shall have through glazed astragals so as to divide their glazing and shall not have 'plant on' astragals. Prior to the installation of them a specification drawing, at a scale of 1:20, shall be submitted to and approved by the Planning Authority and the windows, glazed doors, astragals and glazing shall accord with the details so approved.

Reason:

To safeguard the special architectural or historic interest of the listed building and the character and appearance of the steading building within its landscape setting.

- 4 The following shall be finished in a colour to be approved in advance by the Planning Authority and the colour of the finish applied shall accord with the details so approved:

1. the external face of all new and replacement exterior timber boarded doors and timber boarded infill panels;

2. the external face of the frames of all new and replacement glazed doors, screens and infill panels;

3. the external face of the frames of all new and replacement windows.

Reason:

To safeguard the special architectural or historic interest of the listed building and the character and appearance of the steading building within its landscape setting.

- 5 All stonework repairs shall be carried out using salvaged stone from elsewhere on site. If this is not possible then natural stone specifically selected to match the existing stone in colour, tooling and shape shall be used.

Any new stone shall be coursed to match the original. In the case of replacement skews, door or window surrounds or other such features, the stone shall be dressed and laid in the same manner as the original, as far as reasonably possible.

Reason:

To safeguard the special architectural or historic interest of the listed building and the character and appearance of the steading building within its landscape setting.

- 6 All stonework repairs and re-pointing shall be carried out using a lime-based mortar, which shall match, as closely as possible, the existing lime pointing.

Prior to commencement of limework a detailed specification for limework together with details of the lime specialist contractor to be used, shall be submitted to and approved by the Planning Authority.

Thereafter, the limework shall be implemented as approved.

Reason:

To safeguard the special architectural or historic interest of the listed building and the character and appearance of the steading building within its landscape setting.

- 7 All rainwater goods shall be cast iron and painted, unless otherwise agreed with the planning authority. Prior to installation of the rainwater goods, details of the proposed colour shall be submitted to and approved in writing with the Planning Authority.

Thereafter the rainwater goods shall be installed and the colour applied as approved.

No fascia boards shall be installed behind the gutters on the buildings. All new and replacement sections of guttering shall only be attached to the steading buildings using sarking straps, unless otherwise agreed in writing with the Planning Authority.

Reason:

To safeguard the special architectural or historic interest of the listed building and the character and appearance of the steading building within its landscape setting.

- 8 Samples of the external finishes of the extensions and ancillary buildings hereby approved shall be submitted to and approved in advance by the Planning Authority prior to their use in the development. The materials used shall accord with the samples so approved.

Reason:

To safeguard the special architectural or historic interest of the listed building and the character and appearance of the steading building within its landscape setting.

- 9 The occupation of the holiday letting accommodation use hereby approved shall be restricted solely to short term lets of not more than 28 days. The holiday letting accommodation units shall not be re-let to the party/parties who last occupied it anytime within a period of two months following the date on which the previous time of occupancy ends.

A record of occupancy shall be maintained by the operators of the holiday let, including details of the names and addresses of occupants and the dates of occupation. This record shall be made available for inspection by the Planning Authority at all reasonable times.

Reason:

To restrict the holiday letting use of the proposed buildings to that applied for and in the interests of safeguarding the purpose and integrity of the Council's policy for the control of housing development in the East Lothian countryside.

- 10 The minimum sound insulation RW rating values of the main components of the building fabric of the auditorium hereby approved shall be (i) roof and external walls providing 55 dB RW; and (ii) external laminated double glazing providing 40 dB RW as detailed in Table 2 of the Noise Impact Assessment dated 4th August 2020.

Reason:

In the interests of protecting the amenity of neighbouring residential properties in the area.

- 11 The glazed doors to be formed within the auditorium hereby approved shall be maintained in a closed position during events that involve amplified music and/or speech.

Reason:

In the interests of protecting the amenity of neighbouring residential properties in the area.

- 12 Any light trespass (onto windows) of neighbouring residential properties, as a result of any artificial lighting at the premise, measured as Vertical Illuminance in Lux, (Ev), shall not exceed 5 between the hours of 0700-2300 and shall not exceed 1 between the hours of 2300-0700.

Reason:

In the interests of protecting the amenity of neighbouring residential properties in the area.

- 13 Prior to any site development works a suitable Geo-Environmental Assessment must be carried out, with the Report(s) being submitted to the Planning Authority for approval. It should include details of the following:

- (i) A Preliminary Investigation incorporating a Phase I Desk Study (including site reconnaissance, development of a conceptual model and an initial risk assessment);
- (ii) A Ground Investigation comprising a survey of the extent, scale and nature of contamination, and an updated conceptual model of the site. It is required if the Desk Study has indicated that the site is potentially contaminated and the degree and nature of the contamination warrants further investigation;
- (iii) An appraisal of the remediation methods available and proposal of the preferred option(s).

The site investigation and risk assessment must be undertaken by suitably qualified, experienced and competent persons and must be conducted in accordance with the Environment Agency's Contaminated Land Report 11, Model Procedures for the Management of Land Contamination, CLR11.

If it is concluded by the written report that remediation of the site is not required, then Parts (a) and (b) of this Condition can be disregarded.

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

(b) Following completion of the measures identified in the approved Remediation Statement, a Validation Report should be submitted that demonstrates the effectiveness of the remediation carried out. It must be approved by the Planning Authority prior to commencement of the new use of the land.

In the event of the presence of any previously unsuspected or unforeseen contamination of the land of the application site being found, development shall not begin, or shall cease to continue, until further investigations have been carried out to determine if any additional remediation measures are required.

Reason:

To ensure that the site is clear of any contamination found to be present prior to the use or occupation of the buildings approved.

- 14 Prior to the commencement of development, details of a barn owl nesting box shall be submitted to and approved in writing by the Planning Authority. The details submitted shall include the location and specification of the nesting box and a timescale for its erection. Thereafter, the nest box shall be erected as approved and retained in perpetuity, unless otherwise agreed in writing with the Planning Authority.

Development shall not be carried out during the bird breeding season of March through to August of any year, unless otherwise agreed in writing with the Planning Authority.

Reason:

To mitigate the potential impact of the development on barn owls on the site and provide compensatory nesting sites in the interest of biodiversity.

- 15 Prior to the commencement of development hereby approved, a Species Protection Plan (for bats) and a timetable for the implementation of mitigation and protection measures, shall be submitted to and approved in writing by the Planning Authority. The mitigation and protection measures shall thereafter be implemented in strict accordance with the timetable so approved.

In addition, a copy of the relevant European Protected Species licence or a low impact licence (BLIMP) shall be submitted prior to the commencement of development.

Reason:

In the interests of biodiversity and the conservation of a European Protected Species.

- 16 No development shall take place on site until:

a) a scheme of landscaping has been submitted to, and approved in writing by, the Planning Authority. The scheme of landscaping shall include a programme of planting and details of tree sizes, species, habitat, siting and planting distances. In particular, the landscape scheme shall include (i) the retention of the existing hedgerows to the access roads and northern site boundary; (ii) the retention of the mature lime trees to the east side of the northern access road; (iii) new tree planting to the northern and eastern site boundaries; (iv) new hedgerow planting to the eastern boundary; and (v) show that the paved surface finish of the car parking area shall be off-set from the centre lines of the existing hedges enclosing the northern and eastern boundaries of the application site by a minimum of 1.5 metres; and

b) details of the construction of the grass verge reinforcement shall be submitted to and approved in writing by the Planning Authority. It shall be designed and carried out in accordance with section 7.4 of BS5837: 2012 "Trees in relation to design, demolition and construction ~ Recommendations". The design must not require excavation into the soil, including through lowering of levels and/or scraping, other than the removal, using hand tools, of any turf layer or other surface vegetation.

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

Reason:

In order to ensure the implementation of a landscaping scheme and the retention of trees and hedgerows in the interests of the landscape character, appearance and amenity of the area.

- 17 Prior to the commencement of development, details of the provision of new car charging points and infrastructure for them shall be submitted to and approved in writing by the Planning Authority. 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.

- 18 Prior to any use of the development hereby approved, the car parking spaces and cycle parking areas shown on docketed drawing number PP-119 Revision A, titled 'Proposed Site Plan', shall be fully formed and made available for use. So too shall the reinforced verge to be used as a passing area. Thereafter the car parking spaces, cycle areas and passing area shall all be retained in place in their entirety for use for the parking of vehicles, cycle bikes and to ensure that an adequate passing area is provided within the application site.

Reason:

To ensure the provision of adequate car and cycle parking facilities are available in the interests of road safety.

- 19 A Travel Plan to minimise private car trips to and from the site and to encourage use of alternative modes of transport such as buses and cycling shall be submitted to and approved by the Planning Authority prior to the use of the development hereby approved. Additionally the Travel Plan shall include details of the measures to be provided, the methods of management, monitoring, review, reporting and duration of the Plan. It shall also include a risk assessment/statement of the appropriateness of local roads to accommodate coaches and cyclists.

The approved Travel Plan shall be implemented prior to the use of the conference and heritage facilities.

Reason:

In the interests of ensuring sustainable travel patterns in respect of the conference and visitor centre use.

- 20 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 advance 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.

- 21 Prior to the commencement of the mixed use development a signage strategy for the mixed use development shall be submitted to and approved in writing by the Planning Authority. None of the approved uses shall commence unless the signage is being displayed in accordance with the strategy so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure that the mixed use development is suitably advertised, in the interests of road safety.

22. Prior to the commencement of the mixed use development details of passing places to be installed adjacent to the access road serving the mixed use development shall be submitted to and approved in writing by the Planning Authority. None of the approved uses of the mixed use development shall commence unless the passing places have been formed in accordance with the details so approved.

Reason:

In the interests of road safety.

23. Planning permission for the use of the auditorium for amplified music is granted for a temporary period of two years from the date of this decision notice. At the end of this temporary period, no use shall be made of the auditorium for amplified music, unless planning permission is otherwise granted.

Reason:

To enable the Planning Authority to monitor the noise impact of the auditorium, in the interests of the amenity of nearby residential properties.

24. Prior to their use in the mixed use development, details of any external lighting to be installed within the application site shall be submitted to and approved in writing by the Planning Authority. No external lighting shall be installed within the application site unless and until details of it have been approved in writing by the Planning Authority.

Reason:

In the interests of the amenity of the area and local wildlife.

Sederunt: The Committee adjourned for a short break and Councillor McMillan returned when the meeting resumed.

4. PLANNING APPLICATION NO. NO.20/01388/P: EXTENSION TO HOUSE, 4 SANDERSONS GROVE, TRANENT EH33 1JY

A report was submitted in relation to Planning Application No. 20/01388/P. James Allan, Assistant Planner, presented the report, summarising the key points. The proposed decision set out in the report was to grant consent for the application.

In response to questions from Members Mr Allan provided clarification on the dimensions of the proposed extension, the shrubs to be removed at the front of the property and the extent to which the development would overshadow the garden and conservatory next door. He also confirmed that this type of extension was not unusual and there were many examples of similar projects being approved in East Lothian.

Marshall Greenshields, Senior Roads Officer, replied to a question on car parking. He explained that an additional space would be required as the house would increase beyond the current threshold.

Mr Derek Henderson spoke against the application. He lived next to the property and objected to the size of the extension which he said was not in keeping with other houses in the street. He explained that the extension would reach right to his boundary wall and would greatly reduce the daylight/sunlight in his garden and sunroom. He said that this room was used regularly, especially by his wife and that the proposals could adversely affect her health. He also expressed concern that the extension was designed to change the house from a family home to, potentially, a house of multiple occupation (HMO).

The Convener pointed out this application contained no proposals for an HMO and that any request for an HMO licence would be subject to a separate application process.

Mr Gordon Shiels spoke against the application. He said that the footprint of the extension would be very large and that the extra space provided seemed excessive for a family of two people. He felt that the new features, particularly the large window in front, would impact on surrounding properties and that its effect on the Henderson's property and also Mrs Henderson's use of their sunroom would be severe. He expressed concern over the impact that removal of a street parking space would have on road safety; cars often parked in their street as it offered access to the playing fields. He commented that since its sale, No. 4 had only been occupied periodically, even during lockdown, and if it was not the owner's principal home it was clearly a development opportunity. He also questioned the legality of the changes and referred to the wording of the missives.

Local Member Councillor McGinn said he had called in this application over concerns about parking. This was a really active area and parking was already an issue in the street. He also felt that the proposals, by their size and stature, amounted to an overdevelopment of the site. He referred to the results of the sunlight test and questioned the assessment of 'minimal impact' as half of the garden and sunroom of No.5 would be impacted between 9am and 1pm each day. For these reasons, he would not be supporting the report recommendation.

Local Member Councillor McLeod said this was a difficult decision and he shared some of the concerns already expressed. He also did not agree with the removal of garages in such properties. He asked whether it was possible to add a condition preventing the house being licensed as an HMO.

Mr Dingwall advised that it would not be competent to add such a condition.

Councillor Findlay said he shared a lot of the concerns but his basic objection was that this was an overdevelopment of the site based on the surrounding houses. He would not be supporting the report recommendation.

Councillor McMillan said he had been impressed by comments from the objectors. When hearing how close the extension would come to the boundary wall, he said it did look like an overdevelopment of the site which would clash with the surrounding, well-designed area. He also had concerns about parking. He would not be supporting this application.

The Convener brought the discussion to a close. He agreed with many of the previous remarks and did not consider the proposal to be of an appropriate scale for this property. He was particularly concerned about overshadowing and loss of sunlight to the neighbouring property. He was in agreement with Members; he would not be supporting this application.

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

For: 0

Against: 10

Abstentions: 0

Decision

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

1. The proposed extension would be an overdevelopment of the site, harmful to the amenity of the area, and contrary to Policy DP5 of the adopted East Lothian Local Development Plan 2018.
2. By virtue of its size and dominant nature, the proposed extension would have an unacceptable impact on the amenity of the neighbouring property of 5 Sandersons Grove, contrary to Policy DP5 of the adopted East Lothian Local Development Plan 2018.

5. PLANNING APPLICATION NO. 20/01413/P: ALTERATIONS AND CONVERSION OF BUILDING INTO 4 FLATS, ASSEMBLY ROOMS, CHURCH STREET, DUNBAR EH42 1HA

A report was submitted in relation to Planning Application No. 20/01413/P. Ms Taylor presented the report, summarising the key points. She drew Members' attention to planning policy CH2 which stated that, in exceptional circumstances, the benefits of proposals that would restore and improve the appearance of a building and enhance the character and appearance of a conservation area, could be deemed to outweigh the requirement for off-street parking provision. In her assessment, the benefits offered by this application were considered to outweigh the requirement for provision of 4 parking spaces. The proposed decision set out in the report was to grant consent for the application.

Ms Taylor responded to questions from Members. She accepted that there were concerns regarding parking but reiterated policy CH2 and indicated that it would be for Members to decide if the circumstances were exceptional in this case. She believed that the benefits to the townscape would outweigh the requirement for parking provision. She advised that the roofline would be raised 1.4m above the existing height but that this would not impede the views from the property opposite. She also explained that although the building was on the 'at risk' register, unless there was a health and safety risk it was unlikely that the Council could force the applicant to take action. This application would at least allow for the safeguarding of the building.

Ms Jacquie Bell, spoke on behalf of Dunbar Community Council. She said that they had long been concerned about the state of the building which they felt required a whole site solution. However, despite concerns about the raising of the roofline and that the view on the seaward side could have been maximised for residents, the Community Council was generally supportive of the proposals. She noted that parking was a general issue in the town centre but that the building had been built long before cars and in the future there may be alternative options for residents, e.g. car clubs or the development of off-street car parking nearby. She suggested that the large area to the rear of the Assembly Rooms may be suitable but that in any event, planning policy allowed for parking provision to be omitted in exceptional circumstances. She urged the Committee to support the application.

Mr Alex Cranston, a representative for the applicant, indicated that he did have a statement to make and he was invited to speak next. Mr Cranston read out a letter from the applicant in which he explained how design issues had been addressed. He suggested that on-street parking was an issue at present due to people being at home more than usual and that on-street traders also impacted on parking. He noted that there were precedents for approval of similar developments without parking provision and referred to a site nearby which had been approved in 2018. He also outlined his concerns about approaches he had received from a third party to purchase the Assembly Rooms and that the architect involved with this approach may have links to a representative of a local residents' groups. He asked that comments made by this representative should be disregarded by the Committee.

The Convener pointed out that this individual did not make decisions on planning applications and that they were present to represent the views of a section of the local community.

Ms Pippa Swann, on behalf of the Dunbar Shore & Harbour Neighbourhood Group spoke against the application. She said that the Group was generally in favour of development of historic buildings and did not generally object to this application. However, she was surprised that listed building consent had been granted for raising of the roofline. She felt that raising the roofline was inappropriate and it was unfortunate that more was not being done with the seaward side of the building. She also considered parking to be an issue, especially with 3 bedroom flats. She said that refusing this application did not mean that the building would remain empty for another 10 years and that what was required was a whole site solution.

Local Member Councillor Hampshire (the Convener) said he had called in this application. He referred to previous proposals for the site and the current application and said it was unfortunate that no one was prepared to bring forward a whole site solution. At the site visit, Members had seen how beautiful the building was inside and it would be extremely unfortunate if the roof were to be destroyed; and would change the character of the listed building. He added that parking was a major issue and he did not think it was acceptable to approve the proposals without off-street car parking. He would not be supporting the report recommendation.

Local Member Councillor McLennan said that plans for this building had been ongoing for some considerable time; the applicant had listened to concerns and had revised their proposals as a result. He welcomed the community council's support and said that proposals would benefit the townscape. He agreed with the planning officer that there were exceptional circumstances which would merit the removal of a requirement for car parking. He said it was not appropriate to refuse the application because Members would prefer a whole site solution. If nothing was done, the building would continue to deteriorate and he urged Members to support the application

Local Member Councillor Kempson supported the Convener's comments. She considered car parking to be critical and she noted that parking on Church Street could already be

problematic, even while all of the shops on the High Street were still closed. She would not be supporting this application.

Councillor Gilbert said that this was an ‘at risk’ building and had been so for almost 30 years. This application represented a viable proposal to safeguard it and planning policy allowed for the requirement for car parking to be set aside in exceptional circumstances. He would be supporting the report recommendation.

Councillor McLeod commented that if he were a buyers who looked for car parking he would simply look elsewhere. He considered the building to be in need of upgrading and he would be supporting the report recommendation.

Councillor Williamson observed that this was the second application today which involved a historic building which was deteriorating and, without action, would eventually require demolition. Such a building close to the seashore may attract buyers who were less reliant on cars and he considered this to be the only way to safeguard the building. He would be supporting the report recommendation.

Councillor McMillan considered the proposals to be feasible but not viable and, for him, parking was a major concern. He felt that the proposals did not make best use of the whole site and were a short-term solution. He believed that a long-term option should be explored. He would not be supporting the report recommendation.

Councillor Findlay commented that this was a stunning building inside and it was time something was done to preserve it. He knew of other buildings where permission had been given despite car parking issues and he did not consider it to be a major problem. He said that the Committee had to consider the application that was before them not what could or would be. He would be supporting the report recommendation.

Councillor Forrest said he had listened to all of the comments but the difficulty for him related to car parking. He added that officers had specified a requirement for car parking in many other applications and he did not see why this application should be treated differently. He would not be supporting the report recommendation.

Councillor Mackie supported the comments made by Councillor Forrest and said she too had concerns about car parking.

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

For: 4
Against: 7
Abstentions: 0

Decision

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

1. The proposed roof alterations would adversely affect the profile of the roof of the listed building, and thereby its architectural and historic character, contrary to Policy CH1 of the adopted East Lothian Local Development Plan 2018 and Scottish Planning Policy.
2. As there is insufficient space within the curtilage of the application site to provide the parking spaces required by East Lothian Council’s Road Services to meet East Lothian’s Transportation Standards, the proposal would cause parking and

congestion problems on Church Street and elsewhere in the locality contrary to Policy T2 of the adopted East Lothian Local Development Plan 2018.

6. PLANNING APPLICATION NO. 20/01348/LBC: REMOVAL OF CONDITION 4 OF LISTED BUILDING CONSENT 18/00401/LBC APARTMENT 2, WEST WING, WHITTINGEHAME HOUSE, STENTON, EH41 4QA

A report was submitted in relation to Planning Application No. 20/01348/LBC. Ms Taylor presented the report, summarising the background and key points. She said that the changes sought were for the benefit of the family but that this was not a material consideration when assessing planning permission. She pointed out that the removal of the service stair would result in a change to the historic fabric which would be detrimental to the historic character of the building and contrary to planning policy. The proposed decision set out in the report was for refusal of the application.

In response to questions from Members, Ms Taylor confirmed that the staircase was a later addition to the property that was not visible from the outside. She advised that the staircase was likely one used by servants and that it added to the understanding of how the building was used in the past. Once removed, that understanding would be lost and she did not think that a plaque could adequately replicate this. She agreed that there was a balance to be struck between keeping what was significant and ensuring buildings were fit for human habitation. However, while this option may be what was best for the family, planning officers had to consider what was best for the building.

Michael Gilmartin, the applicant, referred to the previous application made in 2018 but stated that without the removal of the staircase the other alterations would not go ahead. He said that contrary to reports, there was no plan to install a lift and he felt that the assessment of the application had not taken full account of the needs of both family members with long-term health conditions. He referred to a recent report which had stated that the staircase was a late addition and of limited special interest. He also pointed out that Historic Environment Scotland had not objected to or supported the application, and that the only public objection to the application had subsequently been withdrawn. Mr Gilmartin outlined the day to day requirements of the two family members with serious, long-term health conditions and the difficulties of caring for them appropriately at home without making alterations to the family's living space. He asked that Members consider the needs of these vulnerable individuals and the impact on the family as a whole.

The Convener spoke first as he had called in the application. He noted that the staircase had been a relatively modern addition and of limited historical importance. He recognised the need to make alterations to meet the requirements of the family and he did not think that the removal of the staircase would result in any historical loss to the building. He would not be supporting the report recommendation.

Local Member Councillor Kempson also commented that the staircase had been a later addition and that it was very plain and added nothing either architecturally or historically to the building. She would not be supporting the report recommendation.

Councillor Gilbert said that this was a balancing act between the historic environment of Whittingehame House and the needs of the people who lived there. On this occasion, the needs of the people far outweighed the considerations of the historic environment. He would not be supporting the report recommendation.

The Convener moved to the vote on the report recommendation (for refusal) which was taken by roll call:

For: 0
Against: 11
Abstentions: 0

Decision

The Committee agreed to grant LBC permission subject to the following condition:

1. The works to implement this listed building consent shall begin before the expiration of 3 years from the date of this grant of listed building consent.

Reason:

Pursuant to Section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

DRAFT

Signed

Councillor Norman Hampshire
Convener of the Planning Committee

REPORT TO: Planning Committee
MEETING DATE: Tuesday 1 June 2021
BY: Executive Director for Place
SUBJECT: Application for Planning Permission for Consideration

3

Application No. **21/00070/PM**
Proposal Erection of learning campus and associated works
Location **Site West Of Masons Way
Wallyford
East Lothian**
Applicant East Lothian Council
Per JM Architects

RECOMMENDATION Consent Granted

REPORT ON HANDLING

PROPOSAL

As the area of the application site is greater than 2 hectares and also as the proposed gross floor space of the building exceeds 5,000 square metres, 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: 20/00004/PAN) and thus of community consultation prior to this application for planning permission being made to the Council. Community consultation was undertaken in accordance with the Scottish Government's temporary requirements on pre-application consultations for public events during the coronavirus (covid-19) emergency.

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 the consultation process included online public consultation 'drop-in' sessions which included scheduled presentations with members of the applicant's project

team available throughout to describe the proposals and to answer questions; online consultation with Wallyford Community Council; online consultation with Wallyford Primary School Parent Council and online consultation with Pinkie Primary School Parent Council. The Report advises that following each presentation there was an opportunity for participants to ask questions about the development and attendees were also informed that they could make comments following the exhibition by emailing the project dedicated email address. The Report informs that feedback was collated from the various consultations and the main issues raised by those consulted included on site parking provision and drop off zones, safe routes to school, toilet and changing cubicle provision, open plan teaching areas, queries whether or not a swimming pool was to be provided and comments relating to how pupils and community groups could get involved during the construction process. 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 an area of some 5.8 hectares of land which was last used for agricultural purposes, situated within the wider Wallyford expansion area which is allocated by Proposals (PROP) MH9 and MH10 of the adopted East Lothian Local Development Plan 2018 (ELLDP) for mixed use development.

On 30 November 2009 planning permission in principle (Ref: 09/00222/OUT) was granted for a mixed use development on some 86 hectares of predominantly agricultural land to the east, south and southwest of Wallyford. The site included Wallyford Community Woodland, the public roads of Salters Road and Inchview Road, and land to the south of Fa'side Avenue South, to the south of the existing village.

Planning permission in principle (Ref: 12/00924/PPM) was subsequently granted for the renewal of planning permission in principle 09/00222/OUT, as submitted to the Council on 14th November 2014.

In September 2015 planning permission in principle (Ref: 14/00903/PPM) was granted for amendments to planning permission in principle 12/00924/PPM, including an increase in number of residential units from 1050 up to a maximum of 1450, relocation and redesign of open space, development for residential purposes of areas previously proposed as open space and relocation and redesign of the proposed local centre.

The elements of the approved mixed use development include residential development, community buildings including a new primary school and community facilities, office units, a restaurant, business units, general industrial units, storage and distributions units, trade counter units, a residential institution, a non-residential institution, hot food takeaways, playing fields, open space, allotments, landscaping and associated infrastructure provision. At that time as there was no proposal for a secondary school the land of the application site was approved largely for housing. However through the adopted East Lothian Local Development Plan 2018 the application site was allocated by Proposal (PROP) MH11 of the ELLDP 2018 for a new secondary school establishment to serve the Musselburgh area.

The application site is bounded to the west by existing residential areas of Wallyford and on all other sides by the wider Wallyford expansion area the subject of PROP MH9 on which development has commenced. Immediately to the east of the application site lies Masons Way which is the main distributor road serving the Wallyford expansion area with cycle/footpaths and bus stops on either side of it and beyond that lies very recently constructed residential developments or developments which are still under construction. To the north of the site lies land which is planned to be developed for housing and to the south of the site lies land planned to be developed as a local centre and beyond that by the new Wallyford Primary School.

The site slopes from south west to north east, with a gradient which runs from an elevation of 49 metres at its south west corner to around 35 metres at its northern end. It has a rough grass finish and has no trees or any other landscape features present on it.

The application site is part of the designated area of Pinkie Battlefield. It is also part of a larger area that is identified by the Coal Authority as being potentially at risk from past mining related activity. The land of the application site is defined by the Macaulay Capability for Agriculture (LCA) classification system as being Land Capable of Supporting Arable Agriculture Class 3.1, that being prime agricultural land capable of producing consistently high yields of a narrow range of crops and/or moderate yields of a wider range.

Detailed planning permission is sought for the erection of a learning campus building which will contain a secondary school designed to accommodate initially 950 pupils from the wider Musselburgh catchment area and other community facilities including a 20 pupil nursery, a 50 pupil Severe and Complex Needs Centre, an adult day centre, community library, café, community spaces and sports facilities. Detailed planning permission is also sought for associated playgrounds, 2 sports pitches, car parking and service access, bus turning provision, electric vehicles chargers, cycle shelters, sprinkler housing, bin storage, boundary enclosures, play equipment and landscaping. Both the building and the site are designed to cater not only for secondary school pupils but for the wider community across all age groups. The development would have an anticipated opening year of 2024.

The proposed learning campus building would be erected on the south eastern part of the site. The building would be of an irregular shape with a footprint consisting of a series of rectangular shaped wings together with recessed areas joining together to create a multi sided building. The building would range from one to three storeys making full use of the sloping topography of the site to control the overall height of the building. The building would be predominantly flat roofed with a 'sawtooth' design feature at the northernmost end of the building which would house the Science, Technology, Engineering, Art and Maths (S.T.E.A.M.) centre. The walls of the building would primarily consist of a light coloured rustic brick finish with the upper levels of the S.T.E.A.M. Centre and the sports wing which occupies the northern part of the building proposed to be primarily clad in a proprietary profiled grey metal cladding panel with sections of translucent cladding at high level. Large, aluminium framed glazed openings are proposed across the building. Some of the flat roofed areas of the building would accommodate plant with associated screening.

The building is designed to address the site of the future local centre and the recently constructed new primary school to the south of it and also the distributor road of Masons Way, to the east of the site. The principle entrance to the building would be located on its east elevation, between the south, community, wing and the northern S.T.E.A.M. wing, addressing the distributor road and wider residential development beyond. The main entrance is designed to be approached from the staff and visitor car park to the north, directly from the distributor road to the east and from the local centre to the south. The building is arranged over three storeys, and due to the change in level of the site the main entrance brings building users in at the middle level. The main entrance is defined by double height full width glazed curtain walling within a covered building recess formed by the adjacent accommodation wings. A secondary community entrance would be located on the south side of the building allowing easy access between the learning campus and the planned local centre immediately to the south of it and the entrance to the Severe and Complex Needs Centre would also be located on this elevation. Further pupil entrances would be located on the north and west sides of the building with the northernmost entrance also serving the leisure uses within the building.

The playground areas would be primarily located to the west side of the proposed building away from vehicular access routes and where the built form will provide some shelter from

the elements. The 2 sports pitches, 1 a rugby and football pitch and 1 a 2G sand dressed multi-sport pitch, would be located in the northwestern part of the site. There would be tree planting, shelterbelt planting and other landscaped areas provided throughout the site.

Vehicular access to the learning campus site would be taken from two new vehicular accesses to be taken from the distributor road Masons Way, one at either end of the east side of the site. The northernmost access would be the principle access serving the secondary school use and would lead to a car park to be formed in the northeastern corner of the site. A total of 92 vehicle spaces including disabled accessible spaces are to be provided in this car park. 6 of these spaces are to be equipped with Electric Vehicle (EV) charging infrastructure with all other spaces future-proofed with ducting in place in preparation for when future demand arises. This access has also been designed to allow it to also serve the planned residential area to the north of the application site. The northernmost access would also function as the main service vehicle access with the main refuse store, delivery bay and service yard proposed to be located along with mechanical and plant rooms at this end of the site. The southernmost vehicular access would serve the Severe and Complex Needs Centre, Adult Day Centre, nursery and library uses. A small dedicated accessible parking area of 3 spaces, which would include 2 no electric charging bays and a restricted access drop off zone would both be provided off this access, designed to be closer to the building to service the facilities on the south wing and for those requiring parking within 45 metres of the main access door. A smaller refuse store is located near to the southern vehicular access to serve the community facilities which would be accessed via the drop off zone to be formed at the southern end of the site. Secure and covered cycle parking facilities for staff, pupils and visitors, to allow for the parking of up to 208 cycles, would be located within the areas served by each of the vehicular accesses and at the main entrance.

The main pedestrian access into the site would be from Masons Way adjacent to the main entrance door of the building however a number of cycle and footpaths would be formed between the site and the adjacent areas of land including an additional 4 pedestrian entrances into the east side of the site from Masons Way, 2 between the site and the existing residential areas of Wallyford to the west of the site, 1 at the southwest corner to the site which will form a 'learning campus link' between the application site and the primary school as well as linking into the existing cycle/footpath which connects the primary school site to the existing residential areas of Wallyford and will allow future pedestrian and cycle access to the planned local centre. The paths to be provided within the site would include a 4.5 metres wide east/west cycle corridor along the south side of the site to allow pedestrian and cycle access through the site for the wider community. Paths are also to be formed either side of the vehicular access to be formed into the northeastern corner of the site and these would also allow future access into the planned residential area to the north of the site.

As well as detailed architectural and landscape architecture drawings, the application is also supported by, amongst other documents, a Drainage Strategy Plan, a Transport Statement, a Site Waste Management Plan, a Planning Statement, a Landscape Design Report, an Energy Strategy Summary and a Design and Access Statement (which includes a Changing Places Statement).

Since the registration of the application a number of non-material amendments have been made to the proposals resulting in revisions to hard and soft landscaping proposals, path proposals and revisions to the design and finishing of parts of the proposed building.

Other additional information submitted since the registration of the application include a Site Investigation Report, a revised Design and Access Statement, revised Landscape Maintenance Information, a revised Drainage Strategy and a revised Transport Statement.

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 the proposed development falls within the category of a Schedule 2 Development, being one that may require the submission of an Environmental Impact Assessment (EIA). Schedule 3 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 sets out the selection criteria for screening whether a Schedule 2 development requires an EIA. On the 14th October 2020 the Council issued a formal screening opinion to the applicant. The screening opinion concludes that it is East Lothian Council's view that the proposed development is not likely to have a significant effect on the environment such that consideration of environmental information is required before any grant of planning permission. It is therefore the opinion of East Lothian Council as Planning Authority that there is no requirement for the proposed development to be the subject of an EIA.

DEVELOPMENT PLAN

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

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

The purpose of the approved South East Scotland Strategic Development Plan (SESplan) is to set out the strategic planning framework to assist preparation of local development plans. Its policies are strategic in nature and have been transposed into LDPs. Therefore they are not generally used in the assessment of individual planning applications.

Policies SECF1: Safeguarded Education and Community Facilities, T1: Development Location and Accessibility, T2: General Transport Impact, T4: Active Travel Routes and Core Paths as part of the Green Network Strategy, T31: Electric Car & Bus Charging Points, SEH2: Low and Zero Carbon Generating Technologies, W3: Waste Separation and Collection, W4: Construction Waste, NH5: Biodiversity and Geodiversity Interests, including Nationally Protected Species, NH7: Protecting Soils, NH8: Trees and Development, NH10: Sustainable Urban Drainage Systems, NH11: Flood Risk, NH12: Air Quality, NH13: Noise, CH4: Scheduled Monuments and Archaeological Sites, CH5: Battlefields, DP1: Landscape Character, DP2: Design and DP4: Major Development Sites are relevant to the determination of the application.

Proposals (PROP) MH9: Land at Wallyford, MH10: Land at Dolphingstone, MH11: New Secondary School Establishment, ED1: Musselburgh Cluster Education Proposals and CF1: Provision of New Sports Pitches and Changing Accommodation are relevant to the determination of the application.

Also relevant to the determination of the application is the Council's approved non-statutory Supplementary Planning Guidance (SPG) document on Sustainable Drainage Systems (SuDS).

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

Also material to the determination of the application is Scottish Planning Policy, which was revised on 18th December 2020. 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. Paragraph 69 of SPP states it is important that community, education and healthcare facilities are located where they are easily accessible to the communities that they are intended to serve.

Paragraph 80 of SPP states that development on prime agricultural land should not be permitted except where it is essential:

- as a component of the settlement strategy or necessary to meet an established need, for example for essential infrastructure, where no other suitable site is available; or
- for small-scale development directly linked to a rural business; or
- for the generation of energy from a renewable source or the extraction of minerals where this accords with other policy objectives.

SPP also states that planning authorities should protect archaeological sites and monuments as an important finite and non-renewable resource and preserve them in situ wherever possible. Where in situ preservation is not possible, planning authorities should, through the use of conditions or a legal obligation, ensure that developers undertake appropriate excavation, recording, analysis, publication and archiving before and/or during development. Planning Advice Note 2/2011: Planning and Archaeology similarly advises.

REPRESENTATIONS

Material to the determination of the application are the written representations received to it. One written representation has been received. It raises concerns that (i) there will not be enough parking provision for those driving to the learning campus for parents evenings, school pick ups and drop offs and use of the facilities and that this may lead to parking within residential areas and (ii) the school campus is squashed into a small site which gives the children little safe on site areas to gather and spend their lunch and break times. This will lead to children gathering at the shopping and residential grass areas, which will have a harmful impact on local businesses and residents. A copy of the written representation is contained in a shared electronic folder to which all Members of the Committee have access.

COMMUNITY COUNCIL COMMENTS

Wallyford Community Council have been consulted on the application but have not provided any comments on it.

PLANNING ASSESSMENT

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

East Lothian Council adopted its Local Development Plan on 27 September 2018. The ELLDP sets out a development strategy for the future of East Lothian to 2024 and beyond, as well as a detailed policy framework for guiding development. It sets out the Council's settled view of where new development should and should not occur, including housing, education, economic and retail development, new transport links, and other infrastructure. The application site is an allocation of the ELLDP which provides part of the plan's strategy. The ELLDP states that a new secondary school establishment is required in the east of the existing Musselburgh cluster in association with the spatial strategy for the area. The site of this planning application is that identified in the ELLDP by proposal (PROP MH11) as being the preferred site for the secondary school establishment within the Wallyford expansion area and thus the principle of the development of the application site for a new learning

campus incorporating a secondary school accords with PROP MH11 and also with ELLDP Policy SECF1 which safeguards land allocated for education and community facilities for such uses and PROP ED1 which states that the Council will provide a new secondary school establishment on land at expanded Wallyford to meet the need arising from proposed new housing development in the cluster. Furthermore, the proposed learning campus development, by being located within the site of PROP MH11 would not prejudice the residential and mixed uses promoted by PROP MH9 and MH10 of the ELLDP.

The land of the application site is defined by the Macaulay Capability for Agriculture (LCA) classification system as being Land Capable of Supporting Arable Agriculture Class 3.1, that being prime agricultural land capable of producing consistently high yields of a narrow range of crops and/or moderate yields of a wider range. Policy NH7 of the ELLDP states that development on prime agricultural land will not be permitted unless in the particular circumstances listed in the Policy. One of those circumstances is if it is to implement a proposal of the plan, which this application is. The proposal does not therefore conflict with Policy NH7 of the adopted ELLDP or with SPP on development on prime agricultural land.

As is required by ELLDP Policy DP4 relevant supporting information in the form of detailed drawings, a Design and Access statement and Planning Statement have been submitted to support this major development type application. The Design and Access statement provides a contextual analysis of the site, an explanation of the design concepts and the evolution of the design, the historic context, detailed descriptions of the proposals, including the building, the hard and soft landscaping of the site and the approach to materials, environmental design and accessibility.

In that statement it is explained that the approach to the design solution has been driven by a collective desire by the design team to create a truly inspirational, innovative and collaborative learning environment for the young learners of East Lothian and the wider East Lothian Community. The statement explains the building itself creates a new urban edge to the east boundary of the site with a civic quality and scale that responds directly to the main pedestrian and vehicular spine route through the residential masterplan and the wider residential development beyond. Its design and positioning also allows it to have a strong relationship with the proposed local centre and Wallyford Primary School to the south. The statement explains that the vehicular access and parking areas have been kept segregated from the school playgrounds and playing fields. The statement further explains that the use of brick as the primary external finish of the learning campus building would reflect the brickworks that was once associated with Wallyford Village, and that there still remain within the village, buildings and boundary enclosures that have a brick finish.

The learning campus would range from one to three storeys in height using the sloping topography of the site to minimise its overall height. Due to its footprint size and its proposed height, the proposed building would introduce a significant built form into the landscape of the surrounding area. However, both the proposed local centre and the new Wallyford Primary School are of a scale greater than the surrounding two storey residential developments and as such can visually support the construction of a building of the scale and mass of the proposed learning campus. In its position alongside the site of the local centre and the primary school the proposed learning campus building would be of an acceptable scale and massing for its landscape setting. Due to its height and its positioning relative to neighbouring residential properties the proposed school would not appear harmfully overbearing or dominant when viewed from those neighbouring residential properties.

In such circumstances and by virtue of its height, size, scale, massing and positioning responding to the topography of the site, the proposed learning campus building would sit comfortably in its positional relationship with neighbouring buildings and roads. It would not

appear harmfully dominant, intrusive or incongruous within its setting. It would sit comfortably alongside the neighbouring buildings in the locality and would not have a harmfully overbearing effect on those neighbouring properties.

The proposed learning campus building would be of a modern contemporary architectural style and would be of a distinctive architectural form and appearance reflective of its functional purpose as a school and community building at the heart of the new local centre for Wallyford. It would be confident in its design and would have a distinct physical presence within the streetscape appropriate to a school and community building.

Its palette of external finishes of brick, profiled metal cladding and glass for its external walls, and aluminium framed windows and doors would be appropriate to its modern architectural style and its functional use as a school and civic building, and would be reflective of the historic links of Wallyford to brick production. A planning condition can be imposed requiring a schedule or samples of the external materials to be approved by the Planning Authority in advance of their use on the building to ensure they are of a finishing quality and colour appropriate to their surroundings.

By virtue of its size, height and its contemporary architectural design and appearance, the proposed learning campus building would have a distinct physical presence within the streetscape and would be appropriate to its location. It would add, in a complementary way, to the variety of architectural form and design of this part of Wallyford including to both the older and newer residential developments, to the architectural form and design of the approved indicative details for the new local centre for Wallyford and to the complementary architectural form and design of the Wallyford Primary School. Consequently the proposed building, by virtue of its architectural form, design and external finishes would not look out of place in the streetscene. It would not appear harmfully incongruous, exposed or an over development of the land upon which it would be built. By its positioning, design, architectural form and finishing materials the proposed learning campus building would not be harmful to the character and appearance of the area.

Seen as they would be in their immediate relationship with the proposed school building, the proposed playgrounds, playing fields, associated hardstanding, cycle shelters, sprinkler housing, boundary fencing and walls, and landscaping would not be inappropriate development for a school campus. They would not together with the learning campus building appear harmfully incongruous, exposed or an over development of the land upon which they would be built. They would not be harmful to the character and appearance of the area.

The positioning of the proposed learning campus building and of the other components of the development would not prejudice the development framework or the form of development of the remainder of the Wallyford expansion area.

The proposed learning campus building would be positioned on the site such that its windows and other glazed openings would be more than 9 metres away from the garden of any existing or consented residential properties surrounding the site. Such separation distances meet the Council's standard of acceptable privacy distances respectively between facing windows and private amenity space and between facing windows in neighbouring properties.

By its positioning, height, orientation and distance away from nearby housing, the proposed learning campus and its associated cycle shelters, sports pitches, refuse storage and sprinkler housing would not give rise to harmful loss of daylight or overshadowing of neighbouring properties. The proposed learning campus and its associated structures, by virtue of their size, height, layout, design and orientation, would have no significant harmful

impact on the privacy or residential amenity of the occupants of adjoining residential properties. .

The Council's Landscape Projects Officer comments that the proposals for the building make good use of the change in ground levels to provide a building that sits within its context and setting and that the associated school grounds, although limited in size, provide many well designed elements for learning and play. She comments that consideration has been given to utilising the space to its maximum by creating multi-functional spaces and that the level changes across the site have been approached as an advantage rather than a constraint and used to provide additional play space with tree planting and level changes being used to create a series of smaller spaces rather than a large single playground. She is satisfied that consideration has been given to the neighbouring residential properties to the west by the proposal to form a mixed native woodland shelterbelt adjacent to the boundary. This has the added advantage of introducing biodiversity and different habitats into the school grounds and provides education opportunities. Consideration has also been given to the future development to the north of the site. Another woodland shelterbelt has been proposed to this boundary, comprised of smaller tree and shrub species to reduce possible issues of overshadowing of residential properties due to the lower level to the north. Comments initially made by the Council's Landscape Projects Officer relating to the finishing of drainage filter trenches, the positioning of temporary protective fencing to allow landscaped areas to establish, types of shrubs and trees to be planted and queries on the future maintenance arrangements of the landscaped areas have been addressed by the applicant and the Council's Landscape Projects Officer has confirmed that she is satisfied with the proposals subject to conditions being imposed on a grant of planning permission to ensure the implementation and supervision of the landscaping works in order to ensure the implementation of a landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area.

The Council's Amenity Services advise they agree with the comments made by the Council's Landscape Projects Officer and have nothing further to add in relation to the proposed scheme of landscaping.

The application drawings detail an intention to install lighting around the proposed sports pitches however the full details of the lighting columns have not been submitted at this stage. The Council's Environmental Health Service Manager raises no objection to the principle of floodlighting being installed to serve the sports pitches subject to any light spill from the proposed light being controlled to ensure the amenity of nearby residential properties is safeguarded. He therefore recommends that a condition be imposed if planning permission is to be granted to ensure that details of the lighting to be provided are approved in advance of their installation by the Planning Authority.

The Council's Environmental Health Service Manager further advises that there is the potential for noise from plant and equipment used in association with the proposed learning campus to result in harm to the amenity of neighbouring residential properties. In order to mitigate for any such potential noise nuisance the Environmental Health Service Manager recommends that noise associated with the operation of any plant and/or equipment should not exceed Noise Rating curve NR20 at any octave band frequency between the hours of 2300 - 0700 and Noise Rating curve NR25 at any octave band frequency between the hours of 0700 - 2300 within any neighbouring residential property with all measurements to be made with windows open at least 50mm. This matter can be controlled by a condition imposed on a grant of planning permission for the proposed learning campus development. The imposition of such a condition would ensure that the proposed learning campus building would not give rise to an unacceptable level of noise. The Council's Environmental Health Service Manager advises he has no further comments or concerns on matters relating to air quality or noise impact.

On all of these considerations of layout, design, landscaping and amenity the proposed development is consistent with Policies DP1, DP2, NH12 and NH13 of the ELLDP.

Policy NH5 of the ELLDP generally presumes against new development that would have an unacceptable impact on the biodiversity of an area. The Council's Biodiversity Officer raises no objection to this application, satisfied the proposal would not have a harmful impact on existing wildlife or on the biodiversity of the area. The Council's Biodiversity Officer welcomes the inclusion of native species and variety of potential habitats in the landscape proposals.

The Council's Active Business Unit Team Manager advises that the proposed level of sports provision including the proposed 2G sand dressed multi sports pitch and the full size football/rugby grass pitch to be provided within the site, along with future Council proposals to provide 2 x additional full size grass sports pitches within land secured for this purpose immediately to the north of the site, would be adequate provision for the final pupil roll of the secondary school. The Council's Active Business Unit Team Manger explains that it is intended that the future pitch provision will form part of an extended school campus and will be managed from the school site as well as utilising the changing accommodation which is proposed to be provided within the learning campus building. He advises that the layout of the additional 2 pitches is currently being finalised. The Council's Active Business Unit Team Manager is therefore satisfied with the level of sports and associated changing facilities provision proposed. On this basis the proposals do not conflict with PROP CF1 of the ELLDP.

The application site forms part of the larger area of the designated site of Pinkie Battlefield and as such Historic Environment Scotland have been consulted on the application. Historic Environment Scotland has no comment to make on the proposed development. In the context of the existing built form of Wallyford and the wider Wallyford expansion area, the proposed learning campus and its playgrounds, playing fields, associated hardstanding, cycle shelters, sprinkler housing, boundary enclosures and landscaping would not have a detrimental impact on the designated area of Pinkie Battlefield and as such comply with Policy CH5 of the ELLDP.

The Council's Archaeology Officer advises that the area has been evaluated archaeologically as part of the Wallyford Expansion project. Thus, the Council's Archaeology Officer is satisfied that no further archaeological works are required and has no comment to make on the application. The proposals would not have a significant adverse effect on the historic environment of the site and as such comply with Policy CH4 of the ELLDP.

A Transport Statement (TS) has been submitted with the application. The TS considers traffic and transport matters relating to the proposed development in terms of access, non-motorised user provision, accessibility, travel characteristics and operation. The TS states that the proposed development has been assessed using sustainable principles with the level of trips by each mode of travel calculated from a variety of sources. This assessment concluded that the proposed development could generate up to 432 and 438 two-way vehicle trips during the AM and school PM peaks, respectively. The TS points out that the application site is located within the Wallyford Expansion Masterplan and as developments come forward a modern residential area will be established. As such all immediate local transport infrastructure has been designed to modern adoptable standards, with high quality pedestrian, cycle and public transport provision. A Safer Routes to School Audit has identified potential upgrading opportunities on the surrounding road network. The TS states the development seeks to maximise walking and cycling connectivity with the surrounding network, providing eight separate points of pedestrian and/or cycle access covering all directions. A strong east-west cycle link is also being provided along the southern boundary

of the site. Bus stops are located on Masons Way directly adjacent to the site, which when operational will provide excellent public transport links to the campus. Car and cycle parking for the proposed development is being provided in accordance with the operational needs of the ELC Education department. Cycle parking will be both covered and secure. It is recommended in the TS that the proposed development is supported by a Travel Plan once the development becomes operational to ensure that measures are in place to help reduce car dependency for staff, pupils and visitors. The principles of this proposed Travel Plan have been set out and discussed in the Framework Travel Plan contained within the TS. All servicing will take place within the campus curtilage. Swept path analysis have confirmed that the appropriate vehicles can manoeuvre safely within the site. It is concluded in the TS that the proposed development will integrate well with the existing sustainable transport links in the area while the limited vehicle impacts can be accommodated on the surrounding road network. It is therefore considered by the TS authors that the development proposals can be established at this location without any detrimental impact to other users of the transport network in the area

The Design and Access Statement explains that vehicular access and circulation has been devised to provide a good level of separation between vehicular and pedestrian routes. Pupils and users will be encouraged to utilise green routes of travel to and from the campus. With strong links to its context including safe routes to schools and good bike storage throughout, this is anticipated as the main means of transportation. A 92 space car park in the northern corner of the site provides parking for those arriving by car and bus stops shall be located outside the east entrance on Masons Way with a regular bus service provided. Dedicated accessible parking and drop off areas are provided closer to the building to service the facilities on the south wing and those requiring parking within 45m of the main access door.

Transport Scotland have been consulted on the application and they have advised they raise no objections to the proposals and nor do they have any comments or recommended conditions to be imposed on any grant of planning permission for the proposed development.

The Council's Road Services do not object to the proposed development and are satisfied with the proposals for site access, parking provision (including the number of parking spaces to be provided), servicing and emergency access and manoeuvrability, electric charging and pedestrian and cyclist provision. They are content with the measures taken to provide active travel provision to and within the site including the eight separate points of pedestrian and/or cycle access covering all sides of the site. These include off site footpath works to the west of the site consisting of (i) a 3 metres wide lit, hard surfaced path to allow for walking and cycling between the site and the existing footpath network of the residential development of Wemyss Gardens and (ii) a 2 metres wide lit, hard surfaced path to allow for path provision between the site and the existing footpath network of the residential development of Inchview Crescent.

The Council's Road Services are content with the details submitted at this stage in the Travel Plan Framework and in the Safer Routes to School Audit, both of which are contained within the TS and which outline the methods and principles of managing travel patterns and modes to and from the learning campus. Whilst this is acceptable, Road Services recommend that a Travel Plan should be submitted for the approval of the Planning Authority prior to any use being made of the learning campus. This should take into account the measures outlined in the Travel Plan Framework once the learning campus is opened and should cover travel by pupils, staff, other users of the learning campus and visitors. The Travel Plan should seek to minimise private car trips and encourage use of alternative modes of transport such as walking, cycling and public transport and should include the identification of appropriate Safer Routes to School. Additionally the Travel Plan should include details of any measures to be provided, the methods of management, monitoring,

review, reporting and duration of the Plan. The provision of a Travel Plan could reasonably be secured by a condition imposed on a grant of planning permission.

The Council's Road Services confirm that they are largely in agreement with the other findings and outcomes of the Transport Statement submitted and recommend that conditions be imposed on any planning permission that may be granted to ensure that:

- *A Quality/Safety Audit is undertaken and the outcomes implemented through the design and implementation stages – including post construction/opening;
- *Way finding signage be provided around the site and externally within Wallyford to show active travel routes to the site as well as for those driving;
- *Full details of all proposed offsite works to be approved in advance of implementation;
- * The details of vehicle routing and embarking/disembarking arrangements and of a proposed servicing and emergency access strategy to be agreed in advance with the Planning Authority;
- * A Construction Method Statement to minimise the impact of construction activity on the public road network be submitted to and approved by the Planning Authority prior to the commencement of development. It should recommend mitigation measures to control noise, dust, construction traffic (including routes to/from the site) and shall include hours of construction work;
- * Wheel washing facilities be provided and maintained in working order during the period of operation of the site to prevent deleterious materials being carried on to the Distributor Road on vehicle tyres.
- * A detailed condition survey of the construction access route from the A199 to the construction access to the application site be undertaken before and during the period of construction of the development and any damage identified as a result of the construction activities to be repaired and resurfaced by the developer;
- *the cycle parking, electric vehicle charging provision and off site path provision be provided prior to any use being made of the learning campus;
- * A controlled pedestrian crossing and additional informal crossing points to be provided on the Distributer Road of Masons Way between the new housing to the east and the proposed new learning campus.

All of these requirements can reasonably be made conditions on a grant of planning permission for the proposed development. On these foregoing transportation and other access considerations the proposed learning campus development is consistent with Policies T1, T2, and T4 of the ELLDP.

In relation to the off site path and cycle way proposals to be provided between the application site and the existing path networks of Wemyss Gardens and Inchview Crescent, the Council's Amenity Services, the Council's Landscape Projects Officer and the Council's Outdoor Access Officer raise no objections to the provision of these path links being provided on Council owned and maintained land between the application site and the existing paths network. Indicative drawings have been submitted by the applicant to indicatively detail the routes and positioning of the paths. The path to be provided between the application site and Inchview Crescent would cross over a small area of grassed land and a narrow tree belt. A condition can be imposed on a grant of planning permission to ensure the final details of these paths, and to include for any tree protection measures, details of replacement planting in the event of any trees having to be removed to facilitate provision of the paths as well as the hard surfacing and lighting requirements required by Road Services, be approved and the paths provided prior to any use being made of the learning campus building. Subject to the imposition of such a condition the proposals would not conflict with Policy NH8 of the ELLDP.

The Council's Waste Services advise they are satisfied with the waste storage and servicing points and that access for refuse vehicles can be easily accommodated on the site. Thus, Waste Services raise no objection to the proposed development and the proposals comply with Policy W3 of the ELLDP. In accordance with Policy W4 of the ELLDP the application is supported by a Site Waste Management Plan which demonstrates the waste expected to be produced and how materials will be recycled/reclaimed as well as steps to minimise and management waste on site and leaving the site.

In relation to considerations of contaminated land issues, **the Council's Environmental Health Service Manager** confirms he has reviewed the Report on Site Investigations submitted with the application and he is satisfied that the reporting has been carried out in accordance with best practice guidelines and the relevant standards. He agrees with the assessment given in the Report that no pollutant linkages have been identified that could potentially impact on human health, plant growth or the water environment. Similarly he notes that the gas risk assessment has identified the site as being Characteristic Situation 1 meaning that no gas prevention measures will be required for the new development. However he advises that given that ground stabilisation works are to be carried out on part of the site there is a need to carry out additional gas monitoring to confirm that the gas regime will not be changed by the grouting. He therefore recommends a condition should be attached if planning permission is to be granted requiring that a Gas Monitoring Assessment be carried out by the applicant with the Report on it submitted to and approved by the Planning Authority prior to any site development works taking place. This requirement can be secured through a condition attached to a grant of planning permission for the proposed development.

The application site forms part of a larger area that is identified by the Coal Authority as being potentially at risk from past mining related activity, and as such the Coal Authority have been consulted on the application. **The Coal Authority** raises no objection to the proposed development. However they agree with the recommendations of the Site Investigation Report submitted with the application that coal mining legacy potentially poses a risk to the proposed development and that remedial works to treat areas of shallow coal mine workings to ensure the safety and stability will be required to be undertaken prior to commencement of the development. The Coal Authority recommends that should planning permission be granted, development shall not begin until the scheme of remediation works identified in the Site Investigation Report submitted by the applicant has been undertaken on site in full in order to ensure that the site is made safe and stable for the development proposed. This can be required by a condition of a grant of planning permission. The Informative Note regarding development within coalfield areas attached to The Coal Authority's consultation response has been forwarded to the applicant for their information.

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

The Scottish Environmental Protection Agency (SEPA) have been consulted on the proposals but have not provided any comments on it.

The Council's Structures, Flooding and Street Lighting Team Manager notes the Scottish Environment Protection Agency (SEPA) have not commented on the proposals and he also confirms that the application site is not within a flood risk area as identified on SEPA's current Flood Hazard Maps. The Council's Structures, Flooding and Street Lighting Team Manager is satisfied with the information provided in the revised Drainage Strategy Plan/Report submitted by the applicant including the proposals for surface water discharge and sustainable drainage which include a cellular underground storage structure, porous parking sub-base and filter trenches within soft landscaped zones on the site. The Council's

Structures, Flooding and Street Lighting Team Manager advises that he raises no objection to the proposals. He recommends a condition be imposed if planning permission is to be granted to ensure that full details of the proposed Sustainable Drainage System scheme including a Surface Water Management Plan for the site, which both must meet the vesting requirements of Scottish Water and be in accordance with the Council's Supplementary Planning Guidance 'Sustainable Drainage Systems (SuDS)', be submitted to and approved by the Planning Authority prior to the commencement of development and thereafter be implemented in accordance with the details so approved. Subject to the imposition of such a condition the proposals are consistent with Policies NH10 and NH11 of the ELLDP and with the Council's Supplementary Planning Guidance 'Sustainable Drainage Systems (SuDS)'.

At its meeting on Tuesday 27th August 2019 the Council approved a motion declaring a Climate Emergency. Thereafter, at its meeting on Tuesday 3rd September 2019 the Council's Planning Committee decided that a condition requiring a developer to submit for the approval of the Planning Authority a report on the actions to be taken to reduce the carbon emissions from the building and from the completed development should be imposed on relevant applications for planning permission. This planning application is supported by an Energy Statement Report which outlines the design approach which has been taken to achieve the required carbon reduction targets for the proposed development. The Report sets out how the development proposals shall achieve compliance with 'Section 6' of the Scottish Technical Standards and will also satisfy the technical requirements of Policy SEH2 of the ELLDP. In addition to the measures detailed in the Energy Statement Report, provision is to be made for Electric Vehicle Charging within the car park areas of the site and the Council's Road Services have advised they are satisfied with such proposals. Subject to a condition being imposed on a grant of planning permission for this proposed development to ensure that the proposed actions to be taken to reduce the carbon emissions from the building and from the completed development, including the proposals for Electric Vehicle Charging Provision are implemented on site, the proposals are consistent with Policies SEH2 and T31 of the ELLDP.

Under the provisions of the Town and Country Planning (Scotland) Act 1997, inserted by section 26 of the Planning (Scotland) Act 2019, a planning authority may only grant planning permission for certain categories of development on the condition that the development includes at least one 'Changing Places' toilet facility, suitable for adults with complex care needs, as described in The Town and Country Planning (Changing Places Toilet Facilities) (Scotland) Regulations 2020. The development proposed through this application falls within the categories of development specified. The Design and Access Statement submitted with this application states that the design of the proposed Wallyford Learning Campus strives to provide a fully inclusive and accessible building. The proposed design of the Learning Campus includes for the provision of Changing Places Toilet (CPT) Facilities suitable for use by people that have more complex care needs and will also assist many other people for whom standard accessible sanitary facilities, for reasons of form or size, are not adequate. The proposed design of the Learning Campus therefore meets the requirements of the Town and Country Planning (Changing Places Toilet Facilities) (Scotland) Regulations 2020. A condition should be imposed on a grant of planning permission for the proposed development to ensure that the Changing Places Toilet Facilities proposed are available for use prior to any use being made of the learning campus and that they are thereafter retained for such uses.

The Council's Planning Obligations Officer confirms that no developer contributions would be required from the proposed new learning campus.

In summary, the proposed development is well designed for its place and its function and the site is capable of accommodating the proposed development including vehicular and pedestrian access and landscaped open space. A grant of planning permission for the

proposed development in the context of the site being allocated for a new secondary school establishment by PROP MH11 of the ELLDP, 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 would not be inconsistent with Scottish Planning Policy, with the relevant policies and proposals of the East Lothian Local Development Plan 2018 or with its adopted supplementary guidance.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

Reason:

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

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

The Construction Method Statement shall include details of:

- * Mitigation measures to control noise, dust, construction traffic (including routes to/from site and delivery times).
- * Hours of construction work
- * Routes for construction traffic
- * Wheel washing facilities or alternative facilities to prevent deleterious materials being carried onto the public road on vehicle tyres.

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 and the wheel washing facilities or any alternative facility so approved shall be provided and maintained in working order during the period of construction operations at the site .

Reason:

To minimise the impact of construction traffic in the interests of road and pedestrian safety in the locality and relative to school generated vehicle and pedestrian movements.

- 3 Prior to commencement of development full details of the proposed Sustainable Drainage System scheme including a Surface Water Management Plan for the site, which both must meet the vesting requirements of Scottish Water and be in accordance with the Council's Supplementary Planning Guidance 'Sustainable Drainage Systems (SuDS)', shall be submitted to and approved by the Planning Authority. The development shall thereafter be carried out in strict accordance with the details and Surface Water Management Plan so approved, unless otherwise agreed in writing with the Planning Authority.

Reason:

To ensure that development is not at risk from flooding, there is no increase in flood risk elsewhere and appropriate long-term maintenance arrangements are in place.

- 4 Prior to the commencement of the development hereby approved, gas monitoring is to be carried out both during the grouting process and after it has finished and an updated risk assessment report shall be submitted to and be approved by the Planning Authority on completion of the monitoring and prior to

the commencement of the development hereby approved.

Details of the source and nature of any topsoil or subsoil to be used in the development shall be submitted to and be approved by the Planning Authority in advance of its use on the site. The details to be submitted shall contain details of any testing carried out to confirm that the imported material is free of contamination.

The presence of any previously unsuspected or unforeseen contamination that becomes evident during the development of the site shall immediately be brought to the attention of the Planning Authority to investigate whether further works, which may include a further Site Investigation and subsequent Risk Assessment, shall be required to be carried out to determine if any additional remedial measures are required. Any such remedial measures shall be fully implemented prior to any use being made of the building, unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure that the site is clear of contamination.

- 5 Prior to the commencement of the development hereby approved the scheme of remedial works detailed in the Site Investigation Report docketed to this planning permission and any further remedial works/mitigation measures identified shall be undertaken in accordance with the details so approved.

Reason:

To ensure that the site is clear of coal mining features and hazards prior to any use being made of the learning campus.

- 6 Prior to any use being made of the learning campus hereby approved, a signed statement or declaration prepared by a suitably qualified person, whose qualifications shall be provided, confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to and approved in writing by the Planning Authority. The document shall confirm the completion of the remedial works and/or mitigation necessary to address the risks posed by past coal mining activity, as required by Condition 5 of this planning permission.

Reason:

To ensure that the site is clear of coal mining features and hazards prior to any use being made of the learning campus hereby approved.

- 7 All planting, seeding or turfing comprised in the approved details of landscaping on the drawings titled 'Landscape Site Plan' with drawing number WHS-RF-02-ZZ-DR-L-001 rev P10, 'Tree Planting Plan' with drawing number WHS-RF-02-ZZ-DR-L-008 rev P04 and 'Soft Landscape Layout' with drawing number WHS-RF-02-ZZ-DR-L-009 rev P03 shall be carried out in the first planting and seeding season following the occupation or completion of any part of the development hereby approved, whichever is the sooner. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar species and final size, unless the Planning Authority gives written consent to any variation. No trees or shrubs, detailed in the approved landscaping plans to be retained on the site, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority

Reason:

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

- 8 The project Landscape Architect, or other to be approved by the planning authority, shall be employed to monitor installation of the soft landscaping works. Dated photographs shall be submitted to the planning authority within one week of undertaking each section of the works, showing the correct installation of the soft landscaping works to include subsoil preparation, topsoil preparation, tree pit preparation, storage of plants and trees on site, planting of trees with underground guys, planting of shrubs and whips, grass seeding and temporary fencing to planted and seeded areas. The applicant or their appointed agent shall contact the Amenity Services Department of East Lothian Council one month before the end of the defects liability period to arrange a site meeting to inspect and handover the soft landscape works.

Reason:

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

- 9 Prior to their installation, full details of the lighting proposed to serve the sports pitches hereby approved shall be submitted to and approved by the Planning Authority. The details to be submitted shall

demonstrate compliance with the following requirement:

(i) Light Trespass (onto windows) of neighbouring residential properties, measured as Vertical Illuminance in Lux, (Ev), shall not exceed 10 between the hours of 0700-2300 and shall not exceed 2 between the hours of 2300-0700.

A Light Spill iso contour plot shall be provided to ensure the above requirement can be met.

The lighting shall thereafter be maintained as approved unless the Planning Authority given written consent to any variation.

Reason:

To prevent lighting from spilling onto neighbouring land, in the interests of safeguarding the amenity of neighbouring properties.

- 10 Prior to the commencement of development, a programme for monitoring the condition of the construction access route from the A199 to the construction access to the application site, prior to, during the period of construction on each anniversary of the commencement of the development, and immediately following the completion of the development hereby approved, 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 adjoining road network resulting from the construction of the learning campus development is rectified.

- 11 Prior to any use being made of the learning campus hereby approved, details, including a timetable for their implementation, showing compliance with the following transportation requirements shall be submitted to and approved in writing in advance by the Planning Authority.

(i) A controlled crossing of the new spine road of Masons Way shall be provided in close proximity to the main pedestrian access to the site and between it and the residential developments on the east side of the spine road;

(ii) Informal crossing points shall be provided on the new spine road of Masons Way between the learning campus site and the residential developments to the east of it. These shall take the form of drop kerbs on both sides of the road with a surfaced area crossing the grass verge on the western side of the road;

(iii) Details of vehicle routing and embarking/disembarking arrangements within the site;

(iv) Details of proposed servicing and emergency access strategies.

(v) Way finding signage to be provided around the site and externally within Wallyford to show active travel routes to the site as well as for those driving (i.e. delivery vehicles).

These transportation requirements shall thereafter be carried out in accordance with the details and timetable so approved.

Reason:

In the interests of road and pedestrian safety.

- 12 Prior to any use being made of the learning campus building hereby approved, the proposed access roads, parking spaces, drop off areas and footpaths shall have been constructed on site in accordance with the docketed drawings.

Those areas of land shall not thereafter be used for any other purpose than for accessing and for the parking of vehicles in connection with the learning campus use 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.

- 13 Prior to any use being made of the learning campus building hereby approved, an adoptable and lit 3 metres wide shared use path facility shall be provided between the campus grounds and the existing footpath network of Wemyss Gardens. This shall follow a route along the northern edge of the existing grassed area directly adjacent (and to the south of) the apron to the existing garages linking it to the established pedestrian network at Wemyss Gardens in accordance with details to be submitted to and approved by the Planning Authority in advance of its construction.

Reason:

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

- 14 Prior to any use being made of the learning campus building hereby approved, an adoptable and lit 2 metres wide footpath link shall be provided between the campus grounds and the existing footpath network of Inchview Crescent in accordance with details to be submitted to and approved by the Planning Authority in advance of its construction. Such details shall include details of tree protection measures to be taken to protect the existing tree belt adjacent to the application site boundary, details of any trees to be removed and provision for replacement tree planting including a timetable for such replacement planting. Thereafter the tree protection measures, tree removal and replacement details shall be implemented in accordance with the details so approved unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of the safety and amenity of pedestrians and to ensure retention and maintenance of trees which are an important landscape feature of the area.

- 15 Prior to any use being made of the learning campus building hereby approved the waste storage facilities and the covered cycle storage facilities detailed on drawings docketed to this planning permission shall have been formed and made available for use. Thereafter, the storage facilities shall be retained in use as waste and cycle storage areas.

Reason:

To ensure the provision of adequate waste and cycle storage in the interest of the amenity of the users of the learning campus hereby approved and the visual amenity of the locality.

- 16 Prior to the commencement of the development hereby approved a Stage 1 Road Safety Audit shall be undertaken for the preliminary design of all roadworks, footways and cycle paths to be formed. This process shall be completed through Stages 2, 3 & 4 which are Completion of Detailed Design, Completion of Construction & Post Opening Monitoring using 12 months of validated post scheme opening road traffic collision data - all in accordance with GG119 Road Safety Audit Rev1. The Road Safety Audit to include; the proposed roads, junctions, footways, cyclepaths, pedestrian crossings and double 'D' islands where provided. The findings of the Road Safety Audit shall be submitted for the approval of the Planning Authority prior to the implementation of any outcomes arising from them.

The outcomes of the initial Quality and Safety Audits shall be implemented (including the designers response) through the detailed design stages and the full audit processes (i.e. Safety Audit and Quality Audit) completed through the design and implementation stages – including post construction/opening in accordance with a timetable to be agreed with the Planning Authority in advance of the opening of the learning campus.

Reason:

In the interests of road and pedestrian safety.

- 17 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.

- 18 The actions to be taken to reduce the carbon emissions from the building as detailed in the Energy Statement Summary docketed to this planning permission and the proposals for Electric Vehicle Charging provision as detailed on drawing number WHS-RYB-02-ZZ-DR-E-9511 docketed to this planning permission shall be fully implemented on site prior to any use being made of the learning campus and thereafter shall be retained unless otherwise approved in writing by the Planning Authority.

Reason:
To minimise the environmental impact of the development.

- 19 Noise associated with the operation of any plant and/or equipment associated with the operation of the building hereby approved shall not exceed Noise Rating Curve NR20 at any octave band frequency between the hours of 2300 and 0700 and Noise Rating Curve NR25 at any octave band frequency between the hours of 0700 and 2300 within any neighbouring residential property, assuming windows open at least 50mm.

Reason:
In the interests of protecting the amenity of neighbouring residential properties.

- 20 Prior to any use being made of the learning campus building, the Changing Places Toilet Facilities as detailed on drawings docketed to this planning permission shall be available for use and thereafter shall be retained unless otherwise approved in writing by the Planning Authority.

Reason:
To ensure the provision of Changing Places Toilet Facilities in the interests of inclusivity and accessibility.

- 21 Prior to the commencement of use of the learning campus hereby approved, a Travel Plan shall be submitted to and approved in writing by the Planning Authority in consultation with Road Services. The Travel Plan shall have particular regard to provision for walking, cycling and public transport access to and within the site, including the identification of appropriate Safer Routes to School, and will identify the measures to be provided, the system of management, monitoring, review, reporting and duration of the plan.

Reasons:
In the interest of road safety.

- 22 A schedule of materials and finishes to be used on the exterior of the learning campus building, which shall include samples of the brick and profiled metal cladding to be used on the building, and a schedule of all other materials and finishes to be used on the other components of the development, including ground surfaces and boundary enclosures shall be submitted to and approved by the Planning Authority prior to the materials and finishes being used in the development. The materials and finishes used in the development shall accord with the schedule and samples of them so approved.

Reason:
To enable the Planning Authority to control the materials, finishes and colour to be used to achieve a development of good quality and appearance in the interest of the visual amenity of the area.

REPORT TO: Planning Committee
MEETING DATE: Tuesday 1 June 2021
BY: Executive Director for Place
SUBJECT: Application for Planning Permission for Consideration

4

Application No. **21/00069/AMM**

Proposal Approval of matters specified in conditions of planning permission in principle 14/00903/PPM - Erection of 105 houses and associated works

Location **Land West Of 33 Fa'side Terrace
Masons Way
Wallyford
East Lothian**

Applicant BDW Trading Limited

Per EMA Architecture and Design

RECOMMENDATION Consent Granted

REPORT OF HANDLING

SITE HISTORY

Although this application is for the approval of matters specified in conditions of planning permission in principle 14/00903/PPM it has to be determined as a major development type application because the area of the application site is greater than 2 hectares and the number of dwellings detailed is greater than 49. Accordingly, the application cannot be decided through the Council's Scheme of Delegation. It is therefore brought before the Planning Committee for a decision.

On 30 November 2009 planning permission in principle (Ref: 09/00222/OUT) was granted for a mixed use development on some 86 hectares of predominantly agricultural land to the east, south and southwest of Wallyford. The site included Wallyford Community Woodland, the public roads of Salters Road and Inchview Road, and land to the south of Fa'side Avenue South, to the south of the existing village. The land is the allocated housing site of Proposal MH9 of the adopted East Lothian Local Development Plan 2018.

Planning permission in principle (Ref: 12/00924/PPM) was subsequently sought for the renewal of planning permission in principle 09/00222/OUT, as submitted to the Council on 26 November 2012. On 1 April 2014 the Council resolved to approve the application subject to the required Section 75 Agreement and planning permission in principle was duly granted with conditions on 14 November 2014 following the registration of that agreement.

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

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

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

In September 2015 planning permission in principle (Ref: 14/00903/PPM) was granted for amendments to planning permission in principle 12/00924/PPM, including an increase in number of residential units from 1050 up to a maximum of 1450, relocation and redesign of open space, development for residential purposes of areas previously proposed as open space and relocation and redesign of the proposed local centre.

The elements of the approved mixed use development include residential development, community buildings including a new school and community facilities, office units, a restaurant, business units, general industrial units, storage and distributions units, trade counter units, a residential institution, a non-residential institution, hot food takeaways, playing fields, open space, allotments, landscaping and associated infrastructure provision.

Condition 1 of planning permission in principle 14/00903/PPM requires that the development of the site should generally accord with the indicative masterplan docketed to this planning permission in principle.

Condition 4 states that no more than 1450 residential units shall be erected on the application site.

In October 2015 approval of matters specified in conditions (Ref: 15/00136/AMM) was granted for infrastructure associated with the residential development of the Wallyford site. The approved infrastructure includes the formation of an acoustic bund, and spine road that will provide access to much of the larger Wallyford development. Development of the infrastructure is well underway.

In October 2016 approval of matters specified in conditions (Ref: 16/00537/AMC) was granted for the erection of 26 houses and 18 flats on land to the south of Fa'side Avenue South. Development of the site is largely complete.

In September 2017 approval of matters specified in conditions (Ref:17/00384/AMM) was granted for the erection of 185 houses on land to the east side of Wallyford - to the east of the new spine road approved by the grant of approval of matters specified in conditions (ref: 15/00136/AMM). Development of the site is well underway.

In November 2017 approval of matters specified in conditions (Ref: 17/00432/AMM) was granted for the erection of 245 houses on land to the southwest of Wallyford and thus on part of the larger site to which planning permission in principle ref: 14/00903/PPM and the masterplan docketed to that permission relate. Development of the site is well underway.

On June 4th 2019 approval of matters specified in conditions (Ref: 18/01283/AMM) was granted for the erection of 74 houses and 16 flats on land to the south of Fa'Side Terrace, Wallyford and thus on the larger site to which planning permission in principle ref: 14/00903/PPM and the masterplan docketed to that permission relate. Development of this site has not yet commenced.

In June 2019 application ref 19/00003/OBL to modify the S75 legal agreement that is associated with planning permission in principle 14/00903/PPM was approved. This gave approval for modifications to that S75 legal agreement which was the mechanism by which the provision within the residential development of 1450 residential units of 25% affordable housing (i.e. 363 units of the proposed 1450 units) was secured. Additionally, the plan docketed to the Section 75 agreement indicated where within the parts of the overall Wallyford development site that the affordable housing would be provided.

On June 14th 2019 approval of matters specified in conditions (Ref: 18/01328/AMM) was granted for the erection of 141 houses and associated works on Land South of Faside Terrace, Wallyford to the south of the new spine road approved by the grant of approval of matters specified in conditions (ref: 15/00136/AMM). Development of the site is underway.

In January 2020 approval of matters specified in conditions (Ref: 19/00926/AMM) was granted for the erection of 69 houses and associated works on Land to the South, East and West of Wallyford and thus on the larger site to which planning permission in principle ref: 14/00903/PPM and the masterplan docketed to that permission relate. Development of the site is well underway.

PROPOSAL

Planning permission is now sought for approval of matters specified in conditions of planning permission in principle 14/00903/PPM for the erection of 105 houses and associated works on Land West of 33 Fa'side Terrace, Masons Way, Wallyford.

The site relates to some 3.25 hectares of former agricultural land located to the south of Wallyford. It is bounded to the east by the public road of Faside Terrace and by land beyond that is part of the wider Wallyford development which the masterplan docketed to planning permission in principle 14/00903/AMM identifies as an area of open space. Beyond that area of open space are areas identified by the masterplan for new housing. To the west of the site is land identified by the masterplan as open space with areas beyond identified for new housing and the existing cottage of Rosehill Villa. To the south of the site is the new spine road that was constructed as part of the mixed use development and which was approved by the grant of approval of matters specified in conditions (ref: 15/00136/AMM). Beyond the spine road is a further area of land approved for housing by planning permission in principle 14/00903/AMM and the subject of approval of matters specified in conditions (Ref: 18/01328/AMM). The site is bounded to the north by the public road of Faside Avenue South and to the northwest by Affleck Rise, a development of 44 affordable residential units the subject of approval of matters specified in conditions (Ref: 16/00537/AMC).

The principal vehicular access to the proposed 105 houses would be taken from 3 points formed on the north side of the spine road to the south. Further vehicular access points would be taken directly from Faside Avenue South to the north of the site and via Affleck Rise to the northwest.

All of the 105 houses to be erected within the site would be private houses for sale and would be comprised of 10 different house types. They would be comprised of 56 terraced/semi-detached houses, all with 3 bedrooms, and 49 detached houses with 4 bedrooms.

The submitted details also include for the internal access roads, footpaths, garages, parking courts, boundary treatments, landscaping and associated area of open space.

A Design Statement has been submitted as a part of the application.

The application is further supported by an Ecological Report.

Since the application was first registered further drawings have been submitted showing revisions to the proposed site layout.

DEVELOPMENT PLAN

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

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

There are no policies of the approved South East Scotland Strategic Development Plan (SESplan) relevant to the determination of the application. Proposal MH9: (Land at Wallyford) of the adopted East Lothian Local Development Plan (ELLDP) 2018 and Policies DP1 (Landscape Character), DP2 (Design), DP3 (Housing Density), DP4 (Major Development Sites), T1 (Development Location and Accessibility), (T2 (General Transport Impact), OS3 (Minimum Open Space Standards for New General Needs Housing) and OS4 (Play Space Provision in new General Needs Housing Development) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of this application.

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

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

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

Also material to the determination of the application is the Councils Supplementary Planning Guidance 'Design Standards for New Housing Areas' adopted by the Council in May 2020.

REPRESENTATIONS

There are no written representations received in respect of this application.

COMMUNITY COUNCIL

Wallyford Community Council, a consultee, were consulted on the application and made no objection to the proposals.

PLANNING ASSESSMENT

By the grant of planning permission in principle 14/00903/PPM, approval has been given for the principle of the erection of 1450 houses on the application site following technical assessments which demonstrated that local and wider infrastructure, subject to financial contributions and conditions, can accommodate such level of development. To date, approval has been granted for the erection of a total of 774 residential units on the wider Wallyford site (Ref: 16/00537/AMC, 17/00384/AMM, 17/00432/AMM, 18/01283/AMM, 18/01328/AMM and 19/00926/AMM). Therefore as the cap of 1450 houses has not yet been reached within the larger Wallyford site, there can be no objection in principle to the erection of the further 105 houses now proposed on this particular part of the site.

Consequently, in the determination of this application the Council, as Planning Authority, can only concern itself with the siting, design and external appearance of the housing development, the landscaping of and means of access to the site and the means of any enclosure of the boundaries of the site. In this regard the detailed proposals have to be considered against relevant development plan policy, the approved masterplan of, and conditions attached to planning permission in principle 14/00903/PPM.

The proposed residential development would form an extension to, and would be a natural extension of the southern edge of Wallyford. The proposed housing would be seen in relation to the new housing that is also being built by the applicant beyond the spine road to the south of this site. The new housing will also eventually be seen in relation to the other new housing areas that will be to the east and west of the application site. In all of this, the proposed residential development would be sympathetic to and would not be out of keeping with the character of Wallyford or with other recent housing developments in the Wallyford area.

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

The details now submitted for approval are for a scheme of development comprising a mix of detached, semi-detached and terraced houses, with the houses being two stories in height. The total number of units proposed accords with the planning permission in principle granted for this part of the site and the mix of residential units includes a range of sizes and house types. The layout reflects the surrounding area, which is generally characterised by detached, semi-detached and terraced houses of a mix of single and two-storey. The range of house types proposed would give a variation of architectural form to the development, which coupled with the orientation and layout of the buildings, would give a degree of variety of appearance to the development. The architecture of the proposed houses is of a traditional pitched roof form. It should be ensured that the use of render is the predominant

wall finish as this would respect the built form of other housing developments in Wallyford. A condition can be imposed on a grant of approval of matters specified in conditions for the proposed development to address these matters of wall finishes.

The proposed layout is broadly consistent with the layout shown in the Design Concept docketed to planning permission in principle 14/00903/PPM. The houses due to their positioning on the application site and by virtue of their height, size and scale, would not appear incongruous in their landscape setting. This coupled with the proposed landscaping would ensure a visually attractive and cohesive development, with the proposed houses visible but not appearing intrusive in their surroundings. The other components of the proposed development would not be harmful to the character and appearance of the area.

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

The application site is capable of accommodating all of the houses without being an overdevelopment of the site and without being incompatible with the density of existing housing development in the area.

The Council's Landscape Project Officer raises no objections to the proposals provided a detailed scheme of landscaping is submitted to and approved prior to the commencement of development. The submission of this landscaping scheme can be made a condition of a grant of approval of matters.

The Council's Environmental Health Manager has been consulted on the application and responds no comment.

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

The masterplan docketed to planning permission in principle 14/00903/PPM indicates how areas of formal and informal open space, including two community sports pitches, could be located throughout the allocated site.

Policy OS3 (Minimum Open Space Standard for New General Needs Housing Development) of the adopted ELLDP 2018 requires that for developments of 20 and more dwellings the minimum requirement for on-site provision of open space is 60m² per dwelling. Policy OS4 (Play Space Provision in New General Needs Housing Development) requires that developments of 50 and more dwellings must provide a play area suitable for children aged 0 - 8.

The site that is the subject of this approval of matters application includes only small areas of land shown on the docketed masterplan as being the location for areas of open space. It does not show areas for play area provision or for sports pitch provision.

However, the site will be bounded to the east and west by areas identified by the masterplan for planning permission in principle 14/00903/PPM as open space including for the provision of play parks. Furthermore the site is in close proximity to the Community Woodland which will provide opportunities for outdoor recreation for the residents of the wider Wallyford site

including the future occupants of this site.

Consequently, although the proposed development does not include play area provision or the provision of formal areas of open space consistent with Policies OS3 and OS4 of the ELLDP, this is consistent with the docketed masterplan attached to planning permission in principle 14/00903/PPM. On this consideration the proposed development is consistent with Policies OS3 and OS4 and with the indicative masterplan docketed to planning permission in principle 14/00903/PPM.

The Councils Acting Principal Amenity Officer has been consulted on the application and has not raised any objection.

The principles of the means of accessing the larger development are already decided by the grant of planning permission in principle 14/00903/PPM. These include vehicular access to the proposed housing plots being taken from the new distributor road approved by the grant of Approval of Matters Specified in Condition ref: 15/00136/AMM.

The applicant has confirmed that the submitted details for accessing the site are in accordance with these established principles of the means of accessing the larger development approved by the grant of Approval of Matters 15/00136/AMM.

The Council's Roads Services raise no objection to the submitted details, being generally satisfied with the proposed means of pedestrian and vehicular access and the number and location of parking spaces proposed. They have expressed concerns over areas within the site where footpaths have been provided on only one side of the internal road where houses are proposed on each side of the road. However, the Councils Supplementary Planning Guidance 'Design Standards for New Housing Areas' (May 2020) informs that footways can where appropriate be located on one side of the street only provided pedestrians can safely access houses that don't have direct access to a footpath. Furthermore, there are other examples of recently approved and constructed housing developments in East Lothian where a footpath on only one side of the road have been built. Therefore the principle of having a footpath on only one side of the road is established and is not unacceptable.

The Council's Roads Services do not object to the application on the grounds of road safety. They do however recommend that the development is built out in accordance with the following standards:

(i)all roads and paths shall conform to East Lothian Council Standards for Development Roads;

ii)driveways shall have minimum dimensions of 6 metres by 3 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 m length. Pedestrian ramps to houses may encroach by up to 300mm on the width (but not the length) provided they are no greater than 150mm in height above the adjacent driveway surface;

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

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

v) vehicle accesses to private parking areas (i.e. other than driveways) shall be via a reinforced footway crossing and have a minimum width of 5.5m over the first 10m to enable adequate two movement of vehicles;

vi) all path and footway connections from a zone under construction to the existing settlement shall be constructed to an adoptable standard before the occupation of any units in that particular zone;

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

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

ix) swept path, or vehicle track assessment, of the road layout must be submitted demonstrating how the site can accommodate a large vehicle. The Design Vehicle to be used is the "Large Rigid Vehicle" as outlined in the Freight Transport Association's document "Designing for Deliveries" - the vehicle being 2.5m wide with a 6.1m wheelbase and an overall vehicle length of 10m; and

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

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

Subject to the imposition of those planning controls and on these foregoing transportation and other access considerations the proposed residential development is consistent with Policies T1 and T2 of the adopted East Lothian Local Development Plan 2018.

The mechanism of a financial contribution towards additional educational provision for a housing development of 1450 residential units has already been secured through the grant of planning permission in principle 14/00903/PPM. Therefore as an approval of matters of that planning permission in principle there are no further contributions required from this proposal.

The mechanism of the provision within the residential development of 1450 residential units of 25% affordable housing (i.e. 363 units of the proposed 1450 units) is already secured through the grant of planning permission in principle 14/00903/PPM. Additionally, the masterplan docketed to planning permission 14/00903/PPM indicates the parts of the wider Wallyford development that will provide for affordable housing. There is no affordable housing allocated for this part of the site in that docketed masterplan. In this regard the proposal is consistent with the indicative masterplan docketed to planning permission in principle 14/00903/PPM.

The Indicative masterplan docketed to planning permission in principle 14/00903/PPM indicates how three sustainable urban drainage scheme (SUDS) detention basins could be

formed within the site to attenuate the flow of surface water run-off. Condition 27 of planning permission in principle 14/00903/PPM states that a SUDS scheme should be submitted for the written approval of the planning authority, in consultation with the Scottish Environment Protection Agency. The position of the three SUDS detention basins has already been approved by approval of matters 15/00136/AMM.

The applicants agent has confirmed that all onsite drainage/Suds features will be served by the SUDS scheme previously consented and installed within the larger development and which were approved by approval of matters 15/00136/AMM.

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

The Council's Contaminated Land Officer, in relation to considerations of contaminated land issues, advises that he has reviewed potential contamination issues that may impact on the development. He advises that, taking account of the potential for undocumented areas of made ground to exist and the proximity of the site to an intermediate radon probability area, further information will be required to determine the ground conditions and potential contamination issues impacting on the site. As such he recommends that a condition should be attached if planning permission is to be granted requiring that, prior to any site development works, a suitable Geo-Environmental Assessment be carried out and made available to the planning authority for approval. Thereafter, and where risks have been identified, a detailed Remediation Statement should be produced for planning authority approval prior to any works that shows how the site is to be brought to a condition suitable for the intended use by the removal of unacceptable risks to all relevant and statutory receptors. Following completion of the measures identified in the approved Remediation Statement, a Validation Report that demonstrates the effectiveness of the remediation carried out should be submitted for planning authority approval prior to commencement of the new use of the land. The Contaminated Land Officer further advises that the presence of any previously unsuspected or unforeseen contamination that becomes evident during the development of the site shall immediately be brought to the attention of the Planning Authority.

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

RECOMMENDATION:

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

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

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

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

the site.

Reason:

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

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

Reason:

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

- 3 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 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.

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

Reason:

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

- 5 The development shall comply with the following transportation requirements:
- (i) all roads and paths shall conform to East Lothian Council Standards for Development Roads;
 - ii) driveways shall have minimum dimensions of 6 metres by 3 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 m length. Pedestrian ramps to houses may encroach by up to 300mm on the width (but not the length) provided they are no greater than 150mm in height above the adjacent driveway surface;
 - iii) within private parking areas, the minimum dimensions of a single parking space shall be 2.5 metres by 5 metres. All visitor parking spaces within these areas shall be clearly marked for visitors with the remaining private parking spaces allocated to individual dwellings;
 - iv) all prospectively adoptable parking bays (i.e. that will form part of the public road) shall have minimum dimensions of 2.5 metres by 6 metres. This can be reduced to a minimum length of 5 metres on the proviso that there is adequate road space to manoeuvre in adjacent to the parking bay;
 - v) vehicle accesses to private parking areas (i.e. other than driveways) shall be via a reinforced footway crossing and have a minimum width of 5.5m over the first 10m to enable adequate two movement of vehicles;
 - vi) all path and footway connections from a zone under construction to the existing settlement shall be constructed to an adoptable standard before the occupation of any units in that particular zone;
 - vii) a Road User Safety Audit to independently assess walking, cycling, access and road safety aspects within and around the development should be submitted and approved by the planning authority prior to construction commencing. This will be reviewed after construction is substantially complete and the developer required to make good any issues;
 - viii) a Travel Information Pack with information for residents to encourage use of sustainable modes of

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

ix) a swept path, or vehicle track assessment, of the road layout must be submitted demonstrating how the site can accommodate a large vehicle. The Design Vehicle to be used is the "Large Rigid Vehicle" as outlined in the Freight Transport Association's document "Designing for Deliveries" - the vehicle being 2.5m wide with a 6.1m wheelbase and an overall vehicle length of 10m; and

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

Reason

In the interests of pedestrian and road safety

- 6 Prior to the commencement of development, a scheme of landscaping shall be submitted to and approved in writing by the Planning Authority which shall include full details of all new tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting within the application site. Thereafter the scheme of landscaping shall be carried out in accordance with that approved landscaping scheme unless otherwise agreed by the Planning Authority.

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.

Reason

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

- 7 All of the approved landscaping as detailed in the landscape drawings docketed to this approval of matters and required by condition 5 above shall be implemented, maintained and managed in accordance with the management details approved by the landscaping scheme unless otherwise agreed in writing by the Planning Authority.

Reason:

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

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

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

Reason:

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

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

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

Reason:

In the interests of the amenity of the area.

- 10 A Construction Method Statement to minimise the impact of construction activity on the amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control construction traffic and shall include hours of construction work and details of wheel washing facilities to be provided. Wheel washing facilities must be provided and maintained in working order during the period of operation of the site. All vehicles must use the wheel washing facilities to prevent deleterious materials being carried onto the public road on vehicle tyres.

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

Reason:

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

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

Reason:

In the interest of road safety.

- 12 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.

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

Reason

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

- 14 In the event of the presence of any previously unsuspected or unforeseen contamination of the land on the application site being found, development shall not begin, or shall cease to continue, until a scheme to deal with contamination on the site has been submitted to and approved in writing by the Planning Authority. The scheme shall contain details of the proposals to deal with contamination to include:

- 1 the nature, extent and type(s) of contamination on the site,
- 2 measures to treat/remove contamination to ensure the site is fit for the use proposed,
- 3 measures to deal with contamination during construction works,
- 4 condition of the site on completion of decontamination measures.

Thereafter any mitigation measures required shall be implemented as so approved.

Before any of the houses hereby approved are occupied the measures to decontaminate the site shall be fully implemented as approved by the Planning Authority.

Reason:

To ensure that the site is clear of contamination prior to the occupation of the houses.

REPORT TO: Planning Committee
MEETING DATE: Tuesday 1 June 2021
BY: Executive Director for Place
SUBJECT: Application for Planning Permission for Consideration

5

Application No. **21/00305/PM**

Proposal Substitution of house types on plots 72-119, 134-137 & 147-150 as changes to the scheme of development the subject of planning permission 17/01120/PM

Location **Letham Mains
Haddington
East Lothian**

Applicant Stewart Milne Homes Scotland

RECOMMENDATION Consent Granted

REPORT OF HANDLING

PROPOSAL

Although this application is for the substitution of house types as changes to the scheme of development the subject of planning permission 17/01120/PM, it has to be determined as a major development type application because the area of the application site is greater than 2 hectares. Accordingly, the application cannot be decided through the Council's Scheme of Delegation. It is therefore brought before the Planning Committee for a decision.

This planning application relates to some 2.4 hectares of former agricultural land at Letham Mains, on the western side of Haddington. The application site forms part of a larger area of land allocated by Proposal HN1 (Letham Mains) of the adopted East Lothian Local Development Plan 2018 for a mixed use development of circa 800 houses, education and community facilities, a local centre, infrastructure and associated works.

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

Also in May 2017 planning permission (Ref: 14/00089/PM) was granted for the erection of 257 houses, 119 flats and associated works, including a sports pitch and two changing room facility on the eastern part of that allocated housing site.

Development of those two housing sites has commenced and some of the houses are occupied.

In March 2018 planning permission (Ref: 17/01120/PM) was granted for the erection of 118 houses, 32 flats and associated works as changes to the scheme of development the subject of planning permission (Ref: 14/00089/PM). Planning permission 17/01120/PM was approved to comprise of 67 detached houses, 10 semi-detached houses, 41 terraced houses and 32 flats together with internal access roads, parking and landscaping. Of the 118 houses approved by planning permission 17/01120/PM 73 would be 5 or 6 bed roomed, 28 would be 4 bed roomed and 23 would be 3 bed roomed and 2 would be 1 bed roomed. Of the 32 flats, 2 would have 1 bedroom and 30 would have 2 bedrooms. Development of this part of the larger site has commenced.

PROPOSAL

This application relates to the southern part of the site the subject of planning permission 17/01120/PM, and planning permission is now sought for the substitution of the larger 4, 5 and 6 bed roomed house types approved for plots 72-119, 134-137 and 147-150 as changes to the scheme of development the subject of planning permission 17/01120/PM with similar 4, 5 and 6 bed roomed house types. There is no proposal to replace any of the smaller 2 and 3 bed roomed house types or the flatted buildings of the development with larger house types.

The proposed changes to the scheme of development approved by planning permission (Ref: 17/01120/PM) would affect 56 of the 150 residential units approved for the site comprising of:

- (i) Plots 72 & 76 - substitution of the 5 bedroom detached 'Laurieston' house type on these plots with a 5 bedroom detached 'Kingsley' house type;
- (ii) Plots 73, 82, 95, 99, 100, 109, 134, 135, 147 & 149 - substitution of the 6 bedroom detached 'Longrush' house type on these plots with a 6 bedroom detached 'Mellor' house type;
- (iii) Plots 74, 91, 97, 101, 103, 110, 115 & 117 - substitution of the 5 bedroom detached 'Melton' house type on these plots with a 5 bedroom detached 'Nairn' house type;
- (iv) Plots 75, 77, 78, 87 & 90 - substitution of the 5 bedroom detached 'Noblewood' house type on these plots with a 5 bedroom detached 'Roslin' house type;
- (v) Plots 79, 81, 83, 86 & 88 - substitution of the 5 bedroom detached 'Sandholme' house type on these plots with a 5 bedroom detached 'Stratford' house type;
- (vi) Plots 80, 84 & 85 - substitution of the 5 bedroom detached 'Southbrook' house type on these plots with a 5 bedroom detached 'Strathearn' house type;
- (vii) Plots 89, 96, 102, 116 & 137 - substitution of the 5 bedroom detached 'Kingsmoor' house type on these plots with a 5 bedroom detached 'Leven' house type;
- (viii) Plots 92, 93, 113, 114, 119 & 150 - substitution of the 4 bedroom detached 'Hawthorne' house type on these plots with a 4 bedroom detached 'Hatton' house type;
- (ix) Plots 94, 98, 105 & 106 - substitution of the 4 bedroom detached 'Dukeswood' house type on these plots with a 4 bedroom detached 'Farnharm' house type';
- (x) Plots 104, 107, 108, 111, 112 & 118 - substitution of the 5 bedroom detached 'Heddon' house types on these plots with a 5 bedroom detached 'Kendal' house type; and
- (xi) Plots 136 & 148 - substitution of the 4 bedroom detached 'Denewood' house types on these plots with a 4 bedroom detached 'Elland' house type.

Two of the proposed new house types, the 'Roslin' and 'Stratford', would be some 620mm and some 580mm higher in height than the existing house types approved for those plots respectively. Otherwise, the proposed substitute house types would generally be of the same size and scale as those to which they would replace. The proposed substitute house

types do not affect the overall number or mix of houses to be provided within this part of the site. Some minor changes to the driveway arrangements for individual house plots are proposed. There are no changes to the position or orientation of the proposed substitute house types on their individual plots nor any changes to the approved distributor roads which serve them. Overall the increase in the number of bedrooms would be by 1 through the replacement of a 2 4 bedroomed house type (Denewood) with a 4 bedroomed (Farnham) and a 5 bedroomed (Nairn) house type.

Subsequent to the registration of this application the applicant's agent has provided drainage layout drawings and a Design Statement.

The Design Statement submitted with the application informs that the proposed Stewart Milne Homes have enhanced elevations that are elegant and well proportioned, with generous glazed areas to increase natural daylight and improve surveillance and have been designed to help shape the environment and to promote "Good places, better health". Internal accommodation proportions are designed to ensure flexible work and living spaces can be offered to the full range of proposed housing. This consists of internal office working space together with easily adaptive ground floor layouts that can become self contained living areas for aging parents or teenage children. As a result 56 private detached houses have been re-elevated with enhanced accommodation space to respond to future market conditions and create a positive impact on the Letham Mains Community.

DEVELOPMENT PLAN

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

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

There are no relevant policies of the approved South East Scotland Strategic Development Plan (SESplan). Proposal HN1, and Policies DP1 (Landscape Character), DP2 (Design), DP4 (Major Development Sites), T1 (Development Location and Accessibility) and T2 (General Transport Impact) of the East Lothian Local Development Plan 2018 are relevant to the determination of this application.

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

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

REPRESENTATIONS

Three written objections have been received to this application. The main grounds of objection are:

(i) the submitted drawings do not depict the adjacent development to the east and thus the impact of the proposed changes on the existing properties to the east cannot be fully assessed;

- (ii) there is a lack of information on the finished floor, ground and ridge levels of the proposed changes to the altered house types;
- (iii) the height of the new house types on plots 77, 78 and 79 are significantly increased and will have an overbearing and detrimental impact on the amenity of the existing houses to the east of the site;
- (iv) there is a lack of surface water management and information on protection measures with regards to flooding.

One of the objection letters also states that the 'Roslin' house type proposed on plots 77 and 78 should either be replaced with a 'Leven' house type or re-designed so that its pitched and hipped roof maintains the same design as that of the approved 'Noblewood' house type on these two house plots.

In response to the points raised by the objectors above:

The proposed site layout drawings submitted with this application show the adjacent houses to the east, the subject of planning permission 14/00089/PM.

The submitted drawings for each of the proposed substitute house types are shown to scale and can be measured to calculate their finished floor levels including the heights of their pitched roofs above ground level.

The proposed new house types, the 'Roslin' and 'Stratford', would be some 620mm and some 580mm higher in height than the existing house types approved for those plots respectively.

The application site is not located within a flood risk area. In any event, there is no evidence submitted by the objectors to demonstrate that the proposed substitution of the 56 houses within this part of the site would not give rise to any particular flood risk issues. In addition, the applicant has submitted drainage layout drawings to show the position of surface water and foul water sewers, manholes and drains.

COMMUNITY COUNCIL COMMENTS

None.

PLANNING ASSESSMENT

This application relates to the southern part of the site the subject of planning permission 17/01120/PM. By the grant of planning permission 17/01120/PM, approval has been given for the detailed layout and design of 150 residential units comprising 118 houses and 32 flats within the site. As the number of residential units would remain as consented it is only the alteration to the extant consent which is being considered by this planning application.

The details now submitted for approval show a layout of development that is not significantly different to the layout of development already approved for this part of the Letham Mains site. Full regard has been had to the terms of the approved Master Plan that relates to the wider site, and is in conformity with the overall provisions of the Master Plan.

Planning permission (Ref: 17/01120/PM) granted approval for the erection of 118 houses, 32 flats and associated works as changes to the scheme of development the subject of planning permission (Ref: 14/00089/PM). Within that scheme of development the 56 plots the subject of this application are all two storey, pitched roofed, detached houses of varying architectural forms and designs. The houses that are being substituted are the larger 4, 5 or 6 bed roomed houses types approved by planning permission 17/01120/PM and are being

replaced with similar sized house types. There is no proposal to replace any of the smaller house types or the flatted buildings of the development with these larger house types. Therefore the approved mix of houses would remain as approved.

The proposed substitution of the 56 houses in their proposed groupings, orientations and layouts, would generally be consistent with the site layout as previously approved by planning permission 17/011120/PM. The proposed substitution of house types would not cause any incongruous change to the architectural harmony, integrity and character of the scheme of housing development approved for this part of the Letham Mains housing site, provided there is compliance with the scheme of external finishes approved for the development as a whole by the grant of planning permission 17/1120/PM. In this regard, the predominant external wall finish should be render. Subject to the control over their finishes the proposed substitution of houses would, by virtue of their size, scale, height, design, finishes and layout, integrate and sit comfortably with the built architectural form and layout of the existing housing of the area and with the scheme of housing development already approved for this part of the Letham Mains site. They would not be harmful to the character and appearance of the landscape of the area.

The application site is capable of accommodating all of the houses without being an overdevelopment of the site and without being incompatible with the density of existing housing development in the area. The proposed development would provide an attractive residential environment for future residents.

Policy DP2 of the adopted East Lothian Local Development Plan 2018 states that, amongst other things, the design of all new development must ensure privacy and amenity, with particular regard to levels of sunlight, daylight and overlooking, including for the occupants of neighbouring properties.

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

The proposed substitution of the 56 houses are shown to be laid out in the manner position and orientation as the approved houses within this part of the site the subject of planning permission 17/01120/PM. In the manner to which they are shown to be laid out the proposed houses would adhere to the normally accepted privacy and amenity criteria with regards to overlooking, whilst affording the future occupants of the houses an appropriate level of privacy and residential amenity.

"Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice" by P.J. Littlefair gives guidance on the impact of a proposed development on the daylight and sunlight received by neighbouring properties.

The sunlight test given in the Guide for assessing the loss of sunlight to neighbouring residential properties is conducted using sun-to-ground indicators which are based on the sun's path on the 21st of March of any calendar year. The guide states that if a space is used all year round, the equinox (21st March) is the best date for which to prepare shadow plots as it gives an average level of shadowing.

The guide recommends that at least half of a garden or amenity area should receive at least two hours of sunlight on the 21st March for it to be adequately sunlit throughout the year.

Application of the sunlight test applied to the proposed substitute house types on plots 77, 78, 79 and 80 demonstrates that due to their size, scale, height and positions, they would only overshadow the rear gardens of the neighbouring houses of 16 Gaffney Gardens and 2, 4 and 6 Pitcher Way to the east for a short duration of time, and only to a variable extent, between the hours of 1500 and 1600 on the test day of 21st March. The impact of the loss of sunlight to the rear gardens of those neighbouring houses would not, therefore, be to such an extent and for so long that they would be detrimental to the amenity of them.

Owing to their sizes, forms, orientations and positions, the proposed substitution of the 56 houses within this part of the site would not give rise to a harmful loss of sunlight or daylight received by a neighbouring residential property.

On these considerations of design, layout and amenity, the proposals are consistent with Proposal H1 and Policies DP1, DP2 and DP4 of the adopted East Lothian Local Development Plan 2018, the Scottish Government Policy Statement entitled "Designing Streets" and the approved development framework for Letham Mains.

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

The Council's Environmental Health Officer raises no objection to this planning application.

The landscape advice from **Policy & Projects** states that all planting, seeding or turfing be carried out in the first planting and seeding season following the occupation or completion of any part of the development and that 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. Subject to an appropriately worded condition, the proposals do not conflict with Policy NH8 of the adopted East Lothian Local Development Plan 2018.

The Council's Road Services raise no objection to this application being satisfied that there are no significant changes in the housing types and that the overall level of car parking remains the same. He also advises that there are some minor alterations to the driveway arrangements for individual plots which require adjustments to be made to the street lighting design. However, he advises these matters can be dealt with as part of the Roads Construction Consent process. Accordingly, the proposals do not conflict with Policies T1 and T2 of the adopted East Lothian Local Development Plan 2018.

RECOMMENDATION

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

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

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

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

Reason:

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

- 2 Notwithstanding the details of finishes submitted with the application, the houses hereby approved shall be finished externally in accordance with the co-ordinated scheme of external materials and colours for houses approved by the Planning Authority under the terms of condition 2 of planning permission 17/01120/PM.

Reason:

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

- 3 Housing completions on the application site and on the site of planning permissions 13/00519/PM and 14/00089/PM 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 (2017/18) - 05 residential units

Year 2 (2018/19) - 60 residential units

Year 3 (2019/20) - 75 residential units

Year 4 (2020/21) - 74 residential units

Year 5 (2021/22) - 75 residential units

Year 6 (2022/23) - 75 residential units

Year 7 (2023/24) - 69 residential units

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

Reason:

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

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

Reason:

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

- 5 Prior to the commencement of development, details of the provision of new car charging points and infrastructure for them shall be submitted to and approved in writing by the Planning Authority. 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.

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

species, unless the Planning Authority gives written consent to any variation. No trees or shrubs, detailed in the approved landscaping plans to be retained on the site, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority.

Reason:

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

- 7 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. 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.