

**REPORT TO:** Planning Committee

**MEETING DATE:** Tuesday 7 September 2021

**BY:** Executive Director of Place

**SUBJECT:** Application for Planning Permission for Consideration

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*Note - this application was called off the Scheme of Delegation List by Councillor Hampshire for the following reasons: The development of a new Rail Station in East Linton will have an impact on the Public Park and the residents living in the village. The members of the Planning Committee would benefit from a Site Visit to look at the impacts and if the mitigation measures are adequate.*

Application No.       **20/01423/P**

Proposal               Erection of railway station platforms, waiting shelters, bicycle shelters, footbridge, lifts, car parking and associated works

Location               **Railway Line And Land West Of East Linton Primary School  
East Linton  
East Lothian**

Applicant              Network Rail

**RECOMMENDATION**       Consent Granted

## **REPORT OF HANDLING**

### **PROPOSALS**

The application site is irregularly shaped and has an area of 1.6 hectares. It is located within the village of East Linton and is bounded to the south by the relatively recent housing development of Orchardfield and to the north by the open space of Memorial Park.

The main part of the site consists of a length of the main east coast railway line together with land to the north and south of it. It includes a railway underpass located towards the northwest of the site. It also contains a linear part of the Memorial Park that extends in a northeast direction and which adjoins the southwest end of School Road.

The part of the application site within Memorial Park is located within the East Linton Conservation Area. The Mart building, which is located immediately to the southeast of the application site, is listed as being of special architectural or historic interest (Category B)

In February 2011 planning permission (Ref: 08/00741/FUL) was granted for the erection of 46 houses and 4 flats on the land to the south of the application site. That planning permission has been implemented and the houses of Orchardfield are occupied. The docketed site plan shows that the majority of the northeastern part of the site would be reserved for potential future use as a new railway station and car park. This land comprises

of the southern part of the application site the subject of this current application. Planning permission 08/00741/FUL was granted subject to the prior conclusion of a legal agreement designed to secure, amongst other things, the transfer of the safeguarded land to the Council, at no cost.

Through this current application planning permission is sought for the erection of railway station platforms, waiting shelters, bicycle shelters, a footbridge, and lifts, and for the formation of car parking and associated works on the application site. The aim of the proposal is to deliver a new railway station for East Linton.

The station would be served by a car park that would be located on the southern part of the application site. It would be accessed from Andrew Meikle Grove to the south. It would consist of some 128 car parking spaces, of which 19 are proposed as electric vehicle (EV) charging spaces. The applicant has also confirmed that ducting would be installed to allow for the future provision of EV charging over the entire car park. The station itself would consist of a platform, approximately 175m in length and 4 metres wide, with waiting shelters, seating areas and ticket vending machines positioned on both sides of the railway. A pedestrian overbridge and associated lift would provide access to both platforms. The deck height of the overbridge would be some 6.2 metres above the level of the railway, and the top of the lift shaft would be some 16.5 metres above the level of the station car park. The site layout plan shows how footpaths and access stairs would provide access to the platforms from the land to the north and south. This includes a footpath that would be formed to link the car park and the existing underpass, from where stairs would provide access to both platforms. The original site layout plan also shows how a 3.0 metre wide footway/ cycleway would be formed to provide access to the station from School Road, which links into the centre of East Linton. 19 cycle parking spaces would be provided, located on both sides of the railway.

As an amendment to the application, the route for the footway/ cycleway to provide access to the station from School Road has been amended. Instead of connecting to the southwest end of School Road, the footway/ cycleway would now connect to the footpath that runs along the northeast end of Memorial Park, at a point to the northwest of the southwest end of School Road. Because of this amendment a new site notice was displayed and neighbours were again notified.

The application is supported by a Design and Access Statement, an Ecologist Daily Diary, a Flood Risk Assessment, a Geotechnical and Geoenvironmental Interpretative Report, a Noise Impact Assessment, a Planning Supporting Statement, a Transport Assessment, and a Stage 1 Flood Risk Assessment (FRA).

## **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 Edinburgh and South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Development Plan 2018.

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

There are no policies of the approved Edinburgh and South East Scotland Strategic

Development Plan (SESplan) relevant to the determination of the application.

Proposal PROP T12 (Railway Station Safeguarding at East Linton) and Policies RCA1 (Residential Character and Amenity), OS1 (Protection of Open Space), CH2 (Development Affecting Conservation Areas), NH5 (Biodiversity and Geodiversity Interests, including Nationally Protected Species), DP1 (Landscape Character), DP2 (Design), 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.

Also material to the determination of the application are Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and Scottish Government policy on development within a conservation given in Scottish Planning Policy (June 2014).

Scottish Planning Policy echoes the statutory requirements of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that a planning authority must have regard to the desirability of preserving or enhancing the character or appearance of a conservation area in exercising its responsibilities in the determination of any application for planning permission for development affecting a conservation area. It is stated in Scottish Planning Policy that proposed development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character and appearance of the conservation area should be treated as preserving its character and appearance.

Scottish Planning Policy also provides policy guidance on sustainable patterns of travel.

## **REPRESENTATIONS**

A total of 15 public representations to the application has been received. Of these, 7 object to the proposals, 3 are sent in support, and the remaining 5 do not state whether they object to or support the proposals. One of these 5 representations is from the Andrew Meikle Grove Residents' Association. The Association very much support the station given the benefits it will bring to the area, although they do have a number of detailed concerns. One of the representations in support is from Rail Action Group, East of Scotland (RAGES). Additionally 3 public representations were received after the period for representations had expired.

The 3 public representations support the proposals for the following main reasons:

- \* The train station will enhance access to Edinburgh and south bound destinations;
- \* Overall this will reduce car journeys through East Lothian and support carbon neutral targets;
- \* The station is fully compliant with regard to disabled access and the designer/s have had foresight to have 19 electric car charging parking spaces. Much thought has gone into the landscape by providing trees and shrubs around the station and its car park.
- \* Increased traffic flow into Andrew Meikle Grove could be adequately managed with speed bumps and appropriate signage.

The main grounds of objection are as follows:

- \* The proposed direct access to the station from the park is unnecessary and could be dangerous for children, dogs and others if some form of barrier is not erected;
- \* There will be an environmental impact with all the extra traffic travelling through, and parking within, the village;
- \* The proposed footpath would take up a good part of the park and will affect its future recreational use;

\* Noise pollution;

The other representations raise the following main issues:

- \* Is an open access from the park needed when there is already a proposed bridge and underpass and car access;
- \* The design of the lift towers will dominate the environment of the park, will impact on views from the Conservation Area, and will detract from the amenity of the area;
- \* The lift towers should be repositioned to reduce the impact on nearby houses;
- \* Privacy of neighbouring properties will be directly impacted by the proposed station;
- \* Increased traffic flow into and out of the Orchardfield Estate will affect pedestrian safety and could result in accidents, and consideration should be given to increased speed bumps, road markings and other measures;
- \* The parking may well be insufficient and could result in increased parking within the Orchardfield Estate and also within the village;
- \* If the lift is not working then persons of reduced mobility could become stuck on the platform and could affect fire escape procedures;
- \* The proposed cycle parking may be insufficient;
- \* Concerns about construction, including that the compound would be accessed via School Road whilst the Primary School is open, and a request that the impacts of construction are minimised;
- \* Concerns that a number of local house owners were not notified of the application;
- \* Some of the submitted information is, in the representor's opinion, contradictory or misleading and some documents are missing;
- \* The Council should maintain access paths and ensure that litter is regularly collected, including any that strays onto the communal land of the Orchardfield housing development;
- \* The development could result in increased risk of vandalism and anti-social behaviour;
- \* The flood risk in the applicant's FRA is understated and major drainage works are required;
- \* There will be increased noise from railway operational noise and from traffic and people using the car park;
- \* Access to the station car park could have been taken from the Mart;
- \* An Environmental Impact Assessment should have been required.

The application drawings and other submitted information is sufficiently accurate and comprehensive to enable a decision on this planning application to be taken. Neighbour notification of the application has been carried out in accordance with the statutory requirements of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. The applicant is proposing that vehicular access to the proposed station car park be taken from Andrew Meikle Grove. It is on this basis that this application needs to be determined. There is no evidence to suggest that the development would result in increased risk of vandalism or anti-social behaviour. It would be for Police Scotland to deal with any such behaviour. It will be for the applicant to decide which access paths, if any, which they wish the Council to adopt and thereafter maintain. The Council would not collect litter from the railway station or from communal land of a private housing development. The Design and Access Statement confirms that the design proposals support those passengers with protected characteristics of age, disability, pregnancy/maternity under the Equality Act to achieve inclusive access at the station and ensure they are not disadvantaged with more physically demanding access routes. It would be for the operator of the station to ensure that their fire escape procedures fully took into account passengers with protected characteristics.

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 17th March 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.

Other matters raised by representors are dealt with in the planning assessment below.

## **COMMUNITY COUNCIL**

Dunpender Community Council appreciates the difference that the re-introduction of a Station will make to the community of East Linton, and advise that it will be easier for our young people to access jobs, further education and University in Edinburgh and further afield, commuting will be much easier with no requirement for car parking in Edinburgh and less congestion on the A1 and A720. They note that the new station car park allows for a large number of cars, and every one of these parked at the Station will be one less on the public roads. It will therefore greatly contribute towards lessening of emissions on East Lothian's roads. The Community Council advise that it has been affiliated to Rail Action Group East of Scotland (RAGES) for many years, and has always supported its campaigning for the re-opening of a station in East Linton.

In a further representation, the secretary of Dunpender Community Council notes that it is inevitable that the underpass and right of way that runs through the application site will have to close to public access when construction begins. He therefore requests that a condition is imposed to ensure that legal authority for the temporary closure must be applied for through East Lothian Council, that appropriate signage is displayed, and that an alternative path is provided that is up to standard.

From time to time some public rights of way have to be closed to enable planned engineering or other development works to take place. For safety reasons it is not always possible to keep the route open. In such cases, rights of way legislation requires the developer to get approval from East Lothian Council for such temporary closures. It would normally be the case that, if the Council were to agree to such a request, then the developer would be required to ensure that appropriate signage was in place and that there was an alternative means of access. As this matter is subject to control under separate legislation, it is unnecessary to impose a condition of the type recommended by the secretary of Dunpender Community Council.

## **PLANNING ASSESSMENT**

Scottish Planning Policy notes that planning can play an important role in improving connectivity and promoting more sustainable patterns of transport and travel as part of the transition to a low carbon economy. In this regard the planning system should support patterns of development which, amongst other things, facilitate travel by public transport.

This policy advice is further developed in SESplan, which confirms that transport plays a significant role in delivering the SESplan development strategy whilst addressing issues of climate change and working towards achieving sustainable development. In this regard, Figure 2 of SESplan identifies key strategic improvements to transport and other infrastructure which are required for existing and future development. One of these key strategic improvements is identified as a new rail station at East Linton.

The development is supported by PROP T12 of the adopted East Lothian Local Development Plan 2018, which allocates most of the land of the application site for a new railway station.

The principle of development is also consistent with East Lothian's Climate Change Strategy 2020-2025, which states that "East Lothian will be a place which supports and encourages the transition to a low carbon lifestyle".

The linear part of the site is not covered by PROP T12. Rather it forms part of Memorial Park and is therefore covered by Policy OS1 of the adopted East Lothian Local Development Plan 2018. Policy OS1 safeguards recreational, leisure and amenity open space to meet the recreational needs of the community or protect the amenity or landscape setting of an area. Alternative uses will only be considered where there is no significant loss of amenity or impact on the landscape setting and:

- i. the loss of a part of the land would not affect its recreational, amenity or landscape function, or
- ii. alternative provision of equal community benefit and accessibility would be made available, or
- iii. provision is clearly in excess of existing and predicted requirements.

In their original consultation response, Amenity Services objected to the footpath as it was originally proposed, as in their view it would reduce the flexibility to orientate various pitch combinations and dissect the park in a way which would detract from the feel of a public park and would turn it into more of an open space.

This response was forwarded onto the applicant, who realigned the proposed footpath in accordance with advice given by Amenity Services. **Amenity Services** raise no objection to the realigned footpath, being satisfied that it would not affect its recreational, amenity or landscape function. On this consideration the proposed development is consistent with Policy OS1 of the adopted East Lothian Local Development Plan 2018.

The remaining part of the application site comprises of an existing stub-end constructed for the railway site as part of the Orchardfield housing development. By being within the housing development, the stub-end is covered by Policy RCA1 of the adopted East Lothian Local Development Plan 2018. The principal purpose of Policy RCA1 is to ensure that the predominantly residential character and amenity of its area of coverage is safeguarded against the impacts of land uses other than housing. Development incompatible with the residential character and amenity of an area will not be permitted.

Whilst some representors suggest that vehicular access to the station could be instead, or additionally, taken from the Mart, this is not what is proposed. Rather this application must be assessed on the basis of the proposed access arrangements.

PROP T12 notes that provision for road access to the station has been made through the adjacent Orchardfield housing development. In this, The Local Development Plan supports access being taken from Andrew Meikle Grove. This was the clear intention shown in the site plan that was approved as part of planning permission 08/00741/FUL. In all of this it would be unreasonable to oppose the principle of access being taken from the existing stub-end. The proposed access will inevitably lead to impacts arising from increased traffic that would be generated within the development. There may also be, as some representors suggest, some additional parking of vehicles within the housing development. Notwithstanding this, neither **Road Services nor Environmental Health** object to the proposal on the grounds that use of the proposed access would have an unacceptable impact on the residential character or amenity of the area. On this consideration the

proposed development is consistent with Policy RCA1 of the adopted East Lothian Local Development Plan 2018.

In terms of impact on amenity, the **Council's Senior Environmental Health Officer** advises that he has concerns that noise and dust may impact upon sensitive receptors during the Construction Phase. Accordingly, he recommends that prior to commencement of development a Construction Environmental Management Plan (CEMP) should be submitted to and approved by the Planning Authority. The CEMP should identify potential noise and dust impacts during construction and specify mitigation measures to minimise any such impacts. The development should thereafter be constructed in accordance with the CEMP so approved. This requirement could be secured by a conditional grant of planning permission for the proposed development.

The Council's Senior Environmental Health Officer advises that he is satisfied that operational noise associated with railway movements, car park use, plant/equipment and PA System will not impact significantly upon the amenity of sensitive receptors. He does however have concerns that artificial lighting, in particular from the car park, may impact upon amenity. Consequently he recommends that a Light Spill iso contour plot should be submitted to and approved by the Planning Authority, in order to demonstrate that the following requirements can be met:

a. The design and construction of any proposed floodlighting 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 E3 Zone, i.e. Medium district brightness area such as Small town centres or urban locations, the following criteria should be met prior to any external lighting units becoming operational:

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.

Any external lights installed thereafter should comply with the details so approved.

Subject to the aforementioned conditions, the Senior Environmental Health Officer is content that the proposed development would not harm the amenity of any neighbouring land use, including nearby residential properties.

The platforms, lift towers and footbridge would be located in excess of 20 metres from the nearest residential properties. In such locational juxtaposition, those elements would not result in harmful overlooking of any nearby residential property. To ensure that the levels of the car park and other components of development do not lead to harmful overlooking of any nearby residential property, a condition can be imposed requiring that site setting out details, including finished ground levels, be submitted to and approved in advance by the Planning Authority.

The concerns raised by one of the representors that the lift towers would impact on the views from some of their windows is not a material consideration in the determination of this planning application. In its position the lift towers would not be unacceptably imposing to that property or to any other nearby residential property.

On the considerations of privacy and amenity, subject to the imposition of the aforementioned conditions, the proposed development is consistent with Policies RCA1 and DP2 of the adopted East Lothian Local Development Plan 2018.

The proposed development amounts to a significant transportation development, and it is therefore necessary to carefully consider the landscape and visual impact on the area and the potential impact on the listed building of the Mart. In considering landscape and visual impact, it is also necessary to note that the East Linton Conservation Area includes the Memorial Park up to the railway line, therefore a small part of the application site lies within the Conservation Area. This may include one of the lift towers. The proposed development will therefore have an effect on the setting of the Conservation Area, and this effect needs to be considered as part of the potential impact on the character and appearance of the area.

A Landscape and Visual Impact Assessment (LVIA) has been submitted in support of the proposals, and this includes a zone of theoretical visibility (ZTV).

**The Council's Landscape Officer** has assessed both the LVIA and the ZTV. She advises that the ZTV shows the visibility of the proposed development to be limited to the bowl landscape in which the village of East Linton is situated with some limited additional longer range visibility within the 3km search area, notably from the higher points of Traprain Law, along the Pencraig Ridge and from Lawhead Hill to the northeast. She confirms that viewpoints for assessment of the visual impact of the proposals were agreed at pre-application stage, and she makes the following comments in them:

Viewpoint 1 is from the west end of School Road looking northwest towards the proposed site. This is representative of the view from the historic heart and Conservation Area of East Linton. It is a sensitive view, as identified by the LVIA, used by pedestrians and those using the park for recreation. There is no hiding the proposals in this view and the LVIA assesses that the proposals will have a moderate adverse and therefore significant impact on this view. The landscape officer advises that the design and colouring is therefore very important to limit and mitigate for detrimental visual impact on the Conservation Area. Although no photomontages or visuals have been provided to show the proposals from this sensitive viewpoint, it would appear, given the proposed height of the lift towers, which they will be partly skylined, sitting above the ridge of Pencraig Hill to the west. Using a lighter colour than the proposed red brown for the towers could, in the landscape officer's opinion, help the towers fade into the sky rather than forming a dominant feature in the view. She also recommends that the louvres to the top of the towers should be coloured a light grey rather than the dark grey proposed.

The landscape officer points out that Viewpoint 2 appears to be incorrectly labelled in the LVIA and from its description appears to be talking about a different view than the one shown in Figures 3 and 5. The photograph location for viewpoint 2 in these figures is taken from Braeheads Loan, the minor road to the south of the village that leads to Hailes castle. This is part of national cycle route 76 and is an important recreation and tourist route. This view provides an attractive open view of the village, set within and framed by the surrounding hills, with the church tower being the only structure to break the skyline in this view. The bridge and towers will create a large industrial looking structure to the left of this view, protruding above the roofline of the predominantly single storey properties at Orchardfield, competing with the feature of the Old Auction Mart building, and sitting in front of Drylawhill Cottages. By its nature, its form is out of character with the existing village. However use of appropriately coloured cladding and steelwork to help visually reduce its massing could, in the landscape officer's opinion, help to provide some mitigation for its visual impact from this location.

Viewpoint 3 is taken from Traprain Law looking down into the village. As noted in the LVIA this forms a small part of a much larger panoramic view. The towers, bridge, platforms, car park and lighting will all be visible in this view but will be read within the context of the village setting, at this distance, limiting its visual impact.



Viewpoint 4 is representative of the panoramic view across East Linton to Belhaven Bay and the mouth of the River Tyne that forms the view in the direction of travel along the A199 from Pencraig Hill. It is also representative of walkers using the core path route across Pencraig Hill. As with view 3, you are again looking down on the village, although here you are closer, and the village sits in the centre of the view. Given the height of the proposed bridge and towers, it is likely that they will sit above the existing housing in this view, even above the west extension to the new two storey housing at Orchardfield. The trees and housing will help to provide a degree of containment and setting and the development will not compete with the church in this view.

Viewpoint 5 is taken from the core path on Drylaw Hill and is representative of views from the north of the village. Again this view offer panoramic views over the village at a similar distance to Pencraig Hill. The park and trees create a visual green stepping stone to the rural land beyond to the south. The bridge and towers will create a large industrial looking structure in this view, although not skylined. They will sit in front of the new housing at Orchardfield which is paler in colour than the older housing to the east. Therefore the use of paler cladding to the towers and lighter steelwork to the louvres would appear to be a more suitable colour palette, that will read with the housing, helping to visually reduce its massing to help, in the landscape officer's opinion, provide some mitigation for its visual impact from this location.

Viewpoint 6 to the east of the village will have limited visibility of the development set beyond the Conservation Area and historic heart of the centre of the village. What is visible from here will be skylined and mitigation of this visibility by using a lighter colour is therefore important.

In conclusion, the **Landscape Officer** advises that the LVIA has shown that the proposals have local and significant visibility impacts. With careful mitigation based on suitable colour for the structures she is however satisfied that these impacts may be reduced. Additional tree planting within and around the car parking area and along the western side of the park to the east of the development will in time also help to reduce the impact of the structures, particularly in close views.

The landscape and visual impact of the proposed development has also been considered by the **Council's Policy and Strategy Manager**, who agrees with the landscape officer that the lift towers and bridge will be dominant visual features of the station and will be seen from much of the village and on the approaches to the village. He notes that the proposed design with extensive use of glazed features will be a lighter looking design than a bridge with metal walls and is an improvement on many older bridge designs. He also agrees that lighter colours than those proposed would help to reduce visual impact. The Policy and Strategy Manager further advises that the location of the bridge on the edge of the Conservation Area will affect its appearance. However, given its necessity and the fact it lies some distance away across the open park he does not consider this to be a harmful effect.

In conclusion, the proposed station is likely to have a significant impact when seen in views from within, and approaches to, the village of East Linton. Notwithstanding this, provided that the colours and finishes of all elements of the proposed development are submitted to and approved in advance by the Planning Authority, it would not be harmful to either then character and appearance of the Conservation Area or to the landscape and visual amenity of the surrounding area. On this consideration, the proposed development is consistent with Policies CH2, DP1 and DP2 of the adopted East Lothian Local Development Plan 2018.

The Mart is Category B Listed and is a landmark building with a tall distinctive slate roof with rooflights. It has been the dominant building in the area because of its height and the shape of its roof for many years. The proposed footbridge and lift towers will potentially rival it in

terms of height. Notwithstanding this, in relation to its setting as a listed building, the main viewpoints of the Mart are towards Haddington Road and from its west side, and the proposed footbridge and lift towers are unlikely to disrupt these views. As such the proposed development would not harm the setting of the Mart building. On this consideration, the proposed development is consistent with Policy CH1 of the adopted East Lothian Local Development Plan 2018.

**The Council's Heritage and Archaeology Officer** agrees that the proposals will impact on the setting of the listed Mart building, as they will be seen in relation to the general background of the village. He further advises that the area proposed for the car park has already been subject to an archaeological investigation as part of the previous housing development and no further work is required.

A landscape plan has been submitted with the application, and this has been revised following concerns raised by the Landscape Officer. She is satisfied with the proposed scheme of planting, which should help to reduce the impact of the proposed development. She recommends that prior to the commencement of development, a revised plan should be submitted to show the location and construction of the temporary protective fencing. This can be secured by a conditional grant of planning permission for the proposed development. On this consideration, the proposed development is consistent with Policy DP1 of the adopted East Lothian Local Development Plan 2018.

**The Council's Biodiversity Officer** notes that the applicant's Ecologist Daily Diary identified several habitat types within the development boundary including improved grassland, SuDS pond, tall ruderal and improved grassland. All habitats identified are however in her opinion of low conservation value. The biodiversity officer raises no objection to the proposals, although she recommends that no site clearance should be undertaken during the breeding bird season (March to August inclusive), unless in strict compliance with a species protection plan for breeding birds, including provision for pre-development supplementary survey, that shall be submitted to and approved in writing by the Planning Authority. This can be secured by a conditional grant of planning permission for the proposed development. On this consideration, the proposed development is consistent with Policy NH5 of the adopted East Lothian Local Development Plan 2018.

**The Council's Road Services** advise that they have no objection to the application, subject to the provision of:

1. a) the agreed path across the open space to the west of the school, and the electric vehicle charging spaces, as shown in Drawing Number 161777-BNU-DRG-EMF-05006 P02.1 and
- b) the agreed car park and other paths layout as shown in Drawing Number 161777-BNU-DRG-EEN-00101 P01.3.

**Road Services** further recommend that:

2. All roads and paths shall conform to ELC Standards for Development Roads.
3. Paths and footways in particular should also conform to Roads for All standards – Transport Scotland's good practice guide for inclusive design. This specifies maximum longitudinal gradients of 5%
4. Prior to commencement of development, a plan should be submitted clearly indicating the different responsibilities for long-term maintenance of roads, parking areas and paths.
5. A Construction Method Statement to minimise the impact of construction activity on the safety and amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic (including

parking, routes to/from site and delivery times) and shall include hours of construction work.

6. 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.

These requirements can be made conditions of any grant of planning permission. Subject to the imposition of the recommended conditions, Road Services raise no objection, being satisfied that the station can be safely accessed and that sufficient car parking has been provided.

**Transport Scotland** do not advise against the granting of planning permission for the proposed station.

**Network Rail**, a statutory consultee, raise no objection to the proposed development.

**SEPA** were consulted on the planning application but did not provide a consultation response.

**The Council's Flooding Manager** raises no objection to the proposed development, although he recommends that prior to the commencement of development, a SuDS scheme and Drainage Assessment, including a Surface Water Management Plan for the whole development site to meet the vesting requirements of the Statutory Authorities should be submitted to and approved by the Planning Authority, following consultation with SEPA. The submitted detail shall include a timetable for the delivery of all identified mitigation measures. This can be secured by a conditional grant of planning permission. Based on the advice of the Flooding Manager it can be concluded that subject to the imposition of the recommended condition the proposed development would not result in unacceptable flood risk.

**Scottish Water** raise no objection to the proposed development. A copy of their comments have been sent to the applicant.

## **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; and
- b. finished ground levels of the development relative to existing ground levels of the site and of adjoining land and building(s). The levels shall be shown in relation to an Ordnance Bench Mark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing.

Reason:

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

- 2 Prior to the commencement of development, a SuDS scheme and Drainage Assessment including a Surface Water Management Plan for the whole development site to meet the vesting requirements of the Statutory Authorities shall be submitted to and approved by the Planning Authority, following consultation with SEPA. The submitted detail shall include a timetable for the delivery of all identified mitigation measures shall.

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

Reason:

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

- 3 No site clearance shall be undertaken during the breeding bird season (March to August inclusive), unless in strict compliance with a species protection plan for breeding birds, including provision for pre-development supplementary survey, that shall be submitted to and approved in writing by the Planning Authority.

Reason:

In the interests of the ecology of the area.

- 4 Prior to their use in the development, details of the colours and finishes for all components of the development shall be submitted to and approved by the Planning Authority. The details to be submitted in respect of the lift towers shall show a lighter colour than the proposed red brown colour proposed, and a light grey colour for the louvres to the top of the towers, rather than the dark grey proposed.

Development shall thereafter be undertaken in strict accordance with the colours and finishes so approved.

Reason:

In the interests of the visual amenity of the area.

- 5 Prior to any commencement of use of the rail station hereby approved, a Light Spill iso contour plot shall be submitted to and approved by the Planning Authority. The submitted details shall ensure the requirements of the following recommended condition can be met:

a. The design and construction of any proposed floodlighting 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 E3 Zone, i.e. Medium district brightness area such as Small town centres or urban locations, the following criteria should be met prior to any external lighting units becoming operational:

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.

Any external lights installed thereafter should comply with the details so approved.

Reason:

To safeguard the residential amenity of neighbouring residential properties.

- 6 Prior to commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved by the Planning Authority. The CEMP shall identify potential noise and dust impacts during construction and specify mitigation measures to minimise any such impacts.

The CEMP should include the following information:

#### NOISE CONTROL

The applicant should adopt "Best Practice Guidance" as recommended BS 5228-1:2009+A1:2014 "Code of practice for noise and vibration control on construction and open sites.

#### NOISE CONTROL MEASURES

Control measures for reducing noise associated with construction works should be based on best management practice. Details of the general noise controls to be included in any CEMP are as follows:

- o Details regarding the duration of the construction phase and an indication of when key activities (piling/concrete pours, etc) will take place and their duration
- o Plant and machinery should be maintained to manufacturers' recommendations and operated only in the permitted hours;
- o Vehicles should be loaded carefully so as to minimise noise during the operations (e.g. minimise drop heights);
- o Machinery should be turned off when not in use; and
- o All site staff should receive appropriate training in order to ensure that employees are

conversant with the site noise management strategy.

Specific control measures relating to site management and design of the construction works and operating hours to be included in any CEMP are described below.

#### Design

- o The permitted hours for noisy operations on the site that are audible at the site boundary should be restricted to between 0700 - 1900 Monday to Friday inclusive, and 0800 to 1300 on Saturdays.

#### Site Management

- o Prior to the commencement of the construction phase, neighbouring residential properties should be notified regarding the onset of the construction, which will include contact details for the Contractor's Site Agent and the appointed construction contractor.
- o The appointed contractor's Site Agent should assume responsibility for the management of the site and ensure personnel and operatives are advised of their roles to minimise noise emissions;
- o The appointed contractor's Site Agent should ensure that records and equipment are maintained.

#### Noise Monitoring

- o Construction noise monitoring locations should be identified at the boundary of nearby residential properties.
- o Noise monitoring should be conducted at each of the monitoring locations identified on a daily basis, for the duration of the construction phase.
- o Monitoring should be carried out over a period of 1-hour at each of the selected locations, when suitable weather conditions prevail. Monitoring will not be undertaken in conditions of average wind speeds greater than 5ms<sup>-1</sup> and when rain is falling on the microphone windshield or nearby surfaces, which can result in noise interference.
- o Monitoring should be undertaken when construction works are in progress during normal working hours. Measurements should be avoided during site meal breaks and periods of plant breakdown.
- o The noise measurement equipment should be supervised continuously during the monitoring period and notes will be made of the date, time and prevailing weather conditions, together with significant noise sources from site operations and those independent to the site operations;

#### Noise Recording

- o The date, time, location and duration of the measurement;
- o All predominant noise sources will be noted. This includes operational plant during the monitoring period and may include extraneous noise such as road traffic and aeroplanes
- o Weather conditions will be recorded including wind speed and approximate direction, cloud cover, rain and ground frost;

#### Noise limits

The following noise trigger levels should apply at 1m from facades of nearby residential properties:

LAeq,1hr = 60dB(A) for general construction activity; and  
LAeq,1hr = 70dB(A) for piling operations.

#### REMEDIAL ACTION

Where monitoring demonstrates that it is possible that operations are at the trigger level, the following actions will be implemented:

- o Notification to the contractor's Site Agent to check if there is an obvious cause;
- o Verification of the result to ensure it is site-generated noise, not associated with an external noise source; and
- o If it is attributable to a source on site, take steps to reduce noise emissions by implementing controls and/or stopping vehicles or activities as required.
- o Where the trigger level is exceeded the above actions will be implemented and in addition the Environmental Protection Officer will be notified to confirm acceptability of results after the implementation of remedial measures.
- o In the event of a complaint, the appointed contractor's Site Agent will investigate that complaint

through reference to the weekly noise monitoring records, and any additional investigation made in light of those records. If appropriate further investigation will be undertaken.

## REPORTING

- o All noise monitoring records will be held on site in a dedicated file, and will be made available to the Local Authority's Environmental Protection Officer immediately upon request
- o In the event that noise levels exceed the trigger levels, operations will be reviewed and amended to ensure that noise emissions are minimised and the trigger levels are no longer exceeded

## DUST CONTROL

With regards to dust the CEMP should include details regarding practicable control measures for reducing visible dust emissions affecting properties beyond the site boundary. Control measures to be considered are identified in Section 8 of the Institute of Air Quality Management Guidance on the assessment of dust from demolition and construction (2014).

I would expect, as a minimum, any CEMP to include details re the following practicable control measures for reducing visible dust emissions affecting properties beyond the site boundary.

A dust emissions log book should be maintained at all times on site. Regular recording of significant potential dust sources and a subjective assessment of the observed dust conditions should be made at the beginning, middle and end of the working day;

A water bowser (or similar) should be maintained on site at all times to suppress visible dust emissions during periods of dry and/or windy weather;

Monitoring of wind direction and speed and records made of daily weather and site conditions;

Wind speed and direction will be taken into account when organising potentially dusty operations; and

All site staff should receive appropriate training in order to ensure that employees are conversant with the site dust control strategy.

Specific control measures for all plant and machinery, external storage areas and vehicle movement routes should include the following:

### Plant and Machinery

Static and mobile plant engines and exhaust systems should be maintained so that exhaust emissions do not breach statutory emission limits set for the vehicle/equipment type and mode of operation. Plant should be regularly serviced and not left running unnecessarily;

All site plant should have upward facing exhausts and radiator cowls to reduce the generation of dust; and Drop heights into and out of earth moving vehicles should be minimised.

### Vehicle Movement Routes

A facility for washing vehicle wheels should be provided for any vehicles leaving the site. This facility should be maintained, with sufficient clean water provided to ensure that mud is not trafficked beyond the wheel wash onto the public highway;

The site access road from the wheel wash to other hard surfaced areas and roads should be suitably surfaced and maintained in a clean condition and watered by motorised spray units during dry conditions;

Haul roads should be graded regularly to remove loose material from the surface;

A site speed limit should be enforced to minimise disturbance on internal haul roads; and

Only sheeted vehicles should be used when transporting material off site.

### Site Management

The contractor's Site Agent should:

Assume responsibility for the management of the site;

Ensure personnel and operatives are advised of their roles to minimise the generation of dust;

Deploy suitable dust mitigation measures based on visual observation and weather conditions;

Review the performance of the operatives and efficiency of dust reduction measures;

Ensure that records are maintained; and

Ensure that equipment is maintained.

Construction of the CEMP shall thereafter strictly accord with the CEMP so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of the amenity of the area.

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

Reason

In the interests of road safety.

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

The Construction Method Statement shall include details of:

- \* Mitigation measures to control noise, dust, construction traffic (including routes to/from site and delivery times).
- \* Hours of construction work
- \* Routes for construction traffic
- \* Wheel washing facilities.

Thereafter, the Construction Method Statement shall be implemented and complied with in accordance with the approved details for the period of construction of the development hereby approved.

Reason:

To retain control of the operation of construction in the interest of environmental and residential amenity.

- 9 The proposed development shall comply with the following transport requirements:

1) the approved path across the open space of Memorial Park, and the electric vehicle charging spaces, as shown in Drawing Number 161777-BNU-DRG-EMF-05006 P02.1 shall both be provided prior to any use being made of the rail station;

2) the approved car park and other paths as shown in Drawing Number 161777-BNU-DRG-EEN-00101 P01.3 shall all be provided prior to any use being made of the rail station;

3) All roads and paths shall conform to ELC Standards for Development Roads;

4) Paths and footways in particular should also conform to Roads for All standards - Transport Scotland's good practice guide for inclusive design. This specifies maximum longitudinal gradients of 5%; and

5) Prior to commencement of development, a plan shall be submitted to the Planning Authority clearly indicating the different responsibilities for long-term maintenance of roads, parking areas and paths.

Reason:

In the interests of road safety.

- 10 No development shall take place on site until temporary protective fencing in accordance with Figure 2 of British Standard 5837\_2012 "Trees in relation to design, demolition and construction" has been installed, approved and confirmed in writing by the Planning Authority. The fencing must be fixed in to the ground to withstand accidental impact from machinery, erected prior to site start and retained on site and intact through to completion of development. The position of this fencing shall be positioned outwith the Root Protection Area (RPA) as defined by BS5837:2012 and crown spread (whichever is the greater) all as indicated on the drawing 'Tree Protection Overlay' numbered 161777-BNU-DRG-EMF-050006 for the trees to the northern side of the rail line within the park and approved in writing by the Planning Authority.

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

- \_ No vehicular or plant access
- \_ No raising or lowering of the existing ground level
- \_ No mechanical digging or scraping
- \_ No storage of temporary buildings, plant, equipment, materials or soil

- \_ No hand digging
- \_ No lighting of fires
- \_ No handling discharge or spillage of any chemical substance, including cement washings

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

Reason

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

- 11 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 first use of the rail station or the completion of the development, whichever is the sooner, and any trees or plants which within a period of ten years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

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.