

**PLANNING COMMITTEE**  
**TUESDAY 7 SEPTEMBER 2021**

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# East Lothian Council

## MINUTES OF THE MEETING OF THE PLANNING COMMITTEE

TUESDAY 17 AUGUST 2021  
VIA A DIGITAL MEETING FACILITY

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### Committee Members Present:

Councillor N Hampshire (Convener)  
Councillor L Bruce  
Councillor J Findlay  
Councillor A Forrest  
Councillor N Gilbert  
Councillor W Innes  
Councillor S Kempson  
Councillor K McLeod  
Councillor J McMillan

### Other Councillors Present:

Councillor J Goodfellow  
Councillor J Henderson  
Councillor F O'Donnell

### Council Officials Present:

Mr K Dingwall, Service Manager – Planning  
Ms E Taylor, Manager Planning Delivery  
Mr C Grilli, Service Manager – Legal  
Mr D Taylor, Planner  
Ms C McMonagle, Assistant Planner  
Mr M Greenshields, Senior Roads Officer  
Mr C Clark, Senior Environmental Health Officer  
Ms L Hunter, Transportation Planner  
Mr R Yates, Transportation Planning Officer  
Ms P Gray, Communications Adviser  
Ms F Currie, Committees Officer

### Clerk:

Ms A Smith

### Visitors Present/Addressing the Committee:

Item 2 – Mr M Fenny, Mr P Bruce, Ms G Corbel, Mr M Smithwick, Mr S McMillan, Ms A Townsend  
Item 3 – Mr T Thomas, Mr A Rankin, Mr D Bell, Mr D Whitlie, Mr E Stewart  
Item 4 – Mr P Johnston, Mr P Horsley, Mr O Munden, Ms C Maher

### Apologies:

Councillor C McGinn  
Councillor K Mackie  
Councillor J Williamson

**Declarations of Interest:**

None

**1. MINUTES FOR APPROVAL – PLANNING COMMITTEE 29 JUNE 2021**

The minutes of the meeting of the Planning Committee of 29 June 2021 were approved.

**2. PLANNING APPLICATION NO. 21/00290/PPM: PLANNING PERMISSION IN PRINCIPLE FOR ONSHORE SUBSTATION, UNDERGROUND ELECTRICITY CABLES AND ASSOCIATED TEMPORARY AND PERMANENT INFRASTRUCTURE TO EXPORT ELECTRICITY FROM THE SEAGREEN OFFSHORE WIND FARM INTO THE NATIONAL ELECTRICITY TRANSMISSION NETWORK AT EDINBURGH ROAD, COCKENZIE**

A report was submitted in relation to Planning Application No. 21/00290/PPM. Keith Dingwall, Service Manager for Planning, presented the report, summarising the key points. He informed Members that yesterday afternoon objections had been received from Prestonpans Community Council, which he outlined. He stressed that this was an application for planning permission in principle; if consent was granted the applicant would submit further detailed applications for the infrastructure. This application dealt with the onshore elements only. Marine Scotland, not the Council, would deal with the offshore elements. The report recommendation was to grant consent.

Mr Dingwall responded to questions. He clarified that future ownership of the land was not material to this application. He confirmed the arrangements for construction traffic; the detail would be in the Construction Method Statement. Regarding Prestonpans Community Council's objections, particularly the route for cables, he confirmed there would be consultation. On queries about the Environmental Impact Assessment report he clarified that the assessment could be made at this stage as the basic information was known. The report concluded that in principle there would be no significant landscape or visual impact. The Council's Landscape Officers had also been consulted and were satisfied with that conclusion. On combining cables together from the different companies to create less disruption, Mr Dingwall said this was an issue the Planning Authority had raised before but applicants had advised there were a range of reasons why this was not feasible.

Michael Fenny, representing the applicant, took Members through the background, content and benefits of this proposal for the infrastructure to connect 36 consented turbines to the national electricity transmission system at Cockenzie. Seagreen, a consented offshore wind farm, was 66km off the East Lothian coastline. Enough clean, renewable energy would be provided to power around 1.6 million homes. The offshore element, for an export cable around 108km in length, was the subject of a separate application for a marine licence. This onshore application was for a new substation, cables and associated development. This was a £3 billion capital investment, which would support Scotland's response to Covid-19. SSE/Total had developed good practice measures; there would also be a community benefits package. The application would maximise renewable energy regeneration of offshore wind farms.

Mr Fenny responded to questions. He confirmed that Seagreen had already consulted both community councils in relation to the onshore and offshore applications and would continue to do so. Regarding the remaining 36 turbines he clarified that Carnoustie did not have sufficient capacity for these; an application had been made to the National Grid who had suggested Cockenzie. On ensuring fulfilment of local employment promises he said various events would be planned and also approaches made to local colleges. Regarding bringing cables onshore from the 2 different companies at the same time, he said this was not commercially viable and not practical in an engineering sense. In relation to providing an assurance regarding the redesign when complete, Mr Fenny stressed that at the moment the design was only indicative. He confirmed that Seagreen was committed to working with the Council and both community councils.

The Convener stressed the importance of this site to East Lothian Council and to the county as a whole. Planning Officers and others had done a good job of trying to minimise the land take up. The location was probably the best possible one; he did not think there would be any impact. As mentioned, if approved, further detailed applications, which would include design detail and cable routes, would come forward later. He would be supporting the recommendation.

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

For: 9

Against: 0

Abstentions: 0

## Decision

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

1 The submission for approval of matters specified in conditions of this grant of planning permission in principle in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended) shall include details of the layout, siting, design and external appearance of the onshore substation, electricity cables and associated infrastructure, the means of access to them, the means of any enclosure of the boundaries of the site and landscaping (including landscape and visual mitigation) of the site in accordance with the matters listed below. No work shall begin until the written approval of the Planning Authority has been given, and the development shall be carried out in accordance with that approval.

a) Details of the finished ground levels and finished floor levels of the buildings;

b) The total height of any building shall not exceed 18 metres from the finished ground levels, as approved. The finished ground level shall be no higher than the existing ground level of the site;

c) Details of the proposed colour treatment of the onshore substation and any other landscape and visual mitigation (which shall include architectural mitigation) to be incorporated into its design and external appearance;

d) Details of all external lighting proposed;

e) Details of the area and positioning of the substation platform, which shall not exceed an area of 22,000m<sup>2</sup>, and the components of the onshore substation, which shall generally accord with that shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0009 docketed to this planning permission in principle;

f) The layout shall ensure that the substation platform and onshore substation shall be located within the area identified as "Substation Development Zone" on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to this planning permission in principle;

g) Details of the final route of the onshore export cable (with proposed micro siting limits), and the locations of any underground joint bay(s); and

h) Details of the siting, design and external appearance of any permanent above ground features associated with the onshore export cable.

In this condition, the onshore substation means all the electrical equipment, ancillary equipment, internal roads and any perimeter security fence to be located on the substation platform, as indicatively described in Chapter 2 (Development Description) of the Environmental Impact Assessment Report docketed to this planning permission in principle.

No part of the development hereby approved under that application for approval of matters specified in conditions shall be begun on the site until all of the above details pertaining to such development have been submitted to and approved in writing by the Planning Authority.

Reason:

To enable the Planning Authority to control the development in the interests of the amenity of the development and of the wider environment.

2 The development hereby approved shall be undertaken in accordance with the Environmental Impact Assessment Report docketed to this planning permission in principle, except where altered by the approval of

matters specified in the condition above or by the conditions below, or unless otherwise agreed in writing by the Planning Authority.

Reason:

To ensure the reported likely environmental impacts of the development are not exceeded and the specified mitigation measures are fully implemented.

- 3 The development hereby approved shall be used solely in connection with the offshore Seagreen Wind Farm to facilitate the transmission of electricity generated by that development to the grid and for no other purposes, unless otherwise agreed in writing with the Planning Authority. In these conditions the "Seagreen Wind Farm" means the offshore wind farms known as the Seagreen Alpha Offshore Wind Farm and Seagreen Bravo Offshore Wind Farm, both granted consent under section 36 of the Electricity Act 1989 by the Scottish Ministers on 10 October 2014 (and as varied by consent on 18 August 2018), or successor offshore wind farms located within the site of that development.

Reason:

To enable the Planning Authority to regulate and control the use of the land in the interests of the wider land use planning of the area.

- 4 Prior to the commencement of development on any 'Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to this planning permission in principle, a Public Access Management Plan for that Development Zone shall be submitted to and approved in writing by the Planning Authority for such development. The Public Access Management Plan shall include the following details as they relate to each Development Zone:

- (i) the proposed route of any temporary rerouting of the Coastal Path incorporating the John Muir Way (Core Path 276) within the northern section of the application site and Core Path 146 within the western section of the application site and the duration of the temporary rerouting;
- (ii) the detail of any temporary rerouting of Core Path 284 within the central section of the application site, the duration of the temporary rerouting, and any measures for its permanent diversion (including its new route) if required as a result of the proposed development; and
- (iii) a timetable for the implementation of any temporary or permanent diversions of the above Core Paths.

Thereafter, the Public Access Management Plan shall be implemented and complied with in accordance with the approved details, unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure continuity of the core path network in the interests of public access.

- 5 Prior to the commencement of development on any 'Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to this planning permission in principle, a Construction Method Statement (CMS) for development of that Development Zone shall be submitted to and approved in writing by the Planning Authority. The CMS shall identify potential noise and dust impacts that may arise during construction of the proposed development and specify any mitigation measures necessary to minimise any such impacts on sensitive receptors, and shall include hours for construction work.

With regards to Noise the CMS shall adopt "Best Practice Guidance" as recommended in BS 5228-1:2009+A1:2014 "Code of practice for noise and vibration control on construction and open sites" and have regard to potential mitigation measures described within Chapter 10.6 Mitigation of the docketed EIA Report.

With regards to the control of dust the CMS shall 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).

The development shall thereafter be carried out in strict accordance with the approved CMS unless otherwise approved in writing by the Planning Authority.

Reason:

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

- 6 Prior to the commencement of any development on the 'Substation Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to this planning permission in principle a Noise Impact Assessment for the operational phase of the development shall be submitted to and approved in writing by the Planning Authority for such development. The Noise Impact Assessment shall be based upon the detailed site layout approved pursuant to Condition 1 and shall identify any mitigation measures considered necessary to ensure specific noise arising from the development does not exceed an absolute free field external Rating Level

of LAr,Tr of 35 dB at any sensitive receptor. All measurements to be made in accordance with BS 4142: 2014 "Methods for rating and assessing industrial and commercial sound".

Reason:

In the interests of the amenity of nearby sensitive receptors.

- 7 Prior to the commencement of development on any 'Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to this planning permission in principle, to ensure that the site is clear of contamination, a Geo-Environmental Assessment shall be carried out for development of that Development Zone and the following information shall be submitted to and approved by the Planning Authority:

1. (i) A Preliminary Investigation incorporating a Phase I Desk Study (including site reconnaissance, development of a conceptual model and an initial risk assessment); and

(ii) A Phase II Ground Investigation (if the Desk Study has determined that further assessment is required), comprising the following:

- o A survey of the extent, scale and nature of contamination, and reporting on the appropriate risk assessment(s) carried out with regards to Human Health, the Water Environment and Gas Characteristic Situation as well as an updated conceptual model of the site;
- o An appraisal of the remediation methods available and proposal of the preferred option(s).

2. 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; and

3. Following completion of the measures identified in the approved Remediation Statement, a Verification Report should be submitted that demonstrates the effectiveness of the remediation carried out.

Reason:

To ensure that the site is clear of contamination and that remediation works are acceptable.

- 8 In the event that unexpected ground conditions (contamination) are encountered at any time when carrying out the permitted development, work on site shall cease and the issue shall be reported to the Planning Authority immediately. At this stage a Site Investigation and subsequent Risk Assessment may have to be carried out, if requested by the Planning Authority. It may also be necessary to submit a Remediation Strategy should the reporting determine that remedial measures are required. It should also be noted that a Verification Report would also need to be submitted confirming the satisfactory completion of these remedial works.

Reason:

To ensure that the site is clear of contamination

- 9 Prior to the commencement of development on any 'Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to this planning permission in principle, a Construction Traffic Management Plan (CTMP) for the construction phase of the development in that Development Zone shall be submitted to and approved in writing by the Planning Authority. The CTMP shall, unless otherwise approved in writing by the Planning Authority, include the following details:

(i) details of measures to reduce the number of construction vehicles;

(ii) details of and controls for access routes to and from the site for large components and day-to-day deliveries/removals associated with the construction and decommissioning phases of the development;

(iii) detailed swept path assessments of large component delivery routes and drawings detailing any required off-site mitigation works;

(iv) drawings showing details of any proposed alterations to the existing vehicular access onto the B6371 and alterations to existing junctions or creation of new junctions with the B1348;

(v) updated information on programme, construction tasks, vehicle types and trip generation;

(vi) updated review of potential cumulative impacts on A198 considering position at that time of new infrastructure, speed limits and traffic generation related to Blindwells;

(vii) frequencies and times of deliveries and arrangements for the removal of materials/plant from the site;

- (viii) details of traffic management at the B6371 and B1348 Edinburgh Road site access points;
- (ix) details of measures including temporary signage, and the management of construction traffic to keep the John Muir Way open to the public throughout the construction period;
- (x) details of temporary signage in the vicinity of the site warning of construction traffic;
- (xi) arrangements for road maintenance and cleaning;
- (xii) details of wheel washing facilities which must be provided and maintained in working order during the period of construction and/or decommissioning of the site. All vehicles must use the wheel washing facilities to prevent deleterious materials being carried onto the public road on vehicle wheels; and
- (xiii) a Green Travel Plan to include measures to minimise dependency on the private car to and from the construction compounds.

The development shall thereafter be carried out in accordance with the approved CTMP unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of road safety and in the interest of the promotion of sustainable modes of transportation.

- 10 Prior to the commencement of the development hereby approved a programme for monitoring the condition of the public roads to be used by construction traffic, prior to and immediately following the completion of the development, shall be submitted to and approved in writing by the Planning Authority. The public roads to be monitored shall be, (i) the B1361/B6371, from the roundabout junction of the A198 at Meadowmill (just north of the railway) northwards to the B1348 Edinburgh Road, and (ii) the B1348 Edinburgh Road, along the full former power station site frontage and access junctions - from the junction East Lorimer Place to Appin Drive (traffic signals).

Thereafter the approved programme of monitoring shall be implemented. Any remedial works shown by the monitoring as arising from the construction of the development shall be undertaken by the applicant within 3 months of the completion of the final monitoring undertaken, unless an alternative means of securing the works is approved in writing by the Planning Authority.

Reason:

To ensure that damage to the public road network resulting from the proposed development is rectified.

- 11 Prior to the commencement of the development hereby approved a drainage strategy for the development shall be submitted to and approved by the Planning Authority. The drainage strategy shall be designed to accommodate a 1 in 200 annual probability event plus a climate change allowance and shall include a timetable for its installation.

The drainage strategy as so approved shall be implemented in its entirety, unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure the development is appropriately protected against flood risk and does not give rise to increased flood risk elsewhere.

- 12 Prior to the commencement of development on any 'Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to this planning permission in principle, a scheme for the identification of drainage systems (including field drains, culverts, septic tanks and soakaways) and private water supplies within the Zone, and measures for their protection during development and/or mitigation of impacts associated with the development including any necessary alternative facilities as required, shall be submitted to and approved by the Planning Authority.

The scheme shall include a timetable for the implementation of any identified mitigation measures or provision of alternative facilities and development shall thereafter be carried out in accordance with the scheme so approved.

Reason:

To ensure the development is appropriately protected against flood risk and does not give rise to increased flood risk elsewhere.

- 13 Prior to the commencement of development on any 'Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to this planning permission in principle, a scheme of landscaping for development within that Development Zone, taking account of the detailed site layout and other details



proposed or approved under the terms of Condition 1 shall be submitted to and approved in writing by the Planning Authority. The scheme shall provide details of: the height and slopes of any mounding on or re-contouring of, the site; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. The scheme shall include indications of all existing trees and hedgerows on the land and details of any to be retained, and measures for their protection in the course of development. It should also address long term management of the approved planting and boundary treatments.

In accordance with the approved scheme, all planting, seeding or turfing 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 managed in accordance with that scheme. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

Reason:

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

- 14 No development shall take place (including demolition, ground works, and vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Planning Authority. The CEMP: Biodiversity shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of "biodiversity protection zones";
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works (drilling and other construction activities within and/or adjacent to the SPA) to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period of the development strictly in accordance with the approved details, unless otherwise agreed in writing by the Planning Authority.

Reason:

To avoid or minimise disturbance of internationally important populations of non-breeding waders, waterfowl and seabirds (SPA populations).

- 15 No development shall take place until a Species Protection Plan for birds, including waterfowl, wading birds and seabirds (SPA species), has been submitted to and approved in writing by the Planning Authority.

The Species Protection Plan must be consistent with the measures proposed in the docketed EIA Report/Habitats Regulations Assessment to minimise disturbance to SPA bird populations and must include, but shall not be limited to the following:

- (i) Details to show the defined area of operation for near-shore vessels and restrictions on vessel speed; and
- (ii) Details of methods to be used to reduce noise levels including the use of sound walls and any required drilling rig modifications.

The development shall thereafter be carried out in strict accordance with the approved Species Protection Plan unless otherwise approved in writing by the Planning Authority.

Reason:

To avoid or minimise disturbance of internationally important populations of non-breeding waders, waterfowl and seabirds (SPA populations).

- 16 Prior to the commencement of development on any 'Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to this planning permission in principle, a scheme of intrusive site investigation works for development of that Development Zone shall be carried out in accordance with detail to be submitted to and approved in advance by the Planning Authority following consultation with The Coal Authority to assess ground stability due to former mine workings at the site. In the event that the intrusive investigation works confirm the need for remedial works and/or mitigation measures to treat any areas of land instability arising from coal mining legacy, development shall not begin until a scheme of remedial works on the

site has been submitted to and approved in writing by the Planning Authority following consultation with The Coal Authority, and thereafter has been fully implemented as so approved.

Reason:

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

- 17 Prior to the development hereby approved coming into use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted and approved by the Planning Authority following consultation with The Coal Authority. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason:

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

- 18 Within 24 months of the permanent cessation of generation at the offshore Seagreen Wind Farm, confirmation shall be given in writing to the Planning Authority whether or not the development hereby approved continues to be required for electricity transmission purposes. Where the development is not required for electricity transmission purposes beyond the operational period of the offshore Seagreen Wind Farm, within 24 months of the permanent cessation of generation at the offshore Seagreen Wind Farm, a decommissioning and site restoration plan (the 'Demolition and Restoration Scheme') shall be submitted to and approved in writing by the Planning Authority. The Demolition and Restoration Scheme shall include details of:

- i) The extent of substation and cable infrastructure to be removed and details of site restoration;
- ii) Management and timing of works;
- iii) Environmental management provisions; and
- iv) A traffic management plan to address any traffic issues during the decommissioning period.

The Demolition and Restoration Scheme shall be implemented in its entirety, unless otherwise approved in writing by the Planning Authority.

Where the development is required for electricity transmission purposes beyond the operational period of the offshore Seagreen Wind Farm, within 24 months of the development no longer being required for electricity transmission purposes, a decommissioning and site restoration plan (the 'the Demolition and Restoration Scheme') shall be prepared and shall be submitted to and approved in writing by the Planning Authority. The Demolition and Restoration Scheme shall include details of:

- i) The extent of substation and cable infrastructure to be removed and details of site restoration;
- ii) Management and timing of works;
- iii) Environmental management provisions; and
- iv) A traffic management plan to address any traffic issues during the decommissioning period.

The Demolition and Restoration Scheme shall be implemented in its entirety, unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure that the application site is satisfactorily restored in the interests of the amenity of the area.

### **3. PLANNING APPLICATION NO. 21/00001/P: EXTENSIONS TO DWELLING AND FORMATION OF DECKED AREA WITH BALUSTRADE AT THE CHALET, TANTALLON, NORTH BERWICK**

A report was submitted in relation to Planning Application No. 21/00001/P. Caoilfhionn McMonagle, Assistant Planner, presented the report, summarising the key points. The proposed decision set out in the report was to grant consent.

Ms McMonagle responded to questions. In relation to when an extension became significant she clarified that the planning assessment, given the extent of the extension against the original development, considered that in this case it was not significant. She advised that issues relating to construction traffic were for the Roads Authority, who had raised no objections. On why the site's planning history was not mentioned in the report, she advised this was not required; all the

relevant information pertaining to this application was detailed in the report. She confirmed that some grass banking was proposed, which would reduce the impact of the proposed development.

Tony Thomas, of APT Planning, joint agent for the applicant, informed Members that this proposal was for relatively minor works to the client's property and incorporated a number of changes to the original proposal in line with the advice from the Planning Authority. He drew attention to the adverse and misleading press coverage. He stressed that this was a much loved family home for 40 years and there was no intention to sell it or rent it out. He outlined the detail of the proposal. It had been a collaborative approach and due to this a better solution had been reached and the key design enhanced. The chalet played a negligible role in the broader setting of the bay. The application would not have a detrimental impact on neighbouring amenity or privacy.

David Bell, Planning Consultant for the Evans Trust, spoke against the application. He drew attention to several planning policies, particularly Policy DP5, which he outlined. It was a judgement as regards acceptability. In his view, due to its large scale, this proposal was an overdevelopment and exacerbated due to its elevated position. Canty Bay was an intimate setting. The Trust contested the officer's decision in relation to curtilage and distance. The Trust was not however against a sensitive and carefully designed dwelling. He urged refusal or deferment.

David Whittie, Chair of the Evans Trust, which owned 3 properties at Canty Bay, spoke against the application. The Trust ran a residential centre used by children and youth groups. He took Members through the history of the area since the 1950s. This proposal would substantially and materially change the character of Canty Bay; it would be dominate. He highlighted overlooking concerns given the proximity to the application site. This proposal was grossly excessive in this special landscape area. Given the number of objections, he urged rejection of this application.

Ewan Stewart, owner of a cabin east of Canty Bay, spoke against the application. He was very concerned about the impact of this proposal due to the central and elevated position of the chalet. Canty Bay was special; a beautiful sandy cove. Its scenery and history attracted many tourists and walkers. Redevelopment in such a historical setting had to be done carefully. The design showed no attempt to be sympathetic to its surroundings. The proposal was a vast increase in scale; it was an overdevelopment. It failed to meet relevant planning policies. He also urged refusal.

Local Member Councillor Goodfellow, not a member of the Planning Committee, said this was a very sensitive application which involved a huge amount of subjective judgement. He noted that the applicant had worked with Council Planners and made substantial changes to the application. However this was a special landscape area and supplementary planning guidance applied. He disagreed with the judgement reached by the Planning Officer.

Local Member Councillor Findlay agreed that this was a very special site. Policies DC9 and DP5 were particularly relevant. In relation to Policy DC9 he did think this was an overdevelopment, a 44% increase in the footprint of the existing dwelling was in his view significant. As regards Policy DP5 he felt that the extension proposed would be harmful to the character and appearance of Canty Bay. He would not be supporting the officer's recommendation. He added that he agreed with Mr Thomas that the press coverage had been unacceptable.

Local Member Councillor Henderson, also not a Member of the Planning Committee, therefore not entitled to vote on this application, supported the application and the officer's decision. She could not see any planning reasons for refusal. Most of the objections were not entirely of a planning nature and were subjective. She added that it was not clear why an extension to a home should raise issues of safety and privacy as regards young people.

Councillor McMillan, referring to the site visit, stated that as the site was approached the eye went to the sea view, to the tourist boats and other shipping vessels; at no time did he feel that the eye was drawn to this house. He did not think the proposal would detract from the environment.

Officers had reached a considered decision, this was a well thought out development that would enhance the dwelling. He would be supporting the application.

The Convener agreed this was a beautiful part of the East Lothian coastline. He acknowledged the objections, however, on the site visit the most dominate building was a large white house, not the application building. The applicant had worked with Planning Officers to reduce the scale and design of the original proposal. Members had viewed the site from the road from various angles, the proposal was acceptable; it would integrate, it would not dominate. He felt it would have no impact on the Scouts facility. He would be supporting the report recommendation.

Councillor McMillan, referring to his earlier query about construction traffic, asked about adding a condition requiring a Construction Method Statement. Mr Dingwall indicated this could be added, using the normal wording for such a condition. With regard to re-contouring of the grass banking, he added that Members may also wish to consider adding a condition to ensure this was done.

The Convener stated that both of these additions would be helpful. He moved to the vote on the report recommendation, to grant consent, incorporating the additional conditions as outlined (Construction Method Statement and re-contouring of the grass banking) – taken by roll call:

For: 8

Against: 1 (*Cllr Findlay*)

Abstentions: 0

### **Decision**

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

- 1 Prior to the commencement of development a sample or specification of the external finishes of the extensions hereby approved shall be submitted to and approved by the Planning Authority and the materials used shall accord with the details so approved.

Reason:

To safeguard the character and appearance of the Special Landscape 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.

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.

- 3 No development shall take place until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping to the north of the dwelling and a timetable for its implementation. The scheme of landscaping shall including the contouring of the land to the north (front) of the dwelling and provide details of: the height and slopes of any mounding on or re-contouring of the site and shall ensure that the contouring shall be carried out in accordance with docketed drawing L(-3)101 and L(-4)102.

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 dwelling or the completion of the development, whichever is the sooner.

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.

**4. PLANNING APPLICATION NO. 21/00564/P: SECTION 42 APPLICATION FOR VARIATION OF CONDITION 1 OF PLANNING PERMISSION 20/01120/P AT 48-52 DUNBAR ROAD, NORTH BERWICK**

A report was submitted in relation to Planning Application No. 21/00564/P. David Taylor, Planner, presented the report, summarising the key points. The proposed decision set out in the report was to grant consent.

Mr Taylor responded to questions. He clarified that the other Aldi stores in East Lothian, located at Tranent, Haddington and Musselburgh had no delivery time restrictions. The Haddington store had a condition regarding noise given the nearby residential properties; no breaches had been reported. He further clarified that there had been one complaint in relation to the North Berwick store. Colin Clark, Senior Environmental Health Officer, confirmed this had been in 2017.

Philip Johnston, representing Aldi Stores Ltd., outlined the reasons for this request for a variation of Condition 1. He took Members through the Aldi delivery methodology, explaining how orders were placed, processed and delivered. This system ensured a very efficient and ultra-fresh method of delivery. He outlined the issues if some stores had delivery restrictions in place. North Berwick was the only store in East Lothian where deliveries were restricted. An independent noise assessment had been done which concluded that a delivery at 5.30am would have no further detrimental impact on surrounding properties. He stressed that this change/flexibility would only be for deliveries by Aldi vehicles; other deliveries would still adhere to the 7am timescale.

Mr Johnston responded to questions. He felt that a specific condition regarding switching off reversing alarms was not necessary. He clarified that it was not company policy that a delivery vehicle turned off its reversing alarms; the only time these would not be used would be if it would impact on noise levels. If houses were close to a store drivers would be told to switch these off, this would be done for the North Berwick store; he gave this commitment.

Mr Clark clarified a couple of issues. There had been complaints initially at the Tranent store and it had been agreed that delivery drivers would switch off their reversing alarms; there had been no complaints since. At the North Berwick store there had been issues previously with noise associated with cages but there had been no complaints since internal deliveries had started.

On what impact refusal of this request would have, Mr Johnston stated that the North Berwick store was one of the lowest trading stores. He expanded on the problematic issues refusal would cause given the current situation and the potential outcomes.

Christiane Maher, representing North Berwick Community Council, raised concerns around the effect of this change on residents' health and wellbeing. She took issue with various elements in the acoustic report. She gave Members several examples of noise levels, at different times, with different vehicle numbers. The assertion that there would be no noise disturbance was misleading.

Local Member Councillor Findlay commented that despite only one formal objection local residents had expressed concerns about this proposal. If something could be put in place specifying that refrigeration vehicles had their reversing alarms switched off then he would be prepared to support the application; if this could not be done then he could not support it.

Local Member Councillor Goodfellow, not a member of the Planning Committee, supported the comments made by his colleague.

Mr Dingwall advised that it was not necessary to impose this requirement, as per advice from Environmental Health. Potentially however additional wording could be added to Condition 1. The Convener remarked that Members were simply trying to have some control as commitments made were not always followed through. Mr Clark suggested that another option could be to ask Aldi to submit a Noise Management Plan. Responding to questions from Members, Mr Dingwall clarified that this would be enforceable. He also clarified that 5.30am deliveries could take place every day.

Councillor McMillan, referring to the proximity of houses to the store, remarked that he would like, if permission was granted, a review at the end of the year; this would give residents an opportunity to respond if required. The Convener suggested that if Members had concerns consent could be granted for 1 year only which would enable monitoring of any complaints. Mr Dingwall clarified that this was possible; if this was agreed then after 1 year the permission would revert back to the previous approved delivery hours and the applicant would then have to reapply for a variation.

The Convener moved to the vote on the report recommendation to grant consent, incorporating the additional conditions as outlined (submission of a Noise Management Plan and consent to be granted for 1 year only) – the vote was taken by roll call:

For: 9  
Against: 0  
Abstentions: 0

**Decision**

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

- 1 The operation of the store shall comply with all of the following requirements:
  - a) Until the 31 August 2022: the supermarket will not be open to trading outwith the hours of 0800 to 2200 Monday to Saturday and 0800 to 2000 hours on Sundays. No goods delivery vehicles will enter or leave the site or remain parked within the site between 2300 to 0530 hours Mondays to Sundays. No offloading or loading of goods or refuse to or from vehicles or containers will take place to or from the premises during those hours;
  - b) Until the 31 August 2022: No goods delivery vehicles will enter or leave the site or remain parked within the site between 0530 to 0700 hours Mondays to Sundays unless and until a) a Noise Management Plan has been submitted to and approved by the Planning Authority; and b) the mitigation measures set out in the Noise Management Plan so approved are complied with at all times by the said good delivery vehicles; and
  - c) After the 31 August 2022, the supermarket will not be open to trading outwith the hours of 0800 to 2200 Monday to Saturday and 0800 to 2000 hours on Sundays. No goods delivery vehicles will enter or leave the site or remain parked within the site between 2300 to 0700 hours Mondays to Sundays. No offloading or loading of goods or refuse to or from vehicles or containers will take place to or from the premises during those hours.

Reason:  
To safeguard the amenity of the occupants of nearby residential properties.

Signed .....

Councillor Norman Hampshire  
Convener of the Planning Committee

**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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**2**

**Application No.** 21/00231/PM

**Proposal** Section 42 application to vary condition 3 of planning permission 15/00192/PM to allow Sunday working during the period time of 0800 to 1700 hours

**Location** **Smeaton Recycling Centre**  
**Whitecraig**  
**Musselburgh**  
**East Lothian**  
**EH21 8PZ**

**Applicant** Smeaton Recycling Centre

**Per** Wardell Armstrong LLP

**RECOMMENDATION** Consent Granted

## **REPORT OF HANDLING**

### **PROPOSAL**

As the area of the application site is greater than 2 hectares, what is 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 type proposal 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.

This application relates to Smeaton Recycling Centre, located to the south east of the town of Whitecraig. The site is located within the open countryside as designated by Policy DC1 of the East Lothian Local Development Plan 2018 (ELLDP). The site is also safeguarded for use as a waste management site under Policy W1 of the ELLDP as Smeaton Bing, Whitecraigs - Metal Recycler / Transfer station. The site is not located within an area of special character.

In March 2010, through a decision of the Planning Committee, planning permission (Ref: 09/00617/FUL) was granted for the use of the former shale and coal waste heap of Smeaton Bing and former agricultural land within the Edinburgh Green Belt, all at Crossgatehall to the southeast of Whitecraig as a waste recycling facility and, to enable that use, the reformation and reshaping of the existing bing to form bunds to contain an internal working area, the

erection in it of buildings, the formation of an access road and a sustainable urban drainage system (SUDS) pond, and for associated planting. Planning permission 09/00617/FUL has been implemented and the waste recycling facility is operational, and is known as Smeaton Recycling Centre. Planning permission 09/00617/FUL was granted subject to 15 Conditions.

In November 2012, through a decision of the Planning Committee, planning permission (Ref: 12/00346/PM) was granted for changes to the bunds, buildings, structures, landscaping and for the storage of inert materials and variations of Conditions 6, 7, 8 and 12 as changes to the scheme of development the subject of planning permission 09/00617/FUL.

In March 2018, through a decision of the Planning Committee, planning permission (Ref: 15/00192/PM) was granted for a variation of condition 8 (VI) and (VII) and condition 12 of planning permission 09/00617/FUL to allow the movement of vehicles and the undertaking of site operations over longer periods of time, and to allow the operation over a wider site area.

Condition 3 of planning permission 15/00192/PM states;

"Unless with the prior written approval of the Planning Authority:

(vi) During the time period of 0400 hours to 0530 hours Monday to Friday inclusive the only activity on site for the operation of the waste recycling facility shall be the movement from the site of one pre-loaded HGV. During the period of time of 0530 hours to 0700 hours Monday to Friday inclusive the only activity on site for the operation of the waste recycling facility shall be the movement from the site of HGV's and skip lorries with a skip having already been attached to them during a previous working day's permitted hours of operation of the waste recycling facility. There shall be no loading or unloading of such HGV's or lorries with skips during the period of time of 0530 to 0700 Monday to Friday inclusive. During the time period of 0800 hours to 1700 hours on Sundays the only activity on site for the operation of the waste recycling facility shall be no more than two HGV's entering and two HGV's leaving the site per hour; those HGV's can unload.

(vii) Other than for (vi) above no operational working of the waste recycling facility, including vehicle movements shall take place within the site outwith the hours of 0700 to 2100 Monday to Friday inclusive and 0700 to 1800 on Saturdays. No aggregate crushing shall take place on Saturdays or Sundays, or between the hours of 1800 to 2100 on Monday to Friday inclusive.

Reason:

In the interests of protecting the amenity of residential properties within the area."

Planning permission is now sought for the variation of condition 3 of planning permission 15/00192/PM to allow works to take place on a Sunday between 0800 hours and 1700 hours.

In support of the application a report on Sunday Working has been submitted which informs that Hamilton Waste & Recycling run a successful waste and recycling business at the purpose built Smeaton Bing facility in East Lothian. The business has invested extensively in the site and processes and have won UK national awards for their recycling expertise. The site has been operating since April 2014 and now employs 95 full time staff making it a significant employer within East Lothian. Hamilton Waste & Recycling operate within a competitive market and need to continue to win waste and recycling contracts from the public and private sector. A number of upcoming contracts will require Sunday working. Should the contracts be secured and the economy recovers as it is anticipated to do Hamilton Waste & Recycling hope to employ a further 10-20 full time staff. This planning application seeks to change planning control to allow the operation of the Solid Recovered



Fuel Facility and the Main Processing Shed between 0800 and 1700 on a Sunday. It is not proposed to operate any external plant; all activity would be internal to those two buildings. The only external operations would consist of a separator and sorting equipment including a screen, picking station, air density separator, water separator and a dumper. Planning permission is therefore sought to vary condition 3 to read:

Unless with the prior approval of the planning authority:

(vi) During the time period of 0400 hours to 0530 hours Monday to Friday inclusive the only activity on site for the operation of the waste recycling facility shall be the movement from the site of one pre-loaded HGV. During the period of time of 0530 hours to 0700 hours Monday to Friday inclusive the only activity on site for the operation of the waste recycling facility shall be the movement from the site of HGV's and skip lorries with a skip having already been attached to them during a previous working day's permitted hours of operation of the waste recycling facility. There shall be no loading or unloading of such HGV's or lorries with skips during the period of time of 0530 to 0700 Monday to Friday inclusive.

(vii) During the time period of 0800 hours to 1700 hours on Sundays there shall be no more than two HGV's entering and two HGV's leaving the site per hour; those HGV's can unload. During the period of time of 0800 hours to 1700 hours on Sunday the only activity on the site other than the HGV movements and loading/unloading permissible through this planning condition shall be operations within the Solid Recovered Fuel Facility and the Main Processing Shed. Other than the loading/unloading of HGV's permissible through this planning condition the only permitted external operations on Sunday are the use of a separator including a screen, picking station, air density separator, a water separator and a dumper.

(viii) Other than for (vii) above no operational working of the waste recycling facility, including vehicle movements shall take place within the site outwith the hours of 0700 to 2100 Monday to Friday inclusive and 0700 to 1800 on Saturdays and 0800 to 1700 on Sundays. No aggregate crushing shall take place on Saturdays or Sundays, or between the hours of 1800 to 2100 on Monday to Friday inclusive.

Reason:

In the interests of protecting the amenity of residential properties within the area.

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 7th May 2021 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.

A Noise Assessment Report also forms part of this planning application.

## **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.

The application does not raise strategic issues and there are no relevant SESplan policies.

Policies W1 (Waste Management Safeguards), NH12 (Air Quality), NH13 (Noise), and T2 (General Transport Impact) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of the application.

Also relevant to the determination of this application is Scottish Planning Policy (SPP): June 2014. Paragraph 176 of SPP states that the planning system should:

- i. promote developments that minimise the unnecessary use of primary materials and promote efficient use of secondary materials;
- ii. support the emergence of a diverse range of new technologies and investment opportunities to secure economic value from secondary resources, including reuse, refurbishment, remanufacturing and reprocessing;
- iii. support achievement of Scotland's zero waste targets: recycling 70% of household waste and sending no more than 5% of Scotland's annual waste arisings to landfill by 2025; and
- iv. help deliver infrastructure at appropriate locations, prioritising development in line with the waste hierarchy: waste prevention, reuse, recycling, energy recovery and waste disposal.

## REPRESENTATIONS

Also material to the determination of the application are the written representations received from the public. Ten letters of objection have been received in relation to this application. The main grounds of objection are:

- o Concern with regards to potential increase in HGV traffic caused by the proposal;
  - o Concern with noise and disruption – the peace and tranquillity of the Carberry Estate is blighted by noise and traffic coming from and to the recycling centre;
  - o ELC should be pursuing the growth of other operators and spreading the locations of recycling with the Council area to reduce the concentrated impact on one small community;
  - o Sunday working should be limited to between 10am and 4pm;
  - o the existing Traffic Management Plan is not complied with and operational hour extensions have already led to increased noise, dust and odour emissions;
  - o the supporting information submitted fails to take into consideration the construction of the new shed which is closer to the boundary. This new shed will result in an increase in noise level which is currently unknown. The shed is closer to a residential property and will have a direct impact on the occupants of that property particularly if noise levels increase on Sunday when residents are more likely to be at home;
  - o Increased pollution, noise, dust and odours caused by the proposal as well as litter management;
  - o impact on road safety as vehicles pose a greater risk to road users especially cyclists. If operational on a Sunday this will affect more people;
  - o most operation is outwith buildings in the area between sheds, main shed with recycling machinery working outside the shed as well as inside. Crushers working, waste being shifted, tipper truck etc. This is normal practice from Hamilton 6 days a week causing noise problems with high decibel machinery;
  - o Neighbour notification not received;
  - o Concerns with lack of compliance with speed restrictions on adjoining roads;
  - o Complaints to SEPA poorly handled;
- \* Impact on ability of home owners being able to sell a property;

The grants of planning permission 09/00617/FUL, 12/00346/FUL and 15/00192/PM for the waste recycling centre were granted subject to conditions to control aspects of the operation of the waste recycling facility, including a series of working controls on matters of noise, working hours and vehicular movements for the site. Other than the variation to the working hours to allow working on a Sunday all other controls would remain in place. On the matter of the existing Traffic Management Plan not being complied with, it would be for the Planning Enforcement service to investigate any complaints on this to establish whether there was any breach of planning control.

The handling of any complaint to SEPA is not a material planning consideration in the determination of this planning application.

With regards to neighbour notification, the Council is required to notify properties within 20 metres of the site. In this regard, no residential properties fell within this 20 metre limit. Nevertheless, a site notice was placed by the Council at the entrance of the site notifying the community of the application. An advertisement was also placed in the East Lothian Courier on the 06th November 2020 and again on the 18th December 2020 after revised plans were received notifying the public of the application. Accordingly the application has been sufficiently notified to satisfy the statutory requirements of the Town and Country Planning (Scotland) Act 1997.

Concerns with regards to breach of speed limits adjacent to the site should be brought to the attention of Police Scotland. They are not material planning consideration relevant to the determination of this planning application.

The matter of the Council pursuing other locations for waste disposal is not a material planning consideration relevant to the determination of this planning application.

## **COMMUNITY COUNCIL**

No comments have been received from the Community Council.

## **PLANNING ASSESSMENT**

Policy W1 of the East Lothian Local Development Plan 2018 states that consented waste management sites are identified on the associated Proposals Map and are safeguarded for waste management purposes. Development proposals that would compromise the operation of any of these sites will be resisted. Proposals for additional complementary waste management uses on these sites will be supported in principle. Through the grants of planning permissions 09/00617/FUL, 12/00346/FUL and 15/00192/PM the use of the site as a waste recycling facility has already been established. The proposed variation of the condition would allow the applicant to expand operations on the site to include working on a Sunday. Accordingly it would facilitate the existing operation of the site and is consistent with the overall use of the safeguarded waste recycling site. Therefore as the proposals would not compromise the operation of that waste management site they are not contrary to Policy W1 of the adopted East Lothian Local Development Plan 2018.

Notwithstanding the above the determination of this application rests on the planning considerations of the likely additional impacts the proposed change to operations at the recycling centre would have on the amenity of nearby residential properties and whether they would result in a road safety hazard.

The report on Sunday Operations submitted with the application informs that the works proposed to take place on a Sunday within the site already take place on other days of the week and have been assessed through previous planning applications. However, a full noise

assessment has been undertaken by SLR to establish what the noise impact of that Sunday working would be. The noise assessment undertook noise monitoring on a Sunday at the four nearest properties to Smeaton Bing. The noise impacts were modelled, following industry methodology that was agreed in advance with the Council's Environmental Health Team.

The applicant's Noise Assessment states that the surveys were undertaken at three locations representative of the closest Noise Sensitive Receptors. These survey locations include Sawmill House (NSR04), Pentland View, within Springfield Steading (NSR03), and Crossgate Hall (NSR05) and were agreed with SEPA. The assessment has shown that the noise rating level has been predicted to be below the representative background sound level at all the receptor locations during each operational scenario with the exception of at NSR04 (Sawmill House) when both the SRF and Main building are operating simultaneously, where the rating level is predicted to be +2dB above the background level. In accordance with BS4142:2014+A1:2019, though it is considered that a rating level exceeding the background level by this amount would still equate to low impacts.

**The Council's Environmental Protection Manager** has been consulted on the application. He has reviewed the noise assessment report and confirms that he is satisfied that specific noise associated with proposed Sunday Operations will generally be below existing background noise levels and, as such, there will be no significant impacts upon sensitive receptors due to noise. However, he advises that it would be prudent to restrict Sunday Operations to those activities assessed within the noise report and, as such, he requests the following conditions be attached to any grant of consent:

- o Sunday working associated with the Solid Recovery Fuel (SRF) Facility and the Main Processing Shed shall be restricted to between 0900 and 1700 hours.
- o Sunday working associated with the SRF shall be internal only.
- o Sunday working within the Main Processing Shed of the Materials Recycling Facility shall be restricted to the following operations:
  - o Operation of a 360o digger, a shredder, a trammel, and air density separator, a picking station and a loading shovel.
  - o External operations shall be restricted to a separator, a screen, a picking station, an air density separator, a water separator and a dumper.
  - o No additional HGV movements shall be permitted into or out of the site.

Subject to the imposition of those planning controls the Council's Environmental Protection Manager advises that the proposed variation of Condition 3 to allow Sunday Operations would not have a harmful impact on the amenity of any neighbouring or nearby residential property due to noise.

**SEPA** have also been consulted on the application. They have advised that they believe there will be no impediment to the existing SEPA issued site licence being amended to allow Sunday operations. Therefore they have no objection to this planning application to allow for Sunday operations.

They have stated that they have one current official complaint about operations on this site. Although the process for addressing this is not complete they believe the amendment to alter the licence to allow for Sunday working is possible. It is believed these complaints relate to noise, odour, dust and litter.

SEPA have however stressed that the SEPA licence only addresses aspects of operations which SEPA can regulate. They state that they do not regulate nuisance from the movement of vehicles and they are aware that local residents are unhappy about lorry movements on the roads and the noise from the chains hitting the skips etc. On this condition 3 of planning

permission Ref: 15/00192/PM, states that "during the time period of 0800 hours to 1700 hours on Sundays the only activity on site for the operation of the waste recycling facility shall be no more than two HGV's entering and two HGV's leaving the site per hour." Those HGV's can unload. The agent for the application has confirmed that the applicant is not seeking permission through this application to increase the number of HGV movements to and from the site on a Sunday and that the number of vehicles entering the site would remain as already approved. Therefore, there would be no increase of nuisance to neighbouring residential properties from vehicles.

**The Council's Road Services** confirm that they have no objection to the application. It can therefore be reasonably concluded that, proposal would not be a road safety hazard consistent with Policy T2 of the adopted East Lothian Local Development Plan 2018.

Given the site's location within the Battle of Pinkie Historic Battlefield, **Historic Environment Scotland** has been consulted on the application. They have responded to confirm that they have no comments to make on the proposal. As such, no objection is raised to the application and the proposal would not be detrimental to the character or appearance of the Battle of Pinkie Historic Battlefield.

A revised version of Planning Series Circular 3/2013 (Development Management Procedures) was published by the Scottish Government in September 2015. Annex I of the Circular gives guidance on applications for planning permission under section 42 of the Town and Country Planning (Scotland) Act 1997, as amended. The application that is the subject of this report is made under section 42 of the Act. Annex I states that "Planning authorities should attach to the new permission all of those conditions from the previous permission, where it is intended these should apply and ensure (where appropriate) that permission is granted subject to the conclusion of any appropriate planning obligation".

Therefore, planning permission should again be granted subject to the 9 conditions imposed on planning permission 15/00192/PM which all should continue to apply to the operation of the site. Subject to the compliance with these 9 planning conditions the operation of the waste recycling use on Sundays during the period time of 0800 to 1700 hours would not conflict with Policies W1, NH12, NH13 and T2 of the adopted East Lothian Local Development Plan 2018 and Scottish Planning Policy: June 2014.

## **RECOMMENDATION**

That planning permission be granted subject to the following conditions:

- 1 Within two months of the date of the grant of this planning permission a Traffic Management Plan embodying the measures of traffic control set out in Chapter 6 of the Environmental Statement docketed to planning permission 09/00617/FUL, to minimise the impact of construction and operational site traffic on the area and additionally measures to encourage more sustainable methods of travel by employees to and from the site, including the provision of cycle parking and car share schemes shall be submitted to and approved by the Planning Authority. The waste recycling facility shall thereafter be operated in accordance with the Traffic Management Plan so approved.

Reason:

In the interests of the amenity of the residents of the area, and in the interests of road safety.

- 2 If any of the planting, seeding or turfing carried out in accordance with the details of landscaping approved by the grant of planning permission 12/00346/PM within a period of five years from the date of the grant of this planning permission die, are removed or become seriously damaged or diseased they 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. The landscaping, tree planting and hedging shall continue to be maintained in accordance with the landscape and woodland management plan for the site approved by the grant of planning permission 12/00346/PM.

Reason:

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

3 "Unless with the prior approval of the planning authority:

(vi) During the time period of 0400 hours to 0530 hours Monday to Friday inclusive the only activity on site for the operation of the waste recycling facility shall be the movement from the site of one pre-loaded HGV. During the period of time 0530 hours to 0700 hours Monday to Friday inclusive the only activity on site for the operation of the waste recycling facility shall be the movement from the site of HGV's and skip lorries with a skip already having been attached to them the previous working day's permitted hours of operation of the waste recycling facility. There shall be no loading or unloading of such HGV's or lorries during the period of time of 0530 hours to 0700 hours Monday to Friday inclusive.

(vii) During the period of time of 0800 hours to 1700 hours on Sunday there shall be no more than two HGV's entering and two HGV's leaving the site per hour; those HGV's can unload. No additional HGV movements into or out of the site are permitted unless otherwise agreed with the Planning Authority. During the period of time of 0900 hours to 1700 hours on Sunday the only activity on the site other than the HGV movements and loading/unloading permissible through this planning condition shall be operations within the Solid Recovered Fuel Facility and the Main Processing Shed. Sunday working associated with the SRF shall be internal only. Sunday working within the Main Processing Shed of the Materials Recycling Facility shall be restricted to the following operations: Operation of a 360 degree digger, a shredder, a trammel, and air density separator, a picking station and a loading shovel. Other than the loading/unloading of HGV's permissible through this planning condition the only permitted external operations on Sunday are the use of a separator, a screen, a picking station, an air density separator, a water separator and a dumper.

(viii) Other than for (vii) above no operational working of the waste recycling facility, including vehicle movements shall take place within the site outwith the hours of 0700 to 2100 Monday to Friday inclusive, 0700 to 1800 on Saturdays and 0800 to 1700 on Sundays. No aggregate crushing shall take place on Saturdays or Sundays, or between the hours of 1800 to 2100 on Monday to Friday inclusive."

Reason:

In the interests of protecting the amenity of residential properties within the area.

4 The site access with the A6124 public road shall have a visibility splay of 9 metres by 215 metres on each side of it so that no obstruction lies within the splay above a height of 1.05 metres. The gates for that access shall be set back at least 19 metres along the length of the new access road from the western edge of the carriageway of the A6124 public road and shall open inwards to the site.

Reason:

In order to ensure the safe turning and off-road stopping of HGVs accessing the site, in the interests of road safety.

5 Details of all external lighting proposed to be used within the site shall be submitted to and approved in writing by the Planning Authority prior to its erection. The lighting shall be positioned and designed to ensure that no light from within the site spills beyond the boundaries of the working area or access road to be formed as part of the development hereby approved.

Reason:

In the interests the amenity of nearby properties and of this part of the East Lothian countryside.

6 The development hereby approved shall be used solely for the purposes of waste recycling in accordance with the approved plans docketed to this planning permission and planning permission 09/00617/FUL, including the ancillary office, parking and storage facilities. No part of the site other than as set out in the Operational Site Plan drawing no. ED11492/003 docketed to this planning permission shall be used for the purposes of storage, separation, processing or recycling of waste or any other materials, nor for parking or storage of vehicles.

Reason:

To ensure that none of the operations of the waste recycling facility or use of the site is harmful to the rural character of this part of the East Lothian countryside or the Edinburgh Green Belt.

7 Any fuel oil stored on the site shall be bunded or contained such as to avoid any spillage of leaked oil. Details of such measures shall be submitted to and approved in writing in advance by the Planning Authority.

Reason:

To ensure the site does not become contaminated.

- 8 Within two months of the date of the grant of this planning permission a litter control plan for the site shall be submitted to and approved by the Planning Authority. The litter control plan shall detail the measures necessary to prevent windblown litter within the site and from leaving the site. The waste recycling facility shall be operated in strict accordance with the litter control plan so approved.

Reason:

In the interest of the amenity of the area.

- 9 All loaded lorries which enter and leave the application site shall have their loads fully enclosed or fully sheeted.

Reason:

In the interest of the amenity of the area.





**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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3

*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.



**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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**4**

Application No. **21/00308/AMM**

Proposal Approval of matters specified in conditions of planning permission in principle 14/00768/PPM - Erection of 185 houses, 12 flats and associated works

Location **Blindwells  
Tranent  
East Lothian**

Applicant Persimmon Homes and Hargreaves Services (Blindwells) Ltd

**RECOMMENDATION** Consent Granted

## **REPORT OF HANDLING**

### **BACKGROUND**

Although this application is for the approval of matters specified in conditions of planning permission in principle 14/00768/PPM it has to be determined as a major development type application because the area of the application site is greater than 2 hectares and the number of dwellings detailed is greater than 49. Accordingly, the application cannot be decided through the Council's Scheme of Delegation. It is therefore brought before the Planning Committee for a decision.

The allocated land constituting the Blindwells site is in close proximity to the settlements of Prestonpans, Tranent, Cockenzie and Port Seton. It is within the inventory boundary of the Battle of Prestonpans, a battlefield included within the Inventory of Historic Battlefields. A Scheduled Ancient Monument, known as the Seton West Mains Enclosures 500M SW Of, is located some 300 meters to the northwest.

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

Planning permission in principle 14/00768/PPM was granted in May 2018 for the creation of a mixed use community on land at Blindwells which is located in close proximity to the

settlements of Prestonpans, Tranent, Cockenzie and Port Seton. Elements of the proposed settlement include up to 1600 residential units, a school campus, 10 hectares of employment land, a local centre with commercial units, a supermarket, a park and ride facility, playing fields, open space, allotments, a cemetery, landscaping, roads, footpaths and associated infrastructure provision.

The approved Masterplan Document split the housing development of the wider Blindwells site of 1600 houses into 11 phases of development and sets out the number of housing completions for each phase of development in each audit year.

In October 2019 planning permission (Ref: 19/00242/AMC) was granted for Approval of matters specified in conditions 1d and 1h (details of road infrastructure for Phase 1 Plot 1) of planning permission in principle 14/00768/PPM - For remediation of site and creation of a new settlement residential, employment, education and commercial uses with park and ride and rail halt facilities and associated works.

In December 2019 planning permission (Ref: 18/00725/AMC) was granted for approval of matters specified in Conditions 1d and 1h (details of road infrastructure for Phase 1 Plot 2) of planning permission in principle 14/00768/PPM - For remediation of site and creation of a new settlement comprising residential, employment, education and commercial uses with park and ride and rail halt facilities and associated works.

In May 2020 planning permission (Ref: 19/00620/AMM) was granted for approval of matters specified in conditions 1d, 1h, 1l and 1n (details of road, drainage and landscape infrastructure for Phase 1) of planning permission in principle 14/00768/PPM - For remediation of site and creation of a new settlement comprising residential, employment, education and commercial uses with park and ride and rail halt facilities and associated works.

In May 2020 planning permission (Ref: 19/00900/AMM) was granted for approval of matters specified in conditions of planning permission in principle 14/00768/PPM for the erection of 146 houses and associated works. Development involving the erection of 146 houses and associated works approved within planning permission (Ref: 19/00900/AMM) has commenced on site and constitutes phase 2 of the phasing plan approved within planning permission in principle ref 14/00768/PPM. Development has commenced on that site.

In June 2020 planning permission (Ref: 19/01068/AMM) was granted for approval of matters specified in conditions of planning permission in principle 14/00768/PPM for the erection of 32 houses, 28 flats and associated works. Development involving the erection of 32 houses, 28 flats and associated works approved within planning permission (Ref: 19/01068/AMM) has commenced on site and constitutes phase 1 of the phasing plan approved within planning permission in principle ref 14/00768/PPM.

In December 2020 planning permission (Ref: 20/01030/PM) was granted to amend condition 30 (Transport Scotland Requirements) of planning permission in principle (Ref: 14/00768/PPM) to delay the timing of the interventions required to be undertaken amongst other things to the Bankton Interchange and its slip road until prior to the occupation of the 236th house on the larger Blindwells site. That condition 30 was approved to read:

'Development of the application site shall be carried out in accordance with the following requirements:

\* Prior to the occupation of the 236th residential unit hereby approved, the proposed upgrade of the northern and southern roundabouts at Bankton Interchange to traffic signal control, generally as illustrated in WYG's Drawing No. SK002, shall be implemented to the

satisfaction of the Planning Authority, after consultation with Transport Scotland.

\* Prior to the occupation of the 236th residential unit hereby approved, the proposed upgrade of the west facing slips at Bankton Interchange to Type B parallel merge / diverge arrangements, generally as illustrated in WYG's Drawing No. SK004, shall be implemented to the satisfaction of the Planning Authority, after consultation with Transport Scotland.

\* Prior to the commencement of the development details of the lighting within the site shall be submitted for the approval of the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority.

\* Prior to the commencement of development, details of the frontage landscaping treatment along the trunk road boundary shall be submitted to and approved by the Planning Authority, following consultation with Transport Scotland;

\* Prior to the occupation of any of the approved development, a barrier/ boundary feature shall be provided and maintained along the proposed boundary of the site with the A1 trunk road, in accordance with details to be submitted to and approved in advance of its provision by the Planning Authority, following consultation with Transport Scotland; an

\* There shall be no drainage connections to the trunk road drainage system.

Reason:

To ensure that: the design layout complies with the current standards; that there will be no distraction or dazzle to drivers on the trunk road; to minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents; to ensure that the efficiency of the existing trunk road drainage network is not affected; all to ensure that the safety and free flow of traffic on the trunk road is not diminished'.

## **PROPOSAL**

Approval of matters is now sought for the erection of 185 houses, 12 flats and associated works constituting phase 3 of the phasing plan approved within planning permission in principle ref 14/00768/PPM.

Within Approval of Matters (Ref 19/00620/AMM) planning permission is granted for 2 main distributor spine roads providing access to the wider Blindwells site from the A198 Road to the west at a point to the north opposite an existing vehicular access on the A198 Road that serves the former St Joseph's School, and from Bankton Interchange to the south.

The application site is located to the southwest of the wider Blindwells site. It is 5.4 hectares in size and is composed of two areas to the south of the northern distributor spine road. It is dissected by the southern distributor spine road to form a northern Area 3AA/3AB and a southern Area 3BA/3BB. The application site is predominantly bounded to the south by open space, to the west by land identified as Area 2 and approved for residential development within planning permission (Ref: 19/00900/AMM) and to the east by land proposed for future residential development.

Planning permission 14/00768/PPM was granted subject to the prior conclusion of a Section 75 legal agreement to secure (i) 30% affordable housing provision; (ii) financial contributions towards (a) primary and secondary education, (b) community sports facilities, (c) equipped play (d) allotments, (e) cemetery plots and (f) maintenance depot; (iii) transfer to the Council, at no cost, ownership of the (a) site for the new primary school, (b) sites for the equipped play areas, (c) site of the community sports facilities, (d) sites for allotment and cemetery plots and (e) site for a new rail halt; and (iv) the provision of the bus services to Cockenzie Primary School, St Gabriel's Primary School, Preston Lodge High School and Prestonpans Railway Station. In March 2020 a Section 75A 20/000001/OBL was concluded to modify the planning obligations associated with the planning permission in principle for the Blindwells development of 1,600 homes (Ref:14/00768/PPM. Additionally, the masterplan docketed to planning permission (Ref: 14/00768/PPM) indicates the parts of the wider Blindwells

development that will provide for affordable housing.

Of the 197 units proposed within this application 167 are proposed as private for sale and 30 are proposed as affordable housing. In this regard the proposal is consistent with the indicative masterplan docketed to planning permission in principle (Ref: 14/00768/PPM) and with policy HOU3 (Affordable Housing Quota) of the adopted East Lothian Local Development Plan 2018. A condition can reasonably be attached to any grant of planning permission to ensure that the 30 units proposed as affordable housing are operated as such.

The application proposes a scheme of development composed of 14 different house types and 1 flatted building type. Of the 197 residential units 85 would be located within Area 3AA/3AB to the north of the site and 112 of the proposed units would be within Area 3BA/3BB to the south. All of the 185 houses proposed for the site would be 2-storey in height, 99 being detached and 86 semi-detached/terraced. In terms of size 26 of the houses would be 2-bedroom, 77 would have 3 bedrooms and 82 would have 4 bedrooms. The proposed 12 flats would be provided within six 2-storey flatted blocks located within Area 3AA/3AB to the north of the site, each block containing two 2-bedroom flats.

Main vehicular, pedestrian and cycle access to area 3AA/3AB would be taken from two points located at the north and south spine roads respectively. Additional pedestrian footpath access would be provided at points to the north, south, east and west of that Area. Main vehicular, pedestrian and cycle access for Area 3BA/3BB would be taken from two points to the north of that Area and to the south of the southern spine road with additional pedestrian footpath access to the north, east and west.

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

Since the application was first registered updated drawings have been submitted providing details of changes to the proposed affordable housing mix.

The application is supported by a Planning Statement and a Drainage Statement and associated drainage layout drawing.

## **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).

There are no policies of the approved South East Scotland Strategic Development Plan (SESplan) relevant to the determination of the application. Proposal BW1 (Blindwells New Settlement) and Policies HOU1 (Established Housing Land), HOU3 (Affordable Housing Quota), HOU4 (Affordable Housing Tenure Mix), DP1 (Landscape Character), DP2 (Design), DP3 (Housing Density), DP9 (Development Briefs), CH5 (Battlefields), T1 (Development Location and Accessibility), T2 (General Transport Impact), W3 (Waste Separation and Collection), OS3 (Minimum Open Space Standards for New General Needs Housing), NH10 (Sustainable Drainage Systems) and NH11 (Flood Risk) of the ELLDP are relevant to the determination of this application.

Also material to the determination of this application is Scottish Government Advice given in Planning Advice Note 67: Housing Quality. Planning Advice Note 67 explains how

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

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

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

Also material to the determination of the application is Supplementary Planning Guidance (SPG) on 'Design Standards for New Housing Areas' adopted by the Council in May 2020. The SPG expands on policies that are set out in the East Lothian Local Development Plan 2018.

## **REPRESENTATIONS**

No public objection to this application has been received

## **COMMUNITY COUNCIL**

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

## **PLANNING ASSESSMENT**

By the grant of planning permission in principle 14/00768/PPM approval has been given for the principle of the erection of up to 1600 houses on the wider Blindwells site the subject of Proposal BW1 of the adopted East Lothian Local Development Plan 2018, following technical assessments which demonstrated that local and wider infrastructure, subject to financial contributions and conditions, can accommodate such level of development. There can therefore be no objection in principle to the erection of the 185 houses and 12 flats now proposed on this particular part of the larger Blindwells site.

Therefore, in the determination of this application the Council, as Planning Authority, can only concern itself with the siting, design and external appearance of the development, the means of access to the site and the means of any enclosure of the boundaries of the site. In this regard the detailed proposals have to be considered against relevant development plan policy, and the Illustrative Masterplan and conditions attached to planning permission in

principle 14/00768/PPM.

The proposed layout is broadly consistent with the layout shown in the Illustrative Masterplan docketed to planning permission in principle 14/00768/PPM.

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

The range of house types proposed would give a variation of architectural form to the development, which coupled with the orientation and layout of the buildings, would give a degree of variety of appearance to the development. The architecture of the proposed houses is of a relatively traditional pitched roof form. The proposed houses, due to their positioning on the application site and by virtue of their height, size and scale, and architectural design would satisfactorily integrate into their surroundings and would not appear as prominent or intrusive features. This would ensure a visually attractive and cohesive development, with the proposed houses visible, but not appearing incongruous or intrusive in their surroundings.

A condition can be imposed on any grant of planning permission to require the submission of a scheme of final finishes with a palette of colour of materials for the houses and flatted buildings, allowing for some use of reconstituted stone, providing it is limited to a distinctively complete feature of the houses and flatted buildings and respectful of their design integrity. In all of this, subject to the imposition of the above condition, the proposal would be an appropriate residential development of the site.

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 and flatted blocks are largely shown to be laid out in such a way that adheres to the normally accepted privacy and amenity criteria on overlooking and overshadowing. The occupants of each of the new residential units would be afforded an appropriate level of privacy and residential amenity. In the interests of safeguarding the amenity of the future occupiers of the proposed flats it should be made a condition of the grant of planning permission for the proposed development that bin storage facilities for the proposed flats be formed prior to the occupation of those residential units.

The proposed development would be consistent with Policy DP3 of the adopted East Lothian Local Development Plan 2018, as the proposed development would achieve a minimum average density of at least 30 dwellings per hectare (net).

The application site is capable of accommodating all of the proposed development including vehicular and pedestrian access and amenity space without being an overdevelopment of it. The proposed positioning of the 197 residential units and other components of the development would not prejudice the form of development of the remainder of the 1600 houses approved in principle by the grant of planning permission in principle 14/00768/PPM.

**The Council's Landscape Officer** has been consulted and advises that submitted landscape proposals generally accord with the 'Landscape Design Statement' which is docketed to planning permission in principle 14/00768/PPM. He raises no objections to the proposals subject to the use of non-thorn species of hedging within the site. The submission of a detailed scheme of landscaping prior to the commencement of development 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 has responded no comment.

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

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

Consequently, although the proposed development does not include the provision of formal play area provision, this is consistent with the docketed masterplan. On this consideration the proposed development is consistent with Policies OS3 and OS4 of the adopted East Lothian Local Development Plan 2018 and with the indicative masterplan docketed to planning permission in principle 14/00768/PPM.

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

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

**The Coal Authority** has been consulted and have responded that condition 21 (Ground Remediation 4) of planning permission in principle (Ref: 14/00768/PPM) was discharged in relation to the Phase 1 development area of the wider Blindwells site. They advise that, on the basis that the proposed 185 houses and the 12 flats fall within that Phase 1 development area and that they avoid the high wall of the former surface extraction, the Coal Authority raises no objection to the application.

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

**The Council's Road Services** are generally satisfied with the detailed proposals for site access and parking, subject to the following requirements:

- (i) all adoptable footpaths shall be 2m wide;
- (ii) driveways shall have minimum dimensions of 6 metres by 3 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 m length;
- (iii) within private parking areas, the minimum dimensions of a single parking space shall be 2.5 metres by 5 metres. All visitor parking spaces within these areas shall be clearly marked

for visitors with the remaining private parking spaces allocated to individual dwellings;

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

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

vi) 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;

vii) 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.

viii) Prior to the commencement of development details of all electric vehicle charging points and required infrastructure, along with a timetable for provision, shall be submitted to and approved in writing by the Planning Authority.

ix) 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;

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

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

**The Councils Biodiversity Officer** offers no comment on the application.

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

**The Council's Contaminated Land Officer** was consulted on the application and, taking into account the findings of previous site-wide investigation reports, advises that there are potential pollutant linkages that may have an impact on the proposed development of the site, related to both chemical contamination of the backfill material as well as elevated ground gas associated with the former mining works and areas of made ground. He further advises that it was also indicated in these reports that more site specific investigations would need to be carried out once the design layout for the development had been decided. In light



of the above and given the nature of the proposed development, further information will be required to determine the ground conditions and potential contamination issues impacting on the proposed development site.

The Council's Contaminated Land Officer therefore advises that prior to any site development works a suitable Geo-Environmental Assessment be carried out, with the Report(s) being made available to the Planning Authority for approval. It should include details of the following:

- \* A Preliminary Investigation incorporating a Phase I Desk Study (including site reconnaissance, development of a conceptual model and an initial risk assessment);
- \* 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;
- \* An appraisal of the remediation methods available and proposal of the preferred option(s).

Should a requirement for remedial works be identified, then prior to the site being occupied a detailed Remediation Statement will be required to be produced 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 Verification Report that demonstrates the effectiveness of the remediation carried out should be submitted to the Planning Authority for approval prior to commencement of the new use of the land. Should unexpected contamination that was not previously identified be found at any time when carrying out the approved development, work on site shall cease and the issue reported to the Planning Authority.

These recommendations can reasonably be secured by the imposition of a condition on any approval of matters for the proposed development. Subject to this planning control the contaminated land officer raises no objection to the proposed development.

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

An updated Drainage Strategy (Blindwells Phase 1 Drainage Strategy (Waterman) June 2019 [as amended on 6 February 2020]) was approved by planning permission (Ref: 19/00620/AMM) covering the Phase 1 of the Blindwells. This drainage strategy provides details of the surface water, flooding and ground water drainage strategy for the site the subject of that application.

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

Having reviewed the submitted Drainage Statement and Drainage Layout drawing the Council's Flooding and Structures Officer raises no objection to this application being

satisfied that the Drainage Strategy for the site is acceptable.

**SEPA** have advised that SUDS/surface water drainage arrangements within the application must address the conditions of the site and accord with the Drainage Strategy approved within planning permission in principle (Ref: 14/00768/PPM) and any variations to that consent.

A condition can reasonably be imposed this approval of matters requiring that no proposed residential units are occupied unless and until measures within the submitted Drainage Statement and Drainage Layout drawing have been implemented to the satisfaction of the Planning Authority following further consultation with SEPA.

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

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

**Transport Scotland** have been consulted on the application and raise no objection to it provided no part of the proposed development shall be occupied until the proposed upgrades to Bankton Interchange, as specified in Condition 30 of planning permission 20/01030/PM, are implemented to the satisfaction of the Planning Authority, after consultation with Transport Scotland. This can reasonable be imposed as a condition of any grant of approval of matters.

At its meeting on Tuesday 27 August 2019 the Council approved a motion declaring a Climate Emergency. Thereafter, at its meeting on Tuesday 3 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 buildings and from the completed development should be imposed on relevant applications for planning permission, which should include the provision of electric car charging points. Such a condition should be imposed on a grant of approval of matters for this proposed development.

## **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 buildings shown in relation to the finished ground and floor levels on the site.

Reason:

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

- 2 Other than in exceptional circumstances where the layout or particular building type does not permit, the

residential units shall be orientated to face the street. Notwithstanding that shown on the docketed site plan the houses denoted with an asterix shall have dual frontages. Otherwise where a building is located on a corner of more than one street, it shall have enhanced gable(s) to ensure it has an active elevation to each street it faces.

Reason:

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

- 3 Notwithstanding that 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 and flats 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 and flats 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 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.

- 4 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.

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

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

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

Reason:

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

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

(i) all adoptable footpaths shall be 2m wide;

(ii) driveways shall have minimum dimensions of 6 metres by 3 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 m length;

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

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

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

vi) 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;

vii) 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.

viii) Prior to the commencement of development details of all electric vehicle charging points and required infrastructure, along with a timetable for provision, shall be submitted to and approved in writing by the Planning Authority.

ix) 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;

The housing development shall thereafter be carried out in accordance with the details so approved unless otherwise agreed in writing with the Planning Authority.

Reason:

In the interests of road and pedestrian safety

7 Development of the application site shall be carried out in accordance with the following requirements:

\* Prior to the occupation of the 236th residential unit hereby approved, the proposed upgrade of the northern and southern roundabouts at Bankton Interchange to traffic signal control, generally as illustrated in WYG's Drawing No. SK002, shall be implemented to the satisfaction of the Planning Authority, after consultation with Transport Scotland.

\* Prior to the occupation of the 236th residential unit hereby approved, the proposed upgrade of the west facing slips at Bankton Interchange to Type B parallel merge / diverge arrangements, generally as illustrated in WYG's Drawing No. SK004, shall be implemented to the satisfaction of the Planning Authority, after consultation with Transport Scotland.

\* Prior to the commencement of the development details of the lighting within the site shall be submitted for the approval of the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority.

\* Prior to the commencement of development, details of the frontage landscaping treatment along the trunk road boundary shall be submitted to and approved by the Planning Authority, following consultation with Transport Scotland;

\* Prior to the occupation of any of the approved development, a barrier/ boundary feature shall be provided and maintained along the proposed boundary of the site with the A1 trunk road, in accordance with details to be submitted to and approved in advance of its provision by the Planning Authority, following consultation with Transport Scotland; and

\* There shall be no drainage connections to the trunk road drainage system.

Reason:

To ensure that: the design layout complies with the current standards; that there will be no distraction or dazzle to drivers on the trunk road; to minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents; to ensure that the efficiency of the existing trunk road drainage network is not affected; all to ensure that the safety and free flow of traffic on the trunk road is not diminished.

8 No development shall be commenced on site unless and until written evidence that a contract has been entered into for the provision as affordable housing of 30 of the residential units hereby approved has been submitted to and agreed by the Planning Authority.

Reason:

In order to ensure that 30 of the residential units hereby approved are operated as affordable housing and that the development is therefore compliant with Policy HOU3 of the adopted East Lothian Local Development Plan 2018.

9 Unless otherwise approved in writing by the Planning Authority:

(a) Housing completions in any one year (with a year being defined as being from 1st April to 31st March the following year) shall not exceed the following completion rates:

Year 2020/21	-	24 residential units
Year 2021/22	-	73 residential units
Year 2022/23 to 2030/31	-	97 residential units per annum
Year 2031/32 to 2034/35	-	122 residential units per annum
Year 2035/36	-	102 residential units
Year 2036/37	-	40 residential units

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

Reason:

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

10 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.

11 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

12 Prior to the commencement of development, to ensure that the site is clear of contamination, a Geo-Environmental Assessment shall be carried out and the following information shall be submitted to and approved by the Planning Authority:

- o Phase I - A preliminary investigation incorporating a desk study, site reconnaissance, development of a conceptual model and an initial risk assessment.
- o Phase II - Incorporating a site survey (ground investigation and sample analysis) and risk evaluation. It is required if the Phase I investigation has indicated that the site is potentially contaminated and the degree and nature of the contamination warrants further investigation.
- o Phase III - Where risks are identified, a Remediation Strategy should be produced detailing and quantifying any works which must be undertaken in order to reduce the risks to acceptable levels.

Should remedial works be required then, prior to any residential units being occupied, a Validation Report shall be submitted to and be approved by the Planning Authority confirming that the works have been carried out in accordance with the Remediation Strategy.

The presence of any previously unsuspected or unforeseen contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority. At this stage, further investigations may have to be carried out to determine if any additional remedial measures are required.

Reason:

To ensure that the site is clear of contamination and that remediation works are acceptable prior to the

occupation of any of the residential units.

- 13 Prior to the commencement of development confirmation from Scottish Water shall be provided that demonstrates that there is an available connection to the public sewer and that Scottish Water will accept waste from this development. If Scottish Water cannot accept foul drainage from this site, proposals for alternative arrangements should be provided, prior to the commencement of development and SEPA should be re-consulted.

Reason:

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

- 14 Unless otherwise agreed by the Planning Authority, no house shall be occupied unless and until measures within the docketed Drainage Statement (Indev Consult, July 2021) and shown on docketed drawing 20-010-20 Rev H titled 'Drainage Layout' have been implemented to the satisfaction of the Planning Authority following consultation with SEPA, to accord with the Drainage Strategy approved within planning permission in principle (Ref: 14/00768/PPM) and any variations to that consent.

Reason:

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

- 15 A Construction Method Statement to minimise the impact of construction activity on the safety and amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic (including parking, routes to/from site and delivery times) and shall include hours of construction work. Temporary measures shall be put in place to control surface water drainage during the construction of the SuDS.

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

Reason:

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

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

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

Reason

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