

PLANNING COMMITTEE
TUESDAY 5 OCTOBER 2021

DOCUMENT PACK



MINUTES OF THE MEETING OF THE PLANNING COMMITTEE

TUESDAY 7 SEPTEMBER 2021
VIA A DIGITAL MEETING FACILITY

1

Committee Members Present:

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

Other Councillors Present:

Councillor J Goodfellow

Council Officials Present:

Ms M Sullivan, Head of Development
Mr K Dingwall, Service Manager – Planning
Mr C Grilli, Service Manager – Legal
Mr C Kiely, Planner
Mr D Taylor, Planner
Mr J Canty, Transport Planner
Ms M Haddow, Transportation Planning Officer
Mr G McLeod, Transportation Planning Officer
Mr C Clark, Senior Environmental Health Officer
Ms J Mackay, Senior Communications Adviser
Ms C McMonagle, Assistant Planner
Ms F Currie, Committees Officer

Clerk:

Ms A Smith

Visitors Present/Addressing the Committee:

Item 2 – Mr N Sutherland, Mr R Stevenson, Ms E Ferguson
Item 3 – Ms N Slaven, Mr J Long
Item 4 – Mr I Slater

Apologies:

Councillor J Findlay
Councillor C McGinn

Declarations of Interest:

None

1. MINUTES FOR APPROVAL – PLANNING COMMITTEE 17 AUGUST 2021

The minutes of the meeting of the Planning Committee of 17 August 2021 were approved.

2. PLANNING APPLICATION NO. 21/00231/PM: 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 AT SMEATON RECYCLING CENTRE, WHITECRAIG

A report was submitted in relation to Planning Application No. 21/00231/PM. Ciaran Kiely, Planner, presented the report, summarising the key points. The report recommendation was to grant consent.

Mr Kiely responded to questions. Regarding neighbour notification, he clarified that it was an error in the report to state there were no residential properties within a 20 metre limit; neighbouring properties had been notified. He responded to queries about the applicant's reasons for this variation and the possibility of restricting permission if no contacts were secured. Regarding the complaint to SEPA, he clarified that although a complaint was being processed SEPA had not raised objection to the proposed Sunday working; SEPA said the complaint was not relevant to this application. On whether the variation would mean an increase in the number of vehicles accessing the site Mr Kiely clarified there would be no increase; the current number permitted daily (2 vehicles) would not change. In relation to continual monitoring to ensure compliance with the conditions, he advised that the Council's complaints procedure could be utilised if required; Enforcement Officers would then investigate if required. He added that SEPA also had its own separate licensing process and complaints procedure.

Colin Clark, Senior Environmental Health Officer, answered questions on the Noise Assessment. He clarified that background noise had been monitored over a period of days and the noise from the site was within tolerance limits of the various receptors

Robin Stevenson, representing the applicant, informed Members that Hamilton Waste was a major employer, employing 95 people currently and Sunday working would allow more recruitment. The company was a pioneer in waste processing; he outlined their operation. The company was the first to be carbon neutral in Scotland. This site had won many awards. He explained that a number of upcoming contracts would require Sunday working; he gave details of the contact process stating that this variation was needed to align with competitors.

Neil Sutherland of Wardell Armstrong, agent for the applicant, stated that the Noise Assessment methodology had been agreed by the Council. He gave details of the noise rating level at receptor locations. Site operations were constantly controlled by SEPA licensing so dual controlled by the Council and SEPA. He added that the complaint referred to was actually against SEPA itself and not directly related to the site's operations.

Mr Stevenson responded to questions. He confirmed that the additional number of jobs would return employee numbers to the level before the pandemic. On vehicle noise entering/exiting the site and whether any measures had been considered to alleviate this, he said that every possible action was taken; he outlined all the steps that had been put in place. Responding to further queries, he gave details of the warning process issued to drivers if they had not complied, adding that this also applied to third party contractors. He

clarified that the Sunday working would not increase the amount of alternative fuel provided to the cement plant at Dunbar. Regarding monitoring of this alternative fuel he explained that Tarmac set the kiln specification that had to be met.

Emma Ferguson, nearby resident, spoke against the application. She did support the recycling plant generally but not the addition of Sunday working. This proposal would increase noise, which was unacceptable. It would also mean additional traffic. At the south side of the site there was a public path which was part of the national cycling network but Hamilton Waste vans were often parked there, restricting access to this path.

Keith Dingwall, Service Manager for Planning, confirmed, for clarity for Members, that page 17 of the report did contain an error; there were neighbouring properties within the 20 metre limit boundary and they had been notified on 20 April. Environmental Health colleagues had also given due regard to this proposal.

Councillor Forrest stated that he had always supported this applicant in the past but he felt this proposal was a step too far. Noise was much more noticeable in a countryside setting; 2dB was too much 7 days a week. He also referred to damage to nearby grass verges. He would not be supporting the officer's recommendation.

Councillor McLeod indicated this was a difficult application; he had listened carefully to comments made by the applicant, agent and the objector. He appreciated that a lot of the work depended on the applicant getting contracts and that this planning permission was needed beforehand. He would however be more comfortable supporting this proposal if permission could be granted for one year only.

Councillor Bruce stated he would be willing to second Councillor McLeod's suggestion for permission to be granted for one year only, which would then enable the impact of Sunday working to be assessed.

Councillor McMillan remarked that he had been impressed that Ms Ferguson had said she respected the Hamilton Waste operation. Members had heard that the facility was carbon zero but it was part of the problem that to achieve this there was also a need to respect the local environment. Two Members had raised issues of control and he would be interested to hear other views.

The Convener stated that this site was extremely important to the Lothians area reaching its recycling targets. It was a massive challenge to minimise waste and this company had been dealing with a huge amount of recycling; this type of operation was essential. The applicant had explained why Sunday working was needed. He accepted however that a number of local residents had raised concerns about excessive noise. A suggestion had been made to grant permission for one year only which would enable residents to let the Council know if the company was adhering to the conditions. He asked Mr Dingwall to comment.

Mr Dingwall advised Members that it would be competent to decide to grant permission for one year on a temporary basis to further assess any impact. He suggested that he could prepare draft wording and circulate this to the Convener and local members for approval; this was agreed. He added that if this proposal, with this additional condition, was approved today, the applicant would be required to apply for planning permission again after the end of the temporary period.

The Convener moved to the vote on the report recommendation, to grant consent, including the additional condition as outlined for a temporary period of one year – taken by roll call:

For: 8

Against: 2 (*Cllrs Forrest and Mackie*)

Abstentions: 0

Decision

The Committee agreed to grant planning permission 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.

3. PLANNING APPLICATION NO. 20/01423/P: ERECTION OF RAILWAY STATION PLATFORMS, WAITING SHELTERS, BICYCLE SHELTERS, FOOTBRIDGE, LIFTS, CAR PARKING AND ASSOCIATED WORKS AT RAILWAY LINE AND LAND WEST OF EAST LINTON PRIMARY SCHOOL, EAST LINTON

A report was submitted in relation to Planning Application No. 20/01423/P. Mr Dingwall presented the report, drawing attention to issues regarding noise and disturbance:

- In order to address issues of noise from the tannoy system the applicant had proposed an additional condition, which he outlined; it would be for Members to decide if this should be included in the grant of planning permission
- Recommended condition 6 – Design – Network Rail had advised that they were unable to comply with this condition; he gave their reasons. The requested hours of construction would be submitted to the Construction Method Statement (condition 8) and the Planning Authority would still be able to control these hours. Mr Dingwall suggested that Condition 6 should be amended to remove the specific hours for construction works; he added that Environmental Health was satisfied with this.

He also clarified that trees would be retained. He then summarised the key points of the application. The proposed decision set out in the report was to grant consent.

Mr Dingwall responded to questions. On points raised about the noise impact of the PA system, given the height of the speakers, he clarified that Network Rail had indicated that through the Noise Impact Assessment mitigation measures would be added. Environmental Health would then determine if these measures were acceptable or not. With regard to light pollution he referred to recommended condition 5, adding that Environmental Health had said this was acceptable. In relation to queries about the partial glass footbridge and potential overlooking on nearby properties, he clarified the distance reference, stating that it was not deemed as harmful overlooking. Responding to a question about access for emergency vehicles, Mr Dingwall said this was for Network Rail to risk assess. Morag Haddow, Transportation Planning Officer, clarified that the car park had not been assessed for emergency vehicles coming from the north side; the footpath was 3 metres wide, enough space for a vehicle and she had no concerns about this access.

Nicola Slaven, of Network Rail, the applicant, informed Members that extensive engagement had taken place with the community regarding this proposal. The principle was supported by SESplan and the Council's LDP. The station would provide new sustainable transport infrastructure which would benefit the wider East Lothian area. It would also provide better access in terms of employment, education and social opportunities. The station would be fully accessible. She gave details of car parking, cycle racks and electric vehicle charging point provision and also highlighted aspects of the landscaping plans. Network Rail asked the Committee to support this proposal so that construction could get underway.

Ms Slaven and Jonathan Long, also representing the applicant, responded to questions. A query was raised about capacity, given the East Coast mainline and also likely service provision, given the proximity of other stations in East Lothian. Ms Slaven advised that Network Rail was working with Transport Scotland, the funder, to ensure the necessary provision for this station. Regarding queries about a 4 track system, Mr Long advised that if Transport Scotland had looked at this it would have been deemed not suitable for East Linton. On the issue of light pollution and whether lights could be switched off at a certain time, Ms Slaven said this could be looked at; it would depend on the timetable and the last train going through the station. Mr Long added that minimising light intrusion was a consideration, he outlined how and when this could happen. On issues raised earlier about the noise from the PA system he said that a similar noise assessment as regards the speakers would be done. Regarding the cycle space provision Ms Slater clarified that the 19 spaces met the Scottish Government's current guidance and Network Rail had been funded for this provision. Provision would be at both sides of the station. Mr Long added that more spaces could perhaps be added but the specification had only been to provide 19 spaces.

The Convener referred to the length of time it had taken to get to this point and to the many meetings that had taken place to see how this station could be delivered. The design put forward, subject to addressing the lighting and tannoy systems concerns, was acceptable. This station would be a fantastic asset to East Linton and East Lothian. The Council was trying to discourage car use so this station was needed to try and achieve this. He fully supported the proposal and looked forward to seeing the station operational.

Councillor Bruce welcomed this proposal; it would be beneficial. He agreed with Councillor Kempson about the need to ensure there would be enough trains running to/from this station; this was essential. It was unfortunate that no-one from Transport Scotland had been at this meeting. He would be supporting the proposal.

Councillor Kempson appreciated the length of time this matter had been ongoing. However, she felt that restrictions and a lack of capacity on the East Coast main line may mean the service provided was limited. She felt that East Linton may lose more than it would gain. There were already a number of stations within easy distance. She would, nonetheless, be supporting the report recommendation.

The Convener moved to the vote on the report recommendation, to grant consent, incorporating the changes outlined by Mr Dingwall – taken by roll call:

For: 10

Against: 0

Abstentions: 0

Decision

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

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

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

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

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-1 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.

- 12 Prior to the development hereby approved becoming operational, a revised noise impact assessment and noise plan (incorporating details of the siting and specification of public address system proposals and their hours of operation) shall be submitted to and agreed in writing by the Planning Authority. Thereafter, the development shall operate in strict accordance with an agreed noise plan and the development shall use no additional external public address systems without the prior written approval of the Planning Authority.

Reason:

In the interests of the amenity of nearby residential properties

4. PLANNING APPLICATION NO. 21/00308/AMM: APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF PLANNING PERMISSION IN PRINCIPLE 14/00768/PPM – ERECTION OF 185 HOUSES, 12 FLATS AND ASSOCIATED WORKS AT BLINDWELLS

A report was submitted in relation to Planning Application No. 21/00308/AMM. David Taylor, Planner, presented the report, summarising the key points. The report recommendation was to grant consent.

Mr Taylor and other officers responded to questions. Mr Taylor confirmed that the proposed layout showed electric vehicle charging points at every house. A number of issues were raised regarding the Bankton junction/roundabout. Jon Canty, Transport Planner, outlined the planned improvements to this junction/roundabout, advising that discussions were ongoing between the applicant, the Council and Transport Scotland. On queries about access to open space, Mr Taylor clarified, that for this specific application, there was guaranteed footpath access to the park. Responding to further points about safe crossings, Mr Canty advised that controlled signalised crossings across the spine road had been raised with the applicant. In relation to more questions about electric vehicle charging points, Ms Haddow said that officers were working closely with the applicants in relation to layout and provision. She confirmed that connections were expected to be ready for occupation. She added that Hargreaves had some innovative arrangements in place as regards road management for this type of provision.

The Convener indicated it would be helpful for Members to also have a meeting, outwith this forum, with Planning Officers and Transport Scotland, to discuss wider concerns regarding the Bankton junction/roundabout and other relevant issues.

Iain Slater of Hargreaves Services (Blindwells) Ltd., clarified a number of points. Open space: as lead developer Hargreaves was providing all of this off site so there was not much within the Persimmons area of development. This would be ready when the application was finished, work was being carried out to ensure this was brought forward; the need for this was recognised. Routes to school/safe routes: 20mph would be in place throughout the development, he would be happy to look at crossing points as raised earlier. Electric vehicle charging points: considerable work was being done with Council officers to see how this could be best delivered. Persimmons was providing this for every house. Hargreaves was also looking at provision of high speed charging. Bankton junction: work was ongoing with Council officers and Transport Scotland to ensure that the best solution was achieved. Responding to further queries about new types of heating systems, Mr Slater said it was his understanding that a retro fit could be carried out; a gas boiler could be removed and a heat exchanger put in. He gave further details associated with this process. He explained why even more innovative solutions were required.

Councillor Goodfellow, not a member of the Planning Committee, welcomed the innovation as regards electric vehicle charging points and also the heating and power innovations. He was however disappointed at the connectivity of the site for children and young people as regards access to open spaces.

Councillor McMillan welcomed this application. He stressed the need to encourage apprenticeships and local employment opportunities. He would be supporting the proposal.

Councillor McLeod also welcomed and supported this application.

The Convener welcomed this application and the progress with the site overall. It would be a huge milestone when the first house was occupied. He also commended the electric vehicle charging points and the innovations as regards heating and power. Further discussion was required regarding the A1 and this would take place with Transport Scotland. He would be supporting the recommendation.

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

For: 10
Against: 0
Abstentions: 0

Decision

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

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

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

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

DRAFT

Signed

Councillor Norman Hampshire
Convener of the Planning Committee

REPORT TO: Planning Committee
MEETING DATE: Tuesday 5 October 2021
BY: Executive Director of Place
SUBJECT: Application for Planning Permission for Consideration

2

Application No. **21/00528/PM**
Proposal Erection of crematorium building and associated works
Location **Land At Old Craighall
Musselburgh
East Lothian**
Applicant Crematoria Management Ltd
Per Holder Planning Ltd

RECOMMENDATION Consent Granted

REPORT OF HANDLING

PROPOSAL

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

As a statutory requirement for major development proposals this development proposal was the subject of a Proposal of Application Notice (ref: 20/00007/PAN) and thus of community consultation prior to this application for planning permission being made to the Council.

As an outcome of that and as a statutory requirement for dealing with major development type applications a pre-application consultation report is submitted with this application. The report informs that the consultation comprised of 3 main events, an online exhibition held on 14 January 2021 from 3pm – 7pm and video meetings on the 20 and 26 January 2021. Participants of the online exhibition were afforded the opportunity to post questions regarding the proposed development, and members of the applicant's project team were available to answer those question in real time. The PAC report informs that eight people took the time to ask questions of the project team and 1 completed feedback form was received following the consultation event. The development for which planning permission is now sought is of the same character as that which was the subject of the community engagement undertaken through the statutory pre-application consultation of the proposal.

The application site is an area of agricultural land measuring some 5.63 hectares. It is located to the north of the village of Old Craighall and to the south of the slip road linking the eastbound A720 to the westbound A1, with these forming the northern and eastern boundaries of the site. The site is bounded to the west by Old Craighall Road and to the south by a minor road linking with Old Craighall Road. The site is reasonably flat but undulating in parts.

The application site is visually well-contained to the north, east and south by the presence of tree belts. The site is more open to the west where it is adjacent to Old Craighall Road. There are two residential properties situated between Old Craighall Road and the site in its central part, which are set among mature trees. A burn crosses the north-west corner of the site, flanked by trees, separating it into two agricultural fields.

Across Old Craighall Road to the west of the application site is part of the land of Proposal MH1 of the adopted East Lothian Local Development Plan 2018 allocated for mixed use development. In October 2019 planning permission in principle 18/00485/PPM was granted for a mixed use development of the land of Proposal MH1 comprising residential development, education, business, industry, storage and distribution, innovation hub (including class 2,3,4,5 and 6), employment uses, community facilities, residential neighbourhood centre (including class 1,2,3 and 10 uses), playing fields, changing facilities, public park(s) and associated works. Specifically the area of land to the west of the application site is proposed for mixed use, predominantly housing development with a primary school and local centre.

The application site is allocated for employment uses by Proposal MH3 of the adopted East Lothian Local Development Plan 2018.

Planning permission is sought through this application for the use of the application site as a crematorium, for the erection of a crematorium building and associated works, including the formation of a SuDS basin, vehicular access and hardstanding areas (car parking and footpaths), fencing, gates and landscaping. A memorial garden and ornamental garden would also be formed.

The proposed crematorium building would be positioned centrally on the site and would be a single storey building. Its walls would be finished in a mix of coursed random rubble stone with ashlar stone detailing and harled render. Its doors and windows would be timber framed and its roof would be clad in natural slates. The building would also incorporate a chimney which would be 10m in height. Internally the building would house a 112 seat chapel, waiting room, accessible toilets, administration office and crematory and would also incorporate a covered walkway and floral tribute area.

Vehicular and pedestrian access to the site is proposed to be by way of a new access road into the site taken from Old Craighall Road. Also proposed is the provision of a 2 metre wide footway along the frontage of the site which would link at its northern end with the existing section of footway on the eastern side of Old Craighall Road (outside the two residential properties bounding the site on its west side) and at its southern end would continue the footway to the minor road junction that lies on the southwest corner of the site. This new footway, in turn, would enable access to the existing island crossing on Old Craighall Road which links with the northbound bus stop.

Internal access roads, footways and a total of 112 car parking spaces for visitor use, including 6 disabled bays, and 4 spaces for staff parking are proposed to be provided within the site.

The applicant advises that office and cremation hours would be 08:00 - 18:00 hours but informs that cremations can sometimes go over 18:00 hours in busy periods, for instance a cold winter or a pandemic, when deaths are higher. They further advise that typical full service times would be 10:00 – 16:00 hours but direct and committal services would be undertaken outside of these hours.

The applicant advises that a direct cremation is when a coffin is just dropped off to be cremated but there is no service, but out of respect they still take the coffin through the same route (i.e. through the chapel, over the catafalque and into the cremator room). A Committal is the same, although there may be a small number of family members.

An ornamental garden, memorial garden and 'parkland' feature would be formed around the crematorium building with paths through them. Woodland tree and hedgerow planting is proposed to be undertaken around the perimeter of the site and within the site itself would be tree and hedge planting and areas of amenity grasslands.

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 23 April 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.

DEVELOPMENT PLAN

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

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

There are no policies of SESplan relevant to the determination of this application.

Proposal MH3 (Land at Old Craighall Junction South West) and Policies CH5 (Battlefields), DP1 (Landscape Character), DP2 (Design), DP9 (Development Briefs), EMP1 (Business and Employment Locations), NH10 (Sustainable Drainage Systems), NH11 (Flood Risk), NH12 (Air Quality), NH13 (Noise), T1 (Development Location and Accessibility), T2 (General Transport Impact), T32 (Transport Infrastructure Delivery Fund) and DEL1 (Infrastructure and Facilities Provision) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of this application.

Also material to the determination of the application are:

- * the Council's Development Briefs Supplementary Planning Guidance, and specifically the MH3 – Old Craighall Junction South West Development Brief contained within it; and
- * the Council's Sustainable Drainage Systems (SuDS) Supplementary Planning Guidance. The SPG supplements relevant LDP policies regarding SuDS and flood risk management and links with wider Council policies, strategies and priorities.

A total of 13 written objections have been received to the application. The main grounds of objection are:

- * the proposed development would lead to increased traffic congestion and would bring slow moving traffic to the area;
- * the proposed development would lead to odour, smoke and noise issues;
- * services could be emitted through speakers outdoors if the chapel is full leading to noise issues;
- * the proposed development would lead to a loss of privacy to residential properties;
- * impact of construction traffic;
- * there are other crematorium within 5 miles and therefore there is no need for this one;
- * there is a risk of overspill parking into surrounding streets;
- * current crematoria in Edinburgh and the Lothians have sufficient capacity and facilities to meet need and demand;
- * the location for the proposed crematorium is not the best or most convenient for East Lothian residents, would not be sustainable development and has been chosen for commercial benefit; and
- * impact on property prices;

The impact of a proposed development on property prices is not a material consideration in the determination of a planning application.

PLANNING ASSESSMENT

The application site is allocated for employment uses by Proposal MH3 of the adopted East Lothian Local Development Plan 2018. Proposal MH3 states:

“Approximately 5ha of land at Old Craighall Junction South West is allocated for employment uses. A design solution for this site that conforms to the Council’s Development Brief will be required. Any development here is subject to the mitigation of any development related impacts, including on a proportionate basis for any cumulative impacts with other proposals including on the transport network and on air quality as appropriate. Policy EMP1 applies.”

Policy EMP1 states that within areas allocated for business and employment, uses within Use Classes 4, 5 and 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 are supported. Other employment generating uses may also be supported in these locations subject to the town centre first principle (policy TC1) and provided there would be no amenity conflicts or other unacceptable impacts. Proposals to redevelop employment sites or premises for other employment generating uses will only be supported where the uses proposed do not prejudice or inhibit the activities of a nearby employment use.

Proposals must not adversely affect amenity and must be able to co-exist satisfactorily with existing or proposed uses on the site and in the surrounding area.

Policy TC1 of the adopted East Lothian Local Development Plan 2018 states that a sequential 'town centre first' approach will be applied where appropriate to retail, commercial

leisure, office and other development proposals that would attract significant footfall.

The applicant has submitted a report on The Need for a Crematorium to Serve East Lothian and the Surrounding Communities. The report informs that there is currently no crematorium provision within East Lothian so all residents have to travel out for cremation services, and concludes that there is significant current and future capacity issues facing surrounding crematoria including in Edinburgh and the Borders. It states there is a clear and compelling need for a new crematorium in a more accessible location to better serve the residents of East Lothian and surrounding communities. The report continues that the proposed siting of any new crematorium to meet this need is given very careful consideration, and several factors have to be considered before a location is selected.

The report continues that the site is situated close to the main centres of population of East Lothian and would be the closest crematorium for nearly 90% of East Lothian residents. The site would significantly reduce the travel time for the majority of East Lothian residents, by avoiding travelling the busy city bypass or the A1 to the crematoria in north Edinburgh. All major settlements to the west of East Lothian are within the important 30-minute cortege drive time of the proposed site. The proposed site would be the closest crematorium for 88% of East Lothian residents, providing a more sustainable local crematorium, rather than residents having to endure long journeys to crematoria, which are outwith the Council area.

The report informs that as a crude example of sustainability, the shortest distance to a crematorium from the East Lothian Council boundary is around an 8-mile round trip (Newcraighall to Seafield Crematorium). On the basis of 1,100 cremations per year and say 20 cars per service, that is a saving of 176,000 car miles, which equates to around 95,000kg of carbon (calculated using MyClimate.org. website).

In conclusion the report finds that:

1. East Lothian does not have a crematorium to serve its residents, who currently have to endure long journeys into neighbouring Councils for services;
2. East Lothian has the fastest growing population in Scotland, mainly due to its location to its close proximity to Edinburgh labour markets;
3. Crematoria are a key community-based asset and perform a vital role in society. Cremation is not a commodity which people can choose to forego if there is insufficient supply, and the provision of this new community asset is constant with East Lothian's development objectives;
4. All three of the Crematoria situated in Edinburgh are over peak death month Practical Capacity, providing justification for a new crematorium;
5. The age and the poor facilities of the crematoria in Edinburgh gives rise to a poor experience for the bereaved, demonstrating there is a qualitative need for a new crematorium to serve the area;
6. For East Lothian residents it will significantly reduce journey times and associated stress, often exacerbated by the busy road network that needs to be navigated to reach existing crematoria within Edinburgh;
7. The provision of crematoria has not kept pace with the expanding population since the areas last crematorium in 1967 (Mortonhall), and the current provision is no longer suitable to serve the area, which is demonstrated by the existing stock being over Practical Capacity;
8. Significant increases in population and death are projected for East Lothian, Midlothian and Edinburgh over the next 20 which will materially increase the demand for cremation services. Without additional crematorium provision the existing crematoria will continue to struggle with demand, which will further exasperate the already clear qualitative and quantitative need for a new crematorium to serve the area;
9. The site will provide access to a new crematorium to a population of nearly 446,000 people within a 30-minute cortege drive time;

10. The site will be the closest crematorium for over 146,000 people, meaning that it will be closest crematorium for that population than any existing facility;
11. The site will also provide access to a crematorium to over 22,500 people within a 30-minute cortege drive time for the very first time;
12. The site will be the closest crematorium for 88% of East Lothian's population.
13. There is a clear and current quantitative and qualitative need for a new crematorium to serve East Lothian and the surrounding areas, as well as providing additional capacity to cater for the impending future demands of the area. The new crematorium will provide the residents of East Lothian a choice of a closer, more sustainable, and significantly improved funeral experience.

An Economic Benefits Assessment has also been submitted with the application. It informs that the proposed development has the potential to provide 57 jobs during construction, 6 permanent jobs once operational, a gross added value (GVA) of £180,000 to the area from the additional permanent jobs, an increase in local expenditure of £750,000 per annum and a rates income to the Council of £13,500 per annum.

The City of Edinburgh Council (CEC), as a consultee on the application have submitted comments in respect of the proposed development. In their response, CEC question the conclusions in the applicant's submitted 'The Need for a Crematorium to Serve East Lothian and the Surrounding Communities' report, informing that that the proposed crematorium may have a negative impact on Edinburgh's crematoria in terms of jobs and revenue. Their response also questions the findings of the applicant's submitted Economic Benefits Assessment.

It should be noted that commercial competition is not a material consideration in the determination of a planning application.

The use of the site as a crematorium would not be anticipated to attract significant footfall. It is aimed at people attending the building for scheduled services and would not have an active frontage or regular incidental visitors. The site was identified by the applicant as a preferable location due to the size, location and ability to run the crematorium to full requirements. The crematorium use of it would not prejudice or inhibit the activities of any nearby employment use.

The use of the site as a crematorium would not be of such a scale as to result in a significant depletion of the Council's supply of allocated sites for 4, 5 and 6 uses to the detriment of the economy of East Lothian.

The Council's Economic Development Team Manager advises that the East Lothian Community Planning Economic Development Strategy 2012-22 was adopted by East Lothian Council on 9 October 2012 and the mid-term refresh was concluded December 2018. Economic development is a key priority for East Lothian and is at the forefront of The East Lothian Partnership Plan 2017-27. The Economic Development Strategy 2012 to 2022 is a reflection of the priority placed on economic development and acts as a guiding framework for future activities.

The Economic Development Team Manager raises no objection to the proposed development. He notes that the applicant's submitted information informs that the proposed development could result in additional capital investment in East Lothian, supporting some 57 construction jobs and 6 permanent jobs once operational and that it could be likely to support other local businesses within its supply chain, e.g. grounds maintenance and horticulture and florists. The Economic Development Team Manager advises that the proposal supports the goals and objectives of the Economic Development Strategy 2012-2022 to increase the proportion of East Lothian residents working in and contributing to East

Lothian's economy and to provide high quality employment pathways for East Lothian's workforce.

On the above considerations and that the proposed crematorium would be an employment generating use, the proposed development would not be contrary to Proposal MH3 or Policy EMP1 of the adopted East Lothian Local Development Plan 2018.

The adopted Development Brief MH3 – Old Craighall Junction South West has been prepared for the allocated employment site and sets out six guiding principles to be followed for its development, which have been taken into account in this application. These include, (i) vehicular access should be taken from the B6415 (Old Craighall Road), no vehicular connection across the minor watercourse. Formal specimen tree avenue planting and a 3m wide shared use path for walking and cycling should be provided along the B6415 frontage, (ii) an access for cycling and walking should be provided at the south-west corner of B6415 – all stone walls along the edge should be repaired/rebuilt and incorporated into this edge, (iii) the watercourse should be retained and enhanced with a bio-diverse designed landscape edge, forming a green corridor of at least 10m width, (iv) a minimum 30m build set back will be required from the A720, behind a 15m-wide noise attenuation mounding with specimen tree and understorey planting, (v) a minimum 15m build setback from B6415 is needed, and (vi) pedestrian access may be created at the south east corner between site 2 and the minor road to the south.

In accordance with the Development Brief the whole site would be accessed by a single vehicle access from the B6415 and there will be no vehicular crossing of the watercourse. A 2m wide footway would be provided along the frontage of the site to tie in with the existing width of footway. This, in turn, will enable access to the existing island crossing on Old Craighall Road which links with the northbound bus stop. It is proposed that an access for cycling and walking is provided at the southwest corner of the B6415 and it is proposed that the stone wall will be repaired/rebuilt in accordance with point (ii) of the Development Brief. The requirements of point (iii) of the Development Brief are designed into the development, as are the requirements of points (iv) and (v). With regard to point (vi) an access already exists and would be retained.

The proposed crematorium building would be single storey and would be articulated to reflect its functions with differential heights between chapel areas, office and technical areas reflecting the hierarchy of the building elements. In its position set back from the site frontage the building would be of an acceptable scale and massing for its landscape setting. Due to its height and its positioning relative to neighbouring residential properties the proposed building would not appear harmfully overbearing or dominant when viewed from those neighbouring residential properties. In such circumstances and by virtue of its height, size, scale, massing and positioning, the proposed crematorium building would sit comfortably in its positional relationship with neighbouring buildings and roads. It would not appear harmfully dominant, intrusive or incongruous within its setting. It would sit comfortably alongside the neighbouring buildings in the locality and would not have a harmfully overbearing effect on those neighbouring properties.

Its palette of external finishes of coursed random rubble stone with ashlar stone detailing and harled render for its external walls, timber framed doors and windows and a roof clad in natural slates would be appropriate to its architectural style and its functional use as a crematorium building, and would be reflective of the local context of finishes of buildings. By its positioning, design, architectural form and finishing materials the proposed building would not be harmful to the character and appearance of the area.

Seen as they would be in their immediate relationship with the proposed crematorium building, the proposed attenuation basin, vehicular access and hardstanding areas (car

parking and footpaths), fencing, gates, memorial and ornamental gardens and landscaping would not appear harmfully incongruous, exposed or an over development of the land upon which they would be built. They would not be harmful to the character and appearance of the area.

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

By its positioning, height, orientation and distance away from nearby housing, the proposed crematorium would not give rise to harmful loss of daylight or overshadowing of neighbouring properties. The proposed crematorium building, by virtue of its size, height, layout, design and orientation, would have no significant harmful impact on the privacy or residential amenity of the occupants of neighbouring residential properties.

On the above considerations the proposed development is consistent with Policies DP1, DP2 and DP9 of the adopted East Lothian Local Development Plan 2018 and with the Council's Development Briefs Supplementary Planning Guidance.

The Council's Public Health and Environmental Protection Officer advises that he has appraised the Air Quality Assessment report submitted with the application and agrees with its conclusions that the proposed development would not result in any harmful impact upon local air quality and there will be no exceedance of statutory Air Quality Objectives. He also states that the Scottish Environment Protection Agency (SEPA) is responsible for controlling any emissions to air from the proposed crematorium under the Pollution Prevention and Control (Scotland) Regulations 2012 (PPC) and therefore such matter is one for SEPA to regulate under that separate legislation, and that compliance with the terms of a PPC permit would ensure impacts upon air quality are adequately controlled. It would not be competent for the Council to duplicate that regulatory control.

SEPA advise that the proposed crematorium facility will result in emissions to air, and confirm that such emissions will be controlled by them under the Pollution Prevention and Control (Scotland) Regulations 2012 (PPC). SEPA have reviewed the Air Quality Assessment report submitted with the application and confirm that the proposed development would not result in any harmful impacts on local air quality. SEPA are satisfied that the proposed development is potentially capable of being authorised under the Pollution Prevention and Control (Scotland) Regulations 2012 and therefore raise no objection to the application.

On the matter of noise, the Council's Public Health and Environmental Protection Officer advises he has appraised the Noise Impact Assessment report submitted with the application and is satisfied that noise impacts arising as a result of the proposed development, including from road traffic, car parking, and fixed plant from the crematoria, would not result in any harmful impacts on the amenity of neighbouring or nearby residential properties, subject to the cremator flue, air blast vent, cremator room walls/roofs and louvres of the crematoria facility meeting the Performance Requirements stated in Table 8 of the submitted Noise Impact Assessment.

In terms of any potential noise from services being broadcast externally from the chapel, the applicant advises that that given the seating and standing space available inside the chapel, it would only be in very extreme cases will there be an mourners outside, stating it only generally happens when there is a celebrity or famous sports persons where this occurs, and it is estimated this may be the case about once a year. On this matter the Public Health

and Environmental Protection Officer recommends that amplified music and/or amplified speech arising from services broadcast externally from the chapel should be inaudible at the boundary of any neighbouring residential property.

On the matter of lighting, the Public Health and Environmental Protection Officer advises subject to control over light spillage, which can be imposed as a condition on a grant of planning permission, there would be no harm from the lighting of the site to the amenity of neighbouring or nearby residential properties.

In relation to considerations of contaminated land issues, the **Council's Environmental Protection Officer (Contaminated Land)** recommends that 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. This requirement could be controlled by a condition attached to a grant of planning permission.

Subject to the above recommended controls, which can reasonably be imposed as conditions on a grant of planning permission, the proposed crematorium would not be harmful to the amenity of neighbouring or nearby residential properties, nor to any neighbouring land use. On this consideration the proposal does not conflict Policies DP2, EMP1, NH12 or NH13 of the adopted East Lothian Local Development Plan 2018.

The Council's Landscape Projects Officer advises that the proposed crematorium building is low level and compact in scale which would help reduce its visual impact on the site. The Landscape Projects Officer further notes that a 15m wide by 2m high bund and a 30m wide woodland is proposed to the southeast boundary and eastern corner of the site, as well as woodland planting to the south-western and western boundaries and that minimal additional scrub planting is proposed to the northern boundary with the A1 slip road. Within the site, car parking is broken up with tree and hedge planting and a range of landscaping treatments are proposed across the site from formalised memorial gardens and avenues of tree planting, to less formal groves of memorial trees, to wild flower meadows to the north. The Landscape Projects Officer advises that this would help create an attractive parkland setting and sense of place for the building as well as increasing biodiversity and habitat creation.

The Landscape Projects Officer is supportive of the proposed landscaping of the site and recommends that detail of the scheme of landscaping and a landscape management plan be submitted. The requirement of a scheme of landscaping and a management plan for it can be made a condition on a grant of planning permission for the proposed development.

The Council's Biodiversity Officer has been consulted on the application and advises that the proposed development would not impact on any designated sites. The Biodiversity Officer also advises that there are records of various garden and farmland bird species within the site boundary, plus records of bat, otter and badger within 1km, however the proposed development would not have any harmful impact on these species.

The Biodiversity Officer raises no objection to the application, satisfied that there would be no adverse effects on biodiversity but does however recommend that no works should be carried out during the breeding bird season (March-August) unless in compliance with a proposed species protection plan to include a nesting bird check. This recommended control can reasonably be imposed as a condition on a grant of planning permission.

Historic Environment Scotland advise that given the nature and location of both the

proposed development and the nearby heritage assets, they do not object to the application on the grounds of impact on the Battle of Pinkie Battlefield site.

The Council's Archaeology/Heritage Officer advises that the application site has a number of known cropmark remains within it and also lies partially within the area designated for the Battle of Pinkie Cleugh and therefore considered that the proposed development has a high potential to impact upon buried archaeological remains. He therefore advises that if planning permission is to be granted for this proposal, a Programme of Archaeological Works (Evaluation) be carried out at the site prior to the commencement of development. This requirement can be secured through a condition attached to a grant of planning permission.

Subject to the above recommendation, which could be secured by condition, the proposed development is consistent with Policy CH5 of the adopted East Lothian Local Development Plan 2018, Planning Advice Note 2/2011: Planning and Archaeology and Scottish Planning Policy: June 2014.

The applicant has submitted a Transport Statement, which informs that there is a footway on the western side of Old Craighall Road as it passes the proposed development. To the north, this footway continues into Musselburgh and to the south it terminates at the southern edge of Old Craighall. It would be around a 9 minute walk from the proposed development to the existing residential development of Stoneybank at the southwestern edge of Musselburgh. The footways and footpaths through Stoneybank provide a route to Musselburgh railway station, which is around a 20 minute walk from the proposed development. Millerhill is some 18 minute walk away. The transport statement also notes that planning permission 18/00485/PPM has been granted for a mixed-use development on land on the northwestern side of Old Craighall Road opposite the proposed development (Proposal MH1 of the adopted East Lothian Local Development Plan 2018). The layout of that approved mixed-use development will include footways and footpaths linking that development with Old Craighall Road.

In terms of bus and rail services, the Transport Statement informs that the nearest bus stops to the proposed development are on Old Craighall Road in Old Craighall, within around a 3 minute walk from the proposed development. These stops are served by Prentice of Haddington service 111, linking with Haddington and the Royal Infirmary of Edinburgh via Longniddry, Prestonpans, Wallyford and Musselburgh. It operates approximately hourly in each direction Monday to Friday daytime and every two hours on Saturdays.

The submitted Transport Statement further informs that East Lothian Council does not have a specific parking requirement for a crematorium use so they have used the SCOTS National Roads Development Guide (NRDG) standard of one space per seat. The Transport Statement further informs that 112 car parking spaces are proposed which is equal to the number of seats in the proposed chapel. The Transport Statement continues that the average number of attendees at a service is expected to be some 43 and many of those may car share and therefore the proposed parking provision provides for exceptional events. Moreover it is advised that reinforced verging to internal roadways will be formed allowing further overspill parking within the site should demand warrant it and this level of provision would ensure no overspill parking takes place on Old Craighall Road.

The Transport Statement also informs that cremation services are expected to be held between 10:30 and 15:30 hours, with only the occasional service outwith that period, and that each service is typically an hour long. Therefore the main operating hours of the proposed development would see trips to and from it on the road network outwith the peak hours and even if a service saw all 112 proposed parking spaces occupied, those trips would be unlikely to cause a noticeable traffic increase at any point on the surrounding road

network.

The Council's Road Services confirm that East Lothian Council does not have a specific parking requirement for a crematorium use, and that the standard set in the SCOTS National Roads Development Guide (NRDG) standard of one space per seat is a sound basis on which to establish a parking requirement for this proposal. Road Services therefore advise that the level of parking provision is sufficient and would ensure there would be no overspill parking onto Old Craighall Road. Road Services are also satisfied that the surrounding road network can accommodate any additional traffic generated by the proposed development and that it would not lead to any harmful increase in congestion, and that there are options for public transport to and from the site and active travel routes.

Road Services raise no objection to the proposed development subject to:

- * A visibility splay of 2.4 metres by 45 metres to the southwest and 2.4 metres by 60 metres to the northeast being provided and maintained on each side of the proposed access to the site such that there shall be no obstruction to visibility above a height of 1.05 metres measured from the adjacent carriageway level;

- * A continuous 2 metre wide shared footway being provided on the east side of the B6415 Old Craighall Road along the application site frontage to connect to the existing footway network with dropped kerbs provided as necessary;

- * A pedestrian crossing being provided across the B6415 Old Craighall Road at the application site frontage; and

- * Road Safety Audits being submitted which should be undertaken for the detailed design of all roadworks, footways and crossings including works to the B6415 Old Craighall Road.

Subject to the above recommended conditions, which can be imposed as conditions on a grant of planning permission, the proposed development is consistent with Policies T1 and T2 of the adopted East Lothian Local Development Plan 2018.

Transport Scotland raise no objection to the proposed development.

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

The Council's Road Services advises that the contributions required for each transport intervention for this development are:

- * Improvements to Old Craighall junction: £141.50
- * Musselburgh Town Centre improvements: £159.20
- * Segregated Active Travel: £737.50

The total contribution required for transportation improvements resulting from cumulative impacts of the development is therefore £1,038.20.

The total developer contributions towards the transportation interventions of £1,038.20 can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. The applicants have confirmed in writing that they are willing to enter into such an agreement.

The site is located within the surface water catchment of the Cairnie Burn, which is part of the wider surface water catchment of the River Esk. The burn flows generally north eastwards within the northwestern extent of the site before discharging into the River Esk approximately 750m northeast of the site. Given this a Flood Risk and Drainage Assessment has been submitted with the application.

On the matter of flood risk, the submitted Flood Risk and Drainage Assessment confirms that the application site is overall at 'Low to No Risk' of flooding from all sources, except for fluvial flooding. A particular review has been carried out of the potential flood risk from fluvial flooding of the Cairnie Burn within the north western extent of the site, including surface water build up from the culverts within proximity to the site. The flood risk assessment indicates that the proposed development levels are suitable for the flood risk profile at the site and therefore the report concludes that there would be no flood risk of the site.

On the matter of drainage, the Flood Risk and Drainage Assessment informs that surface water drainage would be way of a SuDS pond, filter drains, permeable paving and underground cellular storage which would include both infiltration and attenuated discharge to the Cairnie Burn. For foul drainage arising from the development it is proposed that a packaged treatment plant would be installed at the site to receive foul flows which would then be discharged to the burn. Foul drainage would be designed in accordance with Sewers for Scotland 4th Edition.

SEPA have been reviewed the Flood Risk and Drainage Assessment and are satisfied that the recommendations of it have been taken into account in the design of the site and development is located on land which is unlikely to flood. Based on this SEPA raise no objection to the application on the ground of flood risk. Neither do they object on the matter of surface water drainage.

The Council's Team Manager for Structures, Flooding and Street Lighting has considered the submitted Flood Risk and Drainage Assessment and is satisfied with the contents and conclusions of it, and notes that a 35% climate change allowance has been used, and that the proposed crematorium building has a designed freeboard of 300mm resulting in a proposed finished floor level of 25.90m AOD which would prevent against flood risk.

The Team Manager for Structures, Flooding and Street Lighting also advises that the SuDS design incorporates a SuDS pond (Permanent Water Feature), filter drains, permeable paving and underground cellular storage with a flow control manhole on the pipe outfall route to the existing watercourse which is a satisfactory arrangement for surface water drainage.

The Team Manager for Structures, Flooding and Street Lighting therefore raises no objection to the proposed development on the grounds of flood risk or drainage.

Scottish Water raise no objection to the application.

On these considerations of SuDS design, flood risk and drainage the proposals are consistent with Policies NH10 and NH11 of the adopted East Lothian Local Development Plan 2018 and with the Council's Sustainable Drainage Systems (SuDS) Supplementary

Planning Guidance.

As the application site lies within an area at high risk due to former coal mining, The Coal Authority have been consulted on the application. **The Coal Authority** advise that records indicate that 3 recorded mine entries (shafts) are located within the application site and that the site has been subject historic underground unrecorded coal mining at shallow depth. The Coal Authority has reviewed the applicant's submitted Phase I and Phase II Ground Investigation Report and Mine Entry Risk Assessment Letter Report and advises that the former mine entries represent either low sensitivity or moderate sensitivity. Accordingly, The Coal Authority advise that the remedial measures set out in Section 5 the Mine Entry Risk Assessment Letter Report that has been submitted with the application are appropriate to address the mining legacy issues present on the application site and subject to a condition requiring such measures are implemented, The Coal Authority raise no objection to the application.

Such recommended control can reasonably be imposed as a condition on a grant of planning permission.

At its meeting on Tuesday 27th August 2019 the Council approved a motion declaring a Climate Emergency. Thereafter, at its meeting on Tuesday 3rd September 2019 the Council's Planning Committee decided that a report on the actions to be taken to reduce the carbon emissions from the building and from the completed development should be required on relevant applications for planning permission.

The applicant has submitted a Sustainability Statement report advising that the proposed crematorium building would meet the requirements of section 6 of the Scottish Building Regulations with suitable LZCGT (Low and Zero Carbon Generating Technologies) deployed to provide 15% reduction in emissions via LZCGT. This includes placing an emphasis on passive design strategies at site and building level to minimise the proposed development's overall energy demands. A low carbon and renewable technologies appraisal has been completed and it is anticipated that solar photovoltaics would be the most suitable for delivering low carbon solutions for the building. The effective measures required to reduce carbon emissions will be secured through the subsequent building warrant process. In order to further reduce carbon emissions, it would also be prudent to require proposals for the provision of new car electric charging points and infrastructure for them. This could be secured by a condition imposed on a grant of planning permission for this proposed development.

RECOMMENDATION

That planning permission be granted subject to:

1. The undernoted conditions.
2. The satisfactory conclusion of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997, or by some other appropriate agreement, designed to secure a financial contribution to the Council of £1,038.20 for transport improvements (comprised of £141.50 for road improvements to Old Craighall Junction, £159.20 for Musselburgh town centre improvements and £737.50 for Segregated Active Travel).
3. That in accordance with the Council's policy on time limits for completion of planning agreements it is recommended that the decision should also be that in the event of a Section 75 Agreement or other agreement not having been executed by the applicant, the landowner and any other relevant party within six months of the decision taken on this application, the application shall then be refused for the reason that without the developer contributions to be

secured by an agreement the proposed development is unacceptable due to a lack of roads and transport infrastructure improvements, contrary to Policies DEL1 and T32 of the adopted East Lothian Local Development Plan 2018.

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

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

- a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings;
- b. finished ground and floor levels of the development relative to existing ground levels of the site and of adjoining land and building(s). The levels shall be shown in relation to an Ordnance Bench Mark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing; and
- c. the ridge height of the proposed 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 The finished ground floor level of the crematorium building hereby approved shall be no lower than 25.90 metres above ordnance datum.

Reason:

In order to mitigate against flooding.

- 3 A schedule of materials and finishes and, where necessary, samples of such finishes for all components of the development, including ground surfaces shall be submitted to and approved by the Planning Authority prior to the material and finishes being used in the development. The materials and finishes used in the development shall accord with the schedule and samples of them so approved.

Reason:

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

- 4 Prior to the occupation of the crematorium building hereby approved, the proposed access roads, parking spaces and footpaths shall have been constructed on site in accordance with the docketed drawings.

Those areas of land shall not thereafter be used for any other purpose than for accessing and for the parking of vehicles in connection with the crematorium use of the site and shall not be adapted or used for other purposes without the prior written approval of the Planning Authority.

Reason:

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

- 5 No development shall take place on the site until the applicant has undertaken and reported upon a programme of archaeological work (Evaluation) which has been submitted by the applicant (or their agent) and approved by the Planning Authority.

Reason:

In the interests of archaeological and natural heritage.

- 6 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 a nesting bird check, which shall be submitted to and approved in writing in advance by the Planning Authority.

Reason:

In the interests of the ecology of the area.

- 7 Noise emanating from the cremator flue, air blast vent, cremator room walls and roofs and louvres of the

crematoria facility hereby approved shall at all times meet the Performance Requirements in Table 8 - Summary of Mitigation Measures in the Environmental Noise Impact Assessment - Proposed Crematorium at Old Craighall report dated 23 April 2021 by The Airshed which is docketed to this planning permission.

Reason:

To ensure the crematorium use of does not harm the amenity of nearby residential properties.

- 8 Amplified music and/or amplified speech arising from services broadcast externally from the chapel shall be inaudible at the boundary of any neighbouring residential property.

Reason:

In the interests of safeguarding the amenity of the occupiers of nearby residential properties.

- 9 The design and construction of any artificial lighting within the application site shall 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 shall be met prior to any external lighting units becoming operational and thereafter shall be maintained:

(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 to 2300 and shall not exceed 2 between the hours of 2300 to 0700.

Reason:

In the interests of safeguarding the amenity of the occupiers of nearby residential properties.

- 10 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.

Reason:

To ensure that the site is clear of contamination.

- 11 No development shall take place until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping. The scheme shall provide details of: the height and slopes of any mounding on or re-contouring of the site including SuDS basin/ponds details; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. The scheme shall include indications of all existing trees and hedgerows on and adjacent to the application site, details of any to be retained, and measures for their protection in the course of development. The scheme shall also include a maintenance and management plan for the landscaping.

The scheme of landscaping shall be based on the 'Indicative Landscape Masterplan' drawing no. 965-MP-01 Revision A that is docketed to this planning permission and shall include a programme of planting to establish grass and herbaceous species for meadowland creation, and woodland planting which shall include a mix of whips and standard trees of native species of a range of sizes to include, but not limited to, common oak, yew, lime, hornbeam, rowan, birch, Scots pine, field maple, cherry, aspen, hazel, and hawthorn. Non-thorn shrub species should be located adjacent to pedestrian areas.

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 the building hereby approved, whichever is the sooner, and any trees 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. All existing and new planting comprised in the scheme of landscaping shall be retained and maintained unless the Planning Authority gives written consent to any variation. No trees detailed in the approved landscaping plans to be retained on the site, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority.

Reason:

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

- 12 Prior to the crematorium building hereby approved coming into use a continuous 2 metre wide shared footway shall be provided on the east side of the B6415 Old Craighall Road along the application site frontage to connect to the existing footway network and shall include dropped kerbs and tactile paving on both sides of the junction with the road that bounds the southern side of the application site (that crosses over the A720). Details of the new 2 metre wide footway shall be submitted to and approved in advance by the Planning Authority and development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road and pedestrian safety.

- 13 Prior to the crematorium building hereby approved coming into use a pedestrian crossing shall be provided across the B6415 Old Craighall Road at the application site frontage. Details of the new pedestrian crossing shall be submitted to and approved in advance by the Planning Authority and development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road and pedestrian safety.

- 14 Prior to the commencement of development a Stage 2 Road Safety Audit shall be submitted to and approved by the Planning Authority, which shall be undertaken for the detailed design of all roadworks, accesses, footways and crossings where provided and shall include an implementation programme describing when measures identified in the audits will be provided in relation to construction of the proposed development.

Immediately following completion of the development, the date of which shall be provided in writing to the Planning Authority, a Stage 3 Road Safety Audit - Post Opening shall be submitted to and approved by the Planning Authority.

12 months following approval of the Stage 3 Road Safety Audit a Stage 4 Road Safety Audit shall be submitted to and approved by the Planning Authority.

All the Road Safety Audits shall be carried out in accordance with GG119 Road Safety Audit Rev 1. The Road Safety Audits shall include the proposed roads, junctions, footways, cycle ways, pedestrian crossings and double 'D' islands where applicable.

Reason:

In the interests of road and pedestrian safety.

- 15 A visibility splay of 2.4 metres by 45 metres to the southwest and 2.4 metres by 60 metres to the northeast shall be provided and maintained on each side of the proposed site access junction with the B6415 Old Craighall Road so that no obstruction lies within it above a height of 1.05 metres measured from the adjacent carriageway surface.

Reason:

To ensure that adequate visibility is provided at the access in the interest of highway safety.

- 16 Prior to the crematorium building hereby approved coming into use, the west roadside stone boundary wall on the east side of the B6415 Old Craighall Road shall be repaired/rebuilt along the application site frontage, other than where demolition/realignment is required to facilitate the formation of new access to the site and required visibility splays and new footpath as required by the conditions above. Details of the exact position, height, materials and construction of the repair and rebuild of the stone boundary wall shall be submitted to and approved in advance by the Planning Authority and the repair and rebuild carried out shall accord with the detail so approved.

Reason:

To enhance the appearance of the development in the interests of the amenity of the area.

- 17 Prior to the crematorium building hereby approved coming into use, the remedial measures as detailed in Section 5 and as shown on drawing no. 8259OD06 in Appendix 1 of the Mine Entry Risk Assessment Letter Report dated 12 August 2021 by FWS Consultants Ltd docketed to this planning permission shall be carried out on the application site in accordance with detail to be submitted to and approved by the Planning Authority. The details submitted shall include the precise positioning and form of the geogrid membranes and the height, positioning and construction material of the fencing.

Reason:

In the interests of ground stability and public safety.

- 18 Prior to the commencement of development, details of the provision of new electric vehicle car charging points and infrastructure for them shall be submitted to and approved in writing by the Planning Authority. The details shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the details so approved.

Reason:

To minimise the environmental impact of the development.

REPORT TO: Planning Committee
MEETING DATE: Tuesday 5 October 2021
BY: Executive Director of Place
SUBJECT: Application for Planning Permission for Consideration

3

Application No. **21/00468/AMM**

Proposal Approval of matters specified in conditions of planning permission in principle 14/00903/PPM - Erection of 149 houses and associated works

Location **Land To South, East And West Wallyford East Lothian**

Applicant Taylor Wimpey East Scotland

Per Iain Gaul Architects

RECOMMENDATION Consent Granted

REPORT OF HANDLING

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

SITE HISTORY

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

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

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

- Variation of condition 2 of planning permission in principle 12/00924/PPM to allow for the development and occupation of residential units from both the western (A6094 - Salters Road) and northern (A199) ends of the site (Ref: 14/00913/PM);
- Variation of condition 5 of planning permission in principle 12/00924/PPM to allow for up to 90 units to be completed in Year 1, up to 150 units in Year 2, up to 150 units in Year 3 and up to 60 units in Year 8 (Ref: 14/00916/PM).

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

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

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

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

However, in December 2020 planning permission in principle 15/00537/PPM was granted for residential development with associated educational and community facilities and open space on the land, known as Dolphingstone to the immediate south and east of the site the subject of planning permission in principle 14/00903/PPM. Through a condition attached to that grant of planning permission in principle 15/00903/PPM the number of residential units on the combined sites the subject of planning permission in principle 14/00903/PPM and 15/00537/PM was limited to no more than 2050.

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

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

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

In November 2017 approval of matters specified in conditions (Ref: 17/00432/AMM) was granted for the erection of 245 houses on land to the southwest of Wallyford and thus on

part of the larger site to which planning permission in principle ref: 14/00903/PPM and the masterplan docketed to that permission relate. Development of the site is well underway.

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

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

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

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

In May 2021 approval of matters specified in conditions (Ref: 21/00069/AMM) was granted for the erection of 105 houses and associated works on Land West Of 33 Fa'side Terrace, Masons Way, Wallyford and thus on the larger site to which planning permission in principle ref: 14/00903/PPM and the masterplan docketed to that permission relate. Development of this site has not yet commenced.

In August 2021 planning permission (Ref: 21/00693/P) was granted for substitution of house types and erection of 12 additional houses and associated works as changes to the scheme of development the subject of planning permission 18/01283/AMM.

In September 2021 approval of matters specified in conditions (Ref: 21/00219/AMC) was granted for the erection of 42 houses and associated works on Land To South, East And West, Wallyford and thus on the larger site to which planning permission in principle ref: 14/00903/PPM and the masterplan docketed to that permission relate.

In June 2021 detailed planning permission ref: 21/00070/PM was granted for a learning campus and associated works on land to the West of Masons Way.

PROPOSAL

Planning permission is now sought for approval of matters specified in conditions of planning permission in principle 14/00903/PPM for the erection of 149 houses and associated works on Land to South, East and West, Wallyford.

The site relates to some 5.1 hectares of former agricultural land located to the south of Wallyford. It is bounded to the east by other parts of the larger Wallyford site that have not yet commenced development. To the north of the site is the main spine road that was

constructed as part of the masterplan and which was approved by the grant of approval of matters specified in conditions 15/00136/AMM. Beyond that is an area of woodland and land which the masterplan docketed to planning permission in principle 14/00903/AMM identifies as an area of open space. The site is bounded to the west by a an area of land approved for housing by planning permission in principle 14/00903/AMM with further areas of open space beyond. To the south of the site is an acoustic bund that was approved by the grant of approval of matters specified in conditions (ref: 15/00136/AMM) beyond which is the A1 Trunk Road.

The principal vehicular access to the proposed 149 houses would be taken from 3 points formed on the south side of the spine road to the north with an additional footpath link to the spine road.

All of the 149 houses to be erected within the site would be private houses for sale and would be comprised of 12 different house types. They would be comprised of 90 terraced/semi-detached houses and 59 detached houses. 11 of the proposed terraced/semi-detached houses would have 2 bedrooms, 72 would have 3 bedrooms and 7 would have 4 bedrooms. The proposed 59 detached houses would all have 4 bedrooms.

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

An Addendum Geo-Environmental Report (Wardell Armstrong, dated 20th August 2021), a Climate Emergency and Sustainability Report and a statement on the provision of Electric Vehicle Charging Points have been submitted in support of the application.

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

DEVELOPMENT PLAN

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

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

There are no policies of the approved South East Scotland Strategic Development Plan (SESplan) relevant to the determination of the application. Proposal MH9: (Land at Wallyford) of the adopted East Lothian Local Development Plan (ELLDLP) 2018 and Policies DP1 (Landscape Character), DP2 (Design), DP3 (Housing Density), DP4 (Major Development Sites), T1 (Development Location and Accessibility), (T2 (General Transport Impact), Policy DP8: Design Standards for New Housing Areas, Policy DP9: Development Briefs, Policy DCN2: Provision for Broadband Connectivity in New Development, Policy HOU1: Established Housing Land, Policy HOU3: Affordable Housing Quota, Policy W3: Waste Separation and Collection, Policy SEH2: Low and Zero Carbon Generating Technologies OS3 (Minimum Open Space Standards for New General Needs Housing) and OS4 (Play Space Provision in new General Needs Housing Development) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of this application.

Also material to the determination of this application is Scottish Government Advice given in Planning Advice Note 67: Housing Quality. Planning Advice Note 67 explains how Designing Places should be applied to new housing. In PAN 67 it is stated that the planning

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

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

Also material to the determination of the application is the approved masterplan for the site as approved by the grant of planning permission in principle 14/00903/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 the Councils Supplementary Planning Guidance 'Design Standards for New Housing Areas' material to the determination of the application is the Council's approved non-statutory Supplementary Planning Guidance (SPG) on 'Sustainable Drainage Systems (SuDS)' and on 'Design Standards for New Housing Areas'. The Council's SPG expands on policies that are set out in the ELLDP.

REPRESENTATIONS

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

COMMUNITY COUNCIL

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

PLANNING ASSESSMENT

By the grant of planning permission in principle 14/00903/PPM and 15/00537/PPM approval has been given for the principle of the erection of up to 20550 houses on the combined applications on the combined Wallyford and Dolphinstone sites following technical assessments which demonstrated that local and wider infrastructure, subject to financial contributions and conditions, can accommodate such level of development. To date, approval has been granted for the erection of a total of 933 residential units on the wider Wallyford site (Ref: 16/00537/AMC, 17/00384/AMM, 17/00432/AMM, 18/01283/AMM, 18/01328/AMM, 19/00926/AMM, 21/00069/AMM, 21/00693/P and 21/00219/AMC. Therefore as the cap of 2050 houses has not yet been reached within the combined Wallyford and Dolphinstone sites, there can be no objection in principle to the proposed 149 houses now proposed on this particular part of the larger site.

Consequently, in the determination of this application the Council, as Planning Authority, can

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

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

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

The details now submitted for approval are for a scheme of development comprising a mix of detached, semi-detached and terraced houses, with the houses being two stories in height. The total number of units proposed accords with the planning permission in principle granted for this part of the site and the mix of residential units includes a range of sizes and house types. The layout reflects the surrounding area, which is generally characterised by detached, semi-detached and terraced houses of a mix of single and two-storey. The range of house types proposed would give a variation of architectural form to the development, which coupled with the orientation and layout of the buildings, would give a degree of variety of appearance to the development. The architecture of the proposed houses is of a traditional pitched roof form. It should be ensured that the use of render is the predominant wall finish as this would respect the built form of other housing developments in Wallyford. A condition can be imposed on a grant of approval of matters specified in conditions for the proposed development to address these matters of wall finishes.

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

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

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

The Council's Landscape Officer has been consulted and 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 responds no comment.

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

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

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

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

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

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

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

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

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

The Council's Roads Services have been consulted on the application and advise that the vehicle swept path assessment that has been submitted for this application is not acceptable as it fails to demonstrate that a Refuse Collection Vehicle can manoeuvre into the site without over-running or over-hanging the footway at the access junctions into the development. Therefore the applicant must amend the details of those junctions and thereafter submit an amended swept path assessment that demonstrates that a Refuse

Collection Vehicle (RCV) can negotiate the road layout proposed for the application site without such over-running or overhanging the footway.

Additionally Road Services advise that the proposed roads layout be amended to: (i) remove the 'tapered' sections of road adjacent to plot 601 and at the central access road adjacent to plots 610 and 749; and (ii) that traffic calming measures be installed on straight sections of road within the development including between plots 602-603 and plots 617-620, between plots 629-630 and access to parking courts serving plots 651-653 and between plot 650 and plot 659 with those traffic calming measures being submitted to and approved by the Planning Authority. The submission of the amended road layout can be made a condition of any grant of planning permission.

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

- i) All access roads shall conform to ELC Standards for Development Roads in relation to road layout and construction, footways & footpaths, parking layout and number, street lighting and traffic calming measures;
- ii) Visibility splays of 4.5 metres by 70 metres shall be provided and maintained on each side of each of the proposed access junctions from the application site to the Spine Road such that there shall be no obstruction to visibility above a height of 1.05 metres measured from the adjacent carriageway level within the area defined below:-
 - a) A line 4.5 metres long measured along the access road from the nearside edge of the main road carriageway.
 - b) A line 70 metres long measured along the nearside edge of the main road carriageway from the centre of the access road in both directions.
 - c) A straight line joining the termination of the above two lines;
- iii) Parking for the residential elements of the development shall be provided at a rate as set out in the East Lothian Council Standards for Development Roads - Part 5 Parking Standards;
- iv) Vehicle access's to private parking areas (i.e. other than driveways) shall be via a reinforced footway crossing and have a minimum width of 5.5 metres over the first 10 metres to enable adequate two way movement of vehicles;
- v) Driveways shall have minimum dimensions of 6 metres by 3 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 m length. Pedestrian ramps to houses may encroach by up to 300mm on the width (but not the length) provided they are no greater than 150mm in height above the adjacent driveway surface;
- vi) Within residential private parking areas the minimum dimensions of a single parking space shall be 2.5 metres by 5 metres. All visitor parking spaces within these areas shall be clearly marked for visitors with the remaining private parking spaces allocated to individual dwellings;
- vii) Cycle parking shall be included at a rate of 1 space per flat. The parking shall be in the form of 1 locker per flat or communal provisions in the form of a lockable room or shed;
- viii) Wheel washing facilities must be provided and maintained in working order during the period of construction of the site. All vehicles must use the wheel washing facilities to prevent deleterious materials being carried onto the public road on vehicle tyres;
- ix) A Construction Method Statement to minimise the impact of construction activity on the safety and amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic (including routes to/from site) and shall include hours of construction work. Temporary measures shall be put

in place to control surface water drainage during the construction works. Routes for construction traffic and provision of wheel washing facility for construction vehicles shall also be included. The applicant shall then comply with measures required by the approved Construction Method Statement;

x) A Green Travel Plan to minimise private car trips and to encourage use of alternative modes of transport such as trains, buses, cycling and walking shall be submitted to and approved by the Planning Authority prior to the housing being occupied and /or the business units coming into operation;

xi) A Quality Audit including swept path assessments for refuse collection and fire appliance access, shall be submitted;

xii) All internal and external roadworks, including proposed access junctions, and off-site works shall be subject to Road Safety Audit. This process must be completed through Stages 1, 2, 3 & 4 (Preliminary Design, Detailed Design, Post Opening Audit & finally Post Opening Audit + 12 months) The audit process shall be undertaken in accordance with GG119 Road Safety Audit Rev0, or as amended by latest version, and the recommendations of the Road Safety Audit shall be fully complied with through all stages of the development; and

xii) A joint dilapidation survey of the affected roads - Masons way - carriageway and footways - shall be undertaken. Roads and footways affected by construction vehicle access, shall be resurfaced/repared to accommodate the increased use and works associated with construction traffic taking place over the frontage of the site.

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

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

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

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

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

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

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

The Councils' Waste Services were consulted on the application and raise no objection.

The Council's Contaminated Land Officer has reviewed the submitted Addendum Geo-Environmental Report and is satisfied that no further assessment is required for the application site with regards to contamination or ground gas. He does however note findings within the Report which state that areas of the site may fall within intermediate radon probability levels and would thus require the installation of protection measures. He agrees with recommendations within the Addendum Geo-Environmental Report that a site specific report be obtained to determine whether the site falls within an area that requires radon protection measures. The report will include a Remediation Strategy providing details of necessary mitigation measures to reduce any identified risks to acceptable levels. Should remedial works be required then a further Validation Report shall be submitted to the Planning Authority for approval confirming that the works have been carried out in accordance with the Remediation Strategy.

The above recommendations can reasonably form the subject of a condition attached to a grant of planning permission.

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

RECOMMENDATION

That Approval of Matters Consent 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 houses shown in relation to the finished ground and floor levels on the site.

Reason:

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

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

Reason:

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

- 3 Other than in exceptional circumstances where the layout or particular building type does not permit, the residential units shall be orientated to face the street. Notwithstanding that shown on the docketed site plan where a building is located on a corner of more than one street, it shall have enhanced gable(s) to ensure it has an active elevation to each street it faces;

Reason:

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

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

Reason:

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

- 5 Notwithstanding that shown on drawings docketed to this approval of matters specified in conditions, a scheme of landscaping shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development 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

- 6 All of the approved landscaping as required by condition 6 above shall be implemented, maintained and managed in accordance with the management details approved by the landscaping scheme unless otherwise agreed in writing by the Planning Authority.

Reason:

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

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

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

Reason:

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

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

Reason

In order to ensure the implementation and maintenance of a scheme to enhance the appearance of the

development in the interests of the amenity of the area.

9 The development shall comply with the following transportation requirements:

- i) All access roads shall conform to ELC Standards for Development Roads in relation to road layout and construction, footways & footpaths, parking layout and number, street lighting and traffic calming measures;
- ii) Visibility splays of 4.5 metres by 70 metres shall be provided and maintained on each side of each of the proposed access junctions from the application site to the Spine Road such that there shall be no obstruction to visibility above a height of 1.05 metres measured from the adjacent carriageway level within the area defined below:-
 - a) A line 4.5 metres long measured along the access road from the nearside edge of the main road carriageway.
 - b) A line 70 metres long measured along the nearside edge of the main road carriageway from the centre of the access road in both directions.
 - c) A straight line joining the termination of the above two lines;
- iii) Parking for the residential elements of the development shall be provided at a rate as set out in the East Lothian Council Standards for Development Roads - Part 5 Parking Standards;
- iv) Vehicle access's to private parking areas (i.e. other than driveways) shall be via a reinforced footway crossing and have a minimum width of 5.5 metres over the first 10 metres to enable adequate two way movement of vehicles;
- v) Driveways shall have minimum dimensions of 6 metres by 3 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 m length. Pedestrian ramps to houses may encroach by up to 300mm on the width (but not the length) provided they are no greater than 150mm in height above the adjacent driveway surface;
- vi) Within residential private parking areas the minimum dimensions of a single parking space shall be 2.5 metres by 5 metres. All visitor parking spaces within these areas shall be clearly marked for visitors with the remaining private parking spaces allocated to individual dwellings;
- vii) Cycle parking shall be included at a rate of 1 space per flat. The parking shall be in the form of 1 locker per flat or communal provisions in the form of a lockable room or shed;
- viii) Wheel washing facilities must be provided and maintained in working order during the period of construction of the site. All vehicles must use the wheel washing facilities to prevent deleterious materials being carried onto the public road on vehicle tyres;
- ix) A Construction Method Statement to minimise the impact of construction activity on the safety and amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic (including routes to/from site) and shall include hours of construction work. Temporary measures shall be put in place to control surface water drainage during the construction works. Routes for construction traffic and provision of wheel washing facility for construction vehicles shall also be included. The applicant shall then comply with measures required by the approved Construction Method Statement;
- x) A Green Travel Plan to minimise private car trips and to encourage use of alternative modes of transport such as trains, buses, cycling and walking shall be submitted to and approved by the Planning Authority prior to the housing being occupied and /or the business units coming into operation;
- xi) A Quality Audit including swept path assessments for refuse collection and fire appliance access, shall be submitted;
- xii) All internal and external roadworks, including proposed access junctions, and off-site works shall be subject to Road Safety Audit. This process must be completed through Stages 1, 2, 3 & 4 (Preliminary Design, Detailed Design, Post Opening Audit & finally Post Opening Audit + 12 months) The audit process shall be undertaken in accordance with GG119 Road Safety Audit Rev0, or as amended by latest version, and the recommendations of the Road Safety Audit shall be fully complied with through all stages of the development.;
- xiii) A joint dilapidation survey of the affected roads - Masons way - carriageway and footways - shall be undertaken. Roads and footways affected by construction vehicle access, shall be resurfaced/repared to accommodate the increased use and works associated with construction traffic taking place over the frontage of the site;
- xiiii) traffic calming measures shall be installed on roads within the development including (i) between plots 602-603 and plots 617-620, (ii) between plots 629-630 and the access to parking courts serving plots 651-653 and (iii) between plot 650 and plot 659 with the details of those traffic calming measures which shall include a timetable for their installation being submitted to and approved by the Planning Authority prior to them being installed.

Reason

In the interests of pedestrian and road safety

- 10 Notwithstanding that shown on the docketed drawings the details of the vehicular access junctions from the spine road into the housing development nor the tapered sections of road adjacent to (i) plot 601 and (ii) at the central access road adjacent to plots 610 and 749 are not approved.

Prior to the commencement of development the applicant shall submit for approval by the Planning Authority details demonstrating that a refuse collection Vehicle (RCV) can fully negotiate the road layout including the access junctions from the spine road into the housing development without over-running or overhanging the adjacent public footway . Thereafter the access junctions shall be formed in accordance with the details so approved prior to the occupation of any of the houses hereby approved unless otherwise agreed by the Planing Authority.

Reason

To ensure that the development can be safely accessed in the interests of pedestrian and 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 Development shall not commence until the findings of a site specific report to determine if any part of the site falls within areas requiring Radon protection have been submitted to and approved by the Planning Authority. The report shall further provide details and quantify any remedial works to be undertaken in order to reduce 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 those approved by the Planning Authority.

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:

In the interests of the safety of future occupants of the site.

REPORT TO: Planning Committee
MEETING DATE: Tuesday 5 October 2021
BY: Executive Director of Place
SUBJECT: Application for Planning Permission for Consideration

4

Application No. **21/00551/AMM**

Proposal Approval of matters specified in conditions of planning permission in principle 18/00937/PPM - Erection of 99 houses and associated works

Location **Land At Windygoul South
Tranent
East Lothian**

Applicant Miller Homes

RECOMMENDATION Consent Granted

REPORT OF HANDLING

PROPOSAL

Although this application is for the approval of matters specified in conditions of planning permission in principle 18/00937/PPM it has to be determined as a major development type application because the area of the application site is greater than 2 hectares and the number of dwellings detailed is greater than 49. Accordingly the application cannot be decided through the Council's Scheme of Delegation. It is therefore brought before the Planning Committee for a decision.

On the 19th December 2019 planning permission in principle 18/00937/PPM was granted for a residential development of 561 residential units with associated access, SUDS, roads, open space, future school expansion site, sports pitch and landscape works all on the allocated housing site TT1 and allocated Windygoul Primary School Expansion site TT2 at Windygoul South, Tranent. Docketed to that planning permission in principle is an indicative site plan/masterplan which shows how in principle, the development would be accommodated on the application site.

A detailed planning permission (reference 19/00378/P) was granted on the 12th September 2019 for the formation of a vehicular access from the classified road of Ormiston Road and for the formation of part of a spine/link road through the land allocated by Proposal TT1 and another detailed planning permission (reference 19/00379/P) was granted on the 23rd December 2019 for the formation of a SUDS basin designed to serve the overall residential development the subject of planning permission in principle 18/00937/PPM. Site works have

commenced on the developments the subject of those detailed planning permissions.

A further detailed planning permission (reference 19/00388/P) was granted on 26th February 2020 for the erection of 41 houses and associated works on an area of land located roughly in the centre of the wider site the subject of planning permission in principle 18/00937/PPM and immediately to the south of a section of the spine road the subject of detailed planning permission 19/00378/P. That residential site is referred to in the drawings accompanying that application as 'Area D' of the overall site the subject of planning permission in principle 18/00937/PPM.

Application (reference 20/00018/AMC) for the approval of matters specified in conditions of planning permission in principle 18/00937/PPM for the construction of the remainder of the spine/link road (Phase 2) and footpaths was granted on the 12th March 2020.

On 27th August 2020 detailed planning permission (reference 19/01131/PM) was granted for the erection of 32 houses and 28 flats along with associated access roads, parking spaces and areas of landscaping and footpaths on a site located in the north eastern part of the wider Windygoul South site allocated by Proposal TT1. All of the residential units the subject of planning permission 19/01131/PM are to be affordable housing to be managed by East Lothian Council.

On 19th March 2021 an application (reference 20/00764/AMC) for the approval of matters specified in conditions of planning permission in principle 18/00937/PPM for the erection of 25 houses and associated works on a site of some 1.27 hectares which forms part of the wider site the subject of planning permission in principle 18/00937/PPM was approved. That residential site is referred to in the drawings accompanying that application as 'Area A' of the overall site the subject of planning permission in principle 18/00937/PPM. It is located in the north eastern part of the wider Windygoul South site, immediately to the east of the site the subject of planning permission 19/01131/PM.

Through this current application the approval of matters specified in conditions is sought for the erection of 99 houses on another part of the land to which planning permission in principle 18/00937/PPM and the masterplan docketed to that permission apply. This residential site is referred to in the drawings as 'Area B' of the overall site the subject of planning permission in principle 18/00937/PPM. It is located in the southeasternmost part of the wider Windygoul South site close to where the boundary of the wider allocated site meets the B6371 public road of Ormiston Road. It is bounded on all sides by the remainder of the site the subject of planning permission in principle 18/00937/PPM. Immediately to the west it is bounded by land which is identified in the masterplan docketed to planning permission in principle 18/00937/PPM as being open space with equipped plan provision, to the south and east by land which is to become the landscaped perimeter edge of the wider Windygoul South site the subject of planning permission in principle 18/00937/PPM, beyond that to the south by a farm access road and to the east by the B6371 public road of Ormiston Road. To the north the site is bounded by land which will become a landscaped strip followed by the spine road and footpaths serving the overall, wider Windygoul South development. The land of the site is generally flat with a slight slope downhill from its southwest corner towards its northeast corner.

The application site is within an area identified by The Coal Authority as being a Coal Mining Development High Risk Area. Small areas of land on the northern boundary of the site are identified as being at risk from surface water flooding.

Since the registration of the application, a number of non-material amendments have been made to the proposals resulting in the submission of revised site layouts, landscaping, boundary treatments, electric vehicle charging provision, parking, road surfacing and road

and footpath layouts. Also since the registration of the application, further details on drainage arrangements and on potential impacts on coal mining legacy features have been submitted.

The development site layout plan shows how the proposed 99 houses would be accommodated on the site along with associated access roads and areas of landscaping and footpaths. The houses would comprise of a mix of 64 detached, 12 semi-detached and 23 terraced houses of 10 different house types. The houses would all be two-storey.

In terms of size, of the proposed 99 houses 16 would contain 5 bedrooms, 58 would contain 4 bedrooms and 25 would contain 3 bedrooms. All of the houses would be private houses for sale.

Vehicular, pedestrian and cycle access to the site would be taken by way of two accesses which would be formed directly from the new spine road the subject of planning permission 19/00378/P which lies to the north of the site. The proposed accesses would continue southwards to form a loop around the site with other, more minor access roads being formed off the loop road. Residential properties would generally face towards the streets and the majority of the proposed residential properties would have in curtilage parking, with the exception of the terraced houses which would have off street parking provided immediately to the rear of them. Visitor parking would also be provided. Footpaths would be formed throughout the site and these would connect to the wider site the subject of planning permission in principle 18/00937/PPM to connect the development the subject of this application to areas of landscaping and other parts of the residential development the subject of that planning permission in principle and beyond. The submitted details also include for electric vehicle charging provision, detached garages, boundary treatments and landscaped open space within the site.

The application is supported by a number of detailed drawings, various reports including a Site Investigation Report, an Energy Statement detailing the actions to be taken to reduce the carbon emissions from the building and from the completed development and a landscape design risk assessment report.

DEVELOPMENT PLAN

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

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

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

Relevant ELLDP Policies and Proposals are PROP TT1: Housing at Windygoul South, Tranent, Policy T1: Development Location and Accessibility, Policy T2: General Transport Impact, Policy DP1: Landscape Character, Policy DP2: Design, Policy DP3: Housing Density, Policy DP4: Major Development Sites, Policy DP8: Design Standards for New Housing Areas, Policy DP9: Development Briefs, Policy DCN2: Provision for Broadband Connectivity in New Development, Policy HOU1: Established Housing Land, Policy HOU3: Affordable Housing Quota, Policy W3: Waste Separation and Collection, Policy SEH2: Low and Zero Carbon Generating Technologies, Policy OS3: Minimum open Space Standards for

New General Needs Housing, Policy OS4: Play Space Provision in New General Needs Housing Development, Policy NH10: Sustainable Urban Drainage Systems, Policy NH11: Flood Risk, Policy NH12: Air Quality and Policy NH13: Noise.

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

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

Also material to the determination of the application is the non-statutory Development Brief (TT1 – Windygoul South, Tranent) which was adopted by the Council on 30 October 2018 and the Council's approved non-statutory Supplementary Planning Guidance (SPG) on 'Sustainable Drainage Systems (SuDS)' and on 'Design Standards for New Housing Areas'. The Council's SPG expands on policies that are set out in the ELLDP.

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. Planning Advice Note 67: Housing Quality explains how Designing Streets 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 the application is the approved masterplan for the site as approved by the grant of planning permission in principle 18/00937/PPM. The masterplan sets out the land uses expected for the allocated site and how the Council requires the site to be developed.

REPRESENTATIONS

No written representations have been received to this application.

COMMUNITY COUNCIL COMMENTS

Tranent and Elphinstone Community Council have been consulted on the application but have not provided any comments on it.

PLANNING ASSESSMENT

By the grant of planning permission in principle 18/00937/PPM, approval has been given for the principle of the erection of 561 residential units over the wider allocated site following technical assessments which demonstrated that local and wider infrastructure, subject to financial contributions and conditions, can accommodate such level of development. The indicative site plan docketed to planning permission in principle application 18/00937/PPM is indicatively detailed down to the level of individual house plots and house types which could be accommodated on the overall site the subject of that planning permission in principle and the detailed layout the subject of this current application shows a layout, a density, overall number of units and house types that are broadly consistent with the indicative layout docketed to permission in principle 18/00937/PM for this part of the Windygoul South site. Full regard has therefore been had to the terms of the approved site layout drawing that relates to the wider site and the development now proposed is in conformity with the overall provisions of that approved site layout drawing. There can therefore be no objection in principle to the erection of the 99 houses now proposed on this particular part of the 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 landscaping of and means of access to the site and the means of any enclosure of the boundaries of the site. In this regard the detailed proposals have to be considered against relevant development plan policy and conditions attached to planning permission in principle 18/00937/PPM.

The proposed houses, due to their positioning on the application site and by virtue of their height, size and scale, architectural design and finishes would satisfactorily integrate into their surroundings and would not appear as prominent or intrusive features. The other components of the proposed development would not be harmful to the character and appearance of the area. Residential properties would generally face towards the streets including at the southeastern edge of the development where houses would face out towards the B6371 public road of Ormiston Road thereby providing an attractive view of the development at this highly visible public edge of the wider allocated site which would form a new urban edge to the town of Tranent.

The architecture of the proposed houses is of a relatively traditional pitched roof form. Render is proposed as the predominant wall finish with some use of reconstituted stone as a contrasting wall finish. Three different colours of render, one colour of reconstituted stone and two different colours of roof tile are proposed to add visual interest to the development. Solar panels would be fitted in the roof slopes of the houses. In all of this the proposal would be an appropriate residential development of the site. It would be well designed and integrated into its landscape and settlement setting.

The proposed development would provide an attractive residential environment for future residents of the proposed houses. The units are shown to be laid out in such a way that adheres to the normally accepted privacy and amenity criteria on overlooking and overshadowing, whilst affording the future occupants of the houses an appropriate level of privacy and residential amenity. The proposed new houses would be so sited, oriented and screened such as not to harm the privacy and amenity of existing or future neighbouring or nearby residential properties through overlooking or overshadowing.

Footpath links to the wider residential site the subject of planning permission in principle 18/00937/PPM are proposed and they will allow for pedestrian and cycle access to the wider area and will allow for good connectivity with the remainder of the Windygoul South site.

In respect of landscape matters the applicant has taken into consideration all of the

comments of **the Council's Landscape Projects Officer** in the submission of revised drawings to incorporate enhanced landscape planting within the site. The provision, maintenance and retention of a scheme of landscaping of the site can be made a condition of an approval of matters consent. On this consideration the proposed development is consistent with Policy DP1 of the ELLDP.

The Council's Road Services have considered the details of the application and raise no objection to the proposed development, being satisfied that it could be accessed safely and would not lead to a road or pedestrian safety hazard. They recommend a number of transportation requirements which, where relevant, can be met through a conditional approval of matters consent for the proposed development. With the imposition of conditions to cover these recommendations of Roads Services, the proposed development does not conflict with Policies T1 or T2 of the ELLDP.

Swept path analysis drawings demonstrating how the site can be serviced for waste collection have been submitted as part of the application. **The Council's Waste Services** have been consulted on the proposals and have confirmed they have no objections to the layout of the proposed development being satisfied that waste vehicles can access and service the site satisfactorily. The Council's Waste Services have provided details, which have been forwarded to the applicant, on circumstances where householders will have to present their bins at the kerbside and not within private driveway areas and advice for the applicant on marking or providing signage in turning areas to state that no parking should take place in these areas to allow waste collection vehicles sufficient space to manoeuvre. **The Council's Road Services** are also satisfied that it has been satisfactorily demonstrated that the site can be serviced for waste collection, or other large, vehicles. The proposal complies with Policy W3 of the ELLDP.

In relation to considerations of contaminated land issues, **the Council's Environment Protection Officer (Contaminated Land)** advises he has previously reviewed a Site Investigation Report which formed part of planning permission in principle application 18/00937/PPM with the investigation covering that wider site area. He advises that the previously reviewed Site Investigation Report identified a localised area of elevated benzo(a)pyrene contamination associated with made ground deposits within the site of this current application. As a result recommendations were made for capping layers to be used in any areas of soft landscaping or gardens in the vicinity of this contamination. The Council's Environment Protection Officer (Contaminated Land), in his assessment of this current application advised that what is now required is for a Remediation Statement to be submitted detailing all the measures to be implemented for the site and also confirming the validation procedures to be undertaken in order to verify these measures. The applicant, in response, has submitted a Remedial Strategy Report detailing proposed measures to be taken to address the localised PAH contamination encountered including the testing to be carried out on the topsoil used for the capping layer. The Council's Environment Protection Officer (Contaminated Land) has advised he is satisfied with the proposed measures to decontaminate the site contained in the Remedial Strategy Report submitted and with the details on validation methodology also contained within the Report. He advises that on completion of the remedial works and prior to occupation of the dwellings, a Verification Report should be submitted confirming that all the remedial measures have been successfully carried out. This requirement can be secured through a condition attached to an approval of matters consent for the proposed development.

The Council's Environmental Health Service Manager raises no objection to the proposed development, satisfied that it would not result in harm to the amenity of any neighbouring land use and future residents of the proposed development would also benefit from a satisfactory level of amenity.

On all of these foregoing findings on matters of density, design, layout, road, pedestrian, cyclist and other transportation design considerations, landscaping and amenity, and subject to the imposition of conditions, the proposed development is not inconsistent with the conditions imposed on the planning permission in principle 18/00937/PPM or with the indicative layout/masterplan docketed to that planning permission in principle. Nor is it inconsistent with Proposal TT1 or Policies DP1, DP2, DP3, DP4, DP8, DP9, NH12, NH13, T1 or T2 of the ELLDP, the Council's adopted development brief for the site, the Council's adopted SPG on 'Design Standards for New Housing Areas' or the Scottish Government Policy Statement entitled "Designing Streets" or its PAN 67.

Matters of drainage and flood risk concerning the wider allocated site were fully considered in the assessment of the planning permission in principle application 18/00937/PPM. The principle, and subsequently the detail, of the provision of a sustainable urban drainage scheme (SUDS) detention basin to serve the wider development has already been approved by the grant of planning permission in principle 18/00937/PPM and the detailed planning permission 19/00379/P.

The Scottish Environmental Protection Agency (SEPA) and the Council's Team Manager for Structures, Flooding & Street Lighting have been consulted on this current application and in response to requests from these consultees the applicant has submitted revised drainage details which detail how the surface water from this site would connect to the SUDS Basin approved by the grant of planning permission 19/00379/P. The applicant has also confirmed that no culvert exists within the site of this current application. Having assessed the revised information submitted, SEPA and the Council's Team Manager for Structures, Flooding & Street Lighting have both confirmed that they raise no objections and have no comments to make on drainage or flood risk grounds. The proposals are consistent with Policies NH10 and NH11 of the ELLDP.

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

Small areas of landscaped open space are proposed to be created on the site of this current application however the majority of open space provision and the formal play provision are to be formed elsewhere on the wider Windygoul south site, including in the area immediately to the west of the site of this application. In terms of open space and formal play provision the details for this site are consistent with the indicative details shown for this area of the wider site in the indicative site plan docketed to planning permission in principle application 18/00937/PPM and therefore the proposals are consistent with Policies OS3 and OS4 of the ELLDP.

As the site is within a Coal Mining Development High Risk Area **the Coal Authority** has been consulted on the application. Having received revised information from the applicant detailing the relationship of the proposed development to the recorded mine entries and their calculated zones of influence, The Coal Authority confirms it has no objections to the proposals and does not recommend any conditions be imposed on an approval of matters consent. Condition 9 of planning permission in principle 18/00937/PPM requires the investigation and remediation of mining legacy affecting the wider site the subject of planning permission in principle 18/00937/PPM.

In accordance with Policy DCN2 of the ELLDP the applicant has confirmed in writing to the Planning Authority that all houses will have BT Fibre broadband connections.

At its meeting on Tuesday 27th August 2019 the Council approved a motion declaring a Climate Emergency. Thereafter, at its meeting on Tuesday 3rd September 2019 the

Council's Planning Committee decided that a condition requiring a developer to submit for the approval of the Planning Authority a report on the actions to be taken to reduce the carbon emissions from the building and from the completed development should be imposed on relevant applications for planning permission, including applications for the approval of matters specified in conditions of a planning permission in principle. This application is supported by an Energy Statement which has been amended by the applicant since the registration of the application. The Energy Statement submitted sets out the measures to be taken to reduce the carbon emissions from the building and from the completed development which include meeting the latest building regulation standards in terms of thermal performance and energy efficient systems, complying with a Site Waste Management plan to control and minimise disturbance and removal of waste as a result of construction activities, promoting a Green Travel Plan to future residents, incorporation of a range of energy efficient measures to the properties including the fitting of solar panels to the properties as standard. It is stated in the Energy Statement that the properties will be designed and energy assessed against the Bronze Standard as contained within Regulation 7(a) of the Energy Performance of Buildings (Scotland) Building Standards Regulations 2015. In respect of electric vehicle charging provision, the Energy Statement confirms that all properties with in-curtilage parking will be provided with a three-pin socket installed and designed to allow at least a 3kW(16A) charger to be electrically supported. For properties without in-curtilage parking an electric vehicle charging column with 2 number 3.6kW Type 2 charging sockets will be installed in the parking courtyard serving plots 49-53 for the exclusive use of these plots. A feeder column housing the metered supply will be located next to this column and the factoring agent for the development will take on the management of this column. Ducting infrastructure is to be provided for plots 54-59, 68-75 & 96-99. These ducts will be taken from each of these dwellings and terminated in the plot allocated parking space via a retention socket. This allows the plot resident to install a charging point when the need is required. Each plot parking space will be numbered and delineated making each retention socket identifiable. These proposed electric vehicle charging provision measures have also been detailed in the site layout drawing submitted with this application. **The Council's Road Services** have confirmed that they are satisfied with the electric vehicle charging measures proposed. Subject to a condition being imposed on a grant of planning permission for this proposed development to ensure that the proposed actions to be taken to reduce the carbon emissions from the building and from the completed development, including the proposals for Electric Vehicle Charging Provision are implemented on site, the proposals are consistent with Policy SEH2 of the ELLDP.

The mechanisms to secure from the applicant sports pitch provision, the transfer of land for additional school campus provision, financial contributions towards primary and secondary school provision, transport improvements, allotment provision, path provision and the provision of 141 units of affordable housing on the overall planning permission in principle site have already been secured through the grant of planning permission in principle 18/00937/PPM. The masterplan docketed to planning permission in principle 18/00937/PPM indicates the parts of the wider Windygoul development that will provide for affordable housing. There is no affordable housing allocated for this part of the site in that docketed masterplan. In this regard the proposal is consistent with the indicative masterplan docketed to planning permission in principle 18/00937/PPM and not inconsistent with Policy HOU3 of the ELLDP.

In summary, the site is capable of accommodating the proposed development including vehicular, pedestrian and cycle access and landscaped open space. An approval of matters consent for the proposed development in the context of the site being part of housing allocation PROP TT1 of the East Lothian Local Development Plan, and in that its impacts in respect of amenity and technical considerations are acceptable in themselves, or can be mitigated through the appropriate use of planning conditions, would not be inconsistent with Scottish Planning Policy: June 2014, with the Scottish Government's "Designing Streets" or

PAN 67, with the relevant policies and proposals of the East Lothian Local Development Plan 2018 or with its adopted supplementary planning guidance or with the principles established by the grant of planning permission in principle 18/00937/PM.

RECOMMENDATION

That Approval of Matters Consent be granted subject to the following conditions:

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

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

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

Reason:

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

- 2 The actions to be taken to reduce the carbon emissions from the building and the provisions for electric vehicle charging all as detailed in the Energy Statement and on drawing titled 'Sketch Layout' with drawing number TRA-(SK)-001 Rev S docketed to this approval of matters consent shall be fully implemented on site prior to the occupation of the last house hereby approved and thereafter shall be retained unless otherwise approved in writing by the Planning Authority.

Reason:

To minimise the environmental impact of the development.

- 3 Prior to the commencement of development, the remediation of the site shall be carried out in strict accordance with the Remediation Statement docketed to this approval of matters consent, unless otherwise approved in writing in advance by the Planning Authority.

On completion of the implementation of the measures identified in the Remediation Statement so approved, a Verification Report demonstrating the effectiveness of the remediation carried out, shall be submitted to and approved by the Planning Authority prior to the occupation of any of the houses hereby approved.

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

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

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

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

Reason:

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

- 4 All planting, seeding or turfing comprised in the details of landscaping on the drawings titled 'Landscape Proposals' with drawing numbers 109-108-01 rev C, 109-108-02 rev C, 109-108-03 rev C and 109-108-04 rev C docketed to this approval of matters consent shall be carried out in the first planting and

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

All the new planting shall be maintained in accordance with the maintenance programme as detailed on docketed drawing number 109-108-01 rev C titled 'Landscape Proposals'.

Reason

In the interests of achieving an appropriate landscaped setting for the housing development.

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

Reason:

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

- 6 All the open space recreation areas indicated on the docketed drawings shall be available for use prior to the occupation of the last house on the site. The open space recreation areas, when provided, shall be used for such purposes at all times thereafter unless agreed in writing by the Planning Authority.

Reason:

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

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

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

(ii) driveways shall have minimum dimensions of 6 metres by 3 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 m length. Pedestrian ramps to houses may encroach by up to 300mm on the width (but not the length) provided they are no greater than 15021/mm in height above the adjacent driveway surface.;

(iii) Vehicle accesses to private parking areas (i.e. other than driveways) shall be via a reinforced footway crossing. Within private parking areas, the minimum dimensions of a single parking space shall be 2.5 metres by 5 metres;

(iv) All prospectively adoptable parking bays (i.e. that will form part of the public road) shall have minimum dimensions of 2.5 metres by 6 metres.

(v) Parking for the development shall be provided at a rate as set out in the East Lothian Council Standards for Development Roads – Part 5 Parking Standards. Visitor parking bays should be clearly identifiable.

Reason:

In the interests of road and pedestrian safety.

- 8 A Travel Information Pack shall be submitted to and approved by the Planning Authority prior to the occupation of any of the residential units hereby approved. The Travel Information Pack shall have particular regard to provision for walking, cycling and public transport access to and within the site, shall include local bus and train timetables, local cycling and walking maps, information on bike hire/car sharing, and will include a timetable for its implementation, details of the measures to be provided, the system of management, monitoring, review, reporting and duration of the Plan, and details of how and when it will be distributed to all residents.

The Travel Information Pack shall thereafter be provided to residents in accordance with the details approved.

Reason:

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

- 9 Prior to the occupation of the last house hereby approved, the proposed access roads, parking spaces and footpaths shall have been constructed on site in accordance with the docketed drawings.

Those areas of land shall not thereafter be used for any other purpose than for accessing and for the parking of vehicles in connection with the residential use of the houses and shall not be adapted or used for other purposes without the prior written approval of the Planning Authority.

Reason:

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

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

The Construction Method Statement shall include details of:

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

Thereafter, the Construction Method Statement shall be implemented and complied with in accordance with the approved details for the period of construction of the development hereby approved and the wheel washing facilities or any alternative facility so approved shall be provided and maintained in working order during the period of construction operations at the site.

Reason:

To minimise the impact of construction traffic in the interests of road and pedestrian safety in the locality.

REPORT TO: Planning Committee
MEETING DATE: Tuesday 5 October 2021
BY: Executive Director of Place
SUBJECT: Application for Planning Permission for Consideration

5

Note - this application was called off the Scheme of Delegation List by Councillor Hampshire for the following reasons: I have concerns about the volume of waste that will be stored at the Entrance to this development and its proximity to the garden of a neighbouring property. I am also concerned that this will also narrow the entrance and the removal of any pavement or safe area for pedestrians to walk at the Entrance of this development. The site lines at the exit are zero and the footpath on Bayswell Road is very busy due to Lauderdale Park and children run across the entrance. The Proposal will also require the removal of a significant number of Important Trees from the Conservation Area. I think members will benefit from a Site Visit.

Application No. **20/00939/P**
Proposal **Erection of 27 flats and associated works**
Location **Land South of St Andrews Centre
Bayswell Road
Dunbar
East Lothian**
Applicant **Whiteadder Ltd**
Per **LBA Ltd**

RECOMMENDATION Consent Granted

REPORT OF HANDLING

PROPOSAL

The application site is an area of land within a predominantly residential area as defined by Policy RCA1 of the adopted East Lothian Local Development Plan 2018 (ELLDP) and is also within Dunbar Conservation Area. The site has an area of some 0.28 hectares and forms part of the established housing land supply, as defined by Policy HOU1 of the ELLDP.

The application site is on land that previously formed the wider garden ground of the former St Andrews Centre a detached 2-storey building and which is to the north of the application site. That building has planning permission (19/00623/P and 20/01433/P) to be converted into 4 flats. Beyond the former St Andrew Centre building is the residential property of The Manse beyond which is Bayswell Road. To the south the site is bounded by a line of mature trees and a high stone wall with the rear gardens of residential houses beyond. The site is bounded to the west by a line of mature trees and a high stone wall with a long linear single storey commercial garage building beyond.

To the east are the flats known as Garrison Green, and which were the subject of planning permission ref: 13/00394/P which granted permission for 18 flats that land. Those flats are comprised of two 3 storey high pitched roof buildings of contemporary style located to the north and south of that site respectively.

Planning permission is now sought by East Lothian Housing Association for the erection of 27 flats and associated works. The 27 flats proposed would be formed within four 3-storey flatted buildings and would be comprised of 24 two-bedroom and 3 one bedroom flats. All of the proposed flats would be affordable house for use as social housing.

It is proposed that the flatted buildings would be laid out in an irregular U-shape that would form an internal courtyard laid out as amenity garden space. Drawings submitted as part of the application show:

- i) an L-shaped 3-storey flatted block located within the northwest corner of the site aligned east to west providing three 1-bedroom and six 2-bedroom flats;
- ii) a 3-storey flatted block within the northeast corner of the site aligned east to west providing three 2-bedroom flats;
- ii) a 3-storey flatted block to the east of the site aligned north to south providing six 2-bedroom flats; and
- iii) an L-shaped 3-storey flatted block within the southwest corner of the site aligned east to west providing nine 2-bedroom flats.

The proposed flatted buildings would be contemporary in their architectural form and design. The roofs of the buildings would be steeply pitched and gabled and finished in standing seam metal. The external elevation walls would be finished in white coloured render punctuated with areas of standing seam metal cladding displaying a limited use of colours. Proposed aluminium clad timber window frames and access door openings would be finished in anthracite grey and be of a modern design and fenestration providing a vertical emphasis to the main elevations of the buildings. All external rainwater good would be finished in anthracite grey metal.

The existing walls which enclose the south and west boundaries of the site would be retained.

Vehicular access to the site would be via the existing access road taken from Bayswell Road to the northeast of the site that serves the former St Andrews Centre and the existing flatted properties of Garrison Green.

The proposed flatted buildings would be accessed by two communal stairways located within gabled outshoots located to the north and south of the courtyard. Deck access walkways enclosed by metal balustrades would provide access to the 1st and 2nd storey flats within each block. Main access to the ground floor flats would be taken directly from the courtyard.

Thereafter pedestrian access to the courtyard would be located between the flatted buildings at the northeast corner of the site.

Parking areas are proposed within the north and east of the site providing a total of 31 parking spaces to serve the proposed flats.

A cycle store providing secure storage for 27 bicycles would be located to the east of the flatted buildings proposed at the south of the site.

It was originally proposed that bin storage and waste collection facilities for both general waste and for recyclable waste for the proposed 27 flats was to be provided on the east side

of the existing access road into the development.

As an amendment to the application it is now proposed that a new purpose-built block and render waste collection compound would be constructed within the site to the east of the southernmost flatted block. This new bin storage area would provide space for 27 standard 240 litre wheelie bins for use by the occupants of each of the proposed flats. Space for one green recycling box, 1 blue recycling box and 1 food caddy would be provided for each of the proposed flats within this compound.

A Design and Access statement has been submitted in support of the application setting out the site history and its context and detailing the design concept of the proposals.

A Tree Survey and Arboricultural Implication Assessment and a Bat Roost Assessment Survey have also been submitted as a part of the application.

Since the application was first registered further drawings have been submitted providing revised details of: proposed site layout and parking arrangements; large vehicle swept path tracking analysis; proposed electric vehicle charging points; and proposed tree planting.

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).

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

Relevant to the determination of the application are Policies CH2 (Development Conservation Areas), DP1 (Landscape Character), DP2 (Design), DP3 (Housing Density), DP7 (Infill, Backland and Garden Ground development), DP8 (Design Standards for New Housing Areas), NH8 (Trees and Development), T1 (Development Locations and Accessibility), T2 (General Transport Impact), W3 (Waste Separation and Collection), HOU3 (Affordable Housing Quota), HOU4 (Affordable Housing Tenure Mix) and DEL1 (Infrastructure and Facilities Provision) of the ELLDP.

Material to the determination of the application are Sections 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and Scottish Planning Policy: Revised December 2020.

One of the main 'Outcomes' of Scottish Planning Policy (SPP) is to create successful, sustainable places by supporting sustainable economic growth and regeneration, and the creation of well-designed, sustainable places. Scottish Planning Policy highlights that new housing developments should be integrated with public and active travel networks, such as footpaths and cycle routes, rather than encouraging dependence on the car.

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 or 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.

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

Also material to the determination of the application is ELLDP Supplementary Planning Guidance 'Design Standards for New Housing Areas' adopted by the Council in May 2020. The SPG seeks to raise awareness of the unique characteristics and attributes of East Lothian, how these can be used positively to create new places both small scale and large, and the technical aspects of design that are required to deliver great new places.

Also material to the determination of the application is Supplementary Planning Guidance (SPG) on 'Affordable Housing' adopted by the Council in February 2019. The SPG supplements relevant ELLDP policies in relation to the delivery of affordable housing.

REPRESENTATIONS

A total of 7 letters of representation have been received in respect of the application. The main grounds of objection are:

- i) increased traffic and lack of pedestrian footpaths at the existing access from Bayswell Road;
- ii) impact of waste and recycling facilities on neighbouring property;
- iii) the loss of trees on the west side of the site will change character of the conservation;
- iv) the massing and style of the news flats would not relate well to either the historic former manse to the north or to the new housing association flats to the east;
- v) a scheme of almost exclusively single bedded units (23 out of 27) risks creating a ghetto and involves parking problems;
- vi) Garrison Green would become a sea of concrete;

COMMUNITY COUNCIL

Dunbar Community Council have been consulted on the application and support the application but request that consideration be given to the following:

- i) impacts of waste and recycling facilities on neighbouring residential properties;

- ii) additional footpath provision at existing access from Bayswell Road;
- iii) appropriate tree planting in mitigation of trees removed;

PLANNING ASSESSMENT

The application site is within a predominantly residential area as defined by Policy RCA1 of the Local Development Plan. Policy RCA1 does not actively promote the development of land for new build residential development. Its principal purpose is to ensure that the predominantly residential character and amenity of existing housing areas is safeguarded from the adverse impacts of uses other than housing. Policy RCA1 does however state that proposals for new development will be assessed against appropriate local plan policies, which in the case of infill, backland and garden ground development is Policy DP7 of the ELLDP.

By its nature the proposed development amounts to urban infill housing development within the town of Dunbar. The principle of such development is supported by Scottish Planning Policy and Policy DP7 of the adopted East Lothian Local Development Plan 2018.

Policy DP7 states that infill and backland development, including the subdivision of garden ground, will be supported provided the site can accommodate the entire development, the occupants of existing neighbouring houses experience no significant loss of privacy and amenity and occupants of any new house must also enjoy privacy and amenity, and the scale and design of the proposed development will be sympathetic to its surroundings.

Policy DP2 of the ELLDP, amongst other things, requires that all new development must be well designed and integrated into its surroundings.

Policy CH2 of the ELLDP requires that all new development within the Conservation Area be located and designed to preserve or enhance the special architectural or historic character of the Conservation Area. Proposals for new development should accord with the size, proportions, orientation, alignment, density, materials, and boundary treatment of nearby buildings and public and private spaces.

Thereafter, the main determining factor in this case is whether, having regard to national, strategic and local planning policy and guidance and other material considerations, the detail of the proposed redevelopment of the site to 27 flats with associated access and parking is acceptable, with due regard to the potential impact on the character and amenity of the area, including the impact on neighbouring residential properties and the impact on the Conservation Area.

Whilst it is not essential to replicate existing building styles to build successfully in a conservation area and indeed in other locations, both national planning and development plan policy nevertheless state that in designing proposed new buildings developers should think about the qualities and the characteristics of place. The development should reflect its setting and local forms of building and materials. The aim should be to have buildings looking different without detracting from any sense of unity and coherence for the development or the wider neighbourhood.

The existing residential properties in the vicinity of the site and the former St Andrews Centre are of a variety of architectural styles and ages and which range in height. The majority of the buildings in the vicinity are two storeys high but the St Andrews Centre is a higher, more dominant building which has three storeys of accommodation, with its second floor being in the roof space of the building. The flatted development of Garrison Green immediately to the east of the site consists of two 3-storey high modern flatted buildings with walls finished in render and cladding panels. The existing buildings in the vicinity have, variously, walls

finished with stone or render. The majority of the neighbouring buildings have slate finished pitched roofs with some use of pantiles or more modern tiles. To the west of the site is a single storey linear commercial garage building.

In their positions and by virtue of their heights the proposed flatted buildings would be visible from public places. In particular the upper floors of the buildings would be visible in views from the west where they would be seen above the linear single storey commercial garage building that sits adjacent to the west side of the site. Otherwise the proposed development would be well contained in views from the north, south and east where it would be seen in more glimpsed views between the existing buildings adjacent to the site. Although they would be three storeys in height the proposed flatted buildings would be designed in terms of ground levels to have an overall height not dissimilar to the existing St Andrews Centre building and the neighbouring flatted properties of Garrison Green when viewed from outwith the site. Although displaying contemporary design features, the proposed flatted buildings would each be finished in traditional materials including rendered walls and metal rainwater goods that would be similar to the finishes of the existing flatted buildings of Garrison Green. Therefore, in terms of their size, height, proportion, positioning, architectural form and finishes the proposed flatted buildings would sit comfortably in their setting and would not appear incongruous or out of keeping with the architectural form and finish of other neighbouring buildings in the area. Therefore the proposed flatted buildings would not appear overly large or dominating and would not detract from the character and visual amenity of the Conservation Area.

The use of modern materials such as aluminium frames for windows is not normally acceptable for use in a conservation area. However in respect of this proposal the windows and doors on the north, south and west elevations of the flatted buildings would not be readily visible from public places. Therefore the installation of aluminium framed windows would not be discernible and would not have an appreciable effect on the character and appearance of the Dunbar Conservation. Whilst the windows on the first and second floors of the flatted building to be erected on the western part of the site would be visible in public views, these would be long distance views over the existing commercial garage building. In such long distance views and due to the modern style and appearance of the windows and of the flatted building the aluminium framing of them would not be readily discernible. Therefore they would not have an appreciable effect on the character and appearance of the Dunbar Conservation Area.

A condition can reasonably be attached to a grant of planning permission to control the external finishes of the proposed flatted buildings.

In its location to the east of the southernmost flatted block the proposed bin storage compound would not appear unduly prominent or incongruous. It would not harm the integrity nor the setting of the existing neighbouring development of Garrison Green and the adjacent residential properties of Bayswell Road, nor the character and appearance of the Dunbar Conservation Area.

Car parking and cycle parking for the site would be contained between the proposed flatted buildings and the existing buildings of St Andrews Centres and Garrison Green. In such a contained position the extent of hardsurfacing to accommodate the proposed car parking areas, footpaths, and bicycle store would not be readily visible from outwith the site and therefore would not harm the character and appearance of the Dunbar Conservation Area.

The site is capable of accommodating all of the proposed development including satisfactory vehicular and pedestrian access and amenity space. The proposed flatted development would be of a density not incompatible with existing densities of development in the area. The cumulative effect of the proposed flats alongside the existing St Andrews Centre

building and the flatted buildings of Garrison Green to the east would not result in an overdevelopment of the site.

In all of the above considerations the proposed development would safeguard the character and appearance of this part of the Dunbar Conservation Area. It would add architectural interest to the appearance of the area, which is characterised by a variety of buildings of a range of ages, architectural styles and use of finishes. The proposed development is acceptably designed for its place and would not harm the character and appearance of the Conservation Area.

On all of these design considerations the proposed 27 flats and associated works are consistent with Policies CH2, DP1, DP2, DP3, DP5 and DP8 of the ELLDP, Supplementary Planning Guidance 'Design Standards for New Housing Areas', Planning Advice Note 67 and with Scottish Planning Policy with respect to the effect of it on the Dunbar Conservation Area.

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

Windows and other glazed openings are proposed to be formed on the north, south, east and west elevations of the four flatted buildings proposed. By virtue of their positioning and distance away from neighbouring properties, the windows and other glazed openings to be formed in the north, south and west elevations of the proposed buildings would not lead to harmful overlooking of any neighbouring residential property. At some 6 meters at their closest point the windows which are to be formed within the east elevation of the proposed flatted building to the east of the site would be positioned less than 9 meters from the west gable elevation of the existing flatted building within the housing development of Garrison Green to the east. There are 3 windows on the west elevation of that existing flatted building at ground, first and second storey levels. Each of the windows serves a bathroom/shower room and are obscurely glazed. A condition attached to planning permission (Ref: 13/00394/P) requires that these windows shall continue to be fitted with obscure glazing unless otherwise approved by the Planning Authority. Therefore the proposed development would not have a harmful impact on the privacy and amenity of any neighbouring properties in terms of overlooking.

The proposed buildings would be positioned and orientated so as to not give rise to harmful overlooking of each other.

Given their positioning and orientation the proposed buildings would not give rise to significant harmful loss of sunlight or daylight to any neighbouring residence or garden and would not harmfully overshadow each other.

On the above matters the proposed development is consistent with Policies CH2, DP1, DP2, DP3, DP7 and DP8 of the ELLDP and with Scottish Planning Policy: Revised December 2020.

Policy NH8 of the ELLDP states that there is a strong presumption in favour of protecting East Lothian's woodland resources. Development affecting trees, groups of trees or areas of woodland will only be permitted where:

- a. any tree, group of trees or woodland that makes a significant positive contribution to the setting, amenity of the area has been incorporated into the development through design and layout, and wherever possible such trees and hedges should be incorporated into public open space and not into private gardens or areas; or
- b. (i) in the case of woodland, its loss is essential to facilitate development that would achieve significant and clearly defined additional public benefits in line with the Scottish Governments Policy on Control of Woodland Removal; in particular the loss of Ancient Woodland will not be supported; or (ii) in the case of individual trees or groups of trees, their loss is essential to facilitate development that would contribute more to the good planning of the area than would retaining the trees or group of trees.

The submitted Tree Survey and Arboricultural Impact Assessment identifies the existing south and west boundary walls on the site as physical barriers to root growth resulting in the majority of root growth of the existing trees on those boundaries as being into the site. As such the Tree Survey and Arboricultural Impact Assessment concludes that those trees cannot be safely retained alongside development proposed within the application.

The applicant proposes that the belt of mature trees on the south and west boundaries of the site are removed and new tree planting implemented in mitigation for the loss of existing trees.

The Council's Landscape Officer has been consulted on the application and concurs that it would not be feasible to retain the existing trees onsite should planning permission be granted for the proposed development.

Whilst the loss of the trees is unfortunate Policy NH8 does not prevent the loss of trees or groups of trees provided the proposed development responsible for their loss would contribute more to the good planning of the area. In this instance through this application a total of 27 affordable residential units would be delivered by East Lothian Housing Association in a location close to Dunbar Town Centre. The provision of this affordable housing in such an accessible and central location would enhance the mix of affordable housing available for existing and future residents of Dunbar. This could make a valuable contribution to the good planning of the area consistent with Policy NH8 of the adopted East Lothian Local Development Plan 2018.

The Council's Landscape Officer advises that should planning permission be granted with the loss of all of the trees within the site for planning reasons that can be justified within policy NH8, then replacement planting to provide some compensation for the loss of the trees should be carried out on the site. In time, this planting would offer some degree of replacement for the trees to be removed. Therefore a condition should be imposed on any grant of planning permission requiring that prior to the commencement of development a scheme of landscaping be submitted to and approved in writing by the Planning Authority and that such a scheme provides details of tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. Subject to the imposition of that planning control and as the proposed development would contribute more to the good planning of the area than would retaining the trees the proposal is not be contrary to Policy NH8 of the adopted East Lothian Local Development Plan 2018.

Policy W3 of the ELLDP requires that all new development, including residential, should include appropriate provision for waste separation and collection to meet the requirements of the Waste (Scotland) Regulations. Such provisions should include appropriate and well-designed provision for storage of domestic kerbside collection bins and boxes for all scales of residential development, and appropriate access roads and sufficient space for servicing by collection vehicles. It is proposed that a new purpose built timber waste collection compound would be constructed within the site to the east of the southernmost flatted block.

This timber compound would house all the recycling and waste bins of the proposed new flats.

It is proposed that two visitor parking spaces to the east of the site would be demarcated as areas for the presentation and collection of waste and recycling bins on specific days of uplift. The applicant's agent has submitted a management plan providing details of bin storage facilities for each of the residential units and the means by which bins are to be presented for collection and returned to the bin storage facilities on those days.

A condition can reasonably be attached to any grant of planning permission requiring site refuse storage and collection facilities are operated in accordance with that management plan.

The Council's Waste Services have been consulted on the application and are satisfied with the proposed waste separation and collection arrangements subject to the presentation of waste/recycling containers at the kerbside for collection. The Councils Roads Services confirm that large waste collection vehicles can safely enter and manoeuvre within the site to service the waste facility of the site.

The Council's Environmental Health Service Manager was consulted on the application and has not objected to the application.

The Council's Contaminated Land Officer has been consulted and has responded that undocumented areas of made ground may exist on the site and that, given the proposals are for residential development, further information will be required to determine ground conditions and potential contamination issues. He recommends that prior to any site development works being undertaken a suitable Geo-Environmental Assessment is carried out and made available to the Planning Authority for approval. Should such assessment identify a requirement for remedial works, then prior to the site being occupied a Validation Report is required to be submitted. 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. These recommendations can reasonably be secured by the imposition of a condition on any planning permission granted for the proposed development. Subject to this planning control the contaminated land officer raises no objection to the proposed development.

Vehicular and pedestrian access into the site would be via the existing access from Bayswell Road. **The Council's Roads Services** advise that subject to the provision of traffic speed reduction measures including a raised table pedestrian crossing at the entrance to the site from Bayswell Road and a means of safe pedestrian access to the site that they are satisfied with the proposed arrangements for vehicle and pedestrian site access, car parking and manoeuvring embodied in the site layout.

Roads Services further advise that the provision of two electric vehicle charging points, each capable of charging two vehicles simultaneously, is acceptable and that a Residential Travel Pack be provided to each resident. The Travel Pack should include information on how any future additional electric vehicle charging points are provided and managed, and on local walking, cycling and public transport routes. Signage should also be erected providing information on additional charge point requests.

All of the above requirements can reasonably form the subject of conditions attached to a grant of planning permission.

Subject to the above planning controls the proposed flatted development is consistent with Policies T1 and T2 of the ELLDP.

The Council's Biodiversity Officer has been consulted and is satisfied with the findings of a submitted Bat Roost Assessment Survey. She does however advise that proposed tree works are undertaken outwith the bird breeding season (1st March - 31st August inclusive) unless in accordance with a Species Protection Plan, which must be submitted in advance for approval by the Council. The roost assessment included a nesting bird check, however this was undertaken in February which is too early for most breeding birds. This requirement can be secured through a condition attached to a grant of planning permission for the proposed development.

The Council's Archaeology and Heritage Officer has been consulted on the application and has made no comment.

Scottish Water have been consulted and have no objection to the application.

At its meeting on Tuesday 27th August 2019 the Council approved a motion declaring a Climate Emergency. Thereafter, at its meeting on Tuesday 3rd September 2019 the Council's Planning Committee decided that a condition requiring a developer to submit for the approval of the Planning Authority a report on the actions to be taken to reduce the carbon emissions from the building and from the completed development should be imposed on all applications for planning permission except Section 42 applications, householder applications, design changes, changes of use, non-householder alterations and extensions, or where it is not considered reasonable by the Planning Officer. As this application is for new build development such a condition should be imposed on any planning permission granted for the proposed development.

East Lothian Council's Strategy and Development Team have confirmed that the proposed residential units would be provided as affordable housing by East Lothian Housing Association. They are therefore consistent with policies HOU3 and HOU4 of the ELLDP and in line with the Council's Local Housing Strategy and the Supplementary Planning Guidance: 'Affordable Housing'. As the proposed development would be comprised entirely of affordable housing units there would be no requirement for the provision of any additional affordable housing units under the Council's affordable housing policy.

Policy T32 of the ELLDP specifically relates to the package of transportation interventions to mitigate the cumulative impact of development on the transport network which have been identified by the Council in consultation with Transport Scotland. In line with Policy DEL1, relevant developments are required to contribute to the delivery of these transportation interventions, on a proportionate, cumulative pro-rata basis, as set out in Developer Contributions Framework Supplementary Guidance.

The Council's Transport Appraisal (TA) provides the evidence base which has informed the Council's draft Developer Contributions Framework (DCF) and has been produced in conjunction with the Local Development Plan TA so that Road Services can assess the cumulative impacts of the Local Development Plan allocations on the Transport Network. **The Council's Asset and Regulatory Manager** has advised that the 27 flats the subject of this application, whilst not part of that transportation modelling, do not require any developer contribution towards transport interventions.

The application site is located within the primary school catchment area of Dunbar Primary School (John Muir Campus), Dunbar Primary School (Lochend Campus) and the secondary school catchment area of Dunbar Grammar School. **The Council's Executive Director (Council Resources)** has been consulted and has considered the implications of the proposal for 27 flats as part of the cumulative impact with other committed developments.

No objection is raised to the proposed 27 flats, subject to the payment of a developer

contribution towards an increase in the educational capacity and facilities of: Dunbar Primary School (John Muir Campus) (£70,173); Dunbar Primary School (Lochend Campus) (£31,131); and Dunbar Grammar School (£26,730).

The payment of financial contributions towards an increase in the educational capacity and facilities of £70,173 at Dunbar Primary School (John Muir Campus), £31,131 at Dunbar Primary School (Lochend Campus) and £26,730 at Dunbar Grammar School can be secured by a legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or some other legal agreement. This approach is consistent with the tests of a planning obligation set out in Planning Circular 3/2012: 'Planning Obligations and Good Neighbour Agreements'.

Therefore, subject to the conclusion of a legal agreement securing those developer contributions, the proposal complies with Proposal ED4 of the adopted East Lothian Local Development Plan 2018. This would also be in compliance with Policy DEL1 (Infrastructure and Facilities Provision) which stipulates that new housing will only be permitted where appropriate provision for infrastructure required as a consequence of the development is made. The applicant has confirmed that they are willing to enter into a Section 75 Planning Obligation or other legal agreement to secure these contributions.

Subject to the conclusion of a legal agreement, the proposal complies with Proposal ED4 and Policies DEL1 and T32 of the adopted East Lothian Local Development Plan 2018.

The decision to grant planning permission is subject to the prior conclusion of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 designed to secure from the applicant a financial contribution to the Council of £70,173 towards an increase in the educational capacity and facilities at Dunbar Primary School (John Muir Campus), a financial contribution to the Council of £31,131 towards an increase in the educational capacity and facilities at Dunbar Primary School (Lochend Campus) and a financial contribution to the Council of £26,730 towards an increase in the educational capacity and facilities at Dunbar Grammar School, as identified by the Council's Executive Director (Council Resources).

In accordance with the Council's policy on time limits for completion of planning agreements the decision also is that in the event of the Section 75 Agreement or some other legal agreement not having been executed by the applicant, the landowner and any other relevant party within six months of the decision taken on this application, the application shall then be refused for the reason that without the developer contributions to be secured by such Agreement the proposed development is unacceptable due to a lack of sufficient school capacity and facilities at Dunbar Primary School (John Muir Campus), Dunbar Primary School (Lochend Campus) and Dunbar Grammar School contrary to Policy DEL1 of the adopted East Lothian Local Development Plan 2018.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

- a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings;
- b. finished ground and floor levels of the development relative to existing ground levels of the site and of adjoining land and building(s). The levels shall be shown in relation to an Ordnance Bench Mark or

Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing; and
c. the ridge height of the proposed shown in relation to the finished ground and floor levels on the site.

Reason:

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

- 2 Notwithstanding that which is stated on the drawings docketed to this planning permission a detailed schedule or samples of the external materials and finishes to be used on the buildings hereby approved shall be submitted to and approved in writing by the Planning Authority prior to their use. The external render colours of the buildings shall be in accordance with a co-ordinated scheme 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.

Thereafter the materials and finishes used shall accord with the schedule or samples so approved.

Reason:

To enable the Planning Authority to control the materials, finishes and colours to be used to achieve a development of good quality and appearance in the interest of the visual amenity of the Conservation Area.

- 3 Samples of the materials to be used to surface the hard standing areas in the form of the driveways, parking and turning areas, footpaths and patio areas of the houses hereby approved shall be submitted to and approved in advance in writing by the Planning Authority prior to their use in the development hereby approved, and thereafter the materials used shall accord with the details so approved.

Reason:

In the interest of the character and appearance of the conservation area.

- 4 Prior to the occupation of any of the flats hereby approved the internal access road, footpaths and 27 parking spaces as detailed on docketed drawing no.1804PL002 rev 3 shall have been formed and made available for use and thereafter shall remain available for use unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure the development is accessible and that sufficient parking and circulation space is provided in the interest of road and pedestrian safety.

- 5 Notwithstanding that shown on drawings docketed to this planning permission, a scheme of landscaping shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development 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.

The scheme shall include the provision of larger tree species within the tree mix previously proposed for the site, the replacement of species Prunus 'Spire' in the northwest of the site and the installation of soil cells for trees adjacent to carriageway/car parking areas.

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

To ensure the implementation of a landscaping scheme to enhance the appearance of the development in the interests of the character and appearance of the Conservation Area

- 6 Prior to the commencement of development, details of the provision of the two new car charging points as shown on Drawing ref 18041PI002 Rev 3 'proposed site plan' and infrastructure for them, and all infrastructure required for future charging points to serve the flats hereby approved, shall be submitted to and approved in writing by the Planning Authority. No use of the vehicle parking spaces shall commence prior to installation in accordance with details so approved of the two new car charging points and infrastructure for them and all infrastructure required for future charging points, unless otherwise approved in writing by the Planning Authority. .

A signage strategy providing details of how any future additional electric vehicle charging points are

provided and managed shall be submitted to and approved in writing by the Planning Authority. No use of the vehicle parking spaces hereby approved shall commence unless the signage is being displayed in accordance with the strategy so approved, unless otherwise approved in writing by the Planning Authority.

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

Reason:

To minimise the environmental impact of the development and to ensure that the means by which the future provision of electric vehicle charge points is suitably advertised, in the interests of road safety.

- 7 A Green Travel Plan shall be submitted to and approved by the Planning Authority prior to the occupation of any of the residential units hereby approved. The Travel Plan shall have particular regard to provision for walking, cycling and public transport access to and within the site, and will include a timetable for its implementation, details of the measures to be provided, the system of management, monitoring, review, reporting and duration of the Plan.

The Green Travel Plan shall thereafter be implemented in accordance with the details so approved.

Reason:

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

- 8 Prior to the occupation of any of the flats hereby approved the cycle storage facilities for 27 cycles hereby approved shall have been formed and made available for use. Thereafter, the storage facilities shall be retained in use solely as cycle storage areas.

Reason:

To ensure the provision of adequate cycle storage in the interest of the residential amenity of the future occupants of the flats hereby approved and the visual amenity of the locality.

- 9 Onsite refuse storage and collection facilities for the residential units hereby approved will be operated in accordance with the Waste Management Strategy docketed to this planning permission, unless otherwise approved in writing by the Planning Authority.

Reason:

To safeguard residential and visual amenity

- 10 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.

- 11 Unless otherwise agreed in writing by the Planning Authority through the submission and approval of a Species Protection Plan prior to the commencement of development, no removal of the trees along the south and west boundaries of the site shall take place during bird breeding season (which is March-August inclusive).

Reason:

In the interests of safeguarding biodiversity interests.

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

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

- o 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). The Desk Study and Ground Investigation must be undertaken by suitably qualified, experienced and competent persons and must be conducted in accordance with the relevant guidance and procedures.

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

a) Prior to any works beginning on site (and where risks have been identified), a detailed Remediation Statement should be produced that shows the site is to be brought to a condition suitable for the intended use by the removal of unacceptable risks to all relevant and statutory receptors. The Statement should detail all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. It should also ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land following development. The Statement must be submitted to the Planning Authority for approval.

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

Reason:

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

13 Prior to the occupation of any of the 27 flats hereby approved a scheme of roadworks shall have been completed, to the satisfaction of the Planning Authority, including

i) traffic calming measures to reduce vehicle speeds entering the development from Bayswell Road;

ii) a dropped kerb tactile crossing of the access junction on the pedestrian desire line along the Bayswell Road footway; and

iii) a means of pedestrian priority access into the development from Bayswell Road. Any space shared by pedestrians and vehicles should have a 1.5m 'safeguarded' area to ensure the safety of vulnerable pedestrians.

Prior to the commencement of developments the details of those road works shall be submitted to and approved by the Planning Authority and the roadworks shall be carried out in accordance with those details unless otherwise agreed by the Planning Authority.

Reason:

In the interests of pedestrian and road safety

14 Prior to the commencement of development, a Construction Method Statement (CMS) designed to minimise the impact of construction activity on the safety and amenity of the area shall be submitted to and approved in writing by the Planning Authority. The Construction Method Statement shall include mitigation measures to control noise, dust, construction traffic (including routes to/from site) and shall include proposed hours of construction work and details of temporary measures to be put in place to control surface water drainage during the construction works. Thereafter, the CMS shall be implemented as approved unless otherwise agreed by the Planning Authority.

Reason:

To control the operation of the site during construction in the interest of residential amenity, road safety and environmental protection.