

REPORT TO: Planning Committee
MEETING DATE: Tuesday 7 December 2021
BY: Executive Director of Place
SUBJECT: Application for Planning Permission for Consideration

Application No. **21/00966/AMM**

Proposal Approval of matters specified in conditions of planning permission in principle 18/00937/PPM - Erection of 100 houses and associated works

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

Applicant Springfield Properties PLC

RECOMMENDATION **Consent Granted**

REPORT ON 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.

On the 5th October 2021 the Planning Committee approved application 21/00551/AMM for the approval of matters specified in conditions of planning permission in principle 18/00937/PPM 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. That residential site is referred to in the drawings accompanying that application 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.

Through this current application the approval of matters specified in conditions is sought for the erection of 100 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 now proposed housing site is referred to in the drawings as 'Area E' of the overall site the subject of planning permission in principle 18/00937/PPM. Its location is roughly in the centre of the overall site and to the south of the spine road which runs through the site. 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 north it is bounded by the new spine road and associated landscaped edges and beyond that by the primary school expansion site and the southern end of the public road of Brotherstone's Way. To the east it is bounded partly by the new residential site known as 'Area D' which was the subject of planning permission 19/00388/P and partly by land which is to become part of the landscaped perimeter edge of the wider Windygoul South site. To the south and southwest it is bounded by further land which is to become part of the landscaped perimeter edge along with a noise attenuation bund and by land which is to form open space with equipped play provision. To the west of

the site, beyond the proposed landscaped edge and an existing mature strip of screen planting, lies the Elphinstone Research Centre (which is operated by Charles River Laboratories), and to the north of that lies an area which is identified in the masterplan docketed to planning permission in principle 18/00937/PPM as being proposed for housing development, in particular as an affordable housing site. The land of the site is generally flat with a slight slope downhill from its southern end to its northern end.

The application site is within an area identified by The Coal Authority as being a Coal Mining Development Low Risk Area. A small area of land near to the western boundary of the site is 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, site setting out plans and cross section drawings have been submitted.

The development site layout plan shows how the proposed 100 houses would be accommodated on the site along with associated detached garages, boundary treatments access roads and areas of landscaping and footpaths. The houses would comprise of a mix of 85 detached, 2 semi-detached and 13 terraced houses of 18 different house types. 96 of the houses would be two-storey, or predominantly two storey with single storey elements, and 4 of the houses would be single storey bungalows.

In terms of size, of the proposed 100 houses 13 would contain 5 bedrooms, 47 would contain 4 bedrooms and 40 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 a single access 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 access would continue southwards and would branch off to form a series of streets and cul-de-sacs throughout the site. It would also link into the street network of the residential site to the east the subject of planning permission 19/00388/P and to the future residential area to the west which is not yet the subject of a detailed planning application or application for approval of matters consent. 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 or side 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 and reports including a Site Investigation Report and a 'Reducing Carbon Emissions' Report detailing the actions to be taken to reduce the carbon emissions from the building and from the completed t.

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 CH4: Scheduled Monuments and Archaeological Sites, 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 100 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.

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. Two different colours of render, two colours of reconstituted stone and two different colours of roof tile are proposed to add visual interest to the development. Differing heights of houses, including two storey, part two storey/part single storey and single storey bungalows would also add visual interest to the development as well as providing a

range of house types, including single storey houses, to the area. 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 led 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 and which covered this and the wider site to which this application relates. He advises that the Site Investigation Report findings indicate that there are no potential pollutant linkages associated with the proposed development site. However, given the nature of the development (residential units), he advises it would be prudent to impose a condition if approval of matters consent is to be granted requiring that in the event that 'unexpected' ground conditions (contamination) are encountered at any time when carrying out the development, that work will cease until a further site investigation and any

subsequent risk assessment is carried out and satisfactorily reported on to the Planning Authority and any necessary measures carried out on site. This requirement can be secured through a condition attached to an approval of matters consent for the proposed development.

The site of this current approval of matters consent application is the part of the wider site which is in closest proximity to the boundary with the Elphinstone Research Centre which is operated by Charles River Laboratories. In order to consider any impact the Research Centre could have on the development which was proposed through planning permission in principle application 18/00937/PPM and to inform any necessary mitigation of negative impacts on the proposed residential development, assessments for noise, odour and emissions were undertaken by the applicant and where relevant conditions are imposed on the grant of planning permission in principle 18/00937/PPM to ensure any necessary mitigation of negative impacts on the proposed residential development are implemented.

In terms of noise impacts from the Research Centre, a condition (condition 5) is imposed on the planning permission in principle 18/00937/PPM requiring a series of mitigation measures, required to protect the amenity of the future occupants of the proposed residential development. These include the construction of an acoustic barrier approx. 4 metres in height and comprising an acoustic fence atop an earth bund all to be located in the south portion of the site adjacent to the eastern boundary of the Research Centre; placement of bungalows in the cul-de-sac beyond the barrier, to eliminate the potential for lines of sight over the top of the barrier from first floor habitable rooms; positioning of principle gardens on the far side of associated dwellings from the Research Centre incinerator, to create localised acoustic screening, minimising the potential for any residual impacts; and minimising habitable room glazing elements facing directly towards the Research Centre by arranging future dwellings around recognised potential noise sources with the gable end orientated towards the source thus limiting the angle of view from future habitable room windows. The condition requires that the mitigation measures meet certain design criteria listed in the condition and also requires the submission of a further noise report to demonstrate the noise mitigation measures required to ensure compliance with this design criteria together with a timetable for their implementation, should be submitted to and approved by the Planning Authority.

Since the grant of planning permission in principle 18/00937/PPM the further noise report required by condition 5 of that permission in principle has been submitted **and the Council's Environmental Health Service Manager** has confirmed that he is satisfied that the recommendations of that report, including the design for the noise attenuation bund, the orientation and design of houses to minimise the potential for any residual impacts and the timetable for implementation meet the requirements of condition 5 of planning permission in principle 18/00937/PPM and the mitigation measures will offer satisfactory level of amenity to occupiers of the proposed housing.

In consultation on this approval of matters consent, the Council's Environmental Health Service Manager is satisfied that the siting and design of the residential units, which includes the placement of bungalows in the cul-de-sac beyond the barrier, to eliminate the potential for lines of sight over the top of the barrier from first floor habitable rooms, positioning of principle gardens on the far side of associated dwellings from the Research Centre incinerator, to create localised acoustic screening, minimising the potential for any residual impacts, and minimising habitable room glazing elements facing directly towards the Research Centre meet the requirements of condition 5 of planning permission in principle and the recommendations of the further noise report submitted in accordance with that condition.

In terms of odour impacts from the Research Centre **the Environment Health Service Manager** advised in his response to planning permission in principle application 18/00937/PPM that he was satisfied that the Assessments carried out by the applicant demonstrated that there will be no harmful impacts on the future occupants of the residential development proposed arising from operations carried out at the Research Centre.

In terms of air quality impacts from the Research Centre the Council's Environmental Health Manager and **SEPA** were involved, during the assessment of planning permission in principle application 18/00937/PPM in detailed discussions with the applicant in relation to the scoping method to be applied to assessing air quality and in particular the impact operations carried out at the Research Centre could have on the amenity of future occupants of the proposed housing in respect of air quality. Following on from establishing the methodology to be used, the Council's Environmental Health Manager having carefully considered the Air Quality Impact Assessment submitted with that application concluded that he agreed with the key findings of the Assessment which are that based upon a worst case scenario, the impact NO_x emissions from the diesel generators operating at the Research Centre would have on the proposed residential properties at the south of the site would result in a breach of the statutory 1 hour mean Nitrogen dioxide (NO₂) Air Quality Objective on a small part of the site of planning permission in principle application 18/00937/PPM. That part is within the site of this current approval of matters application and it contains 9 of the residential units proposed for the site (those being plots 82-90 of the units proposed through this current approval of matters application). It occupies the most southerly corner of the application site, close to the eastern boundary of the Research Centre site. It is identified in a drawing titled "Air Quality Mitigation Area" docketed to planning permission in principle 18/00937/PPM.

In his assessment of planning permission in principle application 18/00937/PPM, the Council's Environmental Health Manager, having discussed this matter with SEPA as the responsible authority for applying the provisions of the Medium Combustion Plant Directive via The Pollution Prevention and Control (Scotland) Amendment Regulations 2017, advised that the diesel generators being operated at the Research Centre are not currently subject to a permit for their operation and whether or not they will become the subject of permit controls, therefore ensuring compliance with Air Quality Objectives, depends on a number of factors including the length of time they would operate for in any year. There therefore appears to be no immediate or short term likelihood of this situation regarding air quality over this small area of the site being addressed and unless and until it is addressed the Council's Environmental Health Manager advised in his assessment of planning permission in principle application 18/00937/PPM that this small area of the site should not be developed for housing as occupants of such housing would suffer harmful impacts on their air quality. As such and in order to address this air quality issue on this small part of the overall site the Council's Environmental Health Manager recommended that a condition be imposed on the grant of planning permission in principle 18/00937/PPM to ensure that no residential units shall be erected within the yellow shaded area shown in Drawing No. CAR85-902 and titled Air Quality Mitigation Area dated 01.04.2019 unless and until such times as an updated Air Quality Assessment, that demonstrates all statutory Air Quality Objectives are being, and will continue to be met, has been submitted to, and approved by, the Planning Authority. Such a condition was imposed on the grant of planning permission 18/00937/PPM and will continue to apply to the site unless and until such times as an updated Air Quality Assessment, that demonstrates all statutory Air Quality Objectives are being, and will continue to be met, has been submitted to, and approved by, the Planning Authority.

No such updated Air Quality Assessment has yet been submitted which means that, notwithstanding that approval of matters consent is being sought for the detailed design and siting of the 9 houses proposed for this southern part of the site which lie within the "Air Quality Mitigation Area" as identified in a drawing docketed to planning permission in

principle 18/00937/PPM, these 9 houses cannot be erected unless and until such times as an updated Air Quality Assessment, that demonstrates all statutory Air Quality Objectives are being, and will continue to be met, has been submitted to, and approved by, the Planning. The Council's Environmental Health Manager has recommended that it would be prudent for the avoidance of doubt to apply this same conditional control on any approval of matters consent granted for this proposal. The applicant has advised that they are agreeable to this condition again being imposed on this approval of matters consent application if consent is to be granted.

Subject to the imposition of the aforementioned condition relating to air quality future residents would benefit from a satisfactory level of privacy and residential amenity and the residential development of the site would not prejudice ongoing operation of the Research Centre.

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.

The Council's Heritage Officer has been consulted on this current application as the area of the wider site lies in an area which contains previously identified cropmarks of a putative prehistoric enclosure. The Council's Heritage Officer advises that he has no comments to make on this current application in relation to the Historic Environment being satisfied that the area has been previously mitigated archaeologically with an evaluation and excavation having already taken place over the area of this current proposal. On this consideration the proposed development does not conflict with Policy CH4 of the ELLDP.

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 Council's Team Manager for Structures, Flooding & Street Lighting has been consulted on this current application and in response to a request from that consultee 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. Having assessed the revised information submitted, the Council's Team Manager for Structures, Flooding & Street Lighting has confirmed that he raises no objections and has no comments to make on drainage or flood risk grounds. He has made a recommendation to the applicant that it would be prudent to install a boundary catch-water drain at the bottom of the slopes of the earth bund to the immediate south of the site of this current application to assist in protecting gardens and roads from overland flow of surface water and this recommendation has been passed to the applicant for their information. The proposals are consistent with Policies NH10 and NH11 of the ELLDP.

The Scottish Environmental Protection Agency (SEPA) have been consulted on this current application and have no comments to make being satisfied that the Council's Team Manager for Structures, Flooding & Street Lighting and the Council's Environmental Health

Service Manager have provided responses dealing with flooding/drainage and environmental health matters.

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 an area immediately to the south 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.

The site lies within a Coal Mining Development Low Risk Area. **The Coal Authority** has issued 'Standing Advice' on development within low risk coal mining areas which provides developers with advice in the event of coal mining features being encountered during development and this advice has been issued to the applicant. 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 high speed 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 a 'Reducing Carbon Emissions' Report which has been amended by the applicant since the registration of the application. The Report 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, promoting a Green Travel Plan to future residents and incorporation of a range of energy efficient measures to the properties including the fitting of solar panels to the properties as standard. In respect of electric vehicle charging provision, the Report 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 (plots 12 to 16 and plots 17 to 26) ducting infrastructure is to be provided. These ducts will be taken from each of these dwellings and terminated at appropriate locations at the remote car parking spaces which will provide the opportunity to upgrade the parking courts with charging columns in the future. The location/alignment of the duct will be identifiable for future use and in particular the point of termination of the ducting for future residents of the terraced properties will be made clear by the use of plot numbered base plates indicating with property each duct is connected to. These proposed electric vehicle charging provision measures have been detailed in layout drawings 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 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 'Reducing Carbon Emissions' report 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.

- 2 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.

- 3 All planting, seeding or turfing comprised in the details of landscaping on the drawings titled 'Landscape Proposals Sheets 1 to 5' with drawing numbers 593.02.01b; 593.02.02b; 593.02.03b; 593.02.04b and 593.02.05b 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 593.02.01b titled 'Landscape Proposal (Sheet 1 of 5)'.

Reason

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

- 4 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.

- 5 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.

- 6 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.
 - (vi) 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.

Reason:

In the interests of road and pedestrian safety.

- 7 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.

- 8 No residential units shall be erected within the yellow shaded area shown in Drawing No. CAR85-902 and titled Air Quality Mitigation Area dated 01.04.2019 docketed to planning permission in principle with reference 18/00937/PPM unless and until such times as an updated Air Quality Assessment, that demonstrates all statutory Air Quality Objectives are being, and will continue to be met, has been submitted to, and approved in writing by, the Planning Authority.

Reason:

To ensure an acceptable standard of air quality in the interests of the amenity of the future occupants of the site.