

REPORT TO: Planning Committee

MEETING DATE: Tuesday 1 December 2009

BY: Executive Director of Environment
(Planning & Building Standards)

SUBJECT: Application for Planning Permission for Consideration

Application No. **08/00669/OUT**

Proposal Outline Planning Permission for the erection of business park comprising office accommodation and hotel with new roundabout, car parking, landscaping and associated works

Location **Land Bounded By Musselburgh Golf Course
Old Craighall
Services And B6415
East Lothian**

Applicant Lothian Park LTD

Per Geddes Consulting

Ward 001

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

This application seeks planning permission in principle for a business park development of some 5.2 hectares of land situated between the north side of the Old Craighall junction of the A1 trunk road and the south side of the golf course of Musselburgh Golf Club.

To the north and east of the application site lie parts of the golf course of Musselburgh Golf Club. The site is bounded to the west by the B6415 public road, and to the south by the Old Craighall junction of the A1 trunk road. To the southwest of the site, on the other side of the slip road between the Old Craighall junction of the A1 trunk road and the BB6415 public road, is the Old Craighall Service Station.

The application is supported by a masterplan, a masterplan report, a design statement, a flood risk assessment, and a planning statement (which includes a community consultation report).

The masterplan submitted in support of the planning application shows how the business park could consist of four office buildings and a hotel. It is indicated that the office buildings would be three storeys in height whilst the hotel building would be five or six storeys in height. The office buildings would have a total floor area of 10,000 square metres. The proposed hotel would have 120 guest bedrooms, conference facilities, a restaurant, and meeting rooms. Three of the office buildings and the hotel building are shown to be positioned in a crescent shape on the southeast part of the site. The other office building is shown to be positioned on the northwest part of the site, close to the B6415 public road. Access to the site is shown to be taken from the B6415 public road via a new roundabout junction to be positioned at the north-western corner of the application site. The masterplan also shows how a circular internal access road, which could include a bus layby, could be created to provide access to the office and hotel buildings. It is also shown that another bus layby could be formed on the northern side of the slip road between the Old Craighall junction of the A1 trunk road and the B6415 public road, with a footpath link also shown to provide pedestrian access between the bus layby and the proposed business park. Landscaping strips are shown to be created along the eastern and southern boundaries of the site.

The design statement that supports the masterplan provides a contextual analysis of the site and a design strategy for the development. The design principles address matters concerning architectural design, vehicular, pedestrian and cycle access, public space provision, and landscaping.

One written objection to the application has been received. It is from the Musselburgh Golf Club. The grounds of objection in the letter relate to concerns over the drainage proposals for the site and the positioning of one of the car parking areas, which was directly in line from sliced tee shots from one of the holes of the adjacent golf course. However, since the letter of objection was written the drainage proposals have been fully explained to the Golf Club and given that the car parking area has been moved to another part of the site the Musselburgh Golf Club have in a subsequent email withdrawn their objection to the application.

One written representation has been received. It is from a local resident. Whilst supportive of the proposed development, the representation raises concern about the height of the proposed hotel and the width of the pavement on the east side of the B6415 public road, which it is claimed has become narrow due to the encroachment of vegetation.

Musselburgh and Inveresk Community Council, a consultee, recognise the economic benefits to Musselburgh and East Lothian in having a business park in the area and are aware of "the advantages of future cross partnerships that can be formed with the business park, Queen Margaret University and the proposed science park". The Community Council does, however, raise concerns in relation to potential impacts of the development on road safety, the proposed hotel being too high, and the impact of construction activities on the public.

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

The development plan is the approved Edinburgh and the Lothians Structure Plan 2015 and the adopted East Lothian Local Plan 2008.

The application site is covered by Proposal BUS2 (Old Craighall Junction, Musselburgh) of the adopted East Lothian Local Plan 2008. Proposal BUS2 allocates the land for a development of Class 4 Business use and associated infrastructure.

Proposal BUS2 requires the Council to prepare a Development Framework addressing the development requirements of the site and for a prospective developer to submit for approval a masterplan consistent with that Framework and with the local plan's development policies prior to or as part of an application for outline or detailed planning permission for a development of the site. Additionally, Proposal BUS2 requires submission of a flood risk assessment. Finally, Proposal BUS2 states that Policy BUS2 of the adopted East Lothian Local Plan 2008 will also apply to development proposals for the site.

Proposal BUS2 reflects the requirements of Policy H2 (Development Frameworks) of the adopted East Lothian Local Plan 2008, which states that development proposals for any sites that are the subject of a Development Framework prepared by East Lothian Council must conform to the relevant Framework.

The land of the application site is also covered by Policy DP5 (Major Development Sites) of the adopted East Lothian Local Plan 2008. As the site is a strategic employment site allocated by Proposal BUS2 to meet the requirements of the Edinburgh and the Lothians Structure Plan 2015, Policy DP5 also requires the submission of a masterplan for all of it and an accompanying supporting statement. Policy DP5 sets out the minimum information that must be contained within the masterplan.

A Development Framework for the site was approved by the Council on the 26 August 2008. The Development Framework sets out how the Council requires the site to be developed in terms of infrastructure and design. The approved Development Framework and the masterplan submitted with the application are both material considerations in the determination of this application for planning permission in principle.

The principle of a business development of the application site is established by the allocation of it for such development by Proposal BUS2 of the adopted East Lothian Local Plan 2008. Proposal BUS2 is consistent with Policy ECON2 (New Land for Economic Development) of the approved Edinburgh and the Lothians Structure Plan 2015, which requires the East Lothian Local Plan to allocate 40 hectares of strategic employment land within East Lothian.

The Council's Economic Development Manager welcomes the proposed offices, which will offer local businesses and those from outwith East Lothian quality accommodation that is easily accessible locally and from other parts of the country. She advises that the quality of the environment will attract growing businesses in particular and will bring new jobs and economic activity to East Lothian. She further advises that a hotel with 120 rooms on the site will provide accommodation for both leisure and business visitors, and is in line with the Edinburgh & Lothians Hotel Development Prospectus, which highlights the need for additional tourist beds. She acknowledges that modern business parks can benefit from the presence of a hotel that can offer conference and catering facilities.

This is also recognised by the approved Development Framework, which allows for a single hotel being a part of a business park development of the site. The principle of the proposed development of offices and a hotel on the application site is consistent with the approved Development Framework.

Yet, the approved Development Framework states that by having a supporting role in the business park development of the site a hotel should not be built in advance of the provision of a significant amount of the office floorspace, the principal business use identified for the site. This matter has been the subject of considerable discussion between the applicant and planning officers. The applicant contends that a hotel is now regarded by the business community as an integral part of any business park development and that it is crucial that there is flexibility to secure a hotel operator at the time that there is market interest for it. The applicant further argues that preventing the hotel from being developed until a significant amount of the office floorspace is developed would place the proposed business park development of the site at a disadvantage. The applicant points out that elsewhere in Scotland other planning permissions have been granted for business park developments with no restriction on when a hotel is developed.

Having re-considered this matter, the Council's Policy and Projects Manager accepts the applicant's case, and is satisfied that there is sufficient justification for planning permission to be granted in principle for the proposed business park development without a restriction being placed on when the hotel is developed. It would however be prudent to require through a grant of planning permission in principle for the business park development of the application site that in the event that a hotel is developed first, the remainder of the site is fully serviced prior to the occupation of the hotel.

If a hotel is the first element of the business park development to be provided on the site, then in the interest of safeguarding the amenity of that use during construction works to develop the remainder of the site with offices, planning control should be exercised over such subsequent development works through the implementation by the developer of a construction method statement to be submitted to and approved in advance by the Planning Authority.

These matters can be controlled through the imposition of conditions on the grant of planning permission in principle for the proposed business park development.

The masterplan drawings submitted with the application indicate in principle how a business park development of offices and a hotel, with associated accessing, parking and landscaping could be sensitively laid out within the application site. The approved Development Framework states that buildings of up to 3 storeys in height would be acceptable on the site and that proposals for buildings any higher than 3 storeys in height would have to be carefully assessed in the context of the setting of the site and the overall architectural elements of the buildings. The masterplan principle of the office buildings being 3 storeys in height is compliant with the approved Development Framework. The masterplan indicates that only the hotel building would be higher than 3 storeys in height.

A visual and landscape assessment of the principles of a business park development of the site comprising office buildings 3 storeys in height and a hotel of 5 to 6 storeys in height has been undertaken by landscape officers of the Council's Policy and Projects Section. Through the Policy and Project's Manager they advise that the upper part of such a high

hotel building would be visible when seen from parts of the A1 trunk road and the eastern end of the eastbound A720 public road (Musselburgh Bypass). However in those views, and when seen in relation to its landscape setting it would not appear as an unduly prominent or intrusive feature. Moreover, the landscape advice is that such a high building, if positioned at the eastern end of the application site, as indicated in the masterplan, would not directly affect long distance views of Inveresk Parish Church, which is recognised in the approved Development Framework as being an important landmark building. The conclusion of the landscape advice given by Policy and Projects is that, in principle a business park development of the application site in the manner indicated in the submitted masterplan would acceptably integrate into its wider landscape setting.

The Council's Policy and Projects Manager is satisfied that the outline landscape proposals for the site correspond with the landscape advice set out within the approved Development Framework.

In his consultation response, the Council's biodiversity officer welcomes the principles of enhancement of existing habitats within the application site through additional tree and shrub planting as well as the creation of ponds. He suggests that it should also be possible for the developer to provide bat boxes and nesting space for swifts and swallows within the new business park development. The aims of such habitat enhancement should be incorporated into a habitat management plan. This could be secured by conditions of a grant of planning permission in principle for the proposed business park development. Subject to this, the proposed business park development would not result in a net loss of the identified biodiversity resource. On this count the proposal is consistent with Policy DP13 of the adopted East Lothian Local Plan 2008.

The Council's Head of Transportation has considered the transport assessment submitted with the application and generally agrees with its findings. He raises no objections to the principle of the proposed business park development. He does however have concerns with regard to the operational capacity of the signalised junctions of Monktonhall Terrace/ Stoneybank Terrace and Eskview Terrace/ Olivebank Road to accommodate the additional traffic that could be generated by the proposed development and by other developments proposed within the Musselburgh area. The Head of Transportation advises that the Council proposes to introduce a Dial Up Fixed Time UTC System, which would enable the Council to react remotely to any congestion problems on these junctions. It would also allow the Transportation Division to monitor all junctions and pedestrian crossings within Musselburgh. A business park development of the application site would make it necessary to add further traffic signals into the Council's proposed traffic control system for Musselburgh and to upgrade it from a Dial Up Fixed Time UTC System to a Scoot system. The Head of Transportation confirms that the cost of implementing a Scoot System to cover the junctions likely to be affected by traffic generated by a business park development of the application site would be £28,500. This contribution would have to be made prior to occupancy of more than 5,000 square metres of office accommodation within the business park. The financial contribution from the proposed development of £28,500 can be secured by a legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other legal Agreement. The basis of this is consistent with the test of reasonableness of a planning agreement set in SODD Circular 12/1996. Planning conditions and/or legal agreements will be used to secure this provision.

Policy T1 of the adopted East Lothian Local Plan 2008 states that new developments shall be located on sites that are capable of being conveniently and safely accessed by public transport. The Development Framework for the application site stipulates that suitable bus access to the whole site must be provided. The development layout for the proposed business park indicated in the masterplan includes the principle of design of access by bus. Provision of a bus stop/ layby on the north side of the link road to the south of the application site is also indicated in the masterplan. It is thereby demonstrated that the business park would be capable of being conveniently and safely accessed by public transport, consistent with Policy T1 of the adopted East Lothian Local Plan 2008 and the requirements of the Development Framework.

In recognising that a business park development of the application site is likely to generate a significant amount of travel to work, the Development Framework does stipulate that the developer be required to prepare, implement, maintain and monitor a Green Travel Plan, which should describe the measures by which travel by sustainable modes will be encouraged, car travel discouraged and agreed public transport and mode share targets are reached. The Head of Transportation reiterates the need for a Green Travel Plan. To meet the requirements of the Development Framework and the recommendation of the Head of Transportation it should be made a condition of a grant of planning permission in principle for the proposed business park development that a Green Travel Plan to minimise private car trips and to encourage use of alternative modes of transport be submitted to and approved by the Planning Authority prior to the commencement of development of any component part of the business park development of the application site. The Plan shall include proposals for enabling persons to travel to and from the development by public transport. Additionally it shall include: details of the measures to be provided; the timetable for introducing them; the system of management, monitoring, review, reporting and duration of the Plan.

A finding of the submitted Transport Assessment that the Old Craighall Junction currently experiences congestion in the evening peak period (16:30-17:30) and that additional traffic generated by the proposed business park development would exacerbate this situation. To address this the Transport Assessment recommends modifications to the Old Craighall Junction. Transport Scotland agree with the findings of the Transport Assessment in respect of increased useage of the Old Craighall Junction and confirm their acceptance that the recommended modifications to the Junction would provide adequately mitigation. Notwithstanding, and having considered further information submitted by the applicant, Transport Scotland confirm that they have no objection to a first phase of development of the business park taking place, which could include the hotel and up to 6,000 square metres gross floor area of office space, prior to the proposed modifications to the Old Craighall Junction being undertaken. In the interests of road safety, they further recommend the installation of external lighting and a barrier along the southern boundary of the application site These matters can be controlled through a conditional grant of planning permission.

On these foregoing transportation considerations the principles of the proposed business park development are consistent with Policies T1 and T2 of the adopted East Lothian Local Plan 2008.

The Council's Heritage Officer advises that the application site is located within an area of high potential archaeological significance. Accordingly she originally recommended

that a pre-determination archaeological evaluation of the site should be undertaken to determine whether any further archaeological remains survive, their extent, nature and significance. This evaluation has been carried out by the applicant. On the basis of the results of this evaluation, the Council's Heritage Officer raises no objection to the principle of the proposed development, although she recommends that a further programme of archaeological works should be carried out by a professional archaeologist to evaluate the application site for any potential archaeological remains. This can be controlled through a conditional grant of planning permission. This approach is consistent with Scottish Ministers' policy given in Scottish Planning Policy 23 and Government advice given in Planning Advice Note 42: Archaeology. It is consistent with Policy ENV7 of the adopted East Lothian Local Plan 2008.

The development framework requires that the proposed development must incorporate on-site zero and low carbon equipment contributing at least an extra 15% reduction in CO2 emissions beyond the CO2 standard of the 2007 Building Standards. The applicant has submitted a 'Sustainability Statement', showing how this could be met by the provision of solar PV systems (solar panels) on the south facing roofs of the buildings and through the use of ground source heat pumps. If planning permission in principle is to be granted for the proposed development, a condition should be imposed requiring further details of the means by which the 15% reduction in CO2 emissions development is to be achieved and a timetable for its implementation.

The different components of the proposed scheme of development would be erected at some distance from residential properties in the area. The Council's Senior Environmental and Consumer Services Manager has considered this application in respect of the environmental impacts that might arise from the proposed development. He is satisfied that the proposed business park development would not have a significantly harmful impact on the environment or on the privacy and amenity of neighbouring properties.

The proposed development by its scale and prominent public location would have a significant impact on the local environment and thus in accordance with the requirements of Policy DP17 of the adopted East Lothian Local Plan 2008 it should incorporate artwork either as an integral part of the overall design or as a related commission. This can be secured by a condition on a grant of planning permission in principle for the proposed development.

A National Gas Transmission Pipeline traverses the site. The Health & Safety Executive does not advise, on safety grounds, against the granting of planning permission in principle for the proposed business park development.

SEPA originally objected to the proposed development on the grounds of flood risk. In response to those concerns, the applicant has revised the masterplan for the proposed development with respect to matters of water storage, crossing of the narrow water course that crosses the site and the siting of SUDS ponds outwith the flood plain. In light of these revisions, SEPA no longer object to the application.

SEPA advise that provision of an integrated sustainable urban drainage scheme (SUDs) must be agreed for surface water drainage arrangements based on CIRIA's SUDS manual. A condition can be imposed on the grant of planning permission in principle to ensure that the detailed drainage strategy for the site complies with CIRIA's SUDS manual.

Scottish Water raise no objection to the principle of the proposed business park development.

RECOMMENDATION

That planning permission be granted subject to:

1. the undernoted conditions,
2. the prior conclusion of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 designed to secure a financial contribution of £28,500 towards the implementation of a Scoot Traffic Control System for Musselburgh. The contribution would have to be made prior to occupancy of more than 5,000 square metres of the office accommodation of the business park development of the application site.

1 Before development commences application for approval of matters specified in a condition(s) of this planning permission in principle

(a) must be made before whichever is the latest of the following:

- (i) the expiration of 3 years from the date of the grant of the permission
- (ii) the expiration of 6 months from the date on which an earlier application for the requisite approval was refused, and
- (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed, and

(b) may be made for: (i) different matters, and (ii) different parts of the development, at different times.

In relation to any matter, only one application may be made by virtue of sub-paragraphs (ii) and (iii) above after the expiration of the 3 years period of sub-paragraph (i) above.

This planning permission in principle lapses on the expiration of 2 years from the date of approval of the last of the matters specified in a condition(s) of this permission unless the development to which the permission relates is begun before that expiration.

Reason:

Pursuant to Section 59 of the Town and Country Planning (Scotland) Act 1997

2 The details submitted pursuant to Condition 1 shall generally accord with the Indicative Masterplan, the Masterplan Report, and the Design Statement docketed to this planning permission in principle, and shall address the following requirements:

- a. The provision within the application site of recycling facilities.
- b. A bus terminus with sheltered seating and kassel kerbing shall be provided within the site.
- c. The office buildings shall be no higher than 3 storeys in height and the hotel building shall be no higher than 6 storeys in height.
- d. The office buildings shall be used solely for uses within Class 4 (Business) of the Town and Country Planning (Use Classes)(Scotland) Order 1997.
- e. The provision of a minimum of 51 secure cycle parking spaces within the site.

Reason:

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

- 3 Prior to the commencement of use of the hotel hereby approved, the remainder of the application site shall have been fully serviced, in accordance with details of such servicing of the site to be submitted to and approved in advance by the Planning Authority.

Reason:

To encourage the development of the office buildings in the interests of the economy of East Lothian.

- 4 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 recontouring of, the site; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. The scheme shall include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development.

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

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 Prior to the commencement of development a long term landscape and habitat management plan for the application site shall be submitted to and approved in writing by the Planning Authority.

Reason:

To maximise the ecological potential of the proposed development.

- 6 Prior to the commencement of development details of the zero and low carbon equipment to be incorporated into the development and predicted carbon emission, using SAP or SBEM calculations, shall be submitted to and approved in writing by the Planning Authority. The details shall have due regard to the 'Sustainability Statement' that is docketed to this planning permission in principle. The completed development shall accord with the details so approved.

Reason:

To ensure this development complies with the on-site carbon emissions targets of Scottish Planning Policy 6.

- 7 A Travel Plan to minimise private car trips and to encourage use of alternative modes of transport shall be submitted to and approved by the Planning Authority prior to the commencement of development of any component part of the scheme of development hereby approved. The Plan shall include proposals for enabling persons to travel to and from the development by public transport. Additionally the Plan shall include: details of the measures to be provided; the timetable for introducing them; the system of management, monitoring, review, reporting and duration of the Plan.

The 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 use of the scheme of development.

- 8 Unless otherwise approved in writing by the Planning Authority, the following transportation requirements shall have been undertaken prior to the occupation of any of the components of the business park development hereby approved:
- a. The proposed access roundabout, which shall include adequate pedestrian crossing facilities on its Musselburgh bound arm, shall be provided in the position indicatively shown for it in Figure 2.1 and 2.2 of the Transport Assessment docketed to this planning permission in principle;
 - b. The existing footway on the west side of Old Craighall Road (the classified B6415 road) shall be widened to a minimum width of 2 metres between the Old Railway bridge and the proposed access roundabout. The widened footway shall be fully compliant with the East Lothian Council Standards for Development Roads.
 - c. Dropped kerbs and tactile paving shall be provided at the junction of Monktonhall Terrace and Mayfield Crescent.
 - d. Two permanent Speed Reactive signs shall be installed on Monktonhall Terrace in locations to be approved in advance by the Planning Authority.
 - e. A barrier shall be erected along the southern boundary of the site in accordance with details to be submitted to and approved in advance by the Planning Authority, following consultation with Transport Scotland. The barrier shall thereafter be maintained in its approved position unless otherwise approved in writing in advance by the Planning Authority.
 - f. No external lighting units shall be installed on the buildings or the land within the application site unless with the prior approval of the Planning Authority, following consultation with Transport Scotland.

Reason:

In the interests of road safety.

- 9 The amount of office development to be constructed on the application site shall be limited to 6,000 square metres gross floor area unless and until such time as modifications to the Old Craighall roundabout have been completed in accordance with docketed drawing no. CB/141404/Mit/01.

Reason:

To ensure that the standard of junction layout complies with the current standards and that the safety of the traffic on the A1 trunk road is not diminished.

- 10 A Construction Method Statement 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 the impact of site works for the construction of the offices component of the business park development on the amenity of the hotel, in the event that the hotel is built and occupied prior to completion of construction of all of the office buildings and their associated infrastructure. The control of the impact of site works shall include the control of impacts of noise, dust, construction traffic and hours of working. The Construction Method Statement shall also include a timetable for its implementation.

The Construction Method Statement shall be implemented in accordance with the details so approved.

Reason:

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

- 11 No development shall take place until the applicant has, through the employ of an archaeologist or archaeological organisation, secured the implementation of a programme of archaeological work on the site of the proposed development in accordance with a written scheme of investigation which the applicant will submit to and have approved in advance by the Planning Authority.

Reason:

To facilitate an acceptable archaeological investigation of the site.

- 12 Neither the hotel building nor any of the office buildings shall be occupied unless and until details of artwork to be provided on the site or at an alternative location away from the site and a timetable for its provision have been submitted to and approved by the Planning Authority and the artwork as approved shall be provided in accordance with the details so approved.

Reason:

To ensure that artwork is provided in the interest of the visual amenity of the locality or the wider area.

- 13 The development shall be carried out in accordance with docketed drawing nos. E3196.1/SUD1 rev. B, E3196.1/SUD2 rev. B, and E3196.1/SUD3 rev. A. Moreover, surface water from the application site shall be treated in accordance with the principles of the SUDS Manual (C697), which was published by CIRIA in March 2007.

Reason:

To minimise the risk of flooding and to ensure that the drainage scheme complies with best SUDS practice to protect nearby watercourses and groundwater.

Letters From

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