

**REPORT TO:** Planning Committee

**MEETING DATE:** Tuesday 3 November 2015

**BY:** Depute Chief Executive  
(Partnerships and Community Services)

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

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Application No. **15/00473/PPM**

Proposal Planning permission in principle for residential development, retail (class 1) , office units (class 2) and restaurant/cafe (class 3) uses and a cemetery together with associated access, infrastructure, landscape and open space

Location **Dolphingstone Farm  
Land Adjacent B1361  
Edinburgh Road  
Prestonpans  
East Lothian**

Applicant Hallam Land Management Ltd

Per RFA

RECOMMENDATION Consent Granted

#### PLANNING ASSESSMENT

As the area of the application site is greater than 2 hectares and the principle of development is for more than 50 houses, 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 of major development type proposals this development proposal was the subject of a Proposal of Application Notice (Ref: 14/00006/PAN) and thus of community consultation prior to this application for planning permission in principle 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 some 47 people attended the pre-application public exhibition, which was held over a two day period on the 7 and 8 April 2014 at the Prestonpans

Community Centre, Prestonpans, and that those attendees made a number of queries and suggestions regarding the proposals. The development for which planning permission in principle 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 in the East Lothian countryside, located to the east of Prestonpans. It is within the Edinburgh Green Belt. It is some 8.5 hectares in area and is roughly rectangular shaped. The site is within the battlefield site of the Battle of Pinkie that is included in Historic Scotland's Inventory of Historic Battlefields.

The site is bounded to the east by a wide access track, and the land beyond is the subject of outline planning permission 99/00826/OUT (now known as planning permission in principle), granted in July 2003 for the residential development of the 25 hectares of land. On 23 December 2005 reserved matters approval 04/01449/REM (now known as approval of matters specified in conditions) was granted for the erection of 332 houses and 62 flats on some 17.6 hectares of the 25 hectares of land that is the subject of outline planning permission 99/00826/OUT. The development the subject of reserved matters approval 04/01449/REM is well underway.

To the north of the site is the B1361 road with the Royal Musselburgh Golf Course beyond. To the south is the East Coast Main Line. To the west of the site is an area of mature woodland and agricultural land.

Along the eastern, southern and western sides of the site is a former railway embankment on which are belts of mature trees, hedgerows and shrubs. This landscape feature has significant amenity value giving a landscape setting to the western edge of Prestonpans.

Planning permission in principle is sought through this application for a residential development of the application site along with retail (class 1), office units (class 2) and restaurant/cafe (class 3) uses and a cemetery together with associated access, infrastructure, landscape and open space.

An indicative illustrative masterplan has been submitted with the application indicating how some 160 residential units could be accommodated on the application site. It is also indicated that a new neighbourhood centre could be provided on the northeast part of the site which could comprise of 400 square metres of class 1 retail space, 100 square metres of class 2 office space and 200 square metres of class 3 restaurant/cafe space. It is also indicated that a new cemetery could be formed on the western part of the site. The indicative illustrative masterplan also indicates how a SUDS pond be accommodated on the southeastern part of the site and how a central neighbourhood park could be accommodated centrally within the site. It is also indicated how footpath linkages could be formed from the housing development part of the site into the cemetery and into the access track which bounds the east of the site and how landscape planting could be formed on the northern boundary of the site.

The indicative illustrative masterplan indicates that access to the housing part of the site could be taken from two points from the B1361 road by way of two new access junctions and that a new access junction could be created from the B1361 road to access the cemetery.

The application site was submitted as part of the local development plan process following a call for sites by the Council as part of the research towards the new Local

Development Plan. The Council's Main Issues Report (MIR) is the consultation document which considers such submissions and other sites prior to the formation of a proposed Plan. The MIR does not propose the application site as a preferred site or an alternative site for housing in relation to the proposed preferred development strategy. The MIR is a material consideration, however, as a consultation document it can be accorded only limited weight at this stage.

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 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 2011 sets out the selection criteria for screening whether a Schedule 2 development requires an EIA. On 26 March 2014 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 likely to have a significant effect on the environment such that consideration of environmental information is required before any grant of planning permission in principle. It is therefore the opinion of East Lothian Council as Planning Authority that there is a requirement for the proposed development to be the subject of an EIA.

An Environmental Statement has been submitted with the application and contains an introduction and chapters on: description of the development, socio-economics, transportation and access, noise and vibration, air quality, ecology, archaeology and cultural heritage, landscape and visual impact assessment, ground conditions and water sources, cumulative impacts and summary of impacts. A planning statement and transport assessment have also been submitted with the planning application.

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 Plan 2008.

Policies 3 (Town Centres and Retail), 5 (Housing Land), 7 (Maintaining a Five Year Housing Land Supply) and 12 (Green Belts) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies DC1 (Development in the Countryside and Undeveloped Coast), DC2 (Development in the Edinburgh Green Belt), DP1 (Landscape and Streetscape Character), DP14 (Trees on or Adjacent to Development Sites), DP17 (Art Works-Percent for Art), DP20 (Pedestrians and Cyclists), ENV7 (Scheduled Monuments and Archaeological Sites), INF3 (Infrastructure and Facilities Provision), H4 (Affordable Housing), C1 (Minimum Open Space Standard for New General Needs Housing Development), C2 (Play Space Provision in new General Needs Housing Development), T1 (Development Location and Accessibility), T2 (General Transport Impact) and R1 (New Shops) of the adopted East Lothian Local Plan 2008 are relevant to the determination of the application.

Also material to the determination of the application is Scottish Planning Policy: June 2014.

One of the main Outcomes of Scottish Planning Policy is to create a successful, sustainable place by supporting sustainable economic growth and regeneration, and the creation of well-designed, sustainable places.

This is reflected in paragraph 25 of Scottish Planning Policy in which it is stated that the Scottish Government's commitment to the concept of sustainable development is reflected in Scottish Planning Policy's Purpose. It is also reflected in the continued support for the five guiding principles set out in the UK's shared framework for sustainable development. Achieving a sustainable economy, promoting good governance and using sound science responsibly are essential to the creation and maintenance of a strong, healthy and just society capable of living within environmental limits.

The principle in delivering this through the Development Management function is contained in paragraph 33 of Scottish Planning Policy in which it is stated that where relevant policies in a development plan are out of date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration. Decision-makers should also take into account any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies in Scottish Planning Policy. The same principle should be applied where a development plan is more than five years old.

Paragraph 34 states that where a plan is under review, it may be appropriate in some circumstances to consider whether granting planning permission would prejudice the emerging plan. Such circumstances are only likely to apply where the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new developments that are central to the emerging plan. Prematurity will be more relevant as a consideration the closer the plan is to adoption or approval.

Paragraph 110 of Scottish Planning Policy states that the planning system should identify a generous supply of land for each housing market area within the plan area to support the achievement of the housing land requirement across all tenures, maintaining at least a 5 year supply of effective housing land at all times.

At its Cabinet meeting of 10 December 2013, the Council agreed that East Lothian has a shortfall in its effective housing land supply. At that meeting the Council also approved Interim Planning Guidance against which planning applications for housing on land not allocated for housing development will be assessed. A revised version of the 'Housing Land Supply: Interim Planning Guidance' was approved by the Council on 16th December 2014.

The application site is not allocated for residential development. Therefore the approved Interim Planning Guidance is a material consideration in the determination of this planning application.

Eleven written objections have been received in respect of this application.

A copy of the written objections is contained in a shared electronic folder to which all Members of the Committee have had access.

The main grounds of objection are that the proposed development:

- \* would be contrary to the development plan;
- \* would be on Green Belt land and lead to coalescence;

- \* would lead to a burden on local schools and a doctors surgery;
- \* would lead to noise and disturbance from the proposed neighbourhood centre;
- \* could lead to a loss of trees which are important to the visual amenity of the area;
- \* would lead to increased traffic and thus a potential road safety hazard, and;
- \* be on contaminated land.

Other grounds of objection are that there is insufficient sewage capacity and that the site may not be deliverable.

The primary material consideration in the determination of this application is whether or not the principle of the proposed development accords with development plan policy and other supplementary planning guidance and if not, whether there are material considerations that outweigh any conflict with the development plan and other supplementary planning guidance.

The adopted Local Plan does not allocate the land of the application site for residential development or any other form of development.

The land of the application site is defined by Policy DC2 of the adopted East Lothian Local Plan 2008 as being part of the Edinburgh Green Belt. Within East Lothian, the Green Belt surrounds Musselburgh and Wallyford and extends towards Prestonpans and Tranent. The adopted Local Plan states it plays an important role in protecting the landscape setting of Musselburgh and the western edges of Prestonpans and Tranent as well as the landscape setting of the eastern edge of Edinburgh.

The principle of new build housing development on the application site must therefore be assessed against national, strategic and local planning policy relating to the control of new build housing development in the green belt and in the countryside.

Local Plan Policy DC1 (Development in the Countryside and Undeveloped Coast) provides the detailed context for the consideration of development proposals in East Lothian's countryside and coast. The Edinburgh Green Belt also includes countryside and coast, its specific purpose being to maintain the identity and landscape setting of the city and neighbouring towns and to prevent their coalescence. Thus, the Local Plan's Green Belt policy, Policy DC2, must take these additional considerations into account. It is explained in the Local Plan that most parts of Policy DC1 remain relevant to a consideration of development with the Edinburgh Green Belt, but new build development must be restricted further than in the wider East Lothian countryside. The local plan's Green Belt policy therefore excludes Parts 1 and 3 of Policy DC1.

Policy DC2 of the adopted East Lothian Local Plan 2008 sets out the circumstances in which new housing within the Green Belt may be appropriate. Policy DC2 only allows for new build housing development in the Green Belt where it is necessary for agricultural, horticultural or forestry operations, for countryside recreation, or where by its scale and nature it will not harm the rural character of the area; and where it meets the requirements of Local Plan Policy DC1 Part 5; and in all cases, where it does not detract from the landscape setting of Edinburgh and its neighbouring towns, or lead to their coalescence.

The proposed residential and associated development proposed in this application is not necessary for agriculture, horticulture, forestry operations or countryside recreation.

On these considerations it is contrary to Policy DC2 of the adopted East Lothian Local Plan 2008.

However, the South East Scotland Strategic Development Plan (SESplan) requires that Policies DC1 and DC2 be considered in the context of the current housing land supply.

Scottish Ministers have approved SESplan subject to supplementary guidance on housing targets for each member local authority. That supplementary guidance is now approved by Ministers with a modification required in terms of calculating the housing land supply

SESplan Policy 7 states that sites for greenfield housing development proposals either within or outwith the identified Strategic Development Areas may be allocated in Local Development Plans or granted planning permission to maintain an effective five years housing land supply subject to satisfying each of the following criteria:

- (a) The development will be in keeping with the character of the settlement and the local area;
- (b) The development will not undermine green belt objectives; and
- (c) Any additional infrastructure required as a result of the development is either committed or to be funded by the developer.

In relation to Green Belts SESplan Policy 12 states that Local Development Plans will define and maintain Green Belts around Edinburgh and to the southwest of Dunfermline for the purpose to:

- (a) Maintain the identity and character of Edinburgh and Dunfermline and their neighbouring towns, and prevent coalescence, unless otherwise justified by the Local Development Plan settlement strategy;
- (b) Direct planned growth to the most appropriate locations and support regeneration;
- (c) Maintain the landscape setting of these settlements; and
- (d) Provide opportunities for access to open space and the countryside.

East Lothian Council has agreed that East Lothian has a shortfall in its effective housing land supply. In respect of this the Council approved its Housing Land Supply: Interim Planning Guidance against which planning applications for housing on land not allocated for that purpose will be assessed. Whilst Scottish Government Reporters have accorded differing weight to this guidance in different appeal decisions, its criteria remain fundamental material planning considerations.

The approved Interim Planning Guidance states that the weight the Council affords its terms, and the terms of other Development Plan policies, to individual planning applications will depend on the extent to which the proposed development is able to satisfy the following criteria:

- 1 Effectiveness;
- 2 Scale;
- 3 Timing;
- 4 Development Plan Strategy; and
- 5 Locational Considerations.

In respect of criteria 1; effectiveness, the applicants' agent has confirmed that there are no physical constraints to the development of the site, it is in a highly marketable location where there is established demand and confirms there is developer interest from house builders should planning permission in principle be granted, meaning in these respects it can be considered to be physically and financially capable of achieving early delivery. On these specific considerations the site can be considered to be effective.

In respect of criteria 2; scale, the proposed housing development of 160 residential units would be below the Guidance threshold of 200 units. In respect of this the Guidance states that the actual number of houses permissible on any one site or within any one settlement will be assessed against the scale and character of the specific settlement.

Given the current size of Prestonpans the proposed 160 houses would be a relatively modest addition to the town. Prestonpans is well served by existing public services such as shops, cafes, public houses, schools and businesses. In addition to the accessibility of these existing facilities, the site is such that it could be reasonably well integrated into its surroundings. In this it would not bring significant change to the character of Prestonpans. Given the size of the site, the proposed density of development and that it would not bring significant change to the character of Prestonpans the loss of prime agricultural land would be minimised.

As such the scale of the development can be reasonably absorbed by the settlement. In this respect it does not conflict with criteria 2. In this and if the assessment is that the infrastructure requirements are either committed or would be met by the developer, including for education provision, the proposals comply with Policy 7 of SESplan.

In respect of criteria 3; timing, the applicant's agent again refers to the interest in the site from a housing developer. It is indicated that the housing could be delivered within 5 years. There is no evidence to suggest that they would not be able to develop the site within this suggested timescale.

In respect of criteria 4; development plan strategy, it is considered that the proposed housing would not prejudice the delivery of the existing Development Plan strategy. It would not compromise the ability to provide infrastructure to existing housing land allocations that do not yet have planning permission, or are committed but have not yet started. Nor would it be dependent on the prior provision of infrastructure required by existing housing land allocations that do not yet have planning permission or are committed but have not yet started. Whilst not a preferred or reasonable alternative site in the MIR, this can only be given limited weight.

In respect of criteria 5; locational considerations, the application site is at the south western edge of Prestonpans and therefore in this respect partially satisfies part of criteria 5 in that it would form an extension of an existing settlement as defined in the adopted East Lothian Local Plan 2008.

As Prestonpans lies within the East Lothian Strategic Development Area the proposed development also has to be assessed against the tests as set out in parts (i) and (ii) of criteria 5.

Criteria 5(i) sets out the following provisos where development may be acceptable, specifically where;

(a) the site is not within the Edinburgh Green Belt; and

(b) the site is a consolidation of or an appropriate extension to an existing settlement

identified in the East Lothian Local Plan 2008, and its scale and nature is in keeping with the scale and character of that settlement and the local area, and

(c) infrastructure is available or can be made available within a timescale that allows for early house completions, and

(d) the site's development for housing is consistent with all other relevant development plan policies.

In regard to proviso 5(i)(a) the site is in the Edinburgh Green Belt. However, in this, consideration must be given to the degree in which the proposed development meets the objectives of SESplan Policy 12.

In terms of objectives (a) and (c) of Policy 12 the site has the Royal Musselburgh Golf Course to the north, the East Coast Main line and agricultural land beyond to the south and mature tree planting and agricultural land to the west. In this locational context there would still remain intervening land and robust boundaries between the application site and the neighbouring towns of Wallyford and Musselburgh such that the separate forms and identities of those places would be maintained. Thus there would be no consequential coalescence and the landscape setting of these settlements would not be compromised.

On this consideration robust boundaries and coalescence of settlements, it is an important principle that if planning permission in principle were to be granted, this should be on the basis of appropriate design principles which secure the retention of trees on and adjacent to the site.

In terms of objectives (b) and (d) of Policy 12 a development of the site would in time form a logical extension of Prestonpans, once housing land to the east has been built out, and would allow for access to open space and the surrounding countryside.

It should be noted that a recent appeal decision against the Council's refusal of planning permission in principle for the erection of 52 residential units on land at Old Craighall Road in Edinburgh Green Belt allowed that appeal and granted planning permission in principle with due consideration of the need to contribute to the five year housing land supply.

These above material considerations outweigh proviso 5(i)(a) of the Council's approved Interim Planning Guidance.

In respect of Scottish Planning Policy's requirement for careful consideration of whether or not a grant of planning permission would prejudice the emerging plan, whilst the MIR has preferred sites and safeguards on the edges of Musselburgh and Wallyford, the cumulative effects of this site with those particular sites would be limited by this site's own robust boundaries. In this it would not undermine the plan-making process.

In regard to proviso 5(i)(c) there is no evidence to suggest that infrastructure is not available or cannot be made available within a timescale that allows for early house completions. In respect of 5(i)(d) the proposal does not conflict with other development plan policies.

Therefore on this consideration the housing development of the application site also complies with the Council's Housing Land Supply: Interim Planning Guidance.



Criteria 5(ii) sets out the further provisos where development may be acceptable, specifically where;

(a) the settlement is well served by public transport,

(b) existing facilities and services are both available and accessible such that the need to travel is minimised, and

(c) the extent to which the additional housing would help make a demonstrable and necessary contribution to sustaining or improving educational, social or community facility provision within the local area may also be a material consideration.

In terms of part 5(ii)(a) Prestonpans itself is well served by public transport, though this site is neither within 400 metres of a bus stop nor within 800 metres of a railway station. It is, however, within some 1300 metres of Wallyford railway station and closer than that to the park and choose facility at Wallyford Toll. Therefore the site could be said to be reasonably well served by public transport.

In terms of part 5(ii)(b) Prestonpans has a wide range of services and facilities, though the site is some 1600 metres walking distance from the main facilities of the town. In addition there is planning permission for retail and other commercial uses at Mid Road to the east, an application for retail and residential use to fulfil part of the masterplan for development at Edinburgh road to the east is under consideration and the proposal includes for some commercial facilities also. In these circumstances therefore the proposals do not conflict with this consideration.

In terms of part 5(ii)(c) the additional housing would help make a contribution to sustaining educational, social and community facilities within the local area.

In respect of part (iii) of criteria 5 the proposed development would not be on land allocated for another specific use.

In respect of part (iv) of criteria 5 the proposed development, given it would in time form an extension of the existing settlement of Prestonpans, it would be compatible with adjoining or nearby existing uses.

Part (v) of criteria 5 states that a proposed housing use must be contained within robust, defensible boundaries and must not set a precedent for subsequent future expansion, the principle of which would be more appropriately considered through a development plan review.

The application site is bounded on its east side by an access road, on its south side by the East Coast Main Line, on its west side by a belt of mature trees and on its northern side by the B1361 road. These are robust and defensible boundaries which would serve to contain the proposed development along these aforementioned boundaries. On this consideration, it is an important principle that if planning permission in principle were to be granted, this should be on the basis of appropriate design principles which secure the retention of trees on and adjacent to the site.

Thus on this consideration the principle of a housing development of the application site is consistent with the Council's Housing Land Supply: Interim Planning Guidance.

In terms of the proposed neighbourhood centre this has to be taken into consideration of the context of the wider proposals for a residential development of the site.

In this it is stated in Scottish Planning Policy: June 2014 that the impact of new development on the character and amenity of town centres, local centres and high streets will be a material consideration in decision making. The aim is to recognise and prioritise the importance of town centres and encourage a mix of developments which support their vibrancy, vitality and viability. This aim should also be taken into account in decisions concerning proposals to expand or change the use of existing development. Where a retail and leisure development with a gross floorspace over 2,500m<sup>2</sup> is proposed outwith a town centre, contrary to the development plan, a retail impact analysis should be undertaken. For smaller retail and leisure proposals which may have a significant impact on vitality and viability, planning authorities should advise when retail impact analysis is necessary.

Policy 3 of the approved South East Scotland Strategic Development Plan (SESPlan) and Policy R1 of the adopted East Lothian Local Plan 2008 require application of the sequential approach to the siting of new retail development. This is consistent with Scottish Planning Policy on retail development. The sequential approach requires that locations are considered in the order of: (i) town centre; (ii) edge of town centre; (iii) other commercial centres identified in the development plan; and (iv) out of centre locations that are or can be made easily accessible by a choice of transport modes. Under the test of the sequential approach the requirement is for a planning authority to ensure that retail development would not harm the vitality and viability of existing town centres. Another consideration is that the retail development should address a local qualitative or quantitative deficiency and be restricted to a scale that meets this deficiency.

The retail unit of the proposed neighbourhood centre in this application would have a total of 400 square metres of floor space. In this regard, a retail unit of such a size would not have a significant impact on the vitality and viability of the town centre. It would provide for local needs and would not be a challenge to town centre retailers. It is not therefore necessary in this case for a retail impact analysis of the proposed retail unit to be undertaken. In conclusion on the matter of retail impact the proposed retail unit is consistent with Policy 3 of the approved South East Scotland Strategic Development Plan (SESPlan) and Policy R1 of the adopted East Lothian Local Plan 2008 and with Scottish Planning Policy: June 2014.

Moreover in the particular circumstances of this case the proposed 100 square metres of class 2 office space and 200 square metres of class 3 restaurant/cafe space would be acceptable uses of a small part of the land if it is considered that the main residential use of it is consistent with the Council's Housing Land Supply: Interim Planning Guidance. They would operate in conjunction with and as an addition to the main housing use of the site and would create employment that would be beneficial to the economy of East Lothian.

If planning permission in principle were to be granted, the details of the siting, design and external appearance of the proposed houses and neighbourhood centre, the landscaping of the site, the cemetery and the means of access to the proposed development would require the subsequent approval of the Planning Authority. Through the subsequent determination of such details in relation to Scottish Government Policy of Designing Streets and the Council's Urban Design Standards for New Housing Areas, planning control would be exercised to ensure that the built form of the development would be fully acceptable, with due regard to the need to safeguard the character and appearance of this site.

If the principle of housing on part of the application site is acceptable, then the development of it should accord with the design principles that apply to the allocated housing land to the east of the site. A key part of this is that a dedicated landscaped strip

with an average width of 10 metres must be provided along the site frontage with the B1361 road, consistent with the Council's achievement of this design principle for the housing development land to the east of the application site. A further part of this design principle is that a natural stone wall must be formed on the southern side of the dedicated landscaped strip on the northern boundary of the site, with an average height of 1 metre.

The Council's Principal Amenity Officer is satisfied in principle with the quantity of open space that is indicatively proposed. He advises it is likely that formal toddler play provision will be required subject to safe and appropriate access. This could be secured by a condition on a grant of planning permission in principle. He is also supportive of the principle of the provision of a new cemetery, which accords with the Council's adopted Burial Ground Strategy. On these considerations of open space, play area and cemetery provision, the principle of the proposed housing development is consistent with Policies C1 and C2 of the adopted East Lothian Local Plan 2008 and with the Council's adopted Burial Ground Strategy.

In respect of the land of the cemetery, the Council's Sport, Countryside and Leisure Service has agreed an option for that part of the site, subject to a grant of planning permission in principle. That option is a matter between that service of the Council and is not a material planning consideration. From this arrangement it could be considered that the Council has an interest in the land of the application site. In relation to this, providing a grant of planning permission in principle is not significantly contrary to the development plan, there is no requirement to notify Scottish Ministers.

The Council's Archaeology Officer advises that the proposed development would be situated in an area where there are known cropmarks of potential prehistoric date. Because of this the Archaeology Officer recommends that a programme of archaeological works be carried out prior to the commencement of development. This can be secured through a condition attached to a grant of planning permission in principle for the proposed development. This approach is consistent with Scottish Planning Policy: June 2014 and Planning Advice Note 2/2011: Planning and Archaeology.

The Archaeology Officer further advises that the site is located on part of the area of the Battle of Pinkie, however, he raises no objection on this consideration, being satisfied that the proposed development would not harm the landscape characteristics of the core part of the battlefield site. Historic Scotland have been consulted on the application and are content that the proposed development would not have an adverse impact on the landscape characteristics of the core part of the battlefield site.

On this consideration the proposed development complies with Policy ENV7 of the adopted East Lothian Local Plan 2008, the Scottish Historic Environment Policy: December 2011 and Scottish Planning Policy: June 2014.

The Council's Roads Services has considered the Transport Assessment submitted with the application and does not advise that traffic likely to be generated by the proposed development could not be satisfactorily accommodated on the local road network. Roads Services do raise concern that traffic likely to be generated by the proposed development could lead to extra pressure on traffic flows at Dolphingstone and Salters Road interchanges. However at this time Roads Services analysis and modelling of traffic impacts in the wider area awaits completion and no further information is available at this time to inform an assessment of such impacts.

Roads Services recommend that any grant of planning permission in principle be subject to conditions requiring that:

- \* the existing 40 miles per hour (mph) speed limit on the B1361 road be extended along the entire length of site frontage and include village entry treatments;
- \* an independent road safety audit be undertaken for the proposed site access junctions onto the B1361 road;
- \* visibility splays of 4.5m by 90m in both directions be provided and maintained at the proposed site access junctions with the B1361 road so that no obstruction lies within them above a height of 1.05 metres measured from the adjacent carriageway surface;
- \* street lighting be extended to the new 40mph extents;
- \* a continuous 2 metre wide footway be provided on the south side of the B1361 road along the site frontage to link into the existing footway network, with dropped kerbs provided as necessary;
- \* the footway on the northern side of the B1361 be upgraded to a minimum of 2 metre wide for a distance commensurate with the site frontage between the Royal Musselburgh Golf Club entrance and the U104 Drummohr Road;
- \* the proposed site access junctions onto the B1361 be designed in accordance with the Design Manual for Roads and Bridges, Volume 6;
- \* two Double D Island crossing points be provided on the B1361 road to provide pedestrians with safe crossing points on appropriate desire lines;
- \* parking for the proposed residential elements of the development be provided at a rate as set out in the East Lothian Council Standards for Development Roads – Part 5 Parking Standards;
- \* all access roads conform to East Lothian Council Standards for Development Roads in relation to roads layout and construction, footways & footpaths, parking layout and number, street lighting and traffic calming measures;
- \* vehicle accesses to private parking areas (i.e. other than driveways) 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;
- \* driveways having minimum dimensions of 6 metres by 3 metres and double driveways having minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11m 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;
- \* within residential private parking areas the minimum dimensions of a single parking space being 2.5 metres by 5 metres and all visitor parking spaces within these areas being clearly marked for visitors with the remaining private parking spaces allocated to individual dwellings;
- \* cycle parking 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;
- \* the cemetery be designed with appropriate levels of parking so that no parking shall overspill onto the B1361 road;

- \* the cemetery access be suitable for the two way movement of vehicles so that no vehicle has to wait on the B1361 road whilst a vehicle is egressing. Vehicles should also be able to enter and leave the site in a forward gear;
- \* any access gates to the cemetery be set back a minimum of 20 metres from the access junction with the B1361 road so that no vehicle has to wait on the B1361 whilst the gates to the cemetery are opened and closed;
- \* a Green Travel Plan (GTP) be submitted and approved in consultation with Roads Services. It should have particular regard to provision for walking, cycling and public transport access to and within the site, and will identify the measures to be provided, the system of management, monitoring, review, reporting and duration of the plan;
- \* a Construction Method Statement to minimise the impact of construction activity on the public road network be submitted to and approved by the Planning Authority prior to the commencement of development. It should recommend mitigation measures to control construction traffic and include hours of construction work; and
- \* wheel washing facilities be provided and maintained in working order during the period of operation of the site.

With the use of conditions to cover these recommendations of Roads Services, the principles of the proposed development of the site for residential, neighbourhood centre and cemetery use do not conflict with Policies DP20, T1 and T2 of the adopted East Lothian Local Plan 2008.

Transport Scotland advise that they have concern in regard to the development impact on the junction of the A1 trunk road and the A720 trunk road (i.e. the Old Craighall Junction south of Musselburgh, at the western end of East Lothian). In this regard they have sought a contribution from the developer towards mitigation of this perceived impact. Transport Scotland advise that it has entered into an agreement with the applicant under Section 48 of the Roads (Scotland) Act to secure a financial contribution. Given this, Transport Scotland raises no objection to the application.

Network Rail raises no objection to the application, noting some advisory points to be passed to the applicant.

In respect of landscape matters the Council's Landscape Projects Officer advises that the mature trees and hedgerows on the eastern, southern and western sides of the site that are on the former railway embankment have significant visual amenity and provide an important mature landscape setting to the western edge of Prestonpans and this regard must be retained to preserve the landscape setting of Prestonpans. In terms of a proposed development on the site the retention of these trees and hedgerows would reinforce the natural boundary separation between the adjacent housing development to the east and help screen the site in views from the East Coast railway line and the A199 and A1 to the south. The tree belts to the west provide an element of screening which make an essential contribution to the separation of the site from land to the west, helping to mitigate against coalescence, and form a robust boundary in terms of the Interim Planning Guidance.

The Landscape Projects Officer advises that the location of elements of the proposed built development on the east and south sides of the site as shown on the indicative illustrative masterplan would either result in the eradication of the mature trees or incursions into their root protection areas and canopies which could be detrimental to their health and stability eventually leading to their loss. As these trees provide a

significantly important landscape setting to Prestonpans she recommends the trees must be retained. Therefore development on the site must be carried out in accordance with British Standard BS5837 2012 "Trees in relation to design, demolition and construction ~ Recommendations' sections 4, 5, 6, 7 and 8. This can be made a condition of any grant of planning permission in principle, subject to which it complies with Policy DP14 of the adopted East Lothian Local Plan 2008.

Scottish Natural Heritage raises no objection to the application on the grounds of national landscape or biodiversity matters.

The Council's Biodiversity Officer advises he has no objection. He recommends that planting be native species planting to enhance the biodiversity value of the site.

The Council's Environmental Protection Manager advises that to ensure there is no loss of amenity to any existing neighbouring or nearby residential properties during the construction phase of the development that a Construction Method Statement should be submitted for the prior approval of the Planning Authority which should cover matters of noise and dust control.

The Environmental Protection Manager also advises that for the completed development, noise control measures should be imposed to ensure no loss of amenity to the residential properties. This requires further noise assessment in relation to:

- \* mitigation of noise from the B1361 road by acoustic barrier or separation distances in respect of daytime garden noise levels;
- \* mitigation measures in the form of upgraded glazing and ventilation units for properties on the northern boundary of the site in respect of daytime and night-time internal noise levels; and
- \* mitigation measures in the form of upgraded ventilation units will be required for properties along the Southern boundary of the site in respect of noise associated with the east coast main line.

The Council's Environmental Protection Manager additionally advises that there is contamination of the soils on the site. Consequently she recommends that a comprehensive contaminated land investigation shall be carried out. She also advises that the impacts upon local Air Quality, in particular within the Air Quality Management Area (AQMA) on Musselburgh High Street have been assessed and impacts upon the existing AQMA are not significant to merit mitigation.

Subject to the use of conditions to secure these environmental protection measures, the proposed development would not harm the amenity of any existing neighbouring or nearby residential properties, consistent with Policy DC1 of the adopted East Lothian Local Plan 2008 and the proposed residential units would have a satisfactory standard of amenity.

The Scottish Environment Protection Agency (SEPA) raise no objection to the principle of the proposed development on the grounds of potential flood risk. They do advise that a condition should be attached to any grant of planning permission in principle requiring details of the SUDS (Sustainable Drainage Systems) to be provided on site be submitted for prior approval.

SEPA further advise that further information requires to be submitted to assess the risks to the water environment from the proposed cemetery. SEPA have been sent a Risk Assessment Report, which concludes that the proposed cemetery would, in all likelihood, not have a deleterious impact on the underlying groundwater bodies and in

turn have no impact on potential environmental receptors. No response on this matter has been received by SEPA and it is therefore an unresolved material consideration in the determination of this application.

Scottish Water have made no comment on the application.

As the application site is within a Coal Mining Development Referral Area the Coal Authority have been consulted on the application. A Desk Top Study Report has been submitted with the application. The Coal Authority advise that the submitted report correctly identifies that coal mining activity is recorded to have taken place beneath the application site and thus the report recommends intrusive site investigation works be undertaken to confirm coal mining conditions and to enable the implementation of any necessary mitigation measures prior to commencement of the development.

The Coal Authority recommends that should planning permission in principle be granted that intrusive investigation works be undertaken prior to the commencement of development and that in the event that the site investigations confirm the need for remedial works to treat any areas of shallow mine workings, development shall not begin until a scheme of remedial works on the site has been submitted to and approved in writing by the Planning Authority. This can be required by a condition of a grant of planning permission in principle.

Policy INF3 of the adopted East Lothian Local Plan 2008 stipulates that new housing will only be permitted where appropriate provision for infrastructure required as a consequence of the development is made. This includes funding necessary school capacity.

The Council's Depute Chief Executive (Resources and People Services) informs that the application site is located within the school catchment areas of Prestonpans Infant and Nursery School, Prestonpans Primary School, St Gabriel's RC Primary School, and Preston Lodge High School.

He advises that Prestonpans Infant and Nursery School, Prestonpans Primary School and Preston Lodge High School do not have sufficient capacity to accommodate children that could arise from the proposed development. Thus he objects to the application on the grounds of lack of permanent capacity at those schools. However, he would withdraw that objection provided the applicant makes a financial contribution to the Council of; £124,137.60 towards the provision of additional nursery accommodation at Prestonpans Infant and Nursery School (£775.86 per unit), £573,792 towards the provision of additional school accommodation at Prestonpans Infant and Nursery School (£3586.20 per unit), £174,720 towards the provision of additional school accommodation at Prestonpans Primary School (£1,092 per unit) and a contribution of £43,635.20 (£272.72 per unit) towards the provision of additional school accommodation at Preston Lodge High School.

The required payment of a financial contribution of a total of £916,284.80 towards the provision of additional accommodation at Prestonpans Infant and Nursery School, Prestonpans Primary School and Preston Lodge High School 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. Subject to the payment of the required contribution towards educational accommodation the proposal is consistent with Policy INF3 of the adopted East Lothian Local Plan 2008, which stipulates that new housing will only be permitted where appropriate provision for infrastructure required as a consequence of the

development is made. This will include funding necessary school capacity. The applicant confirms in writing that they are willing to enter into such an agreement.

The Council's Economic Development & Strategic Investment Manager advises that a grant of planning permission in principle would require to be subject to provision of 25% of all housing units to be developed as affordable housing. They should be provided on site or if it can be demonstrated to the Council that this, or the off-site provision of the required affordable units is not practicable, a commuted sum payment should be made to the Council in lieu of such an on or off-site provision. The terms for the provision of this affordable housing requirement could be the subject of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. 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. Subject to the Council securing the affordable housing requirement, which the applicant confirms they are willing to do, the proposal would be consistent with Policy H4 of the adopted East Lothian Local Plan 2008.

Given the scale of the proposed development, if planning permission in principle were to be granted it would be appropriate for artwork to be incorporated either as an integral part of the overall design of it or as a related commission to be located on the site or in an approved alternative location. This could be achieved by means of a condition on a grant of planning permission in principle, subject to which the proposals would be consistent with the requirements of Policy DP17 of the adopted East Lothian Local Plan 2008.

In the context of the acknowledged shortfall in the five year housing land supply, the site being effective and deliverable and being capable of being developed appropriately subject to conditions on the principles and detail of its development, most significantly in the retention of trees around the boundaries of the site, the balance of the material considerations is to recommend granting planning permission in principle. In this it is considered that the proposal is not significantly contrary to the development plan.

## RECOMMENDATION

It is recommended that planning permission in principle 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 some other legal agreement designed to:
  - (i) Secure from the applicant a financial contribution to the Council of £916,284.80 (£5,726.78 per residential unit) towards the provision of additional capacity at Prestonpans Infant and Nursery School, Prestonpans Primary School and Preston Lodge High School.
  - (ii) Secure from the applicant the provision of 25% of the final approved number of residential units within the application site as affordable residential units or if it can be demonstrated to the Council that this, or the off-site provision of 25% of the final approved number of residential units as affordable units is not practicable, to secure from the applicant a commuted sum payment to the Council in lieu of such an on or off-site provision.
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 the Section 75 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 the Agreement the proposed development is unacceptable due to a lack of sufficient school capacity at Prestonpans Infant and Nursery School, Prestonpans Primary School and Preston Lodge High School and the lack of provision of affordable housing, contrary to, as applicable, Policies INF3 and H4 of the adopted East Lothian Local Plan 2008.

- 1 The submission for approval of matters specified in conditions of this grant of planning permission in principle in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended) shall include details of the siting, design and external appearance of the residential units, the neighbourhood centre and the cemetery, the means of access to them, the means of any enclosure of the boundaries of the site and the landscaping of the site. Those details shall generally comply with the Illustrative Masterplan docketed to this planning permission in principle, but additionally shall comply with the following design requirements:
  - a. The residential dwellings shall be predominantly two storeys in height and no higher than three storeys in height and the external finish to their walls shall be predominantly rendered and coloured in accordance with a co-ordinated colour scheme that respects the layout of the development;
  - b. 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;
  - c. There shall be no integral garages, unless it can be justified as an exceptional design feature, or where the house and garage would not be on a primary street frontage;
  - d. The detailed design of the layout shall otherwise accord with the principles set out in the Council's Design Standards for New Housing Areas and with Designing Streets;
  - e. Notwithstanding that shown in the Illustrative Masterplan docketed to this planning permission in principle, there shall be at least 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 or proposed neighbouring residential properties;
  - f. an independent road safety audit shall be undertaken for the proposed site access junctions onto the B1361 road;
  - g. the proposed site access junctions onto the B1361 road shall be designed in accordance with the Design Manual for Roads and Bridges, Volume 6;
  - h. visibility splays of 4.5m by 90m in both directions shall be provided and maintained at the proposed site access junctions with the B1361 road so that no obstruction lies within them above a height of 1.05 metres measured from the adjacent carriageway surface;
  - i. the proposed development shall be carried out in strict accordance with British Standard BS5837\_2012 "Trees in relation to design, demolition and construction ~ Recommendations' sections 4, 5, 6, 7 and 8 and an arboricultural survey demonstrating this shall be submitted with application(s) for approval of matters specified in conditions;
  - j. parking for the residential development hereby approved shall be provided at a rate as set out in the East Lothian Council Standards for Development Roads- Part 5 Parking Standards;
  - k. all access roads shall conform to East Lothian Council Standards for Development Roads and Design Standards for New Housing Areas in relation to roads layout and construction, footways and footpaths, parking layout and number, street lighting and traffic calming measures;
  - l. 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 metres 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;
  - m. within residential private parking areas the minimum dimensions of a single parking

space shall be 2.5 metres by 5.0 metres. All visitor parking spaces within these areas shall be clearly marked for visitors with the remaining private parking spaces allocated to individual dwellings;

n. vehicle accesses 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;

o. cycle parking 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;

p. the cemetery shall be designed with appropriate levels of parking so that no parking shall overspill onto the B1361 road;

q. the cemetery access be suitable for the two way movement of vehicles so that no vehicle has to wait on the B1361 road whilst a vehicle is egressing. Vehicles should also be able to enter and leave the site in a forward gear;

r. any access gates to the cemetery shall be set back a minimum of 20 metres from the access junction with the B1361 road so that no vehicle has to wait on the B1361 whilst the gates to the cemetery are opened and closed;

s. a toddlers play area shall be provided within the application site. Details of the toddlers play area, including the equipment to be provided within it and a timetable for its implementation, shall be submitted to and approved in advance by the Planning Authority and the play area shall be installed in accordance with the details so approved;

t. a dedicated landscape strip with an average width of 10 metres shall be provided along the entire northern frontage of the application site;

u. a natural stone wall shall be formed along the entire length of the southern side of the dedicated landscaped strip on the northern boundary of the site as required by 1t above and the stone wall shall have an average height of 1 metre. Details of the exact position, height and construction of the wall shall be submitted to and approved in advance by the Planning Authority and shall include a timetable for implementation and the stone wall shall be erected in accordance with the details so approved; and

v. pathways within the site shall link to the path that runs eastwards from the site, adjacent to the disused section of railway line.

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.

- 2 No more than 160 residential units are approved by this grant of planning permission in principle. Unless otherwise agreed in writing with the Planning Authority: the annual completion rates shall be those set out by the applicant i.e. 40 units per annum over a 4 year development period; and any slippage in any single year shall revert to year 5 or beyond, and not be added to the subsequent year.

Reason:

To ensure sufficient education capacity can be provided for the pupil product of the development.

- 3 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 be generally based on the landscape proposals shown in principle on the docketed Indicative Masterplan, shall include predominantly native species planting and shall otherwise fully accord with requirements of Conditions 1i and 1t above.

It shall also 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 also 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 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.

- 4 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 Green 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.

Reason:

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

- 5 A Construction Method Statement to minimise the impact of construction activity on the 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 construction traffic and shall include hours of construction work and details of wheel washing facilities to be provided. Wheel washing facilities must be provided and maintained in working order during the period of operation of the site. All vehicles must use the wheel washing facilities to prevent deleterious materials being carried onto the public road on vehicle tyres.

Reason:

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

- 6 No development shall commence unless and until the existing 40 miles per hour (mph) speed limit on the B1361 road has been extended along the entire length of the application site frontage which shall include village entry treatments. Details of the extension to the existing 40 miles per hour speed limit and village entry treatments shall be submitted to and approved in advance by the Planning Authority and shall include the provision of street lighting along the length of it. Thereafter the extended 40 miles per hour speed limit, village entry treatments and street lighting shall be implemented and installed in accordance with the details so approved.

Reason:

In the interests of road safety.

- 7 Prior to the occupation of any of the residential units hereby approved or any use being made of the neighbourhood centre:

a. a continuous 2 metre wide footway shall be provided on the south side of the B1361 road along the site frontage to link into the existing footway network, with dropped kerbs provided as necessary;

b. the footway on the northern side of the B1361 shall be upgraded to a minimum of 2 metres wide for a distance commensurate with the site frontage between the Royal Musselburgh Golf Club entrance and the U104 Drummohr Road;

c. two Double D Island crossing points shall be formed on the B1361 road to provide pedestrians with safe crossing points on appropriate desire lines.

Details of the new 2 metre wide footway, the upgraded footway and the crossing points shall be submitted to and approved in advance by the Planning Authority. Development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road safety.

- 8 Details of the proposed integrated sustainable urban drainage scheme (SUDS) for the application site shall be submitted to and approved in writing by the Planning Authority following consultation with the Scottish Environment Protection Agency and such detail shall provide for two levels of treatment.

The integrated sustainable urban drainage scheme (SUDS) for the application site shall thereafter be fully implemented in accordance with the details so approved.

Reason:

To ensure the provision of a satisfactory sustainable urban drainage scheme for the application site.

- 9 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 (Evaluation and Metal Detecting Survey) 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.

- 10 Prior to the commencement of development a comprehensive contaminated land investigation shall be carried out and a report on the findings of it shall be submitted to and approved by the Planning Authority. The report must include a site-specific risk assessment of all relevant pollutant linkages.

Where the site-specific risk assessment identifies any unacceptable risk or risks, development shall not begin until a detailed remediation strategy has been submitted to and approved by the Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved remediation strategy. Any subsequent amendments to the approved remediation strategy shall not be implemented unless approved in advance by the Planning Authority.

On completion of the remediation strategy and prior to the commencement of development a validation report shall be submitted to and approved by the Planning Authority confirming that the remediation of the site has been carried out in accordance with the approved remediation strategy.

The presence of any previously unsuspected or unforeseen contamination that becomes evident during the development of the site shall immediately be brought to the attention of the Planning Authority to investigate whether further works shall be required to be carried out to determine if any additional remedial measures are required.

Reason:

To ensure that the site is clear of contamination.

- 11 Prior to the commencement of development intrusive investigation works shall be carried out at the application site in accordance with detail to be submitted to and approved in advance by the Planning Authority following consultation with The Coal Authority to assess ground stability due to former mine workings at the site. In the event that the intrusive investigation works confirm the need for remedial works to treat any areas of shallow mine workings, development shall not begin until a scheme of remedial works on the site has been submitted to and approved in writing by the Planning Authority, and thereafter have been fully implemented as so approved.

Reason:

To ensure that the site is clear of coal mining features and hazards prior to the occupation of any of the buildings.

- 12 A Construction Method Statement to specify the measures to be adopted to protect the amenity of neighbouring residential properties from the effects of noise and dust arising as a result of the construction phase of the proposed development shall be submitted to and approved by the Planning Authority prior to the commencement of development.

Reason:

In the interests of the amenity of the area.

- 13 Prior to the commencement of development a noise report shall be submitted to and approved in advance by the Planning Authority which shall demonstrate compliance with the following requirements, and any measures necessary to achieve the requirements shall be fully implemented as so approved:

a. the garden areas of the residential dwellings shall achieve the upper limit for daytime garden noise levels of 55dB(A)eq,t specified in paragraph 7.7.3.2 of BS8233:2014 "Guidance on sound insulation and noise reduction in buildings" due to noise associated with road traffic on the B1361;

b. within the residential dwellings daytime and night-time internal noise levels as specified in Table

4 of BS8233:2014 "Guidance on sound insulation and noise reduction in buildings" shall be achieved due to noise associated with road traffic on the B1361;

c. within the residential dwellings World Health Organisation "Guidelines for community noise" internal level of <45dBLAmax (not to be exceeded more than 10-15 times a night) shall be achieved due to noise associated with the east coast main line.

Reason:

In the interest of safeguarding the residential amenity of future occupiers of the proposed residential development.

- 14 The design and installation of any plant or equipment associated with the operation of each of the commercial units proposed in the neighbourhood centre shall be such that noise emanating from them shall not exceed Noise Rating Curve NR25 at any Octave Band Frequency when measured within any existing or proposed neighbouring residential property assuming windows open at least 50mm.

Reason:

To ensure the commercial units proposed in the neighbourhood centre do not harm the amenity of nearby residential properties.

- 15 The details of the extraction system to be used within the proposed class 3 restaurant/cafe space at the neighbourhood centre, including efflux velocities of stack emissions and any odour control measures to be implemented in the form of primary, secondary and tertiary treatments shall be submitted to and approved in advance by the Planning Authority prior to the operation of the premises for Class 3 use, and such detail shall include a timetable for the implementation of such system.

Any mechanical extract ventilation equipment used to vent the premises as so approved shall be maintained to ensure their continued satisfactory operation and any cooking processes reliant on the extract system shall cease to operate if, at any time, the extract equipment ceases to function to the satisfaction of the Planning Authority.

Reason:

To ensure the Class 3 use does not harm the amenity of nearby residential properties by cooking odours.

- 16 No residential unit shall be occupied unless and until details of artwork to be provided on the site or at an alternative location away from the site have been submitted to and approved by the Planning Authority and the artwork as approved shall be provided prior to the occupation of the final residential unit approved for erection on the site.

Reason:

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