

REPORT TO: Planning Committee

MEETING DATE: Tuesday 26 March 2019

BY: Depute Chief Executive
(Partnerships and Community Services)

SUBJECT: Application for Planning Permission for Consideration

Application No. **15/00337/PM**

Proposal Erection of 370 houses, 103 flats and associated works

Location **Land At Craighall
Musselburgh
East Lothian**

Applicant Persimmon Homes East Scotland

Per HolderPlanning

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

As the application site is over 2 hectares in area and also the proposal is for more than 49 residential units, the application is a major development in terms of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Under the Council's Scheme of Delegation major development applications must be determined by the Planning Committee.

The officer recommendation is to grant planning permission in principle, subject to a Section 75 agreement for developer contributions required as an outcome of the development, to planning conditions to mitigate the impacts of the development and a direction in respect of the time period for submission of matters specified in conditions.

Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, major development applications must be preceded by a Proposal of Application Notice (PAN) at least 12 weeks beforehand, and by pre-application community consultation before an application for planning permission or planning permission in principle is submitted to the Council.

A PAN (Ref: 13/00008/PAN) was submitted on 30 October 2013 and the application was submitted on 29 April 2015, complying with the minimum 12 week period between PAN and application. A public event was held at Hope Church on Tuesday 10 December 2013 and a further public event at Brunton Hall, Musselburgh on 28 January 2014. A meeting

was also held with Musselburgh Community Council. A pre-application consultation report is submitted with this application, all in accordance with statutory requirements. The report states that 37 people attended the first event and 28 the second event. Event attendees and the Community Council raised a number of issues regarding the proposals.

The development for which planning permission is now sought is of the same character as that presented through the community consultation event. The principle of the development of the site was also subject to the pre-application procedures followed for application 18/00485/PPM for planning permission in principle for a proposed mixed use development comprising residential development, education, business, industry, storage and distribution, innovation hub (including class 2,3,4,5 and 6), employment uses, community facilities, residential neighbourhood centre (including class 1,2,3 and 10), playing fields, changing facilities, public park(s) and associated works, the subject of a separate report on this Planning Committee agenda.

The application site is part of the some 116.5 hectares of land at Craighall to the south of Musselburgh, allocated by Proposal MH1 of the adopted East Lothian Local Development Plan 2018 (ELLDP2018) for mixed use development and subject to application 18/00485/PPM as referred to above.

This part of the MH1 allocation comprises some 22 hectares of fallow agricultural land located around part of the southern edge of Musselburgh. It is roughly a quarter circle in shape, with northern boundaries to part of the Old Craighall rail loop with Queen Margaret University beyond to the northwest, and the East Coast Main Line and houses at Stoneybank, Musselburgh beyond to the north and northeast. The southeastern boundary lies along the B6415 Monktonhall-Old Craighall road, with part of Musselburgh Golf Course and Old Craighall services beyond. The southwestern runs along the A1 trunk road with undeveloped land subject of application 18/00485/PPM as referred to above.

The application site is within the inventory boundary of the Battle of Pinkie, a battlefield included within Historic Environment Scotland's Inventory of Historic Battlefields.

The Firth of Forth Special Protection Area is located approximately 1km to the north of the application site.

Planning permission is sought for a development of 370 houses, 103 flats and for associated works, those including formation of vehicle accesses, internal roads, landscaping, a Sustainable Urban Drainage System (SUDS) and open space.

The Development Layout plan shows in detail how the proposed homes would be set out, with two vehicle accesses from the B6415 along the southeastern boundary, one close to the north of that boundary and close to the south of that boundary, linking to the existing roundabout on the B6415 and which links that road with the Old Craighall junction. The internal road network formed off those accesses would provide roads and streets through the development, with flats and houses laid out in relation to these. Houses and flats would provide a streetscape frontage to the B6415.

Open space would be provided on northeastern, northwestern and southwestern edges of the development and also more through the development linking those spaces around the boundaries. A play park would be located centrally in the development adjacent to the central linking open space. A playing field would be formed on part of the northeastern area. A SUDS basin would be formed on the northmost part of the site. Part of the line of the culvert running through the site would be opened up. Pedestrian and

cycle routes would be formed around and through the site, including part of the implementation of the East Lothian Active Travel Corridor as it would pass through the northeastern part of the site. Pedestrian and cycle routes would be formed through the existing two rail underpasses towards Musselburgh, under the A1 at the northwestern corner of the site to other parts of the MH1 allocated site. Links would also be provided alongside the B6145. Structural tree planting is proposed along part of the northern boundary with the railway line. A pumping station and electricity substation would be located to the north of the northern access to the site.

A mix of housing types is proposed. Affordable housing would be provided in three groupings in the site, to the northeast, southwest and northwest. The mix of the 118 affordable units would be 16 one bedroom cottage flats, 39 two bedroom cottage flats, 33 two bedroom houses, 26 three bedroom houses (including two bungalows) and 4 four bedroom houses. These would include for elderly amenity and wheelchair user needs and tenures would be a mix of social rent and mid-market rent.

The market housing would comprise of 12 one bedroom flats, 84 two bedroom flats and houses, 133 three bedroom houses, 118 four bedroom houses and 8 five bedroom houses.

The application is supported by, amongst other documents, a Pre-application Consultation Report, a Design and Access Statement, a Transport Assessment, a Flood Risk and Drainage Statement, an Ecology Statement, a Noise Impact Assessment, an Archaeology assessment, Site Investigation survey and Topographical Survey.

Since the registration of the application revised site layout plans, revised elevation plans and house type and flatted building drawings have been submitted to show revisions to some of the types and their locations and positioning. The revised plans also show how the layout of the development would accommodate an enlarged roundabout at the southern junction of the application site. A revised Design and Access Statement and a further Flood Risk Assessment have also been received.

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 15 January 2015 the Council issued a formal screening opinion to the applicant. The screening opinion concludes that it is East Lothian Council's view that the residential development of the scale proposed is not likely to have a significant effect on the environment such that consideration of environmental information is required before any grant of planning permission in principle. It is therefore the opinion of East Lothian Council as Planning Authority that there is no requirement for the proposed development to be the subject of an EIA. As set out in the report on application 18/00485/PPM for planning permission in principle elsewhere on this Planning Committee agenda, the site of which this forms a part has been subject to an Environmental Statement.

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

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

Policies 1B (The Spatial Strategy: Development Principles), 5 (Housing Land) and 7 (Maintaining a Five Year Housing Land Supply) of the approved South East Scotland Strategic Development Plan (SESplan) are relevant to the determination of the application.

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Policies RCA1 (Residential Character and Amenity), DP1 (Landscape Character), DP2 (Design), DP3 (Housing Density), DP4 (Major Development Sites), DP8 (Design Standards for New Housing Areas), DP9 (Development Briefs), DC10 (Green Network, NH1 (Protection of Internationally Designated Sites), NH5 (Biodiversity and Geodiversity Interests), NH8 (Trees and Development), NH10 (Sustainable Urban Drainage Systems), NH11 (Flood Risk), NH12 (Air Quality), NH13 (Noise), CH4 (Scheduled Monuments and Archaeological Sites), CH5 (Battlefields), DEL1 (Infrastructure and Facilities Provision), HOU1 (Established Housing Land), HOU2 (Maintaining an Adequate 5 year Effective Housing Land Supply), HOU3 (Affordable Housing Quota), OS3 (Minimum Open Space Standard for New General Needs Housing Development), OS4 (Play Space Provision in new General Needs Housing Development), OS5 (Allotment Provision), T1 (Development Location and Accessibility), T2 (General Transport Impact), T4 (Active Travel Routes and Core Paths as Part of the Green Network Strategy), T8 (Bus Network Improvements), Policy T31 (Electric Car and Bus Charging Points), T32 (Transport Infrastructure Delivery Fund), DCN2 (Provision for Broadband Connectivity in New Development), SEH2 (Low and Zero Carbon Generating Technologies) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of the application.

Proposals MH1 (Land at Craighall, Musselburgh), ED1 (Musselburgh Education Cluster), T3 (Segregated Active Travel Corridor), T15 (Old Craighall A1(T) Junction Improvements) and T17 (A1(T) Interchange Improvements) of the adopted East Lothian Development Plan 2018 are also material to the determination of the application.

The Council's approved Development Briefs Supplementary Planning Guidance supplement policy in the ELLDP 2018 and can be a material consideration in the determination of planning applications. They are a set of guiding principles, and indicative design, to be followed where possible. Policy DP9 of the ELLDP 2018 requires that development conform with the relevant brief.

The Development Brief for the overall MH1 allocation refers to the areas of the site and proposed forms of development within these as set out above. It also includes design guidance for access, internal connections, landscaping and layout and design.

The "Design Standards for New Housing Areas" Supplementary Planning Guidance was approved by the Council on 10 March 2008. A revised version was approved for consultation by the Council on 27 October 2018 and for further consultation on 26 February 2019. This guidance requires that a more flexible approach be taken in road layout and design for proposed housing developments and sets core design requirements for the creation of new urban structures that will support Home Zone type development as well as establishing design requirements for the layout of and space between buildings. Developers must provide adequate information to the satisfaction of the Council to demonstrate the merits of their design.

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

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

This is reflected in paragraph 25 of SPP in which it is stated that the Scottish Government's commitment to the concept of sustainable development is reflected in SPP'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 SPP, 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 this SPP. The same principle should be applied where a development plan is more than five years old.

Paragraph 110 of SPP 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.

East Lothian Council adopted its Local Development Plan on 27 September 2018 and as demonstrated by the 2017 Housing Land Audit has a 6.2 years effective housing land supply. The ELLDP 2018 sets out a development strategy for the future of East Lothian to 2024 and beyond, as well as a detailed policy framework for guiding development. It sets out the Council's settled view of where new development should and should not occur, including housing, education, economic and retail development, new transport links, and other infrastructure. The application site is an allocation of the plan which provides part of the plan's strategy and housing land supply. In this the proposal complies with Policies 5 and 7 of the approved South East Scotland Strategic Development Plan (SESplan) and Policies HOU1 and HOU2 of the adopted ELLDP 2018 and with Scottish Planning Policy 2014.

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

unity and coherence for the development or the wider neighbourhood.

Also material to the determination of the application are written representations. One written representation to the application has been made, from Musselburgh Conservation Society. The Society notes that it favours development in this area as opposed to Goshen (as proposed in a draft Local Development Plan) due to ease of access to the A1 trunk road and Edinburgh, its relationship with employment uses and that traffic would not have to go through the town centre to reach the Musselburgh Tesco store and other facilities. The Society does, however, note a need for A1 junction improvements, school provision and other facilities and a need for a masterplan of the wider site. The Society raises concerns over distances to public transport routes. In respect of all of these matters the Society considers the application to be premature.

The proposed design and layout of the development sees a mix of detached, semi-detached, terraced and flatted homes grouped around a street network. The net density of development on the site would be some 30 dwellings per hectare. The street network is added to by paths around and through the development across open space areas and linking the development along its frontage to Musselburgh to the north and Old Craighall to the south. The street network is designed to include traffic calming principles in terms of shorter street lengths, offset junctions and speed tables to reduce vehicle speeds. Parking is predominantly accommodated to the side/rear of houses or in parking courts as required by the Design Standards. Whilst some 20% of the development would have private driveway parking to the front of houses, however, there would also be terraced houses with street frontage parking which would add to the visual impact of parking in the development and it is therefore particularly important that those houses which do have private driveway parking will require to have robust front boundary treatments to ensure a sense of enclosure which would help to mitigate the impact of that frontage parking in the streetscape. With this in place then from this perspective the design of the development would be acceptable, though other phases of residential development on the MH1 site should address this issue more positively.

Other frontages should also have boundary treatments to ensure an appropriate distinction of public and private spaces. The plans show where brick walling rather than fencing would be used where rear boundaries are on public elevations. Whilst it is important to ensure that such boundaries have robust, quality finishes, the finishes of walls should be appropriate to the final finishes of the houses, flats and garages. A boundary treatment plan showing the positioning types, material finishes and heights for all properties, to include for front and rear boundaries, can be required as a condition of any grant of planning permission.

Given the scale and layout of the development there are a large number of corner plots and it is important to the streetscape of the development that gables and boundary treatments around all of these are of a design and material which reflect their prominence. Enhanced, architecturally articulated gable treatments and use of walls and/or railings in combination with hedging, rather than fences, are required to provide strong and durable elements which provide interest and definition to the development and this can be made subject to a condition of any grant of planning permission.

Street frontages would otherwise have a mix of terraced, semi detached, detached and flatted properties which would give variety to the streetscape, and where side and rear driveways with detached garages are used this would help to provide further visual permeability and interest and variety.

The proposal is laid out in such a way as to meet the Council's privacy standard that no window of a house should face on to a garden of another house within 9 metres of the

boundary. In respect of directly facing windows, the Council's established standard is that a separation distance of 18 metres should be applied and this is met throughout the development.

The houses and flats as proposed would have brick finishes, mainly red tiled roofs with some grey and a uniform door design. Garages and walls are shown in brick also. Council policy and guidance is that external wall finishes should be predominantly render, though good quality reconstituted stone or stone finishes would also be acceptable.

Therefore, whilst the proposed houses and groupings of them would be generally acceptable, a condition of any planning permission granted should require for approval of detailed plans of wall, roof and door finishes be submitted, including for a varied mix of colours to provide contrast and interest across the development. Given the prominence and scale of the site, the colours to be used should be a range of muted shades.

The proposed pumping station and sub station at the northeast of the site would be in a prominent position in the open space of the development and therefore it would be prudent to require by condition that the landscaping of the development to take account of this and mitigate the impact of those installations.

The central open spaces of the development and those on the northern and southern parts of the site allow for open space access from all parts of the site. Along the northern boundary there are two railway underpasses which allow for pedestrian and cycle access to the south of Musselburgh, one to the Monktonhall area and the other to Musselburgh Railway Station, Stoneyhill and Queen Margaret University and on through existing path networks. There is also an underpass at the western corner of the site, under the A1, which allows for access to another part of the MH1 allocation where it will link with Old Craighall. The paths to the rail underpasses and through the development would form part of the Segregated Active Travel Corridor required by the Council's Local Transport Strategy and Proposal T3 of the adopted ELLDP2018. All of these underpasses require to be upgraded to an appropriate standard, which can be required as a condition of any grant of planning permission.

The Council's Landscape Officer advises that the site is constrained by the high embankments of the A1 to the south and railways to the north and west as well as by the B6451 to the east, with all of these boundaries having dense tree planting which help to provide a green setting for the site and link it to the Edinburgh Green Belt and River Esk landscape character area to the east. She further advises that this is a major entrance to Musselburgh and the development of this site affords the opportunity to create a gateway to Musselburgh as an entrance feature for both the town and the site. She advises further that this could comprise open space and tree planting with feature walling and that the proposed houses and should be set back from the main road at this entrance point to the town.

She supports the design proposals to create tree lined main streets with large verges to one side of the road, though notes that services must not be located within those verges, but should run either within the roadway or the footway on the opposite side of the road. Further, she supports the use of hedgerows to delineate front boundaries of properties.

The Landscape Officer generally supports the layout with the central green park across the north-western area of the site, incorporating the existing culvert including its partial opening as this would introduce water into as a feature of the site. She advises that large species specimen trees should be introduced in the large central open spaces to create features at nodal points and break up the general roofscape of the layout when viewed

from elevated locations of the A1 and railway. She further advises that tree planting should be kept generally to communal areas and not private front gardens where maintenance and retention become issues.

Overall the Landscape Officer welcomes the applicant's changes to the layout and design of the proposal, which take on board early comments voicing concerns of rear gardens facing onto the steep embankment of the A1 to the south of the site by orientating all houses along this boundary to face the embankment and moving them further from the embankment. This reduces issues over noise and appears to remove the requirement for any acoustic barrier to the southern edge of the site, thereby addressing visual impact concerns over the design of this.

She advises that the applicant has also addressed this being a main entrance into Musselburgh and the requirement to create a development suitable as a gateway to the town. The main site entrance has been revised to now be taken off the existing roundabout (or an upgraded version of it) and have proposed flats to both sides of this entrance.

Other more minor access roads and pedestrian/cycle paths have been proposed from the B6415 helping to make the frontage more active along this route into Musselburgh. The applicant has also proposed to open the culvert across the northwest of the site. The depth of landscaping has been extended to the northern site boundary.

Design changes have been made to Plot 1 of the proposals to address the Landscape Officer's concern at the first view of the development from the Musselburgh side along the B6415 being a blank gable and rear wall of a double garage. The garage of the house has been moved to the rear of the plot and the house denoted as having an enhanced gable, to give a more articulated view on approach from the north. A temporary sales cabin is now shown where the garage would be and it would be prudent to use a condition of a grant of planning permission that the cabin be removed when no longer required.

The Landscape Officer also notes that it is unclear what will happen adjacent to the open space to the north of the northmost road access where the site meets the railway as this area is not included on a levels drawing. She further advises that at the northeast corner of the site adjacent to the railway the existing field and field hedgerow/scrub boundary is approximately 3m higher than the road. In respect of this she advises that the proposed site levels show the house at plot 1 set 2m lower than the existing ground level and the access road tying into the existing road levels. She therefore assumes this will require removal of the existing hedge/scrub boundary along the full length of the site boundary south from plot 1 with the B6415 to accommodate the changing levels. She therefore requires that further detailed plans of this area and how it is to be treated be submitted for approval. These details can be provided in the site setting out details required as a standard condition of a grant of planning permission for a development of this type.

The Landscape Officer considers that the redesigned layout would lead to a compact development within the southern area of the site with, in this part of it, with limited open space between the houses other than the wide verges along the roads, and that no open space has been provided for the flattened block plots at the south of the site. In this she is not clear that the development conforms with the landscape and visual assessment submitted with the application, which states that the Masterplan for the whole site would include a series of green links throughout the development to break up built form when viewed from a distance or from a raised viewing position. However, in addition to the wide verges referred to by the Landscape Officer, the layout plan shows open space to the side of one of the flattened buildings and in proximity around the southwestern part of

the site, whilst other open space and informal and formal play provision would be located nearby elsewhere in the development and allows for both recreation and an appropriate juxtaposition of built form and open space.

In respect of the flats in the southern corner of the site the Landscape Officer advises that their three storey blank gable would be the first view of the development when passing under the A1 from Old Craighall. She suggests stepping down the block at this edge. An alternative to this would be to ensure that the gable is well designed and architecturally articulated, to give a strong corner edge presenting to those views approaching from the south and to any glimpsed views from the A1. Changes to the size and extent of the two flatted buildings at this point of the frontage also help to address these issues. Ponds linking to bin stores serving those flatted blocks have been removed to address a landscape concern at an abrupt drop to single storey from the gables of the flatted blocks.

The Landscape Officer also raises concerns over the proposed materials of the flats and houses of the development, which are largely proposed as being brick. As considered above, the final external material finishes for the development can be the subject of a condition of any grant of planning permission.

The Landscape Officer also advises that the detailed design of the proposed SUDS basin should be designed to read with the amenity open space. She suggests that Sewers for Scotland 3 indicates a more organic shape for basins to avoid regular formal shapes, that providing differing side slope gradients would also help reduce the engineered look of the basin, and that the grasscrete track proposed around the basin can be omitted as per the advice in Sewers for Scotland 3, and access just provided to the inlet and outlet points for maintenance. This would allow for increased planting and an improved setting for the basin as well as shallower side slopes to the basin in places.

The Landscape Officer advises that further detailed landscape plans should be submitted and advises on a number of further detailed points to be addressed in these, including that Network Rail would not support planting of large species trees close to the existing railway line around the northern edge of the site. These detailed requirements can be the subject of a condition of any grant of planning permission.

The Council's Principal Amenity Officer advises that, in the context of its relation to the Masterplan for the whole MH1 allocation, there is reasonable connectivity with the proposed sports pitches and open space on the other areas of the allocation. He also notes that the proposed play space for this development is adjacent to one of the main pedestrian routes to school which is good practice but that the proposed shape of the play area would not afford space for informal ball games by the time an equipped play area was provided. The developer has since proposed providing such space in the northeast part of the site and this is shown on amended plans.

The Principal Amenity Officer is content with the overall amount of open space provided within the development, but does raise some concerns that the housing in the south triangle of the site does not seem to have adequate area of consolidated open space for recreational use, mainly in reference to the flatted buildings proposed on this part of the site. The layout plan shows open space to the side of one of the flatted buildings and in proximity around the southwestern part of the site, whilst other open space and informal and formal play provision would be only some 300 metres from this part of the site.

The Principle Amenity Officer has given consideration to allotment provision and is of the view that it would not be viable to require on site provision due to the relatively small number of plots this would mean. However, he does require that a commuted sum be

paid for future allotment provision arising as a result of the development and for this site this would be a pro-rata contribution of the £18,742.50 required through the Section 75 agreement for any grant of planning permission in principle for application 18/00485/PPM for the entire MH1 site.

From a biodiversity perspective, the Sport, Countryside and Leisure Service advises that any revision to the existing hedgerow landscape along the B6415 road must reflect or enhance the biodiversity value of the area through the use of as much as possible of the existing hedgerow, native species and habitat connectivity design. A concern in relation to long lines of properties backing onto existing peripheral landscaping, including the wooded embankment of the A1 and the railway line and creating a solid barrier to these habitats, effectively trapping in wildlife, has been addressed in the revised layout which allows for greater space and corridors from those areas into the wider site.

In terms of Access Issues, the Sport, Countryside and Leisure Service advises that underpasses and paths through open space should be upgraded to shared use standard to accommodate greater usage and encourage active travel, with particular attention given to the setting and design of these connections to make them inviting and safe places. Additionally, all paths through open space should be to shared-use standard and the existing path from the site through the north west underpass extending to Musselburgh train station be upgraded to a shared-use path.

In respect of the Forth Special Protection Area (SPA) interests and the MH1 site applications, Scottish Natural Heritage (SNH) initially advised that on the basis of the information available it would be unlikely to produce a robust appropriate assessment. However, subsequent to further work carried out by the applicant in respect of the linkage of the site to the SPA, SNH advises that the final version of the supporting 'Newcraighall Habitat Regulations Screening Request' presents a clear case that the site is actually unsuitable as a resource for these bird species. As such SNH confirms that no further assessment of impacts upon the SPA is required, and that an 'appropriate assessment' is not needed.

In all of the above the proposed development, subject to conditions as described, would be acceptable in terms of Policies 1B of the approved South East Scotland Strategic Development Plan (SESplan) and DP1, DP2, DP3, DP4, DP8, DP9, DC10, NH5, NH8, OS3, OS4, OS5, and Proposals MH1, CF1 and T3 of the ELLDP 2018, with the Council's approved Development Briefs Supplementary Planning Guidance, Developer Contributions Framework, Urban Design Standards and with Scottish Planning Policy 2014 and with Scottish Government Policy and guidance Designing Streets and PAN 67.

In respect of Policy SEH2 of the adopted ELLDP 2018 all new buildings, with certain exceptions, must include Low and Zero Carbon Generating Technologies (LZCGT) to meet the energy requirements of Scottish Building Standards, For larger developments, encouragement is given to site-wide LZCGT rather than individual solutions on each separate building. These requirements can be made a condition of any grant of planning permission for the proposals.

The applicant's Planning Statement sets out a commitment to the provision of appropriate broadband connectivity throughout the phases of the development and in this the proposals comply with Policy DCN2 of the adopted ELLDP 2018 and with Scottish Planning Policy 2014.

Transport Scotland raises no objection to the proposals, providing that when combined with development of the other parts of the MH1 allocation there are no more than 1500 residential units in the development as a whole, and that East Lothian Council will secure appropriate and proportionate financial contributions from this site to address the

cumulative impact on the strategic transport network arising from development. This is on the basis as set out in the Council's 2018 Developer Contributions Framework, and will include contributions towards improvements at the Old Craighall, Salter's Road and Bankton junctions with the A1.

Those contributions are assessed as part of the Section 75 requirements for application 18/00485/PPM and as set out below. Therefore Transport Scotland's requirements can be met subject to the conclusion of the Section 75 agreement applying to any grant of planning permission in principle and to this application, should planning permission be granted, and by relevant conditions on those decisions which reflect the required limit on housing unit numbers.

Road Services raise no objection to the proposals in respect of its traffic impacts, parking and road safety matters. It advises that the key consideration for this application site should be that it is accessible by active /sustainable travel modes and in particular shall have direct connections to the new primary school proposed to be located on another part of the MH1 site and that there is an opportunity to provide 2 routes from the application site to the proposed primary school, one on the west side of the B6415 requiring upgrading and widening of the existing footway and a route from the west of the site via the A1 underpass. As regards the wider MH1 site Road Services advise that the Council has been in discussions with the applicant on provision of a pedestrian and cycle network that would optimise connectivity throughout the masterplan site and recommends that this provision be incorporated within this site to the following standards:

- o The Segregated Active Travel Corridor (SATC) should be 4m wide
- o The primary cycle routes should be segregated 3m shared use corridors, and provide a network connecting all entrances to the site (underpasses and roads) with each other and across the site in more-or-less straight lines
- o The secondary cycle routes should be shared use footway (2.5m wide) or on traffic calmed streets where vehicle speeds are physically limited to 10mph

The applicant has proposed to link to the existing core path to the northeast of the site through the northmost of the two railway underpasses and provide the SATC up to the bridge at Musselburgh Station.

The applicant advises that after that the land required for the indicative route is not within their control as it appears to go onto the railway embankment beyond the station car park. The applicant therefore shows that in the shorter term a link could be provided towards Newcraighall via the existing route that runs along the south of the employment land to the west of Queen Margaret University (Cycle path NCN1). This would allow for access to the station, to Stoneyhill and its primary school and to the university campus. A more direct link to Newcraighall and new development there as well as cycle routes at Brunstane in Edinburgh is addressed in the report on application 18/00485/PPM.

In relation to the northern proposed road access to the B6415, Road Services advise that this junction will be the primary means of access to the site through the initial phases of development, up the limit for a single access of 300 units. In order to mitigate the impact of vehicles turning right into the site blocking southbound traffic on the B6415, it recommends that the junction be enhanced by road marking to facilitate right hand turning by traffic coming from Musselburgh. The southern access junction would be via a new arm from the existing or a potentially re-configured B6415/Old Craighall services roundabout junction. To accommodate cumulative impacts of development in the area, the roundabout requires to be enlarged and re-configured. The applicant has confirmed it is content to provide a proportionate developer contribution in respect of this work and

the design of the junction to be implemented by the applicant can be subject to a condition in respect of its detailed design, including that this also be subject to a Road Safety Audit.

Road Services advise that there is currently no bus stop provision close to the site on the B6415 and that proposals should be submitted for consideration, taking into consideration level differences between the B6415 and the adjoining land and road verge and the location of the roundabout near the Old Craighall services as discussed with the applicant's transport consultant.

In respect of the impact of the proposals on the A720 Old Craighall junction/roundabout as outlined in the applicant's submitted Transport Assessment Road Services advise that appropriate developer contributions should be sought as per the Council's Developer Contributions Framework. The assessment of this also forms part of the assessment of impacts of application 18/00485/PPM for planning permission in principle for the MH1 site and as such can be subject to the same Section 75 agreement at the relevant unit rates.

Road Services recommend the use of planning conditions to secure the above considerations and in relation to details such as visibility splays, road widths, dimensions of parking bays, cycle parking requirements and provision of a green travel plan.

The Council's Waste Services raises no objections to the proposed development. It advises that the swept path analysis submitted with the application demonstrates that the site can be safely accessed and egressed by waste service vehicles. Waste Services will require a number of the home occupiers to present waste containers to specific locations within the development and this information has been provided to the applicant.

Network Rail Infrastructure Limited (Network Rail) raises no objection to the proposal subject to a Section 75 agreement, taking account of its recommendations, being concluded prior to consent being granted. The terms of this would be met by the proposals for rail contributions required of application 18/00485/PPM for planning permission in principle for the development of the whole of the MH1 site at the relevant unit rates. Subject to that Section 75 agreement applying to any grant of planning permission of this part of the site and incorporating any triggers for payment relevant to development of this part of the site then the requirements of Policy DEL1 of the adopted East Lothian Local Development Plan 2018 and the Developer Contributions Framework Supplementary Guidance would be met.

All of the above requirements of Transport Scotland, Road Services and Network Rail can be the subject of conditions and developer contributions as appropriate and subject to this the proposals accord with Policies T1, T2, T4, T8, T31 and T32 and Proposals MH1, T3, T15, T17 and T22 of the adopted ELLDP 2018 and with the Council's Developer Contributions Framework.

Network Rail also confirms its requirements for conditions on fencing along its boundaries with the site, that SUDS be located at least 10 metres from the railway boundary, that planting take account of potential leaf fall on the railway line and that a noise impact assessment in respect of impacts of railway noise and mitigation be carried out.

Historic Environment Scotland raises no objection to the proposed development in respect of the Pinkie Battlefield Site, noting it had been consulted through the Local Development Plan process. It considers that the area does not contribute strongly to an understanding of the battlefield landscape such that issues of national significance would

be raised and consequently has no objection to the principle of development in this location. Historic Environment Scotland notes that there is the potential, however, for archaeological remains associated with the battlefield to be affected by the proposed development and refers the Council to its own archaeological advisor for advice on the assessment of impact of the development on such remains.

The Council's Heritage Officer advises that the proposed development area is surrounded by a significant amount of known archaeological remains and that there is therefore the potential for as yet unidentified remains to be impacted upon by the proposals. He therefore recommends a Programme of Works for archaeological investigation of the site to establish if any further work or mitigation requires to be carried out, including a written scheme of investigation and an 8% trenching evaluation.

Subject to this, which can be required by a condition of a grant of planning permission, in respect of the above cultural heritage interests the proposals accord with Policies CH4 and CH5 of the adopted ELLDP 2018, Scottish Planning Policy 2014 and Planning Advice Note 2/2011.

The Council's Economic Development and Strategic Investment Service initially objected to the proposals, in relation to the East Lothian Local Plan 2008 allocation as employment land. Subsequent to the adoption of the ELLDP 2018, the Economic Development and Strategic Investment Service considers that the residential development of this site as part of the overall development of the MH1 allocation, including employment land on two other areas of the allocation, is acceptable.

The Council's Environmental Protection Manager advises on a number of matters in respect of the application. He raises no objection to the proposals, but given the scale and likely duration of development on the site requires that planning conditions be used to control areas of consideration.

In respect of construction phase noise, vibration and dust he advises that any grant of planning permission be subject to a condition requiring a Construction Method Statement, with due reference to the relevant British Standards, for noise, vibration and dust monitoring to prevent any nuisance arising and be acceptable for residential receptors within the vicinity of the construction work.

The Environmental Protection Manager also raises concerns that occupiers of the proposed residential units may have reduced levels of amenity due to existing noise sources, i.e. road traffic noise from A1 to the south and B6415 to the east, rail noise from east coast main line to the north, and commercial noise from the Queen Margaret University Campus to the west of the site. Amendments to the proposals such that the properties closest to the A1 embankment have been reoriented so as to provide mitigation for noise impacts to gardens. He recommends that boundary treatments for properties take account of the Noise and Vibration impact assessment submitted by the applicant and that acoustic glazing be specified to mitigate noise internally.

In respect of concerns that traffic movements associated with the development during the operational phase may impact upon the existing Air Quality Management Area (AQMA) on Musselburgh High Street, the Environmental Protection Manager advises that he has appraised the technical assessment of air quality prepared by REC of May 2018 and submitted in support of the application. He confirms that he is satisfied that the development, including in conjunction with other committed developments in the Musselburgh cluster, will not have a significant impact upon local air quality, in particular on Musselburgh High Street. No exceedences of Air Quality Objectives are predicted to arise when the development becomes operational in 2024. He does recommend that

principles of good practice described in the Environmental Protection Scotland/Royal Town Planning Institute Scotland guidance document "Delivering Cleaner Air for Scotland, January 2017" be incorporated into the design of the development, the provisions of which are generally met by Road Services and Building Standards requirements.

On these matters of noise, air quality and amenity the recommendations of the Environmental Protection Manager can be made conditions of any grant of planning permission in principle, subject to which the proposals comply with Policies RCA1, NH12 and NH13 of the adopted ELLDP 2018.

In respect of the site there is an existing planning permission (ref 13/00211/P and 14/00468/P) for a wind turbine on Queen Margaret University land close to the boundary of the campus with the rail line and the site. This would result in shadow flicker and noise impacts which would be detrimental to the amenity of any properties constructed in Area 2 were both developments to proceed. However, the Council has received a legal undertaking from the University that it will not pursue development under that planning permission, and this binding agreement is sufficient to ensure that this situation would not arise.

In respect of contaminated land issues, the Council's Environmental Protection Officer advises that the site is currently agricultural land but has a history of coal mining associated with it and that there is the possibility that the site may contain localised contamination associated with the former mining activities. He concurs with the findings of the applicant's submitted Desk Study report as carried out by Mason Evans in October 2014 that an intrusive site investigation is warranted. He therefore recommends that a condition be attached to any grant of planning permission to secure a full contamination investigation, a detailed remediation strategy for any risks identified be submitted for approval and subsequently carried out, a validation report submitted for consideration, and measured put in place to deal with any unforeseen issues encountered during remediation works.

He further advises that, given the period of time that has elapsed (nearly 3 years) since the initial gas monitoring of the site was carried out he recommends that further rounds of gas monitoring be carried out on the site, followed by an updated risk assessment to confirm the current gas regime.

In respect of ground conditions, the Coal Authority initially objected to the proposal and maintained its objection in respect of further information submitted. The Coal Authority advises that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of the planning application. Coal Authority records indicate that there are 2 mine entries and that the site is also in an area of likely historic unrecorded underground coal mine workings at shallow depth.

The Coal Authority welcomed the applicant's submitted Report on Site Investigations, however, and whilst the Report confirms the undertaking of intrusive site investigations (the results of which discount the need remedial works for shallow coal mine workings), the Coal Authority maintained concerns over the implications posed by the recorded mine entries within the site.

The Coal Authority now advises that the Report confirms that one of the two shafts shown in records in the southern part of the site has been located, with the remaining shaft likely to be a duplicate. The applicant advises that extensive intrusive investigations

have been carried out to locate the recorded mineshafts with only one found and therefore suggests that the other is a duplicate on records. In the applicant's view this is not uncommon and they would therefore accept a condition on a grant of planning permission requiring further investigation and supervised works in that area, recognising this might require subsequent application to vary the approved design should any second mine entry be located.

The Scottish Environment Protection Agency (SEPA) initially objected to the proposals in respect of flood risk. However, subsequent to the submission of additional flood risk information including a full Flood Risk Assessment, and discussions between SEPA and the applicant's consultants, SEPA has withdrawn its objection, subject to any permission in principle being granted, planning conditions in respect of the following matters should be attached:

- * Before any development can commence on site, all flood risk assessment (FRA) documents submitted shall be consolidated to include all information provided throughout the consultation, for the approval of the planning authority in consultation with SEPA.

- * Before any development commences on each phase of the site, the phases being land to south of QMU, the land to the north of QMU, the land adjacent to Old Craighall and the land in the Millerhill rail loop, a detailed site layout for that phase shall be provided which clearly demonstrates that no development or landraising is proposed within the agreed functional floodplain extents as determined in the most recent masterplan (01 March 2019).

- * Finished floor levels for properties are set a minimum of 600mm above the predicted flood level.

Subject to the use of such conditions, SEPA is satisfied that the proposals would not increase the risk of flooding on site or to other sites, in accordance with Policies NH10 and NH11 of the adopted ELLDP 2018.

The Council's Team Manager for Structures, Flooding and Street Lighting has considered the applicant's Flood Risk Appraisal and raises no objection to the proposals.

Scottish Water has not commented on the proposal, though it did comment on the application for planning permission in principle for the MH1 site as a whole and raises no objection.

Policy DEL1 of the adopted East Lothian Local Development Plan 2018 stipulates that new development will only be permitted where appropriate provision for infrastructure required as a consequence of the development is made. This includes funding necessary school capacity.

In respect of Education provision, the Council's Depute Chief Executive (Resources and People Services) advises on provision for the MH1 site of which this application forms a part. He informs that the overall MH1 application site is located within the school catchment area of the new Craighall Primary School and Musselburgh Secondary Education zone as set out in Appendix 1 of the adopted ELLDP 2018.

The allocation of the MH1 site for mixed use development in the adopted ELLDP 2018 includes a requirement for the new Craighall Primary School. The site of the proposed school lies on land in the ownership of the applicant, who is willing to transfer the land at nil value to ensure the delivery of the new school.

The Depute Chief Executive (Resources and People Services) advises that he would not object to the proposals in respect of nursery and primary school provision, subject to the transfer of the land for the primary school at nil value and a financial contribution to the Council of £8801 per housing unit for the costs of primary and nursery provision by way of the new Craighall Primary School.

The Depute Chief Executive (Resources and People Services) also informs that some development can take place in advance of completion of the new Craighall Primary School, enabled by temporary Education capacity for pupils from the development provided by means of a temporary 'hosting' arrangement at Stoneyhill Primary School for a limited period of 36 months. He advises that, in respect of the applicant's proposed phasing for housing completions, there will be sufficient capacity within Stoneyhill Primary School to accommodate the pupils arising from this development until the end of the academic year 2022/2023 - i.e. until June 2023. In respect of this it would be prudent to use a planning condition requiring that completions on the site do not exceed those stated by the developer.

In respect of secondary education provision the Depute Chief Executive (Resources and People Services) advises that secondary education capacity can be provided for the proposed development subject to a financial contribution to the Council of £4282 per unit towards additional school accommodation in the Musselburgh Secondary Education zone and a contribution towards required secondary school land of £419 per unit.

The transfer of the required land and the required financial contributions of a total of £13,502 per unit for Craighall Primary School and the Musselburgh Secondary zone 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 DEL1 and Proposals MH1 and ED1 of the adopted East Lothian Local Development Plan 2018. In respect of this, the application can be made subject to the same Section 75 agreement as required for any grant of planning permission in principle for application 18/00485/PPM.

In accordance with Policy HOU3 of the adopted East Lothian Local Development Plan 2018 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 i.e. 118 units of the 473 proposed. They is proposed to be delivered on site as agreed with the Council's Housing service. 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 HOU3 of the adopted East Lothian Local Development Plan 2018. Again, this can be subject to the same Section 75 agreement as required for any grant of planning permission in principle for application 18/00485/PPM.

RECOMMENDATION

It is recommended that planning permission be granted subject to:

2. The undernoted conditions.

3. 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 secure from the applicant:

(i) A financial contribution to the Council for 473 units of the 1500 residential unit development of the MH1 site contribution pro-rata to the contribution of £942,988 in respect of the provision of transport infrastructure interventions as detailed in the adopted East Lothian Local Development Plan 2018;

(ii) Either provision in kind of three community sports pitches and a six changing room facility, to be transferred to the Council at no cost or a financial contribution to the Council for 473 units of the 1500 residential unit development of the MH1 site contribution pro-rata to that contribution of £1,515,000 for provision of the same facilities;

(iii) A financial contribution to the Council for 473 units of the 1500 residential unit development of the MH1 site contribution pro-rata to the contributions of £13,201,500 towards the provision of the new Craighall Primary School, and £6,423,000 and £628,500 towards the provision of secondary education capacity and land in Musselburgh;

(iv) A financial contribution for 473 units of the 1500 residential unit development of the MH1 site contribution pro-rata to the £18,742.50 required for allotment provision.

(iv) A financial contribution to the Council for 473 units of the 1500 residential unit development of the MH1 site contribution pro-rata to the £23,590 towards the upgrading of the B6415 roundabout; and

(iv) The provision of 118 affordable housing units within the application site.

4. 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 an insufficient provision of transport infrastructure, community sports pitches and related changing facilities, a lack of sufficient nursery, primary and secondary school capacity, and the lack of provision of affordable housing contrary to Policies DEL1 and HOU3 of the adopted East Lothian Local Development Plan 2018.

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

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

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

b) finished ground and floor levels of the development relative to existing ground levels of the site and of adjoining land and building(s). The levels shall be shown in relation to an Ordnance Bench Mark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing;

c) the ridge heights of the proposed houses and flatted buildings; shown in relation to the finished ground and floor levels on the site; and

d) open spaces adjacent to the opened culvert, including levels between these and the slope of the sides of the culvert.

Reason:

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

- 2 No development shall take place on the proposed site until the applicant has undertaken and reported upon a programme of archaeological work (evaluation) in accordance with a written scheme of investigation which has been submitted by the applicant (or their agent) and approved by the planning authority.

Reason:

In the interests of the cultural heritage of the area.

- 3 Unless otherwise approved in writing by the Planning Authority, no development shall take place on site unless and until a further scheme of intrusive investigation in respect of mine entries has been submitted to and approved by the Coal Authority. Any design changes required to the scheme of development shall have been approved in advance of development of that part of the site.

Reason:

In the interests of the safety of the development and its occupants.

- 4 No development shall take place on site unless and until:
- a) a comprehensive contaminated land investigation has been carried out and a report submitted to and approved by the Planning Authority. The report shall include a site-specific risk assessment of all relevant pollutant linkages;
 - b) Where the risk assessment identifies any unacceptable risk or risks, a detailed remediation strategy shall be submitted to the Planning Authority for approval. Prior to receipt of approval of the remediation strategy by the Planning Authority no works, other than investigative works, shall be carried out on the site;
 - c) Remediation of the site has been carried out in accordance with the approved remediation plan. Any amendments to the approved remediation plan shall not be implemented unless approved by the Planning Authority; and
 - d) On completion of the remediation works and prior to the site being occupied, a validation report has been submitted to the Planning Authority confirming that the works have been carried out in accordance with the remediation plan.

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

Reason:

In the interests of securing the removal of any contamination on the site and if the safety of future occupants of the development.

- 5 Prior to the start of construction works on site, additional gas monitoring should be carried out over a minimum period of 2 months. Following this period of monitoring, a gas risk assessment shall be submitted for the consideration and written approval of the Planning Authority. The risk assessment shall detail any appropriate gas prevention methods that may be required to ensure the site is suitable for use. If gas prevention measures are to be installed then these works should be suitably validated to the satisfaction of the Planning Authority.

Reason:

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

- 6 Before any development commences on site, all flood risk assessment (FRA) documents submitted shall be consolidated to include all information provided throughout the consultation, for the approval of the planning authority in consultation with the Scottish Environment Protection Agency and thereafter all phases of development shall be carried out in accordance with the consolidated flood risk assessment, unless otherwise agreed in writing by the Planning Authority in consultation with the Scottish Environment Protection Agency.

Reason:

To ensure that all agreed information shall be carried forward within the approved FRA and that site construction shall be carried out in accordance with the conclusions of the FRA about parts of the site at flood risk, which includes the preservation of flood plain and flow pathways in perpetuity.

- 7 Prior to the commencement of development details of the site and SUDS provision shall be submitted for the written approval of the Planning Authority in consultation with the Scottish Environment Protection Agency. The details shall:

- a) clearly demonstrate that no development or landraising is proposed within the agreed functional floodplain extents;
- b) include details of SUDS provision and any required flood risk attenuation measures;
- c) provide that finished floor levels for properties shall be set a minimum of 600mm above the predicted flood level; and
- d) provide that the Sustainable Drainage Scheme not be sited within 10 metres of the railway boundary and should be designed with long term maintenance plans which meet the needs of the development.

Thereafter the development so approved shall be carried out only in full accordance with such approved details.

Reason:

In the interests of flood risk management, management of the water environment and to protect the stability of the adjacent railway and the safety of the rail network.

- 8 Boundary treatments as shown on the approved Development Layout Drawing CR DL001 Rev J are not approved. Prior to the commencement of development, a detailed boundary treatment plan for the whole of the development shall be submitted to and approved in writing by the Planning Authority. The plan so approved shall delineate the boundaries of the development site and the front, rear and side boundary treatments of each residential plot with wall, hedge or railing boundary treatments where those boundaries face streets or public spaces and with other appropriate boundary treatments between individual properties where not facing public spaces and to include for screening of private driveways and shall take account of the findings of the Noise and Vibration Impact Assessment docketed to this planning permission. Details of materials and finishes shall be provided.

Thereafter all boundary treatments so approved shall be implemented prior to the occupation of the relevant plot.

Reason:

In the interests of the amenity of future residents of the development and of the quality of design of the development and the visual amenity of the area.

- 9 Prior to the commencement of construction of the each of the flatted buildings of the development as shown on the Layout Plan DL001 Revision J as hereby approved, details showing enhancement by additional windows, architectural features and materials of the gable elevations of each block shall be submitted to and approved in writing by the Planning Authority and thereafter the flatted buildings shall be constructed in accordance with the details so approved.

Reason:

In the interests of the quality of design of the development and the visual amenity of the area.

- 10 Prior to the construction of those houses or flats that have gables facing onto streets, open space or parking on Development Layout Plan DL001 Revision J hereby approved, details showing enhancement by additional windows, architectural features and materials of gable elevations of those flats or houses shall have been submitted to and approved in writing by the Planning Authority and thereafter those houses and flats shall be constructed in accordance with the details so approved.

Reason:

In the interests of the quality of design of the development and the visual amenity of the area.

- 11 Notwithstanding what is shown on the approved layout and elevation drawings, the use of brick as a predominant external finish is not approved and, prior to the construction of any building on site, a coordinated scheme of external materials and colour finishes of external walls and roofs of all buildings and walls shall have been submitted to and approved in writing by the Planning Authority. The scheme so approved shall respect the layout of the development and shall promote render, reconstituted stone, natural stone or appropriate contemporary cladding as the predominant finish to the walls of the residential units. This shall include for a variety of render or cladding colours where those finishes are to be used. Thereafter, unless otherwise approved in writing by the Planning Authority, the development shall be carried out in accordance with the scheme of external materials and colour finishes so approved.

Reason:

In the interests of the quality of design of the development and the visual amenity of the area.

- 12 Unless otherwise approved in writing by the Planning Authority the temporary sales cabin shown on Plot 1 of Development Layout Plan DL001 Revision J shall be removed prior to the occupation of the last residential unit of the development and the area of ground landscaped within 6 months of the removal of the cabin, to details to be agreed in advance with the Planning Authority.

Reason:

To ensure the removal of the temporary sales cabin, in the interests of the residential amenity of the area.

- 13 All houses and flats shall include Low and Zero Carbon Generating Technologies (LZCGT) to meet the energy requirements of Scottish Building Standards, Compliance with this requirement shall be demonstrated through obtaining an 'active' sustainability label through Building Standards and submission of calculations indicating the SAP Dwelling Emissions Rate (DER) or SBEM Buildings Emissions Rate (BER) with and without the use of the LZCGT. LZCGT shall reduce the DER/BER by at least 10%, rising to at least 15% for applications validated on or after 1 April 2019. For larger developments, encouragement is given to site-wide LZCGT rather than individual solutions on each separate building.

Reason:

In the interests of sustainable development and compliance with Policy SEH2 of the adopted East Lothian Local Development Plan 2018.

- 14 A detailed scheme of landscaping, including details of its implementation through phases of the development, shall be submitted to and approved in writing by the Planning Authority, prior to commencement of works on site. The scheme shall provide details of:

- a) the height and slopes of any mounding on or re-contouring of the site including SUDS basin/ponds details;
- b) tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting;
- c) non-thorn shrub species located adjacent to pedestrian areas;
- d) 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;
- e) tree planting located in communal areas and not in private gardens;
- f) the southeast boundary levels and planting, including sections showing the levels between frontage plots and the site frontage, maximising the extent of hedgerow along the frontage to be retained and proposals for native species replacement planting as mitigation;
- g) landscaping and planting around the pumping station and sub station denoted in the open space in the eastern corner and sub station adjacent to the equipped play area in the centre of the site on the approved Development Layout Plan DL001 Revision G mitigate their prominent positions;
- h) the proposed SUDS basin redesigned with a more organic shape, differing side slope gradients to reduce the engineered look of the basin, omission of the grasscrete track around the basin as per advice in Sewers for Scotland 3, and with access provided only to the inlet and outlet points for maintenance and increased planting;
- i) The landscape space to the north boundary of the site with the freight rail line combining tree planting in terms of species and positioning acceptable to Network Rail with understorey shrub planting, informal paths and areas for natural play along its length. Planting along the security fence should be kept to hedgerow thicket planting;
- j) The open space to the south-western boundary combining tree planting of formal small species trees with understorey shrub planting, informal paths and areas for natural play along its length;
- k) Where hedge planting is used for front garden boundaries, beech or hornbeam hedge with return around corner plots and to the front boundaries and returns of the flatted blocks;
- l) residential street and parking area tree planting as small species to include Sorbus aucuparia varieties, small Prunus 'Sunset Boulevard' and ornamental Pear, with placement to avoid overshadowing gardens;
- m) large species specimen trees in the main open spaces to create features at nodal points, placed in small numbers within large open spaces to include species such as lime, horse chestnut, oaks, evergreen oak, sweet chestnut, maples and with feature willows close to the watercourse;
- n) Fastigate limes to create a formal avenue frontage;
- o) primary routes within the site defined with formal planting such as fastigate hornbeam or fastigate pears; and
- p) Feature corner spaces containing feature trees such as multi-stemmed birches.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with the details of implantation so approved. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season

with others of similar species and final size, unless the Planning Authority gives written consent to any variation. No trees or shrubs, detailed in the approved landscaping plans to be retained on the site, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority.

Reason:

In order to ensure the implementation of a landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area and to control the impact of leaf fall on the operational railway.

- 15 A full management plan for development and long-term maintenance of all landscape elements on the site shall be submitted to and approved in writing by the Planning Authority, prior to the occupation of any residential unit on site.

The maintenance of all communal landscape areas, and any hedges to private front gardens, as approved in terms of condition 8 above, shall be adopted and maintained by a Factor or a Residents Association in accordance with details to be submitted to and approved by the Planning Authority prior to the occupation of any residential units hereby approved.

Reason:

To ensure the retention and maintenance of landscaping on the site in the interest of amenity.

- 16 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (Scotland) Order 1997 (as amended), other than as shown on the drawings docketed to this planning permission no substation, pumping station, gas governor or other above ground utility infrastructure shall be installed on site without the formal approval of the Planning Authority.

Reason:

In the interests of the visual amenity of the area.

- 17 Unless otherwise agreed in writing by the Planning Authority, prior to the occupation of any residential unit of the development, the Segregated Active Travel Corridor route within the site, the surfaces of the underpasses along the northern boundary which accommodate that route and the length of the Active Travel Corridor running from the site to Queen Margaret University and the pathway route shown through the two underpasses and along the northeast boundary to the B6415 shall have been completed to an adoptable standard and brought into use and adoptable pathway connections from completed properties to those routes shall be available at all times.

Reason:

To ensure that pedestrian and cycle routes are available to occupants of the development, including provision for safe routes to school, connection with Musselburgh Rail Station, Musselburgh town centre and cycle path NCN1.

- 18 A Construction Method Statement (CMS) or Construction Environmental Management Plan (CEMP) shall be submitted for approval prior to the commencement of development. The CMS or CEMP shall outline measures to be taken to minimise impacts upon existing and proposed sensitive receptors due to noise and dust. These shall include compliance with:

"Best Practice Guidance" as recommended BS5228-1: 2009 + A1:2014 "Code of practice for noise and vibration control on construction and open sites - Part 1:Noise";

"Best Practice Guidance" as recommended BS5228-2: 2009 + A1:2014 "Code of practice for noise and vibration control on construction and open sites - Part2: Vibration"; and

Section 8 of the Institute of Air Quality Management Guidance on the assessment of dust from demolition and construction (2014) with regards to practicable control measures for reducing visible dust emissions affecting properties beyond the site boundary.

Reason:

In the interests of the residential amenity of the area.

- 19 Where not already provided the developer shall provide a suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary and provision for the fence's future maintenance and renewal should be made. Details of the proposed fencing shall be submitted to the Planning Authority for approval before development is commenced and the development shall be carried out only in full accordance with such approved details.

Reasons:

In the interests of public safety and the protection of Network Rail infrastructure.

- 20 Prior to the opening of Craighall Primary School, the following shall be provided to details and specifications to be agreed in advance with the Planning Authority:
- a) an up to 4.0 metre wide footpath/cyclepath with street lighting, from the western part of the application site, under the A1 underpass to the closest boundary access gate of the primary school site;
 - b) an upgraded to up to 3.5 metre wide where space allows (2.0 metres minimum) shared used footway/cyclepath on the west side of B6415 between the north access junction of the development site to a point 50 metres south of the A1 overbridge;

Reason:

To ensure that pedestrian and cycle routes are available to occupants of the development, including provision for safe routes to school and connection with Old Craighall.

- 21 Prior to it being brought into use for occupants of the development, the detailed design of the north access junction to the development site from the B6415 public road shall be completed in accordance with the following, details of which shall be submitted for the prior written approval of the Planning Authority:

a) Provision and maintenance of a visibility splay of 4.5 metres by 70 metres on each side of the proposed access such that there shall be no obstruction to visibility above a height of 1.05 metres measured from the adjacent carriageway level within that area;

b) Unless otherwise agreed in writing by the Planning Authority, the junction the B6415 formed with turning from that road enhanced by a road marking scheme at the junction in the form of ladder marking 50 metres on either side of the junction, with a gap in the ladder at the junction. Lane widths shall be 3.0 metres inbound/outbound with 1.5m in the middle;

c) Provision of a Road Safety Audit completed through Stages 1 to 4, preliminary design to post-construction.

Reason:

In the interests of road safety

- 22 Prior to the occupation of the 301st residential unit, the south access of the development site shall be completed and brought into use. This shall access the roundabout junction with the B6415/A1 link road and exit from Old Craighall services and the detailed design of the junction shall be agreed with the Planning Authority in accordance with the re-configured design of the roundabout to accommodate the development.

Reason:

In the interests of traffic capacity management and road safety.

- 23 Unless otherwise agreed in writing with the Planning Authority, the implementation of the development shall accord with the following, subject to details, including timescales for implementation, to be submitted for the prior approval of the Planning Authority:

a) East and westbound bus stops with bus shelters shall be provided, adjacent/opposite to the site frontage, on the B6415 to serve the site. These shall be located and designed to provide safe access to public transport routes on the B6415. Works to provide safe pedestrian crossing points adjacent to either/both bus stops shall also be provided. Details shall be submitted for approval;

b) Street lighting shall be provided/upgraded over the full extent of the proposed site frontage on the B6415 from the ECML overbridge to the south of the A1 link road / service area roundabout;

c) The internal access road and parking areas shall be laid out as shown on Development Layout Plan DL001 Revision G;

d) All access roads shall conform to ELC Standards for Development Roads in relation to road layout and construction, footways & footpaths, parking layout and number, street lighting and traffic calming measures. This shall also comply with ELC Design Standards for New Housing Areas;

- e) The Segregated Active Travel Corridor to be provided on the northern part of the site and between the site and Whitehill Farm Road/Queen Margaret University shall be a minimum 4.0 metre wide footpath/cyclepath with street lighting and surfacing to a specification to be agreed in advance with the Planning Authority;
- f) Road surfaces shall be blocks (permeable or non-permeable) on straight sections of road and corners shall be constructed with asphalt finish with coloured chip or with thermoplastic screed (i.e. 'Imprint' or similar);
- g) Parking for the residential elements of the development shall be provided at a rate as set out in the East Lothian Council Standards for Development Roads - Part 5 Parking Standards;
- h) 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;
- i) Driveways shall have minimum dimensions of 6 metres by 3 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 m length. Pedestrian ramps to houses may encroach by up to 300mm on the width (but not the length) provided they are no greater than 150mm in height above the adjacent driveway surface;
- j) Within residential private parking areas the minimum dimensions of a single parking space shall be 2.5 metres by 5 metres. All visitor parking spaces within these areas shall be clearly marked for visitors with the remaining private parking spaces allocated to individual dwellings;
- k) Cycle parking for flats shall be included at a rate of 1 space per flat. The parking shall be in the form of 1 locker per flat or communal provisions in the form of a lockable room or shed;
- l) Wheel washing facilities must be provided and maintained in working order during the period of construction of the site. All vehicles must use the wheel washing facilities to prevent deleterious materials being carried onto the public road on vehicle tyres;
- m) A Construction Method Statement to minimise the impact of construction activity on the safety and amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic (including routes to/from site) and shall include hours of construction work. Temporary measures shall be put in place to control surface water drainage during the construction works. Routes for construction traffic shall also be included;
- n) A Green Travel Plan to minimise private car trips and to encourage use of alternative modes of transport such as trains, buses, cycling and walking shall be submitted to and approved by the Planning Authority prior to the housing being occupied and /or the business units coming into operation;
- o) All courtyard parking areas, other than those with bin stores accessible from the roadside shall be accessible to Refuse Collection Vehicles, constructed to adoptable standard and with a T-shaped turning area of 23.5 metres length if that is where bin presentation points are located;
- p) Roadways and roadway speed tables shall be designed in detail to ensure footways connect or can cross at-grade on each speed table with road and footway levels designed with low kerb upstand and with street trees in refuge areas, to details to be agreed by the Planning Authority;
- q) The use of stone chippings for private driveways is not approved. Driveways shall be hard surfaced with permeable pavements or a surface to be agreed in writing with the Planning Authority; and
- r) A detailed plan of street trees and street lighting to reduce forward visibility and traffic speeds within the development,

All parking spaces, roads and footpaths/cycleways shown in the docketed drawings shall be constructed in accordance with the docketed drawings and foregoing conditions of this planning permission and shall be finished and available for use in accordance with a phasing plan for completion of residential units on the site, to be submitted for the written approval of the Planning Authority prior to the occupation of any residential unit within the development.

Reason:

To ensure the satisfactory completion of the road network in the interest of visual amenity and

highway safety.

- 24 The equipped play area and informal open spaces to be provided within the site in the positions shown for them in docketed drawing Development Layout Plan DL001 Revision J shall be formed, equipped and made available for use in accordance with details, including timescales for provision, to be submitted and approved by the Planning Authority and thereafter the play area informal open spaces shall be made available for use equipped, surfaced and with boundary treatments as relevant in accordance with the details so approved.

Reason:

To ensure the provision of an appropriate equipped play area and open spaces, in the interests of the amenity of the development.

- 25 Unless otherwise agreed in writing by the Planning Authority, the following measures shall be implemented for the relevant residential units prior to the occupation of that unit:

a) Acoustic Barriers of 1.8 – 2.4m height shall be provided as detailed by thick black lines in Figure 4 of Appendix 3 of REC's Technical Report Ref: AC105702-1R3 entitled "Noise & Vibration impact assessment, Newcraighall, East Lothian" of 6th December 2018. The barriers shall be either of brick wall construction or timber fence that has a minimum mass of 5kgm⁻², is close boarded, sealed at the base and be free from holes. The height of the barrier is plot specific. The precise mitigation measures required for each individual plot shall be as described in Table A4 Mitigation Strategy of REC's Technical Report of 06th December 2018; and

b) Upgraded glazing and/or ventilation units shall be provided to habitable rooms (living rooms/bedrooms) of all properties as described in Table A4 Mitigation Strategy of REC's Technical Report of 06th December 2018.

Reason:

In order to ensure compliance with daytime garden noise levels as low as practicable due to noise associated with road traffic on the A1 and B6415 and in order to ensure compliance with daytime and night-time internal noise levels specified in Table 4 of BS8233:2014 "Guidance on sound insulation and noise reduction in buildings" due to noise from road and rail traffic as described in Table A4 Mitigation Strategy of REC's Technical Report of 06th December 2018.