

**REPORT TO:** Planning Committee

**MEETING DATE:** Wednesday 26 June 2019

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

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

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Application No. **18/00937/PPM**

Proposal Planning permission in principle for residential development with associated access, SUDS, roads, open space, future school expansion site, sports pitch and landscape works

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

Applicant Walker Group (Scotland) Ltd

RECOMMENDATION Consent Granted

#### PLANNING ASSESSMENT

As the area of the application site is greater than 2 hectares and also the proposal is for more than 49 residential units, the development proposed in this application is, under the provisions of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, defined as a major development and thus it cannot be decided through the Council's Scheme of Delegation. The application is therefore brought before the Planning Committee for a decision.

As a statutory requirement for major development proposals this development proposal was the subject of a Proposal of Application Notice (Ref: 17/00016/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 it is estimated that circa 43 people attended the pre-application public consultation event which was held for one day at the Loch Centre, Well Wynd, Tranent on the 24th January 2018 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 some 35 hectares of agricultural land at Windygoul on the southern edge of Tranent, the majority of which is allocated by Proposal (PROP) TT1 of the adopted East Lothian Local Development Plan 2018 (ELLDP) for circa 550 homes, the expansion of Windygoul Primary School campus as well as other community uses, infrastructure and associated works. Part of the site (approximately 1.12 hectares of land to the south of the current Windygoul Primary School campus) is also allocated by PROP TT2 for the expansion of Windygoul Primary School campus in line with PROP ED4, to accommodate the impacts generated by PROP TT1 and other housing sites in the school's catchment area. and to provide community facilities in line with PROP CF1 and PROP OS6 of the ELLDP. The land allocated by Proposal TT1 is also subject to a Development Brief which forms part of the Council's approved Supplementary Planning Guidance Development Briefs as required by the ELLDP.

The application site is bounded to the north by the Windygoul residential area of Tranent and by Windygoul Primary School, landscaped areas of open space and the southern end of the public road of Brotherstone's Way. It is bounded to the east by the B6371 public road of Ormiston Road and a core path, and beyond by agricultural land. To the south it is bounded by the farm access and agricultural and domestic buildings of Carloverock Farm with further agricultural land beyond, and at the western end of its southern boundary by Elphinstone Research Centre which is operated by Charles River Laboratories. It is bounded to the west by a core path and beyond that by further agricultural land which is land allocated in the ELLDP under PROP TT3 for employment use. Beyond the site of PROP TT3 lies the B6414 public road of Elphinstone Road. A planning application (ref: 18/00109/PM) for the erection of 187 houses, 16 flats, 4 industrial units (class 4, 5, 6), 1 retail unit (class 1) and associated works on that allocated site has been submitted to the Council and is currently pending consideration.

The site has an undulating land form with heights varying from +114 metres in the south west to +94.5 metres in the north east. Generally, however, the site slopes down from the southern edge to the northern edge. There are woodland strips bounding parts of the site, in particular between the Elphinstone Research Centre and the western end of the southern boundary of the site and between parts of the existing residential developments to the north and the northern boundary of the site.

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

Planning permission in principle is sought for a proposed residential development of the site to include some 561 homes and also for an expansion of the Windygoul Primary School site, a community sports pitch, a Sustainable Urban Drainage System (SUDS) detention basin, areas of open space including children's formal play areas, and for associated infrastructure including formation of vehicle accesses, internal roads and footpaths, shared use paths and landscaping.

An indicative site plan/masterplan has been submitted with the application which shows how, in principle, the development would be accommodated on the application site. It shows that two vehicular accesses would be taken into the site, one from the B6371 public road of Ormiston Road and one forming a continuation of the southern end of Brotherstone's Way. The vehicular access taken from Ormiston Road would continue as the primary spine road running westwards through the site from its junction with Ormiston Road at the eastern boundary of the site, along the full width of the site to the western

boundary where it would terminate at the boundary of the site with the boundary of the land allocated by PROP TT3 of the ELLDP for employment uses. The proposed continuation of Brotherstone's Way southwards into the site would link into the proposed primary spine road. It is indicated that residential development could take place over the majority of the site with a series of secondary and tertiary streets taken off the primary spine road to create residential developments throughout the site. It is indicated that areas of public open space and children's play areas would be located within those residential areas. It is indicated that a SUDS basin could be formed in the northeast corner of the site, with landscaped areas around it, and further landscaped areas, including new structural tree belt planting around the southern boundary of the site and green corridors linking the site to the north and south along with pockets of open space throughout the site would be created. It is indicated that a landscaped bund with an acoustic fence atop of it would be formed in the southerly most corner of the site where the site adjoins the boundary of the Elphinstone Research Centre. An area of some 1.124 hectares for the expansion of Windygoul Primary school is indicated on the north side of the primary access road and to the west side of Brotherstone's Way as it is proposed to be extended. On the west side of the proposed school expansion area an area for a community sports pitch is indicated. Bus stops are indicated along the primary road and a series of footpath and shared use paths linking into existing off site footpaths and shared use paths is indicated throughout the site.

No illustrative drawings have been submitted with the application to indicate the design of any of the residential units however the indicative site plan does provide some detail on how the residential units would be laid out in development blocks containing secondary and tertiary routes to form a series of permeable pockets of development throughout the site. The indicative site plan also includes a table indicating the mix of housing which would be provided throughout the site to include 3, 4 and 5 bedroom private housing provided in terraced, semi-detached, detached and bungalow house types and 1, 2, 3 and 4 bedroom affordable housing units provided in cottage flats, terraced, semi-detached and bungalow house types.

The application is also supported by, amongst other documents, an Archaeology Desk Based Assessment Report, an Ecology Report, a Transport Assessment, a Junction Location Report for Elphinstone Road, a Landscape and Visual Impact Assessment, a Design and Access Statement, and a Coal Mining Risk Assessment.

Since the registration of the application the indicative site plan has been amended twice, the first amendment reducing the total number of residential units to 566 and the second amendment reducing the numbers further to a total of 561. Other amendments to the indicative site plan include:

- \* altering the alignment of the westernmost part of the proposed primary spine road through the site resulting in it terminating at a more southerly point along the western boundary of the site;
- \* amending the number, overall size and location of affordable housing parcels (changing the number of parcels from 2 larger parcels to 3 smaller parcels with circa 60 units in each parcel);
- \* amendments to the shape, design and landscaping associated with the proposed SUDS basin;
- \* amended landscape treatment around the southern boundary of the site to show a more varied treatment to the landscape structure incorporating low level shrub planting and an informal path to provide a semi-rural pedestrian route around the southern edge

of the site;

\*incorporating an additional green corridor linking the proposed green network on the southern boundary of the site with the main east west spine road and the sports pitch adjacent to the school expansion area;

\*provision of a landscape bund and acoustic fence at the most southerly point of the site;

\*the addition of indicative bus stop points to the site plan and the submission of a swept path analysis demonstrating a circular route for bus travel through the site;

\* provision of a 2 metres wide path indicated to the west boundary of the site and other footpath links throughout the site.

Other additional information submitted since the registration of the application include an Air Quality Impact Assessment Method Statement, an Air Quality Assessment, a Noise Impact Assessment, a SUDS and Drainage Strategy (including a Flood Risk Assessment), Scottish Water technical approval documentation, cross section drawings through the proposed bund and acoustic fence, a drawing showing a typical section through the southern boundary perimeter path and planting, a bus tracking analysis, a housing mix schedule and open space calculations.

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 the proposed development falls within the category of a Schedule 2 Development, being one that may require the submission of an Environmental Impact Assessment (EIA). Schedule 3 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 sets out the selection criteria for screening whether a Schedule 2 development requires an EIA. On 29th September 2017 the Council issued a formal screening opinion to the applicant. The screening opinion concludes that it is East Lothian Council's view that the proposed development is not likely to have a significant effect on the environment such that consideration of environmental information is required before any grant of planning permission 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.

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 together with its adopted supplementary guidance.

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

Relevant ELLDP Policies and Proposals are PROP TT1: Housing at Windygoul South, Tranent, PROP TT2: Windygoul Primary School Expansion Land, PROP ED4: Tranent Cluster Education Proposals, PROP CF1: Provision of New Sports Pitches and Changing Accommodation, PROP OS6: Allotment Sites, Policy SECF1: Safeguarded Education and Community Facilities; Policy HOU3: Affordable Housing Quota, Policy HOU4: Affordable Housing Tenure Mix, Policy OS3: Minimum Open Space Standard for

New General Needs Housing Development, Policy OS4: Play Space Provision in New General Needs Housing Development, Policy OS5: Allotment Provision, PROP OS6: Allotment Sites, Policy T1: Development Location and Accessibility, Policy T2: General Transport Impact, Policy T4: Active Travel Routes and Core Paths as part of the Green Network Strategy, PROP T9: Safeguarding of Land for Station Car Parks – Musselburgh, Longniddry, Drem, PROP T10: Safeguarding of Land for Platform lengthening – Musselburgh, Prestonpans, Longniddry, Drem and Dunbar, PROP T15: Old Craighall Junction Improvements, PROP T17: A1 Interchange Improvements (Salters Road, Dolphinstone Interchange, Bankton Interchange and Gladsmuir), PROP T21: Musselburgh Urban Traffic Control System, PROP T27: Tranent Town Centre One-Way System, PROP T28: Junction Improvements at Elphinstone Road and Edinburgh Road, Policy T31: Electric Car & Bus Charging Points, Policy T32: Transport Infrastructure Delivery Fund, Policy W3: Waste Separation and Collection, Policy NH5: Biodiversity and Geodiversity Interests, including Nationally Protected Species, Policy NH10: Sustainable Urban Drainage Systems, Policy NH11: Flood Risk, Policy NH12: Air Quality, Policy NH13: Noise, Policy CH4: Scheduled Monuments and Archaeological Sites, Policy DP1: Landscape Character, Policy DP2: Design, Policy DP3: Housing Density, Policy DP4: Major Development Sites, Policy DP8: Design Standards for New Housing Areas, Policy DP9: Development Briefs and Policy DEL1: Infrastructure and Facilities Provision.

Material to the determination of the application is the non-statutory Development Brief (TT1 – Windygoul South, Tranent) which was adopted by the Council on 30 October 2018.

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.

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

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 the written representations received to it. A total of 24 representations have been received, the majority of which raise objections to the proposals. Copies of the written representations are contained in a shared electronic folder to which all Members of the Committee have access.

The main grounds of objection are that in respect of the proposed development:

- \* Existing infrastructure in Tranent including health centre, dentists, leisure centres, water and drainage, schools and town centre parking are all over stretched. Extra housing development will exacerbate these problems as well as worsening the traffic issues on the High Street during peak times;

- \* The proposed junction onto the B6371 Tranent to Ormiston Road should not be allowed as the area for it has poor sight lines and is prone to flooding to a depth which results in road closures;

- \* Pressure on schools with children being taught in portacabins and children's education disrupted by continual extending of schools which also leads to a loss of playground space;

- \* The Windygoul area is already saturated with new housing with very little infrastructure within it to support this;

- \* Loss of green space;

- \* Will lead to a displacement of wildlife;

- \* East Lothian has great capacity to use its agricultural land to provide local food and local jobs and this should be encouraged instead of developing it for housing;

- \* Tranent is in danger of losing its character and community spirit, many incomers don't use the local facilities or shops and it is being used as a commuter town for Edinburgh;

- \* Reduced air quality due to the additional traffic, which in the longer term will put even more pressure on health provision;

- \* It is extremely distasteful that works have already commenced and more are planned before this planning application has been approved;

- \* This development should not be approved before a main access point to Elphinstone Road can be developed;

- \* The proposal will result in a high volume of traffic passing the school increasing the likelihood of an accident and an environmental impact on young children attending the school as well as congestion on Brotherstone's Way;

- \* The proposal will put additional pressure on other existing roads and junctions at Windygoul and towards the town centre leading to increased congestion and air pollution;

- \* Will lead to too much traffic using the A1 and Edinburgh City Bypass for work trips;

- \* Number of car parking spaces proposed is insufficient;

- \* The bus reversing point proposed would be totally unsuitable for a small residential estate causing additional congestion and serious accident to the children playing in the

vicinity;

- \* Environmental impacts of the research facility on the proposed housing development;
- \* With Brexit looming it would be wise to hold back additional construction until our future is clearer as we may be left with a surplus of housing;
- \* Impact of large scale building work in known mining area and impact on existing dwellings;
- \* Limited public transport links to area encouraging greater car use;
- \* Added noise or anti social behaviour in communal areas like football pitches;
- \* Increased dog owners leading to an even bigger dog fouling problem in the area;
- \* Limited capacity on local train routes in Prestonpans and Wallyford;
- \* Loss of view and loss of property values;
- \* Disruption to neighbouring properties during construction phase;
- \* The proposed new road through the site will lead to additional noise and pollution to neighbouring residential properties;
- \* Concerns that the distributor road proposed does not align with the distributor road proposed for the adjoining site (site allocated by PROP TT3 for Employment uses in the ELLDP);
- \* High ground levels on the site could result in the proposed housing development leading to harmful overlooking of existing residential properties;
- \* Pre-application documents indicated there would be high density housing adjacent to George Grieve Way. If this were to happen it would lead to overlooking and overshadowing of existing neighbouring properties;
- \* The proposed urban design solution does not respond positively to the requirement stated in the Draft Development Briefs Proposed Supplementary Planning Guidance to create an upgraded linear open space corridor where the core path currently exists;

Representations which do not raise objections to the application are summarised below:

- \* While residential and school development is welcomed in the area, serious consideration must be given to including additional proper all weather sports facilities which will benefit the whole community;
- \* This development proposal provides East Lothian Council and the developers the opportunity to be part of a lasting legacy in ensuring Tranent remains at the forefront in providing long lasting community sporting facilities for not only this generation but generations to come;
- \* Tranent really needs another all weather floodlit pitch. In comparison to other towns and new development Tranent has been left behind with regards to sports facilities. If we fail to address this adequately in this new development it would send a clear signal that there is no real commitment to community sports or youth development in Tranent.

The loss of view to another property as a consequence of a development and the loss of property values are not material considerations in the determination of a planning application. Nor are any perceived implications of Brexit or the fact that additional housing may lead to additional dog fouling. If there are issues with dog fouling this can be controlled through other legislation. There is no evidence that the provision of a sports pitch would lead to harmful noise impacts or an increase in anti-social behaviour. If there were future harmful noise or anti-social issues these too would be dealt with through legislation other than planning legislation. Where residents of Tranent choose to work or shop is not a material planning consideration.

There is no evidence that any of the development proposed through this application has commenced on site. The applicant has carried out an investigation into the presence or otherwise of archaeological deposits within the site by means of intrusive trenches and it may be that this has led to concerns amongst local residents that development has commenced on site.

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

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.

East Lothian Council adopted its Local Development Plan on 27 September 2018. The ELLDP 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.

The application site is (with the exception of the areas safeguarded for the expansion of Windygoul Primary School and for the provision of community facilities), an allocated housing site (TT1: Housing at Windygoul South) in the ELLDP. Proposal TT1 of the ELLDP allocates the site for a residential development of circa 550 homes and thus the Council recognises its potential for residential development for circa 550 homes.

The Council's adopted Development Brief for the site sets out guiding principles, and indicative design, to be followed, where possible. These include (1) site access being taken from the B6371 Ormiston Road and the B6414 Elphinstone Road through the site with an additional access created from Brotherstone Way providing a link to the main access route (this should be designed to discourage heavy vehicle use and slow down traffic). The access corridor should be designed to incorporate controlled crossings and bus movements through the site; (2) suitable landscaping, provision for off road cycling and walking and well designed housing layouts along the eastern boundary of the site; (3) high quality landscaping at the southeast corner of the site to provide a gateway to the development from the south and to slow down traffic speeds on this new urban edge of the town; (4) a managed and accessible landscape edge to the southern boundary of the site with cycle and pedestrian access along this edge to facilitate connectivity within the site and beyond into Tranent; (5) in the south west corner, where the site adjoins operational employment land, separation between the uses should be secured with development offset by a minimum of 10 metres from the boundary; (6) the layout of the



site should encourage direct pedestrian and cycle routes to the school, local shop and the town centre; these links should also be made to the west and east of Gavin's Lee, to the east of George Grieve Way and into Winton Court; (7) the main open space provision should be located on the northern edge of the site to link into the existing open space to the west of the school and area for future school expansion. Open space should be provided elsewhere throughout the site in accordance with the Council's open space standards; (8) the potential for higher density housing may be explored in the area indicated to the east of the expanded school, the most convenient location for access to the school and shop; (9) the core path along the western boundary should be safeguarded. The path should be upgraded to 4 metres wide and lit for walking and cycling and should be enhanced with specimen tree planting to provide an appropriately designed landscape edge with links into both site TT1 and TT3. Notes added to the Development Brief stated that external finishes of the new development should be in muted colours to be agreed with the Planning Authority, around the edges of the site development should be no higher than 2 storeys (with the exception of the higher density area); development should front onto areas of open space to ensure that it is overlooked and surveys for noise, odour and emissions should be undertaken to consider the adjoining employment use at Elphinstone Research Centre. These should inform any necessary mitigation of negative impacts on the proposed residential development.

The Council's Policy and Projects Manager has been consulted on the application. He initially raised some concerns that the proposal, as originally submitted, didn't take full account of the relevant policies and proposals of ELLPD or of the Development Brief for the site. In particular concern was raised that the need to assess any noise, odour and emissions and to identify appropriate mitigation and buffering from the operational employment to the south of the site hadn't been fully considered. The application has since been amended, the surveys identified have been carried out and assessed by SEPA and the Council's Environmental Health Manager and amendments have been made to the proposed landscaping and mitigation along the boundaries of the site with the Research Centre including for the incorporation of an acoustic bund. The Council's Policy and Projects Manager welcomes the amendments which have been carried out and advises that the total number of residential units now proposed for the site sits comfortably with PROP TT1 and the allocation of land for circa 550 dwellings. The Policy and Projects Manager notes that the amendments include the realignment of the primary spine road connection with that indicated in the planning application (reference 18/00109/PM) for the adjoining site allocated by PROP TT3 and welcomes this change to the proposal. He also welcomes the provision of a 2 metres zone along the western boundary of the site for upgrading of the existing Core Path and notes that this assists in meeting point 9 of the Development Brief (the Brief requires the safeguarding and upgrading of the core path to be carried out between the sites of PROP TT1 and TT3 and it is therefore reasonable to expect this responsibility to be shared between the developers of the two sites, hence the proposal to create a 2 metres wide path on TT1). In relation to other path provision the Policy and Projects Manager advised that there still remains a need to increase permeability between the site and the surrounding land to the north pointing out that point 6 of the Brief seeks pedestrian and cycle links and specifically mentions where routes are sought linking to the primary school and beyond. In response to these comments the indicative site plan has been amended to increase the amount of pedestrian and cycle links to areas beyond the site.

The total number of housing units in this application is, at 561, not inconsistent with the "circa 550" for which the site is allocated. The indicative site plan submitted with the application is indicatively detailed down to the level of individual house plots and house types which could be accommodated on the site and this level of indicative detail demonstrates that the site is capable of accommodating all of the proposed development including vehicular and pedestrian access, landscaping and amenity space without

being an overdevelopment of it. The application does not include a proposal to site high density housing to the east of Brotherstone's Way at the northern edge of the site and instead it is proposed that this area be laid out as public open space with provision for public art being displayed there. This is not contrary to the Development Brief as the brief merely suggests that the "potential for higher density housing may be explored" in this area. In terms of density overall the Design and Access Statement notes that there is a higher density of housing located within the northern portion of the site which includes terraced and semi-detached dwellings. The housing to the southern portion of the site is less dense and contains a mix of larger detached family homes. The density of the proposed residential development areas would be appropriate to the requirements of Policy DP3 of the ELLDP. Accordingly, and if the Planning Committee are of a mind to grant planning permission in principle for the residential development proposed in this application then the number of residential units can be as many as 561, without being a significant departure from PROP TT1 of the ELLDP. This can be secured through a conditional grant of planning permission in principle for the proposed development.

The Design and Access Statement provides further detail on the design response to the Policy requirements and the Development Brief. It states that the new neighbourhood aims to build upon the existing important features of Tranent and surrounding area and aims to (i) contain development from the south with a new landscape fringe; (ii) form a series of new green connections linking existing landscape structure with new neighbourhoods; (iii) create a new east-west primary route; (iv) form a series of secondary open spaces throughout and (v) form a new gateway to the south incorporating both landscape and buildings. The design vision is to create a series of development blocks which integrate with the proposed new landscape structure and to ensure that each block is proportionate in scale and is integrated with green space and landscaping. The Design and Access Statement adds that the primary spine road is intended to be tree-lined with a linear structure which establishes a hierarchy of streets and will incorporate variation in the built section of the primary route – including nodes, footpaths and structure planting to ensure that this is an attractive avenue which provides secondary 'gateways' to the various pockets within the development. It notes that the use of a variety of building types and street widths will help create a distinctive character to the primary route helping to create a sense of structure to the new neighbourhood.

The Design and Access Statement goes on to describe how the secondary routes taken off the main spine road would create maximum permeability through each development block with less formal road layouts broken up by traffic calming measures and less prominent landscaping and how the tertiary routes would consist of a series of tertiary streets connected with the secondary street structure which would be shorter, more intimate streets in scale focussed on shared spaces for pedestrian and vehicles and which would incorporate a variety of house types to create an interesting street structure with buildings used to close off street vistas. The Design and Access Statement describes the architecture and form of the new neighbourhood as reflecting that of the surrounding residential areas. Residential units would incorporate pitched roofs and traditional fenestration. Primary elevations would generally address streets and lanes providing positive frontage. In instances where houses don't front onto primary roads, the applicant has indicated that these will be dual aspect. This could mean that those houses could merely contain a window in the gable elevation facing on to the primary road. This would not be an adequate design treatment for such a publicly visible elevation. Rather, and as approved recently elsewhere, those houses (which are indicated by an asterisk on the site plan) should be dual frontage. Houses are also proposed to be positioned to front onto areas of open space, thereby providing passive surveillance.. The Design and Access Statement describes the residential units as being two storey throughout (although the site plan also indicates the incorporation of some

bungalows).

What is proposed in principle for the development of the application site in terms of the layout of the residential units would be a sustainable new residential neighbourhood that makes good use of the land and would be a sympathetic extension to Tranent with due regard to the built form of the town and the locational context of the application site relative to the existing Windygoul development. In respect of the general layouts indicatively shown in the site plan these demonstrate that in principle the site could be developed for 561 residential units without harming the privacy and amenity of neighbouring residential properties through overlooking or overshadowing. It also demonstrates that in principle the 561 residential units could be laid out in such a way as to give an acceptable standard of residential amenity to their future occupants. The urban form of the new neighbourhood in principle respects and responds to the landscape and landform of the area. Whilst the design details of the Design and Access Statement and as further detailed in the indicative site plan are generally acceptable, it would be prudent to impose conditions on a grant of planning permission in principle to ensure that the details of the siting, design and external appearance of the proposed residential units, the landscaping of the site 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 Street and the Council's Design Policies and Supplementary Guidance, planning control would be fully acceptable, with due regard to the need to safeguard the character and appearance of this site on the southern edge of Tranent.

In terms of landscaping, the Design and Access Statement and the indicative site plan sets out the landscape strategy for the site which includes structure planting consisting of existing and proposed new buffer planting around much of the southern boundary of the site and in areas to the north of the site, creating green connections through the site and beyond, creating a new park around the existing knoll on the southern boundary of the site and a new community park/sports pitch adjacent to the school expansion area, creating pocket parks throughout as well as formal play areas for children and forming a tree lined primary avenue.

The Council's Landscape Projects Officer has considered and commented on the proposals including the Landscape and Visual Impact Assessment (LVIA) submitted with the application. The Landscape Projects Officer advises that the main part of the site and the whole of Tranent is located within the Mayfield/Tranent Ridge landscape character area and notes that the LVIA notes typical features from this landscape character including small farm woodlands being common and distinctive features thought the area, development being contained within localised shelter woodlands which often preclude wider landscape views, views from settlement edges largely consisting of open agricultural fields and the fact that Tranent benefits from available distant views to the hills.

The Landscape Project Officer advises that several viewpoints have been included within the LVIA to assess the impact of the proposals on sensitive receptors and how any detrimental impacts can be (partly) mitigated for. She makes the following comments in relation to the viewpoints assessed in the LVIA:

\* Viewpoint 1 looking south from the existing southern urban edge to Tranent at Brotherstone Way, midway along the northern site boundary, shows how the open countryside views will be lost by developing the site. This is a natural outcome with a town extension. These open countryside views will move to the new southern boundary of the town to the south side of the site, where woodland planting is not proposed. The LVIA notes that the landscape mitigation strategy will provide minimal enhancement or

screening of the proposed development.

\* Viewpoint 2 looking south from the existing entrance to Tranent on the B6371 shows how setting the development back from the road edge beyond the SUDS basin and landscape edge reduces the impact of the proposals on this view. This helps to filter views of the proposal so that you are aware of development to the side but the open view southwards is retained and is less encroached upon than it would be with development right up to the road edge. The LVIA notes that the landscape mitigation strategy will help to further reduce impact of the proposals on this view.

\* Viewpoint 3 southeast corner of development site from B6371 is noted as the only significant visual road impact. The LVIA notes that the development will increase the influence of settlement within this view, however the development will be read in context with and form a legible extension of the existing settlement. The development layout has helped to address and mitigate for this impact by setting development back from road edge and facing housing out of site to south and east. The significant impact is noted as localised within the vicinity of the site and this is shown in viewpoint 6 further south along the B6371 at the junction with core path route 159 where the proposed landscape mitigation of tree planting to the east end of the boundary breaks up the massing of the development reducing its impact. The proposed solid woodland planting further west along the southern boundary completely hides the houses from view when fully grown. However it should be borne in mind that the proposed new woodland will have little screening impact for its first 15 years if planted as whips.

\* The site appears as part of the open countryside in Viewpoint 4 looking west from the B6355, typical of the landscape character of the area with small farm woodlands and development is contained within localised shelter woodlands precluding wider landscape views. The visual shows the extension of the edge of the settlement of Tranent as a major impact in this view. However the view is much larger when on site with your main focus being to the south towards the hills. Therefore although the proposals have a significant visual impact here, this is reduced due to this not being the main focus of the view. Landscape mitigation of setting the development back from the road edge with tree planting also helps to reduce the impact.

\* The existing landform and vegetation cover screens the majority of the development in views from the B6414 Elphinstone Road to the southwest of the development as shown in viewpoint 5. What development is visible will be read in context with and as a legible extension to the existing buildings of Tranent as identified within the LVIA.

\* Viewpoint 7 from the junction of the B6355 with core path route 425 at the northern edge of the New Winton Conservation Area shows the limited and not significant impact of the new development. It is read in front of the existing settlement of Tranent and will not introduce more built development into the view. The landscape mitigation strategy will help to further reduce impact of the proposals on this view with tree planting breaking up the massing or screening the proposals from view.

\* The LVIA has assessed the impact on core path route 345 along the western site boundary as major adverse and significant effect due to proximity of development. LVIA notes mitigation is required for this identified as scattered native tree planting along its length. As with the B6371 setting building back from the core path and introducing open space here will help to reduce the impact on this core path.

\* The LVIA has identified in section 5 a design response to significant effects of the proposals. This includes the primary measure to retain and enhance the existing boundary framework, with additional mitigation and enhancement to establish suitable

boundary treatments to all boundaries to enhance existing boundary treatments and create an appropriate landscape setting for development as indicated in figure 7 of the LVIA. The measures should also reduce the potential for significant landscape and visual effects from local roads and users of the core path network. As mitigation during construction, the LVIA recommends that the proposed landscape boundary treatment planting be implemented during the early stages of development to allow vegetation to establish early and optimise screening and visual integration. It notes that this will require a tree protection and maintenance plan to safeguard new tree planting.

In order to mitigate for the development in line with the LVIA the Council's Landscape Projects Officer recommends that structure landscape planting be conditioned to be implemented within one year of start of development on site. She recommends that before development starts on site a full structure landscape plan must be submitted together with a programme for implementation and management and maintenance to ensure that planting to provide mitigation for significant landscape and visual effects is successfully established before the housing is occupied.

The Council's Landscape Projects Officer advises that although the LVIA has been used to inform the design layout to reduce the visual impact of proposals from out with the site the same process does not appear to have been used within the site. She notes that the LVIA suggests a solid tree belt around the existing farm and research facility with just a 3m wide shrub edge to the rear of proposed properties to avoid tree encroachment to back gardens. In consultation on this application the Landscape Projects Officer raised concern with this being an insufficient offset of trees from rear gardens based on her experience with similar situations where there has been and is ongoing pressure to fell trees to enable more sunlight into gardens or quell fears over trees falling into gardens. She suggested a number of alternatives including:

- reorienting the housing so rear gardens did not back onto the trees, immediately removing overshadowing issues;
- moving the open space corridor to link the existing open space at Gavins Lee to the north of the site with the woodland around the research centre thereby improving green network and habitat links whilst moving housing further from trees; and
- providing a path walkway and less dense planting along the boundary.

The Landscape Projects Officer advises that these comments have been taken on board by the applicant to the west of the site. Housing to the western half of the site has been reoriented and moved further from the southern boundary with open space and an informal walkway provided between. The houses to the central section have been orientated to face the existing woodland around the research centre with a road and open space between them. The open space links through the site providing habitat connectivity and as noted in the supporting statement providing good pedestrian permeability through and around the new development. A bund has been introduced to the east of the research centre with a 2m high acoustic fence to the top to address noise issues within this area. The submitted sections show how this will be separated and screened from the housing and surrounding walkway with shrub and tree planting. The walkway to the south will be open to the adjacent fields and should not feel enclosed by the bund. The walkway to the west of the bund is set between a bund and woodland of the research centre and could feel enclosed. This is however a reasonably short section with an alternative route along the road should people not want to walk along this.

The Landscape Projects Officer further notes that to the east of the site, the southern boundary landscape treatment has been amended to provide a more varied treatment to the landscape structure around the existing farm with low level shrubs directly to the rear of the plots followed by an informal pedestrian path and then tree planting. The width of the shrub planting has been increased to 8m in width with a path introduced at its outer

edge and then the tree planting further south. The Landscape Projects Officer advises that providing this offset between rear gardens and tree planting should address her concerns of overshadowing. However she notes that the houses here present a solid bank of rear gardens to this boundary with little permeability into the development and adds that this could create an uncomfortable and enclosed walk from which it is felt there is no egress and could feel unsafe to users. In response to this comment the applicant has further amended this part of the proposal to add two links from the semi-rural path through to the housing to allow easy access and egress to and from the path. The Landscape Projects Officer adds that the woodland belt would be more interesting if not linear in width but winding its way along the boundary and including open glen areas that you would find naturally within woodland. She recommends that a planting plan detailing species proposed should be submitted prior to site commencement and be made a condition of consent. The tree mixture should include some large species long lived species including oaks, sycamores and limes as well as establishment species such as birch and smaller understorey species of whitebeam, hawthorn, rowan, cherry and hazel. The LVIA recommends the use of locally appropriate planting and notes beech and Scots pine in this list. These trees would be too big for the edge woodland but could be used in the large open spaces throughout the development as specimen feature trees.

The Landscape Projects Officer welcomes the amendments which have taken place in response to her initial comments in relation to the SUDS basin to ensure a more naturalistic design solution. She notes that the side slopes have been reduced to 1:6 and maintenance tracks rationalised with indicative planting shown. She notes that on the indicative site plan this appears to provide a large area of open space with areas of tree and shrub planting providing opportunities to create attractive and usable open space and a feature at the entrance to the site.

In terms of boundary treatments the Landscape Projects Officer recommends that where rear garden boundaries face or run parallel with roads these should be feature boundaries in either stone or stone with timber panel infills and not full height close board fencing. She advises that where houses are proposed side on to main road elevation they should have a double frontage or be re-orientated to face the road. An enhanced gable is unlikely to be sufficient.

The Landscape Projects Officer notes that Section 5.2 of the LVIA identifies additional mitigation and enhancement measures to promote tree, hedgerow and ornamental shrub planting along proposed residential streets and private curtilages to enhance landscape structure, provide clear edges of public/private space, slow vehicular traffic and add value, colour and texture to the street scene. This is supported by the Landscape Projects Officer and she recommends that a condition of the consent include the requirement for hedges to front gardens and for these to be factored and maintained as part of the general maintenance of the estate to ensure the retention of a valuable street feature. A factoring plan / maintenance plan clearly identifying the public, private and factor maintained areas can be conditioned to be submitted.

The Landscape Projects Officer notes that a 2m wide lit footway is required to west side of B6371 and that housing is set back from this road with a landscape strip and paths to the fronts. The Landscape Projects Officer advises that leaving this open as shown on the masterplan (without a roadside hedge) with appropriate landscape treatment including mounding, formalised tree planting, groups of trees, some areas of shrub planting and the addition of a road feature (road narrowing / central island and signage) at the southeast corner of site will help to create an active street frontage and entrance to Tranent thereby slowing traffic speeds.

In addition to controlling the matters raised above the Landscape Projects Officers

suggests conditions requiring a scheme of landscaping, planting plan with timescales and landscape maintenance be imposed. These matters could be secured through a conditional grant of planning permission in principle for the proposed development.

The Council's Access Officer made a number of comments on the application as originally submitted in relation to public access and path provision. He stressed the importance, and the policy requirements, to safeguard and upgrade the core path on the western boundary of the site and to make provision for cycle and pedestrian routes to the school, local shop and the town centre. The Development Brief advises these links should also be made to the west and east of Gavin's Lee, the east of George Grieve Way and into Winton Court. The Access Officer also recommended the provision of a path, with access to the residential development areas, being provided through the proposed woodland strip on the southern boundary of the site and to consideration being given to providing circular, recreational routes around the site. The applicant has amended the proposals in line with the comments provided by the Access Officer and additional paths have been indicated on the indicative site plan including to the west and east of Gavin's Lee, to the east of George Grieve Way and through the woodland buffer to the south of the site and linking into the residential areas around that buffer and along the western boundary of the site to provide a 2 metres wide core path. In accordance with the Development Brief an additional footpath link should be provided to link the proposed footpaths within the site with the northern boundary of the site where it meets Winton Court and this is a matter which can be addressed through a conditional grant of planning permission in principle for the proposed development. Subject to this control the cycle and footpath provision proposed through the site and connecting to wider areas is consistent with Policy T4 and with the Council's adopted Development Brief for the site.

The indicative site plan details provision of a number of good sized pockets of open space throughout the site, most of which would be linked together with green corridors and/or footpath links. The open space provided (excluding the SUDS basin and the school expansion site) complies with and exceeds the minimum open space requirements of Policy OS3 of the ELLDP.

The Council's Principal Amenity Officer raises no objection to the number or locations indicated for the provision of formal play areas throughout the site. A condition should be imposed on the grant of planning permission in principle for the proposed development requiring submission of further details of the play areas, including the play equipment to be installed and a timetable for their installation, to be submitted to and approved in advance by the Planning Authority. On this consideration the principle of the proposed development is consistent with the requirements for play provision contained in Policy OS4 of the ELLDP.

The pre-ambles to Policy TT1 states that two points of access to the site will be required and traffic shall be encouraged to route to Edinburgh Road (A199) rather than High Street. It also states that the opportunity for, or provision of vehicular and active travel connections between the B6371 and the B6414 through this site and the adjacent site proposed for employment (PROP TT3) must be secured. The applicant has demonstrated that the primary spine road proposed for this proposed development could link into the primary spine road being promoted through the current application (ref: 18/00109/PM) submitted by a different applicant for the adjoining site the subject of PROP TT3 if this adjacent road were ever to be developed. However it is important to note that planning application 18/00109/PM has not been determined and there is therefore no guarantee that this road will be formed. Notwithstanding that the applicant has designed the primary spine road to provide a link to site TT3 to the west, as continuing this link through the adjoining site and on to the B6414 is outwith the control of

the applicant, the proposal the subject of this application proposes two other points of access to the site (via Brotherstone's Way and via the B6371 in accordance with the ELLDP and supplementary guidance requirements.

The Council's Road Services have considered the Transport Statement submitted with the application and generally agree with its findings. They raise no objection to the principles of layout of the proposed development, of the site accesses from Brotherstone's Way and Ormiston Road, of parking provision indicated in the indicative site plan and of the likely impacts of additional traffic generation on the existing road network. The principles of layout of the proposed development, of the site accesses from Brotherstone's Way and Ormiston Road and of parking provision indicated in the indicative site plan are all consistent with the adopted Development Brief. Road Services recommend that the following requirements be met through a conditional grant of planning permission in principle for the proposed development:

- \* All roads and paths shall conform to ELC Standards for Development Roads (as an advisory note Road Services note that the applicant should aim for all paths and footways in particular to also conform to Roads for All standards – Transport Scotland's good practice guide for inclusive design. This specifies maximum longitudinal gradients of 5%)

- \* A 40mph limit is required on the Ormiston Road B6371 to the site boundary on the south and a 2m wide, lit footway should be provided to tie into the existing footway and for the full length of the site on the west side of the road to increase the urban feel and reinforce the speed limit. A 'gateway' feature at the site boundary should highlight the change in speed limit. The junction of the development core road with the Ormiston Road should incorporate a right turning lane protected by islands which will serve the dual purpose of providing crossing points to the national cycle route N196. The junction visibility splays should be 9m x 160m, unless it can be demonstrated that actual traffic speeds will in fact be close to 40mph.

- \* As specified in the Transport Assessment, there should be two signalised crossings installed on Brotherstone's Way (one to replace the existing zebra crossing and one south of George Grieve Way). Additional traffic calming will be required to deter through traffic and school drop-off by car. Walking and cycling routes to the school should be prioritised, including a signalised crossing of the East-West Road through the development. Proposals for the re-design of Brotherstone's Way should be submitted for approval and built accordingly, prior to first occupation.

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

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.

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

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

Cycle parking for dwellings without private back garden with a gate (e.g. flats/mid-terraces), shall be included at a rate of 1 space per dwelling. This shall be in the form of a lockable room or shed.



\* Pairs of bus stops on both sides of the road should be provided on bus routes which will serve the site, and accommodation should be made for bus access through the site such that no dwelling on occupation is more than 400m walk to the nearest useable bus stop. Bus stops (and routes to them) should be overlooked and well-lit. In particular, no dwellings to the west of Brotherstone's Way should be occupied until a suitable bus route through this part of the development is constructed, or the link road to Elphinstone Road is complete. It is not acceptable for the bus route to include a reversing manoeuvre.

\* Prior to commencement of development, a swept path, or vehicle track assessment, demonstrating that a 12m bus can, without having to reverse, navigate the streets being proposed for the bus route.

\* As this development contains community facilities, under Policy T31 we encourage installation of at least one dedicated EV charging space per dwelling. Additionally, we expect passive provision for a double-headed Rapid chargepoint on the public road for every 50-100 dwellings.

\* A Quality Audit to independently assess walking, cycling, access and road safety aspects within and around the development should be submitted and approved by the planning authority prior to construction commencing. This will be reviewed after construction is substantially complete and the developer required to make good any issues.

\* Prior to first occupation, a Travel Information Pack with information for residents to encourage use of sustainable modes of transport such as trains, buses, cycling and walking shall be submitted to and approved by the Planning Authority. The Travel Information Pack will include local bus and train timetables, local cycling and walking maps, information on bike hire / car sharing, and shall include details of how it will be distributed to residents.

\* 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 delivery times) and shall include hours of construction work.

\* 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.

#### \* Paths

All path and footway connections from a zone under construction to the existing settlement shall be constructed to an adoptable standard before the occupation of any units in that particular zone. Notwithstanding what is shown in the drawings, the following links are required:

- An additional north-south path from the north-west corner of the affordable housing to the northernmost proposed path which runs from the Ormiston Road to the school.
- The existing length of path that joins the above proposed path and runs parallel to George Grieve Way should be resurfaced to adoptable standards and lighting installed; plans should be submitted for approval and work completed accordingly
- A short link from the existing paths/footways should be provided from the south-east corner of the site to connect with the national cycle route N196 to Ormiston,

and a suitable crossing of the B6371 should be provided; this crossing may form part of the 'gateway' feature

- A path linking the main development road to the park to the east of Gavin's Lee

A number of the requirements set out above have been incorporated into the latest revised indicative site plan submitted and other supporting information. These include the provision of additional indicative bus stops as required by Road Services and a suitable bus route through the development which overcomes the need for a reversing manoeuvre.

The applicant's have amended their indicative site plan to incorporate the requirements for additional footpath links as required by the Council's Road Services, the Council's Paths Officer and also as recommended by the Council's Landscape Projects Officer and the Council's Policy and Projects Manager (although the requirement for a path linking the paths of the site with Winton Court has not been included in the indicative site plan and should therefore be secured by a condition on a grant of planning permission in principle as stated earlier in this report).. However in relation to the requirement to provide a path linking the main development road to the park to the east of Gavin's Lee as detailed in Road Services response (i.e. between the sports pitch land and the school expansion area to increase permeability between the sports pitch and the wider area) the applicant has advised they consider the delivery of this footpath should be undertaken by the Council and its cost added to the cost required for provision of the sports pitch. The Council's Road Services have advised on the total costings for providing the required 180 metres long, 3 metres wide surfaced and lit shared use path are £146,000 and based on the number of units proposed through this application, the Council's Planning Obligations Officer advises that taking account of other planned developments the contribution required for this path as a result of this application should be £120,273. This contribution can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements.

The applicants have advised that the Road Services recommendation to resurface the existing length of path that runs parallel to George Grieve Way to adoptable standards and to install lighting is unachievable for them as the path lies outwith their control. It is also outwith the Council's control. Road Services accept that although it may be desirable to resurface this path and to install lighting this is not a necessary requirement for the proposed development. The other recommendations of Road Services, which have not already been incorporated into the revisions made to the application, can be secured by a conditional grant of planning permission in principle for the proposed development.

As part of the site is within a Coal Mining Development High Risk Area The Coal Authority has been consulted on the application. A Coal Mining Mineral Risk Assessment has been submitted with the application. The Coal Authority advises that they concur with the recommendations of the Mineral Risk Assessment that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to commencement of development in order to establish the exact situation regarding coal mining legacy issues on the site. 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 mine entries and 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.

In relation to considerations of contaminated land issues, the Council's Environmental Health Service Manager advises that taking account of the historic uses of the site and the possibility of associated contamination issues, a condition should be attached if planning permission in principle is to be granted requiring that a Geo-Environmental Assessment be carried out by the applicant with the Report on it submitted to and approved by the Planning Authority prior to any site development works taking place. This requirement can be secured through a condition attached to a grant of planning permission in principle for the proposed development.

The western part of the southern boundary of the application site shares a boundary with the Elphinstone Research Centre which is operated by Charles River Laboratories. In pre-application discussions with the Council's Environmental Health Service and the Scottish Environment Protection Agency (SEPA) the applicant was advised that assessments for noise, odour and emissions should be undertaken to consider any impact the adjoining Research Centre could have on the proposed residential development and to inform any necessary mitigation of negative impacts on the proposed residential development.

The applicant has carried out and submitted air quality and noise impact assessments which assess the noise, odour and air quality impacts that operations at the Research Centre could have on the proposed residential development.

In terms of noise impacts from the Research Centre the Environmental Health Service Manager advises that impacts from plant and equipment operating from the Research Centre have been assessed by the applicant's noise consultants and the assessment reveals that mitigation measures will be required to protect the amenity of occupiers of proposed housing from noise, primarily associated with the operation of generators on the Research site. The Environmental Health Service Manager advises that these generators comprise 2 emergency back-up generators and 5 generators used in TRIAD avoidance and capacity market schemes. He advises that these TRIAD generators will only be used for approximately 100 hours per year but that notwithstanding this relatively short duration of use, mitigation measures required to protect the amenity of the future occupants of the proposed residential development should include, but may not be limited to:

- \* the construction of an acoustic barrier approx. 4 metres in height and comprising an acoustic fence atop an earth bund. The location of the barrier will be in the south portion of the site adjacent to the eastern boundary of the Research Centre;
- \* placement of bungalows in the cul-de-sac beyond the barrier, to eliminate the potential for lines of sight over the top of the barrier from first floor habitable rooms;
- \* positioning of principle gardens on the far side of associated dwellings from the Research Centre incinerator, to create localised acoustic screening, minimising the potential for any residual impacts; and
- \* minimising habitable room glazing elements facing directly towards the Research Centre by arranging future dwellings around recognised potential noise sources with the gable end orientated towards the source; this limits the angle of view from future habitable room windows.

He recommends that mitigation measures should be such that the following design criteria should be met:

1. The Rating Level, LArTr, of noise associated with the operation of the existing research facility (when measured 3.5m from the façade of any proposed residential property) shall be no more than 5dB (A) above the background noise level, LA90T. All

measurements to be made in accordance with BS 4142: 2014 “Methods for rating and assessing industrial and commercial sound”.

2. Noise associated with the operation of any plant and/or equipment serving the existing research facility shall not exceed Noise Rating curve NR20 at any octave band frequency between the hours of 2300-0700 and Noise Rating curve NR25 at any octave band frequency between the hours of 0700-2300 within any proposed residential property. All measurements to be made with windows open at least 50mm.

The Environmental Health Manager recommends that a further noise report to demonstrate the noise mitigation measures required to ensure compliance with this design criteria together with a timetable for their implementation, should be submitted to and approved by the Planning Authority. This can be secured by a conditional grant of planning permission in principle for the proposed residential element of the development.

On this matter of noise impact, SEPA advise that they are satisfied that the Noise Impact Assessment submitted by the applicant as part of this application demonstrates that noise from those parts of the Research Centre regulated by SEPA under Pollution Prevention and Control, is unlikely to be an issue for residents of the proposed development. SEPA advise that they welcome the noise controls recommended by the Council’s Environmental Health Manager and consider these will provide good protection for the future residents from noise issues.

The Council’s Environmental Health Manager and SEPA have been involved in detailed discussions with the applicant in relation to the scoping method to be applied to assessing air quality and in particular the impact operations carried out at the Research Centre could have on the amenity of future occupants of the proposed housing in respect of air quality. Following on from establishing the methodology to be used, the Council’s Environmental Health Manager having carefully considered the Air Quality Impact Assessment has concluded that he agrees with the key findings of the Assessment which are that based upon a worst case scenario, the impact NO<sub>x</sub> emissions from the diesel generators operating at the Research Centre would have on the proposed residential properties at the south of the site would result in a breach of the statutory 1 hour mean Nitrogen dioxide (NO<sub>2</sub>) Air Quality Objective on a small part of the application site. This part, (which would contain 9 of the residential units proposed for the site) occupies the most southerly corner of the application site, adjacent to the eastern boundary of the Research Centre site. It is identified in a drawing titled “Air Quality Mitigation Area” submitted as part of this application.

The Council’s Environmental Health Manager, having discussed this matter with SEPA as the responsible authority for applying the provisions of the Medium Combustion Plant Directive via The Pollution Prevention and Control (Scotland) Amendment Regulations 2017, advised that the diesel generators being operated at the Research Centre are not currently subject to a permit for their operation and whether or not they will become the subject of permit controls, therefore ensuring compliance with Air Quality Objectives, depends on a number of factors including the length of time they would operate for in any year. There therefore appears to be no immediate or short term likelihood of this situation regarding air quality over this small area of the site being addressed and unless and until it is addressed the Council’s Environmental Health Manager advises that this small area of the site should not be developed for housing as occupants of such housing would suffer harmful impacts on their air quality. As such and in order to address this air quality issue on this small part of the overall site the Council’s Environmental Health Manager recommends that a condition be imposed if planning permission in principle is to be granted to ensure that no residential units shall be erected within the yellow shaded area shown in Drawing No. CAR85-902 and titled Air Quality Mitigation Area dated

01.04.2019 unless and until such times as an updated Air Quality Assessment, that demonstrates all statutory Air Quality Objectives are being, and will continue to be met, has been submitted to, and approved by, the Planning Authority. The applicant has advised that they are agreeable to this condition being imposed on a grant of planning permission in principle.

SEPA, having liaised closely with the Council's Environmental Health Manager on this matter of air quality confirm in their consultation response that no part of the operations currently on the site of the Charles River Laboratories site are covered by the provisions of the Medium Combustion Plant Directive via The Pollution Prevention and Control (Scotland) Amendment Regulations 2017 and it should not be assumed that the generators will be regulated (improved) under these Regulations at a future date. Nevertheless they accept that the area likely to be affected has been correctly identified by the Air Quality Impact Assessment and consider that that area should be excluded from development which could lead to people being exposed to poor air quality. SEPA advise that if East Lothian Council considers a condition is appropriate to ensure the risk of exposure is avoided they will accept this although they state that their preference is for the red line boundary of the application to be redrawn to exclude the affected areas.

The applicant has considered SEPA's advice and has confirmed that they consider the condition recommended by the Council's Environmental Health Manager to be acceptable to them. They do not therefore propose to exclude that area from the application site as recommended by SEPA.

In terms of odour the Environment Health Service Manager advises that he is satisfied that the Assessments carried out by the applicant have demonstrated that there will be no harmful impacts on the future occupants of the residential development proposed arising from operations carried out at the Research Centre. SEPA have made no comment on odour matters in their final consultation response to the application.

Charles River Laboratories, as operators of the Research Centre, have recently submitted a planning application (reference 19/00412/P) for a proposed extension to an existing building within their site. This planning application is pending consideration and has not yet been determined. The Council's Environmental Health Manager has advised that he is satisfied that the proposed extension would not have any significant impact upon the future residents of the housing site the subject of this application in terms of noise, odour or air quality impacts.

The Environmental Health Service Manager further advises that he has no concerns regarding impacts upon air quality, including on Tranent High Street, as a consequence of road traffic arising from the operational phase of the development.

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

SEPA have raised no objections on any other matters including flood risk or provision of SUDS.

Scottish Water have been consulted on the application and have raised no objections to the proposed development.

East Lothian Council's Manager for Structures, Flooding and Street Lighting has been consulted on the application. He initially requested further information from the applicant

on Flood Risk and a Water and Drainage Report as well as a SUDS and Drainage Strategy to cover outfall details and connections in the Scottish Water network. The applicant has since submitted the requested information along with further Scottish Water Technical Approvals and the Council's Manager for Structures, Flooding and Street Lighting having reviewed this information confirms that he has no objections to the proposed development on flood risk or on any other drainage matters.

Matters of sewage treatment and surface water drainage can be controlled through legislation other than planning legislation and therefore there is no requirement to secure this through conditions on a grant of planning permission. It is the responsibility of the developer to make separate application to Scottish Water for permission to connect to the public waste water and water networks.

On all of these foregoing findings on matters of design, building layout, road, pedestrian, cyclist and other transport design considerations, play provision, open space, landscaping and amenity, and subject to the imposition of conditions, the proposed development is not inconsistent with Proposals TT1, TT2, Policies OS3, OS4, T1, T2, T4, T31, DP1, DP2, DP3, DP4, DP8 and DP9 of the ELLDP, the Council's adopted development brief for the site or the Scottish Government Policy Statement entitled "Designing Streets".

An Ecological Assessment has been submitted with the application which sets out the findings of a Phase 1 Habitat Survey including a badger survey, a dusk bat survey and observation for ground nesting birds which was undertaken by the applicant in the period from February to July 2018. The Council's Principal Countryside Officer, having considered the proposals and the submitted Ecological Assessment raises no objection to this application, satisfied the proposal would not have a harmful impact on existing wildlife or on the biodiversity of the area. The proposals are therefore compliant with Policy NH5 of the adopted East Lothian Local Plan 2008 which generally presumes against new development that would have an unacceptable impact on the biodiversity of an area.

The Council's Heritage Officer advises that the application site lies in an area which contains previously identified cropmarks of a pulative prehistoric enclosure. He advises that the archaeological background for the proposed development area was investigated via an Archaeological Desk Based Assessment undertaken by the applicant's Heritage Consultants and which has been submitted as part of this planning application. An assessment of the potential impacts of the proposed development upon the Historic Environment has been carried out by the applicant's Heritage Consultants and this has concluded that the potential impacts arising from this proposed development are ground disturbance impacting upon known and unknown buried archaeological remains. Because of this the Council's Heritage Officer recommends that if planning permission in principle is to be granted for this proposal, a programme of archaeological works (Evaluation by archaeological trial trench) should be carried out prior to the commencement of development. This requirement can be secured through a condition attached to a grant of planning permission in for the proposed development. This approach is consistent with Scottish Planning Policy: June 2014, Planning Advice Note 2/2011: Planning and Archaeology and with Policy CH4 of the ELLDP. Subject to this planning control, the proposed development would not have a significant adverse effect on the historic environment of this site.

Consideration must then be given to the potential impact of the proposed development on the infrastructure of the area. Policy DEL1 of the ELLDP stipulates that new housing will only be permitted where appropriate provision for infrastructure, required as a consequence of the development, is made.

The East Lothian Council Health and Social Care Partnership raises no concerns about the ability of its health and social care services to support the proposed residential development. They advise that as this site is allocated for circa 550 homes in the ELLDP it has been taken into account in planning for health care by the East Lothian Health and Social Care Partnership and they therefore have no objections to the proposal nor do they have any requirements for capital contributions to infrastructure as a result of the proposals.

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

The Council's Planning Obligations Officer advises that the contributions required for each transport intervention are as detailed below:

- \*Improvements to Old Craighall Junction (PROP T15): £1,675
- \* Improvements to Salters Road Interchange (PROP T17): £6,547
- \* Improvements to Bankton Interchange (PROP 17): £25,629
- \* Musselburgh Town Centre improvements (PROP T21): £10,013
- \* Tranent Town Centre Improvements (PROP T27 and T28): £55,950
- \* Rail Network Improvements (PROP T9 and T10): £8,481

The total contribution required for transportation improvements resulting from cumulative impacts of the development is therefore £108,295.

The total developer contributions towards the transportation interventions of £108,295 (indexed linked) can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. The applicants have confirmed in writing that they are willing to enter into such an agreement.

Network Rail have been consulted on the application and they advise that they welcome the approach taken by East Lothian Council in Policy DEL1: Infrastructure and Facilities Provision of the ELLDP and in its Developer Contributions Framework in mitigating impacts from development on transport network capacity and contributing to sustainable economic growth. They agree with the recommendations of the Council's Planning Obligations Officer in respect of Rail Network Improvement Contributions and are content that these can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. They make no other comments on the application.

Transport Scotland have been consulted on the application and they too advise that they welcome the approach taken by East Lothian Council in Policy DEL1: Infrastructure and Facilities Provision of the ELLDP and in its Developer Contributions Framework in mitigating impacts from development on transport network capacity and contributing to sustainable economic growth. They agree with the recommendations of the Council's Planning Obligations Officer in respect of strategic transport network contributions towards improvements at the Old Craighall, Salter's Road and Bankton trunk road junctions and are content that these can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other

appropriate agreement. They make no other comments on the application

Policy OS5: Allotment Provision requires that new housing proposals of 500 or more dwellings should, if agreed with the Council's Healthy Living Manager, make provision for land within their masterplans for the delivery of allotments as part of the mix of open space types to be provided on such sites. The Council's 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, even on a site of this size. 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 contribution of £7,010, which could be required through the Section 75 agreement for any grant of planning permission in principle.

PROP CF1: Provision of New Sports Pitches and Changing Accommodation of the ELLDP requires development proposals for 5 or more homes to make provision for the delivery of new sports pitches and changing accommodation in the relevant contribution zone as set out in Appendix 1 of the Plan and in the Supplementary Guidance: Developer Contributions Framework. The new facilities to be provided, and the sites within which they are to be delivered are identified in Part A of PROP CF1 and include at the site of PROP TT1 one full size grass pitch with changing facilities to be provided as part of the expansion of Windygoul Primary School. The Council's Sport, Countryside and Leisure Service advises that the proposed level of sports provision indicated on the proposed site plan by way of a full size grass sports pitch located adjacent to the school site as identified in the ELLDP measuring 100 metres x 70 metres with 10 metres wide run offs to the south and west of it and 5 metres wide run offs to the north and east of it complies with their requirements. This could be provided by the developer to a specification agreed, and transferred to the Council on completion at no cost to the Council, or otherwise subject to a developer contribution of £152,400 for the sports pitch with the applicant also being required to transfer the land for the sports pitch to the Council for zero value. The Council's Sport, Countryside and Leisure Service additionally recommend that there will be a requirement for a developers contribution towards the provision of 2 community changing rooms within the school expansion (rather than as a stand alone building) and that this will be required as part of the developer contributions towards providing additional facilities at Windygoul Primary School and will be included in the consultation response dealing with Education matters.

Sport Scotland have been consulted on the application. They have advised that there is no statutory requirement to consult them on the uses proposed in this application and they therefore have no comment to make on this application for planning permission in principle. However they do advise that sportscotland has produced design guidance for pitches, and on school playing fields and has in-house design expertise. They advise they would welcome the opportunity to input to the progress of any design proposals on new sports provision in the area.

The Council's Depute Chief Executive (Resources and People Services) informs that the application site is located within the school catchment area of Windygoul Primary School and Ross High School.

The allocation of the TT1 site for housing at Windygoul South in the ELLDP includes a requirement for the expansion of Windygoul Primary School campus as well as other community uses. PROP TT2 provides for the expansion of Windygoul Primary School campus in line with PROP ED4 to accommodate the impacts generated by PROP TT1 and other housing sites in the school's catchment area. The site of the proposed expansion of Windygoul Primary School campus lies on land in the ownership of the applicant, who is willing to transfer the land to the Council to ensure the delivery of the



future expansion of the school campus. In terms of the primary school campus land, the Depute Chief Executive (Resources and People Services) advises that due to the scale of the extension being less than previously estimated, the area of land required to be transferred to the Council for the additional school campus is 1.105 ha rather than 1.124 ha as previously estimated and indicated on the indicative site plan. He advises that 0.5 ha of this 1.1 ha is required because of existing campus deficit and 0.605 ha because of the additional capacity required to accommodate the additional building footprint and numbers of pupils from the cumulative impact of LDP development. The Depute Chief Executive (Resources and People Services) advises that the proportion of the 0.605 ha directly related to this proposal should be transferred to the Council for zero value.

In respect of primary and secondary education provision, the Depute Chief Executive (Resources and People Services) advises that Windygoul Primary School and Ross High School do not have sufficient capacity to accommodate children that could arise from the proposed development. Thus he would object to the application on the grounds of lack of permanent capacity at those schools unless the applicant makes a financial contribution to the Council of £6,147 per housing unit towards the provision of additional school accommodation at Windygoul Primary School and a contribution of £4,728 per housing unit towards the provision of additional school accommodation at Ross High School. These contributions include for the provision of community changing facilities to serve the sports pitch.

The required payment of a financial contribution of a total of £6,100,875 towards the provision of additional accommodation at Windygoul Primary School and Ross High School and the transfer of the proportion of the 0.605 ha directly related to this proposal to the Council for zero value 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 TT1, TT2, CF1 and ED4 of the ELLDP.

The Council's Deputy Chief Executive, Resources and People Services additionally requires that the residential development of the site be phased over a period of 8 years from 2020 onwards with any slippage in any single year being required to revert to year 2028/29, or beyond, and not added to the subsequent year unless agreed in advance in writing with the Planning Authority. This is to ensure sufficient education capacity can be provided for the pupil product of the development. This is a matter which can be controlled by way of a condition on a grant of planning permission.

In accordance with Policy HOU3 of the ELLDP 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. The indicative site plan reflects this by detailing that 141 of the residential units would be affordable housing units. They should be provided on site either by transfer of units or serviced land. If it can be demonstrated to the Council that onsite provision is not practicable, then off-site provision will be considered. If this is not practicable, then a commuted sum will be required in lieu of on or off site provision. 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 Council's Economic Development & Strategic Investment Manager advises that discussions have taken place with the applicant regarding the affordable housing areas proposed and identified in the indicative site plan. She advises that Strategic Investment and Regeneration are content with the three areas identified within the site for affordable

housing and she raises no objection to the mix and size of units indicatively proposed advising that communication should continue with the Council's Strategic Investment and Regeneration Team on the future delivery of the affordable housing. She advises that a proportion of the ground floor cottage flat properties should be to wheelchair accessible standard.

The terms for the provision of this affordable housing requirement can 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 is willing to do, the proposal would be consistent with Policies HOU3 and HOU4 of the ELLDP.

Section 59 of the Town and Country Planning (Scotland) Act 1997 sets a standard duration in relation to a planning permission in principle (i.e. planning permission subject to conditions that the development in question will not be begun until certain matters have been approved by the Planning Authority). The Act requires that applications for the approval required before development can be begun must be made within 3 years from the grant of planning permission in principle but also provides that the Planning Authority can issue a direction that different time periods apply in relation to the 3 year period for making an application for approval. In respect of timescales for development this is a relatively large scale proposal phased until 2028. Therefore it may well take more than 3 years for the submission of applications for approval for all detailed matters for all areas of the application site. In this case it would therefore be prudent for the Planning Authority to direct in this case that the standard 3 year time limit should not apply and to further direct that applications for approval required before development can be begun must be made within 7 years of the grant of planning permission in principle. This timescale has been agreed with the applicant

## RECOMMENDATION

It is recommended that planning permission in principle be granted subject to:

1. A direction to substitute the period of 3 years referred to in Section 59(2)(a)(i) and (3) of the Town and Country Planning (Scotland) Act 1997 (as amended) with a period of 7 years.
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) the transfer to the Council, at no cost, of ownership of the area of land indicatively shown on the application site plan for a sports pitch and either (a) provision by the applicant of a sports pitch on that land to a specification to be agreed in advance with the Council, to be transferred to the Council at no cost or (b) a financial contribution to the Council of £152,400 for provision of the sports pitch;
  - (ii) the transfer to the Council of 1.105 hectares of land required for the additional school campus in the area shown for this on the application site plan with that land formed to a specification to be approved by the Council;
  - (iii) the transfer to the Council, at no cost, of ownership of the proportion directly related to this proposal of the 0.605 hectares of land allocated as part of an expansion to the

campus of Windygoul Primary School which is detailed on the application site plan

(iv) a financial contribution to the Council of £3,448,467 towards the provision of additional capacity at Windygoul Primary School;

(v) a financial contribution to the Council of £2,652,408 towards the provision of additional capacity at Ross High School;

(vi) a financial contribution to the Council of £108,295 for transport improvements to Old Craighall Junction, Salters Road Interchange, Bankton Interchange, Musselburgh town centre improvements, Tranent town centre improvements and rail network improvements;

(vii) a financial contribution to the Council of £7,010 towards allotment provision;

(viii) a financial contribution to the Council of £120,273 towards provision of a path from the primary spine road towards the open space to the east of Gavin's Lee as indicated on the application site plan;

(ix) the provision of land to deliver 141 affordable housing units at an agreed mix and within agreed locations, either through the transfer of serviced land or the transfer of completed units, or the off site provision of 141 affordable housing units or in exceptional circumstances if the Council agrees to it, the transfer of an agreed commuted sum.

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 a community sports pitch, related changing facilities, allotments, paths provision, a lack of roads and transport infrastructure, a lack of sufficient primary and secondary school capacity, and the lack of provision of affordable housing contrary to Policies DEL1 and, as applicable Proposals TT1, TT2, ED4, CF1, OS6, HOU3, HOU4, OS5, and T32 of the adopted East Lothian Local Development Plan 2018.

## CONDITIONS

1 The submission for approval of matters specified in conditions of this grant of planning permission in principle shall include details of the siting, design and external appearance of all the residential units, any other buildings, any artwork to be erected on the site, the means of road, pedestrian and cycle accesses, the means of any enclosure of the boundaries of the site and of gardens and other subdivisions of the site and the landscaping of the site and those details shall generally accord with the Site Layout drawing with drawing reference 18006(PL)001F docketed to this planning permission in principle but additionally shall comply with the following requirements:

a) The residential units shall be no higher than two 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. Notwithstanding that shown on the docketed site plan the houses denoted with an asterisk shall have dual frontages. Otherwise where a building is located on a corner of more than one street, it shall have enhanced gable(s) to ensure it has an active elevation to each street it faces;

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 or secondary street frontage;

d) The detailed design of the layout shall otherwise accord with the principles set out in the Council's Design Policies and with Scottish Government Policy Designing Streets;

e) Notwithstanding that shown in the Indicative 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) 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;

g) 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;

h) 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;

i) Within residential private parking areas the minimum dimensions of a single parking space shall be 2.5 metres by 5.0 metres.

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

k) 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;

l) The front, rear and side boundary treatments of each residential, unit shall be in accordance with a detailed boundary treatment scheme which shall provide for wall, hedge or railing boundary treatments where those boundaries face public spaces and for other appropriate boundary treatments between individual properties where not facing public spaces;

m) Unless where detailed otherwise in the docketed Site Plan drawing footpaths within the site shall be hardsurfaced in accordance with details to be agreed in writing with the Planning Authority.

No part of the development hereby approved shall be begun on the site until all of the above details have been submitted to and approved in writing by the Planning Authority. The development shall be carried out in accordance with the details so approved.

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 Prior to the commencement of development a delivery schedule and phasing plans that establishes the phasing and timing programme for the proposed development shall be submitted to and approved in advance by the Planning Authority. It shall include the phasing and timing for the provision of footpaths/cycleways and external works such as offsite path links. These path links shall include

- A north-south path from the north-west corner of the affordable housing to the northernmost proposed path which runs from the Ormiston Road to the school.
- A path connection from the south-east corner of the site to connect with the national cycle route N196 to Ormiston.
- A path linking the northern part of the application site to the public road of Winton Court

It must also include for public road links, including paths, to local services, schools and the public road network. It shall further include the provision of drainage infrastructure, equipped play facilities, sports pitch, landscaping and open space. The details to be submitted shall also include construction phasing plans.

The phasing of the development of the site shall be carried out in strict accordance with the phasing plan so approved, unless otherwise approved in writing in advance by the Planning Authority.

Reason:

To enable the Planning Authority to control the development of the site in the interests of the good planning of the site.

- 3 No more than 561 residential units shall be erected on the site.

Reason:

To ensure that there is sufficient education capacity and to restrict the scale of development to that applied for.

- 4 Unless otherwise approved in writing by the Planning Authority:

(a) Housing completions in any one year (with a year being defined as being from 1st April to 31st March the following year) shall not exceed the following completion rates:

Year 2020/21 - 30 residential units  
Year 2021/22 - 118 residential units  
Year 2022/23 - 60 residential units  
Year 2023/24 - 105 residential units  
Year 2024/25 - 105 residential units  
Year 2025/26 - 60 residential units  
Year 2026/27 - 60 residential units  
Year 2027/28 - 23 residential units

(b) If fewer than the specified number of residential units is completed in any one year then those shall be completed instead at Year 2029 or beyond and not added to the subsequent year.

Reason:

To ensure that the completion rate of residential development within the application site accords with the provision of education capacity.

- 5 Prior to the erection of any residential units full details of all noise mitigation measures shall be submitted to and approved in advance by the Planning Authority. The mitigation measures shall include, but may not be limited to,

- \* the construction of an acoustic barrier approx. 4 metres in height and comprising an acoustic fence atop an earth bund. The location of the barrier will be in the south portion of the site adjacent to the eastern boundary of the Research Centre;
- \* placement of bungalows in the cul-de-sac beyond the barrier, to eliminate the potential for lines of sight over the top of the barrier from first floor habitable rooms;
- \* positioning of principle gardens on the far side of associated dwellings from the Research Centre incinerator, to create localised acoustic screening, minimising the potential for any residual impacts; and
- \* minimising habitable room glazing elements facing directly towards the Research Centre by arranging future dwellings around recognised potential noise sources with the gable end orientated towards the source; this limits the angle of view from future habitable room windows.

These mitigation measures shall be such that the following design criteria shall be met:

1. The Rating Level, LArTr, of noise associated with the operation of the existing research facility (when measured 3.5m from the façade of any proposed residential property) shall be no more than 5dB (A) above the background noise level, LA90T. All measurements to be made in accordance with BS 4142: 2014 "Methods for rating and assessing industrial and commercial sound".

2. Noise associated with the operation of any plant and/or equipment serving the existing research facility shall not exceed Noise Rating curve NR20 at any octave band frequency between the hours of 2300-0700 and Noise Rating curve NR25 at any octave band frequency between the hours of 0700-2300 within any proposed residential property. All measurements to be made with windows open at least 50mm.

The details to be submitted shall also include a further noise report to demonstrate the noise mitigation measures required to ensure compliance with this design criteria, together with a

timetable for the implementation of all of the proposed noise mitigation measures.

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

Reason:

To ensure an appropriate level of acoustic screening in the interests of the amenity of the future occupants of the site.

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

Reason:

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

- 7 No development shall take place on the proposed site until the applicant has, through the employ of an archaeologist or archaeological organisation, undertaken and reported upon a programme of archaeological work (Evaluation by archaeological trial trench) in accordance with a written scheme of investigation which the application will submit to and have approved in advance by the Planning Authority.

Reason:

To facilitate an acceptable archaeological investigation of the site.

- 8 Prior to the commencement of development, to ensure that the site is clear of contamination, a Geo-Environmental Assessment shall be carried out and the following information shall be submitted to and approved by the Planning Authority:

o Phase I - A preliminary investigation incorporating a desk study, site reconnaissance, development of a conceptual model and an initial risk assessment.

o Phase II - Incorporating a site survey (ground investigation and sample analysis) and risk evaluation. It is required if the Phase I investigation has indicated that the site is potentially contaminated and the degree and nature of the contamination warrants further investigation.

o Phase III - Where risks are identified, a Remediation Strategy should be produced detailing and quantifying any works which must be undertaken in order to reduce the risks to acceptable levels.

Should remedial works be required then, prior to any residential units being occupied, a Validation Report shall be submitted to and be approved by the Planning Authority confirming that the works have been carried out in accordance with the Remediation Strategy.

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

Reason:

To ensure that the site is clear of contamination and that remediation works are acceptable prior to the occupation of any of the residential units.

- 9 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.

- 10 Prior to their erection, details, including their size, form, position, appearance and colour(s), of all substations and gas governors to serve the development hereby approved shall be submitted to

and approved in advance in writing by the Planning Authority, and thereafter any substations and gas governors shall accord with the details so approved.

Reason:

To enable the Planning Authority to control the positioning, appearance, form, finishes and colour of the substations and gas governors to be used to achieve a development of good quality and appearance in the interest of the visual amenity of the area.

- 11 Prior to the commencement of development, details of all boundary enclosures to be erected on the site of the residential development, and the timescales for their provision, shall be submitted to and approved in advance by the Planning Authority. Those details shall show 1.8 metre high enclosures around rear gardens of the houses hereby approved and where rear garden boundaries face or run parallel with roads these shall be feature boundaries in either render, stone or stone with timber panel infills and not full height close boarded fencing.

Development shall thereafter be carried out in full accordance with the details so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure the satisfactory provision of the boundary enclosures in the interest of safeguarding the visual amenity of the area and to safeguard the privacy and amenity of residential properties nearby.

- 12 A Green Travel Plan (Travel Information Pack) shall be submitted to and approved by the Planning Authority prior to the occupation of any of the residential units hereby approved. The Green Travel Plan (Travel Information Pack) 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, and details of how and when it will be distributed to all residents.

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

Reason:

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

- 13 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 and routing of traffic.

The recommendations of the Construction Method Statement shall be fully complied with during the construction phase of the development.

Reason:

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

- 14 No work shall be carried out on the site unless and until an effective vehicle wheel washing facility has been installed in accordance with details to be submitted to and approved by the Planning Authority prior to its installation. Such facility shall be retained in working order and used such that no vehicle shall leave the site carrying earth and mud in their wheels in such a quantity which causes a nuisance or hazard on the road system in the locality.

Reason:

In the interests of road safety.

- 15 Development of the application site shall be carried out in accordance with the following transportation requirements:

a) Unless otherwise agreed to an alternative standard in writing by the Planning Authority, a visibility splay of 9 metres by 160 metres shall be provided and maintained on each side of the proposed access junction from the application site onto the B6371 such that there shall be no obstruction to visibility above a height of 1.05 metres measured from the adjacent carriageway level within the following defined area - a) A line of 9 metres long measured along the access road from the nearside edge of the main road carriageway; b) A line 160 metres long measured along the nearside edge of the main road carriageway from the centre of the access road in both directions;

and c) A straight line joining the termination of the above two lines. Details of the provision of the visibility splays shall be submitted to and approved by the Planning Authority prior to the commencement of development and thereafter shall be provided and maintained in accordance with the details above prior to the occupation of any of the approved development;

b) Unless otherwise agreed in writing with the Planning Authority the junction of the primary spine road with the B6371 Ormiston Road shall incorporate a right turning lane protected by islands which could serve the dual purpose of providing crossing points to the national cycle route N196, all in accordance with details to be submitted to and approved by the Planning Authority prior to the commencement of development. It shall be provided in accordance with details approved and prior to the occupation of any of the approved development.

c) No residential unit hereby approved shall be occupied unless and until (i) a 40 miles per hour speed limit on the B6371 (Ormiston Road) has been brought into effect from a location at the southeast corner of the site and shall continue northwards until it meets with the existing 30 miles per hour speed limit and (ii) a gateway feature is installed at the southern end of the east boundary of the site. Details of the proposed 40 miles per hour speed limit and of the proposed gateway feature shall be submitted for approval by the planning authority. These measures shall be implemented in accordance with the details as approved by the planning Authority.

d) Prior to the occupation of any residential unit hereby approved a suitable crossing of the B6371 shall be provided, in accordance with details to be submitted to and approved in advance by the Planning Authority.

e) Prior to the occupation of any residential unit hereby approved, a 2 metres wide, lit (street lighting) footway shall be provided to tie into the existing footway and for the full length of the site on the west side of the B6371 in accordance with details to be submitted to and approved in advance by the Planning Authority. .

f) Prior to the occupation of any residential unit hereby approved, a 2 metres wide, lit (street lighting) footpath shall be provided along the full length of the western edge of the site in accordance with details to be submitted to and approved in advance by the Planning Authority. .

g) prior to commencement of development a scheme of traffic calming to deter through traffic and school drop-off by car and to prioritise walking and cycling routes to Windygoul Primary School shall be submitted to and approved by the Planning Authority. The details to be submitted shall include details of two signalised crossings to be installed on Brotherstone's Way (one to replace the existing zebra crossing and one south of George Grieve Way) and a signalised crossing of the primary spine road through the development site and a timetable for provision of the signalised crossings and other traffic calming measures. These measures shall be implemented in accordance with the details as approved by the planning Authority.

Reason:

In the interests of road safety.

- 16 Unless otherwise agreed in writing by the Planning Authority prior to the occupation of any residential unit, pairs of bus stops shall be provided on both sides of the primary spine road, in accordance with details showing the number and locations of the bus stops to be submitted to and approved in advance of their construction by the Planning Authority .

Unless otherwise agreed in writing by the Planning Authority no residential units to the west of Brotherstone's Way shall be occupied unless and until a suitable bus route (which avoids the need for reversing manoeuvres) through this western part of the development is constructed in accordance with details to be submitted to and approved by the Planning Authority.

Reason:

In the interests of road safety.

- 17 No development shall take place until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping. The scheme shall provide details of: the height and slopes of any mounding on or re-contouring of the site including SUDS basin/ponds details; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. Non-thorn shrub species should be located adjacent to pedestrian areas. The submitted scheme of landscaping shall show planting on both sides of the bund. The scheme shall include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development. Specific planting details shall include hedges to front gardens; oaks, sycamores and limes as well as establishment species such as birch and smaller



understorey species of whitebeam, hawthorn, rowan, cherry and hazel to the boundary woodland planting; large species feature trees in open spaces to include beech, Scots pine and oak. The scheme shall include a timetable for implementation of landscaping, and this scheme shall show that the structural landscape planting shall be implemented within 1 year of the commencement of development and shall include a tree protection and maintenance plan to safeguard new structural tree planting during the course of development.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with the details so approved, including the timetable for implementation. 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. All existing and new planting comprised in the scheme of landscaping shall be retained and maintained unless the Planning Authority gives written consent to any variation.

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.

- 18 The maintenance of all communal landscape areas, and where applicable hedges to private front gardens, shall be adopted and maintained by Estate Management or Factored 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.

- 19 Details of the play areas, including the equipment to be provided within them and a timetable for installation, shall be submitted to and approved in advance by the Planning Authority. The play areas shall be installed in accordance with the details so approved.

Prior to the commencement of development, details of how all the areas of open space and equipped play areas are to be maintained shall be submitted to and approved in advance by the Planning Authority.

The details shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the details so approved and the play areas and open space shall thereafter be maintained in accordance with the details so approved..

Reason:

To ensure the satisfactory maintenance of open space and equipped play areas, in the interests of the amenity of the area.

- 20 Prior to the commencement of development details of the proposed integrated sustainable urban drainage scheme (SUDS) for the application site shall be submitted in writing for approval by the planning authority. The integrated sustainable urban drainage scheme (SUDS) for the application site shall thereafter be fully implemented in accordance with the details as approved by the planning authority.

Reason:

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

- 21 Notwithstanding that detailed on the site site plan at least one electric vehicle charging point shall be provided adjacent to the approved primary spine road and to the south of the approved sports pitch. Prior to the commencement of development details of the electric vehicle charging point(s) shall be submitted to and approved in writing by the Planning Authority. The details to be submitted shall include a timetable for provision. Development shall thereafter be carried out in accordance with the details to approved and shall be retained unless other approved in writing by the Planning Authority.

Reason:

In the interests of sustainability.

- 22 Cycle parking shall be included at a rate of 1 space per flat. The cycle parking shall be in the form of 1 locker per flat or communal provisions in the form of a lockable room or shed in accordance with

details to be submitted to and approved in advance by the Planning Authority. Thereafter the cycle parking approved shall be provided and be made available for use prior to the occupation of each flatted property it is associated with and shall thereafter be retained unless other approved in writing by the Planning Authority.

Reason:

To ensure the provision and retention of cycle parking.