

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

Application No. **17/00619/PM**

Proposal Erection of 40 houses, 8 flats and associated works

Location **Land At Levenhall
Off Haddington Road
Musselburgh
East Lothian**

Applicant CALA Management Ltd

Per APT Planning and Development Ltd

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

As the area of the application site is greater than 2 hectares, 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: 15/00010/PAN) and thus of community consultation prior to this application for planning permission being made to the Council.

As an outcome of that and as a statutory requirement for dealing with major development type applications a pre-application consultation report is submitted with this application. The report informs that some 30 people attended the pre-application public consultation event which was held for one day at the Musselburgh East Community Learning Centre on 9th February 2016 and that those attendees made a number of queries and suggestions regarding the proposals. The development for which planning permission 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 relates to some 2.9 hectares of land, which mainly consists of farmland, located at Levenhall, on the northeast edge of Musselburgh. It is bounded to the north and north east by woodland, part of which is covered by Tree Preservation Order (TPO No. 60), to the east and south east by agricultural land, to the south by the classified A199 Haddington Road and beyond by the Musselburgh East Community Learning Centre and Playing Fields and to the west by a predominantly residential area which includes the streets of Ravensheugh Crescent and Ravensheugh Road, the Category C listed building of West Lodge, small areas of open space and the Beggar's Bush Right of Way which runs alongside the southern part of the western boundary of the site and connects to Haddington Road at its southern end and to Ravensheugh Road at its northern end. Between the Beggar's Bush Right of Way and the southern part of the western boundary of the site lies a small watercourse. There are mature trees along all boundaries of the site.

The land of the application site is allocated for housing development by Proposal MH8 (Levenhall, Musselburgh) of the adopted East Lothian Local Development Plan 2018 (ELLDP). The site is also within the wider designated area of Pinkie Battlefield.

Planning permission is sought through this application for the erection on the application site of 40 houses, 8 flats and associated works. Since the registration of the application, a number of non-material amendments have been made to the application resulting in the submission of revised site layout and landscaping plans, road and footpath layouts, SUDS details and amendments to house design. The revisions include a repositioning of the proposed SUDS basin northwards into the northernmost corner of the site.

The development site layout plan shows how the proposed 40 houses and 8 flats would be accommodated on the site along with associated access roads, parking areas, landscaping, open space, paths, a substation cabinet and a SUDS basin. The houses would comprise of a mix of 28 detached, 8 semi-detached and 4 terraced houses. The houses would all be two-storey. The 8 flats would be contained within 2, two-storey flatted buildings each containing 4 flats.

In terms of size, of the proposed 40 houses 15 would contain 5 bedrooms, 12 would contain 4 bedrooms, 9 would contain 3 bedrooms and 4 would contain 2 bedrooms. All of the 8 flats would contain 1 bedroom.

The 4 terraced houses and 8 flats would be affordable housing units. The remaining 36 houses would be private houses for sale. The private houses would comprise of 9 different house types.

Vehicular, pedestrian and cycle access to the site would be taken by way of a new access into the site from the A199 Haddington Road to the south of the site. The proposed access would continue as a spine road extending northward through the site leading to a series of four courtyards which would be formed on the eastern side of it. All except two of the proposed residential units would be positioned on the eastern side of the spine road, with 34 of the private houses arranged around the three northernmost courtyards and the 12 affordable housing units arranged around the southernmost courtyard. The remaining two private houses would be positioned on the west side of the main spine road. The remainder of the land on the west side of the spine road and a smaller area of land at the southern end of the east side of the spine road would be laid out as landscaped open space with a burn running through the northernmost part of it. The proposed SUDS detention basin would be formed in the far northern corner of the site. Footpaths would be formed throughout the site along the main spine road, to connect the four courtyards and to allow access to Ravensheugh Crescent to the west

and to the agricultural land to the east/southeast of the site. Part of the stone wall which bounds the southern boundary of the site would be realigned on each side of the new vehicular access to allow for improved sightlines. A small substation cabinet would be positioned near to the site entrance on the west side of the site access.

The application is also supported by a Flood Risk Assessment (which has been revised since registration of the application), a Transport Statement, a Phase 1 Habitat Survey, an Air Quality Assessment, an Overview Tree Survey and Arboricultural Constraints Report and a Design and Access Statement.

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 21st November 2016 the Council issued a formal screening opinion to the applicant's agent. 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. It is therefore the opinion of East Lothian Council as Planning Authority that there is no requirement for the proposed residential 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 MH8: Levenhall, DP1: Landscape Character, DP2: Design, DP3: Housing Density, DP4: Major Development Sites, DP8: Design Standards for New Housing Areas, DP9: Development Briefs, HOU3: Affordable Housing Quota, HOU4: Affordable Housing Tenure Mix, PROP ED1: Musselburgh Cluster Education Proposals, OS3: Minimum Open Space Standard for New General Needs Housing, PROP T3: Segregated Active Travel Corridor, 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 11: Safeguard Land for Improvements to Musselburgh Station, PROP T15: Old Craighall Junction Improvements, PROP T17: A1 Interchange Improvements, PROP T21: Musselburgh Urban Traffic Control System, PROP T27: Tranent Town Centre One-Way System, PROP T28: Junction Improvement at Elphinstone Road and Edinburgh Road, W3: Waste Separation and Collection, NH5: Biodiversity and Geodiversity Interests, including Nationally Protected Species, NH7: Protecting Soils, NH8: Trees and Development, NH10: Sustainable Drainage Systems, NH11: Flood Risk, NH12: Air Quality, T1: Development Location and Accessibility, T2: General Traffic Impacts, T32: Transport Infrastructure Delivery Fund, CH1: Listed Buildings, CH5: Battlefields, and DEL1: Infrastructure and Facilities Provision.

Material to the determination of the application are Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and Scottish Planning Policy: June 2014.

Scottish Planning Policy echoes the statutory requirements of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that in considering whether to grant planning permission for development which affects a listed building or its setting a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Also material to the determination of the application is Scottish Government Advice given in Planning Advice Note 67: Housing Quality. Planning Advice Note 67 explains how Designing Places should be applied to new housing. In PAN 67 it is stated that the planning process has an essential role to play in ensuring that: (i) the design of new housing reflects a full understanding of its context - in terms of both its physical location and market conditions, (ii) the design of new housing reinforces local and Scottish identity, and (iii) new housing is integrated into the movement and settlement patterns of the wider area. The creation of good places requires careful attention to detailed aspects of layout and movement. Developers should think about the qualities and the characteristics of places and not consider sites in isolation. New housing should take account of the wider context and be integrated into its wider neighbourhood. The quality of development can be spoilt by poor attention to detail. The development of a quality place requires careful consideration, not only to setting and layout and its setting, but also to detailed design, including finishes and materials. The development should reflect its setting, reflecting local forms of building and materials. The aim should be to have houses looking different without detracting from any sense of unity and coherence for the development or the wider neighbourhood.

Also material to the determination of the application is the non-statutory Development Brief (MH8 Levenhall, Musselburgh) which was adopted by the Council on 30 October 2018.

Also material to the determination of the application are the written representations received to it. A total of 6 written representations have been received, 5 of which raise objections to the proposals and 1 of which neither objects to nor supports the proposals but raises concerns about land ownership boundaries between the northwest part of the application site and a neighbouring residential property. These boundary issues have since been corrected by the applicant. 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:

* This, along with the large expansion of Wallyford, will lead to additional traffic generation on Musselburgh High Street, Salters Road and the junctions on to the A1 which are already under pressure and extremely busy at times and will also put further pressure on East Lothian rail services which during the morning and evening rush hour period are already at capacity.

* The fields at Goshen and Levenhall are part of a wildlife corridor. Covering this area with housing, even given the comparatively small area of this field, will block a part of this corridor and could have a detrimental effect on the local wildlife, in particular on the birds from the bird reserve at Levenhall Links but also the wild deer, foxes and hedgehogs

living in the field.

- * It would lead to a loss of Green Belt land.
- * It would lead to a loss of prime agricultural land.
- * It could result in flood risk. This piece of land has been subject to flooding in the past and building over the field could lead to a recurrence of this flooding.
- * It would lead to coalescence between Musselburgh and Wallyford and with other housing developments taking place there could be almost uninterrupted housing all the way from Edinburgh out to Longniddry. If this development was refused, it could help to preserve the identity of the settlements at Musselburgh, Wallyford and Prestonpans.
- * The proposed access into the site would result in the loss of an area of public recreational land.
- * Any further development to the East of Musselburgh for housing will have a significant impact on the progress and implementation of planning permissions for the expansion of Wallyford.
- * It seems unnecessary to concentrate so much housing in the west of the county and to build over yet another precious green space in Musselburgh.
- * It would lead to congestion on the A199 during building works.
- * There is plenty room for more housebuilding further East or South in East Lothian without further congesting the already busy Musselburgh Area.
- * It would harmfully impact on local infrastructure in terms of school and healthcare capacity and would increase the area that the police force will need to manage.
- * There is currently access from Ravensheugh Crescent to the A199 through the top gap in the stone wall which is proposed to become the new access to the proposed development and this access is required for all the walkers/cyclists who use Beggars Bush.
- * During the construction period residents of Ravensheugh Crescent will be subjected to building site noise and dust and vehicle emissions.
- * If trees are removed from the site the proposed houses could lead to harmful overlooking of the properties in Ravensheugh Crescent.

There is no evidence to suggest that development of this allocated housing site would in any way impact on the progress and implementation of planning permissions for the expansion of Wallyford where work is already well under way.

Although concerns have been raised about the loss of green belt land and prime agricultural land, by its adoption as allocated housing site MH8 the site no longer forms part of the Edinburgh Green Belt. In respect of prime agricultural land, the release of greenfield land for development will often result in loss of prime agricultural land and the use of an allocated housing site for new houses should not be in question. New developments are often constructed on good quality agricultural land when part of an agreed settlement strategy. There is therefore no conflict in this instance with Policy NH7 of the ELLDP.

Musselburgh and Inveresk 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 and the detail of the proposed development accords with development plan policy and other supplementary planning guidance and if not, whether there are material considerations that outweigh any conflict with the development plan and other supplementary planning guidance.

The land of the application site is an allocated housing site (MH8: Levenhall) in the ELLDP. Proposal MH8 of the ELLDP allocates the whole of the site for a residential development of circa 65 homes and thus the Council recognises its potential for residential development for circa 65 homes.

The adopted Development Brief for the site sets out guiding principles, and indicative design, to be followed, where possible. These include (i) taking site access from the A199 with the existing stone wall being retained and where necessary reconstructed to serve the new entrance with a landscaped area being formed over the entrance of the site to create an open, informal character into the site with the built development set back to the north of this landscaped area; (ii) a landscape edge along the southern part of the west boundary; (iii) provision being made for pedestrian links to adjoining land, in particular, to the west of the site, to facilitate connectivity between the site and the coast and public transport provision; (iv) de-culverting the Ravensheugh Burn where possible within the site; (v) providing open space and potentially SUDS to the north of the site; (vi) varying the building line and roofscape along the south eastern edge of the site and ensuring external finishes are of a muted colour to avoid the new development being overly prominent in the wider landscape and (vii) providing where required an off-site controlled crossing of the A199 to ensure safe pedestrian and cycling connectivity to adjoining open spaces and local services.

The total number of housing units in this application is, at 48 units, 17 units less than the circa 65 for which the site is allocated. Supporting information submitted with the application explains some of the reasons why the total number of units proposed is less than the number allocated for this site. The applicant explains that the topography of the site is challenging with high points of +19.0 metres (east) and +17.5 metres (west) falling to a low point of approximately +11.0 metres along the burn corridor. This has restricted potential development on the western side of the burn which slopes steeply up towards the site boundary. The supporting information goes on to explain that the levels from the site access and along the central part of the site are more manageable and therefore this is where the proposed development is concentrated. Other site constraints which have restricted the developable area include culverted and exposed burns, surrounding woodland and tree protection zones and a sewer wayleave which runs through the site. Notwithstanding these site constraints the site is capable of accommodating all of the proposed development including vehicular and pedestrian access and amenity space without being an overdevelopment of it.

Although the total number of units proposed is lower than that allocated for the site, the site is small in relation to many other allocated housing sites of the ELLDP and its allocation does not make a significant contribution to the overall supply of housing over all allocated housing sites in East Lothian. It is also relevant to note that some other allocated sites of the ELLDP have seen planning permissions granted for a higher number of housing units than their site allocation.

Across all new housing sites Policy DP3 looks for a minimum of 30 houses per hectare.

This proposal would not deliver that minimum level. It would provide a reduced density. However, the preamble to Policy DP3 acknowledges that on smaller sites there may not be opportunities to absorb the required density of development in a form that complements the townscape and landscape setting of an area. Although of a lower density, the range of house types and sizes proposed would give a variation of architectural form to the development, which coupled with the orientation and layout of the buildings and the variation in roof materials, would give a degree of variety of appearance to the development. The proposed development would be of a pattern and density consistent with existing patterns and densities of housing and other development within this part of Musselburgh.

The architecture of the proposed houses and flats is of a traditional pitched roof form. It should be ensured that the use of render is the predominant wall finish as this would respect the built form of other housing developments in this part of Musselburgh. However, some use of a contrasting wall finish (i.e. reconstituted stone or facing brick) would be acceptable providing it is limited to a distinctively complete feature of the houses and respectful of their design integrity. A condition can be imposed on the grant of planning permission for the proposed development to address these matters of wall finishes.

In all of this the proposal would be an appropriate residential development of the site and whilst it would bring change to the northeast edge of the town of Musselburgh it would be well designed and integrated into its landscape and settlement setting.

The proposed housing development would provide an attractive residential environment. The houses and flats are shown to be laid out in such a way that adheres to the normally accepted privacy and amenity criteria on overlooking and overshadowing, whilst affording the future occupants of the houses and flats an appropriate level of privacy and residential amenity. Through the course of this application an amendment has been made to the design of the houses proposed on plots 16, 20, 27 and 38 of the development to remove proposals to form first floor windows on their northwesternmost elevations which would have led to harmful overlooking of other house plots within the development. In order to retain appropriate levels of privacy and amenity it will be necessary to remove permitted development rights to form first floor windows in the northwesternmost elevations of the houses on these plots (16, 20, 27 and 38). This can be controlled through a condition of a grant of planning permission.

The proposed new houses and flats would be so sited, oriented and screened such as not to harm the privacy and amenity of existing neighbouring or nearby residential properties through overlooking or overshadowing.

The areas of open space shown to be provided would provide sufficient areas of open space for informal recreation for the proposed development, consistent with Policy OS3 of the adopted East Lothian Local Development Plan 2018. There is no planning policy requirement in the ELLDP to provide formal play provision for a development of the size proposed in this application. Formal play provision is provided near to the site adjacent to the Musselburgh East Community Learning Centre and Playing Fields on the southwest side of the A199 Haddington Road.

Footpath links to the east and west of the site as well as alongside the main access to the site are proposed and these will allow for pedestrian and cycle access to the wider area including Haddington Road, Ravensheugh Crescent, the existing Beggars Bush path and to the countryside land to the east of the site.

In respect of landscape matters the existing mature tree cover which bounds much of the

site would soften and serve to integrate the proposed development into its landscape setting, breaking up the massing of the proposed development whilst gently introducing an additional extent of urban development on to this northeast edge of Musselburgh. It would ensure that the proposed development would be visible but not appear prominent or intrusive in its surroundings. The proposals respond appropriately to the character of this location in such respect.

The applicant has taken into consideration a number of comments of the Landscape Projects Officer in the submission of revised drawings to incorporate enhanced landscape planting within the site, to provide hedge planting to front garden boundaries, to provide greater articulation to the elevations of the houses on the main spine road through the site and to introduce some variation to building lines and roof materials to add visual interest to the development and on views of it from outwith the site. The Landscape Projects Officer therefore advises she is supportive of the proposed landscaping of the site subject to trees being retained on and around the site being protected during construction works and subject to the future maintenance and retention of the proposed landscaping being secured. The provision, maintenance and retention of the proposed landscaping of the site and tree protection measures as well as the landscaping of the SUDS basin can be made conditions of a grant of planning permission. On this consideration the proposed development is consistent with Policies DP1 and NH8 of the ELLDP.

The Council's Environmental Health Manager raises no objection to the proposed development, satisfied that it would not result in harm to the amenity of any neighbouring land use. He confirms that the proposal will not have any significant impact on local air quality and therefore complies with Policy NH12 of the ELLDP. He does however recommend that the development be provided with at least 1 Electric Vehicle (EV) "rapid charge" point per 10 proposed residential dwellings in the interest of local air quality and in accordance with the principles of good practice described in Environmental Protection Scotland/Royal Town Planning Institute Scotland guidance document "Delivering Cleaner Air for Scotland, January 2017". The Council's Planning Policies for EV charging points currently only apply to community facility uses and not to new residential developments and therefore this matter cannot reasonably be controlled by way of a condition on a grant of planning permission in this instance. The Council's Environmental Health Manager has no further comments on the proposed development.

On all of these foregoing findings on matters of design, layout, open space, landscaping and amenity, and subject to the imposition of conditions, the proposed development is not inconsistent with Proposal MH8 or Policies DP1, DP2, DP3, DP4, DP8, DP9, OS3, NH8, the Council's adopted development brief for the site or the Scottish Government Policy Statement entitled "Designing Streets".

Policy NH5 of the adopted East Lothian Local Plan 2008 generally presumes against new development that would have an unacceptable impact on the biodiversity of an area. The Council's Biodiversity Officer 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.

Historic Environment Scotland have been consulted on this application and they have raised no objection to the proposed development nor do they have any comments to make in terms of impact of the proposals on the Battle of Pinkie Battlefield Site.

The Council's Heritage Officer advises that the application site lies at the periphery of the landscape designated for the Battle of Pinkie Cleugh and there is some potential for battle related remains to be located within the site. Because of this the Heritage Officer

recommends that if planning permission is to be granted for this proposal, a programme of archaeological works (Archaeological Evaluation) 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 CH5 of the ELLDP. Subject to this planning control, the proposed development would not have a significant adverse effect on the key features of the battlefield.

The proposed new houses and flats, by their siting well away from the north west side of the site would not have a harmful impact on the setting of the category C listed building to the northwest of the site. Nor would any other aspects of the proposed development have a harmfully prominent or imposing visual relationship with the listed building nor harm the setting of it. On this heritage consideration the proposed development is not contrary to Policy CH1 of the ELLDP or to Scottish Planning Policy June 2014.

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 48 residential units proposed. They advise that the Partnership is content that there is capacity within the three GP Practices in Musselburgh Primary Care Centre to accommodate the population growth associated with the proposed development. They advise that the Partnership continues to work closely with the Musselburgh Practices to meet current and projected need for primary care services in the area.

The Council's Sports Development & Community Recreation Manager has advised that there are no requirements for additional sports facilities to be provided as a result of this proposal.

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 Salters Road Interchange (PROP T17): £9,927
- * Improvements to Bankton Interchange (PROP 17): £111
- * Musselburgh Town Centre improvements (PROP T21): £2,308
- * Tranent Town Centre Improvements (PROP T27 and T28): £2,710
- * Rail Network Improvements (PROP T9 and T10): £1,192
- * Segregated Active Travel Corridor PROP T3: £21,816

The total contribution required for transportation improvements resulting from cumulative impacts of the development is therefore £38,064.

The total developer contributions towards the transportation interventions of £38,064 (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.

The Council's Road Services have considered the Transport Statement submitted with the application and raise no objection to the proposed development, being satisfied that it could be accessed safely and would not lead to a road or pedestrian safety hazard. They advise that the proposed means of access and amount and location of parking within the site are generally acceptable and that traffic likely to be generated by the proposed development could be satisfactorily accommodated on the local road network without harm to road or pedestrian safety.

Roads Services additionally recommend that:

- * a controlled crossing of the A199 be constructed close to the site access to ensure safe cycling and pedestrian connectivity to adjoining open spaces and local services such as the Musselburgh East Community Centre as well as the catchment schools;
- * a 2 metres wide, lit path suitable for walking and cycling be provided between the application site and the existing footway on Ravensheugh Crescent to facilitate access to the coast, the National Cycle Network and public transport provision on Ravensheugh Road;
- * a visibility splay of 4.5 metres by 90 metres should be provided and maintained on each side of the proposed access from Haddington Road such that there shall be no obstruction to visibility above a height of 1.05 metres measured from the adjacent carriageway surface;
- * a dropped kerb tactile crossing at the junction with Haddington Road be provided;
- * cycle parking be included at a rate of 1 space per flat. The parking should be in the form of 1 locker per flat or communal provisions in the form of a lockable room or shed;
- * a Green Travel Plan (GTP) be submitted and approved in consultation with Road Services. It should have particular regard to provision for walking, cycling and public transport access to and within the site, and will identify the measures to be provided, the system of management, monitoring, review, reporting and duration of the plan;
- * a Construction Method Statement to minimise the impact of construction activity on the public road network be submitted to and approved by the Planning Authority prior to the commencement of development. It should recommend mitigation measures to control noise, dust, construction traffic (including routes to/from the site) and shall include hours of construction work;
- * wheel washing facilities be provided and maintained in working order during the period of operation of the site.

With the imposition of conditions to cover these recommendations of Roads Services, the proposed development does not conflict with Policies T1 or T2 of the ELLDP.

The Council's Waste Services have provided comments, initially expressing reservations that the proposed road layout could cause difficulties for waste services vehicles negotiating the site. The applicants have subsequently amended the road layout to ensure that a 12 metre long waste services vehicle could satisfactorily negotiate the

proposed development and with these amendments carried out the proposal complies with Policy W3 of the ELLDP.

Details of the SUDS and other drainage details including a Flood Risk Assessment have been submitted with this application. These details have been revised during the course of the application following consultation with the Scottish Environmental Protection Agency (SEPA) and the Council's Team Manager for Structures, Flooding & Street Lighting.

SEPA advise that the Ravensheugh Burn and a tributary/lade flow through the application site and therefore, an assessment of the risk of flooding is required to inform the developable area. This proposed development along with other proposed or approved housing developments within the Ravensheugh Burn catchment have the potential to alter significantly the land use with the Ravensheugh Burn catchment, which has the potential to impact on the catchment hydrology.

SEPA have been consulted on the application and all of its supporting information including the revised consolidated flood risk assessment prepared by the applicant's flood risk consultants. Having initially objected to the proposals on the grounds of potential flood risk, SEPA now raise no objections to the proposed development and nor do they request any condition be imposed in the event that planning permission is granted. SEPA have confirmed that they are satisfied that the applicant has provided sufficient information on the replacement culvert to be formed through the site and its size, confirmation that the culvert will be kept outwith all house plots (this is detailed in the planning application drawings), and confirmation that overland flowpath from upstream of the culvert will not impact on proposed properties. Furthermore SEPA are content that the consolidated flood risk assessment report confirms that there is no risk of coastal flooding to the application site.

SEPA advise that the design of SUDS infrastructure is a matter for East Lothian Council to consider.

The Council's Team Manager for Structures, Flooding & Street Lighting also confirms that he is now satisfied with the revised proposals and clarifications provided in the consolidated flood risk assessment. He is also satisfied that the applicant has provided detailed drawings confirming that no land raising will take place within the functional floodplain and has clarified the route of the proposed 900mm culvert in the application drawings. He therefore raises no objections on flood risk grounds.

The Council's Team Manager for Structures, Flooding & Street Lighting raises no objections to the siting and design of the SUDS basin but recommends that its final design be approved by the Planning Authority and that the details of its final design shall include confirmation of Scottish Water's technical approval of the SUDS proposals.

This recommended condition can reasonably be imposed on a grant of planning permission and subject to this control the proposals are consistent with Policies NH10 and NH11 of ELLDP.

Scottish Water have been consulted on the proposals. They raise no objection and have provided comments relevant to servicing the proposed development which have been forwarded to the applicants for their information.

The Council's Deputy Chief Executive, Resources and People Services informs that the application site is located within the school catchment areas of Pinkie St Peter's Primary and Nursery School and Musselburgh Grammar School.

He advises that Pinkie St Peter's Primary and Nursery School and Musselburgh Grammar 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 £6,729 per housing unit towards the provision of additional school accommodation at Pinkie St Peter's Primary and Nursery School and a contribution of £4,073 per housing unit towards the provision of additional school accommodation at Musselburgh Grammar School. He also advises that as set out in the Council's Developer Contribution Framework, a contribution of £237 per housing unit is required towards the provision of school land for the new Musselburgh Secondary School.

The required payment of a financial contribution of a total of £529,872 towards the provision of additional accommodation at Pinkie St Peter's Primary and Nursery School and Musselburgh Grammar School and towards the provision of school land for the new Musselburgh Secondary School can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the payment of the required contribution towards educational accommodation the proposal is consistent with Policy ED1 of the ELLDP, which stipulates that new housing will only be permitted where appropriate provision for infrastructure required as a consequence of the development is made. This will include funding necessary school capacity. The applicants confirm in writing that they are willing to enter into such an agreement.

The Council's Deputy Chief Executive, Resources and People Services additionally requires that the 48 housing units be phased to prevent any more than 36 units being completed in any one year. 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.

The Council's Economic Development & Strategic Investment Manager advises that in accordance with the Council's Affordable Housing Policy, 25% of the proposed 48 residential units require to be affordable housing units. The affordable housing component of the proposed housing development is 12 units. The Economic Development & Strategic Investment Manager advises that the mix, size and location of the 12 affordable units to be provided on the site is acceptable. Although the group of 12 affordable housing units is grouped together facilitating easier management, the affordable housing is still sufficiently integrated into the overall development. The terms for the provision of this affordable housing requirement could be the subject of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the Council securing the affordable housing requirement, which the applicant is willing to do, the proposal would be consistent with Policies HOU3 and HOU4 of the ELLDP.

RECOMMENDATION

It is recommended that planning permission be granted subject to:

1. The undernoted conditions.
2. The satisfactory conclusion of an Agreement under Section 75 of the Town and

Country Planning (Scotland) Act 1997, or some other legal agreement designed to secure from the applicant:

(i) a financial contribution to the Council of £529,872 towards the provision of additional accommodation at Pinkie St Peter's Primary and Nursery School and Musselburgh Grammar School and towards the provision of school land for the new Musselburgh Secondary School;

(ii) 12 affordable residential units within the application site;

(iii) a financial contribution to the Council of £38,064 for transport improvements to Salters Road Interchange and Bankton Interchange, Musselburgh town centre improvements and Tranent town centre improvements, rail network improvements and segregated active travel corridor contributions.

3. That in accordance with the Council's policy on time limits for completion of planning agreements it is recommended that the decision should also be that in the event of the Section 75 Agreement not having been executed by the applicant, the landowner and any other relevant party within six months of the decision taken on this application, the application shall then be refused for the reason that without the developer contributions to be secured by the Agreement the proposed development is unacceptable due to a lack of sufficient school capacity, a lack of provision of affordable housing and a lack of roads and transport infrastructure improvements contrary to, as applicable, Policies ED1, DEL1, HOU3, HOU4 and T32 of the adopted East Lothian Local Development Plan 2018.

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

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

- a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings;
- b. finished ground and floor levels of the development relative to existing ground levels of the site and of adjoining land and building(s). The levels shall be shown in relation to an Ordnance Bench Mark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing; and
- c. the ridge height of the proposed shown in relation to the finished ground and floor levels on the site.

Reason:

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

- 2 No development shall take place on the proposed site until the applicant has, through the employ of an archaeologist or archaeological organisation, undertaken and reported upon a programme of archaeological work (Archaeological Evaluation) 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.

- 3 Prior to the commencement of development, a Construction Method Statement which sets out how the impact of construction activity on the safety and amenity of the area will be mitigated shall be submitted to and approved by the Planning Authority.

The Construction Method Statement shall include details of:

* Mitigation measures to control noise, dust, construction traffic (including routes to/from site and delivery times).

- * Hours of construction work
- * Routes for construction traffic
- * Wheel washing facilities.

Thereafter, the Construction Method Statement shall be implemented and complied with in accordance with the approved details for the period of construction of the development hereby approved.

Reason:

To retain control of the operation of construction in the interest of environmental and residential amenity.

- 4 Prior to the occupation of any of the residential units hereby approved a Green Travel Plan shall be submitted to and approved by the Planning Authority prior to the occupation of any of the residential units hereby approved.

The Green Travel Plan shall have particular regard to provision for walking, cycling and public transport access to and within the site, and will include a timetable for its implementation, details of the measures to be provided, the system of management, monitoring, review, reporting and duration of the Plan and details of how it will be distributed to residents.

Thereafter, the Green Travel Plan shall be implemented in accordance with the details so approved.

Reason:

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

- 5 Prior to commencement of development on site, full details of the proposed Sustainable Drainage System (SuDS) shall be submitted to and approved in writing by the Planning Authority.

The details shall include confirmation of Scottish Water's technical approval of the SuDS proposals.

Thereafter, the approved details shall be implemented as approved.

Reason:

To ensure that the final SuDS design complies with 'Sewers for Scotland 4' and can be vested by Scottish Water in the interest of flood prevention, environmental protection and the long term amenity of the area.

- 6 Unless otherwise approved in writing by the Planning Authority housing completions on the application site in any one year (with a year being defined as being from 1st April to 31st March the following year) shall not exceed 36 residential units.

Reason:

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

- 7 Prior to the occupation of any of the residential units hereby approved a 2 metres wide, hard surfaced, lit footpath suitable for walking and cycling shall be formed to connect the existing footpath of Ravensheugh Crescent into the footpath network within the site as detailed on drawings docketed to this planning permission.

Reason:

In the interests of the safety and amenity of pedestrians and cyclists.

- 8 Prior to the occupation of the last house or flat hereby approved, the proposed access roads, parking spaces, and footpaths shall have been constructed on site in accordance with the docketed drawings.

Those areas of land shall not thereafter be used for any other purpose than for accessing and for the parking of vehicles in connection with the residential use of the houses and flats and shall not be adapted or used for other purposes without the prior written approval of the Planning Authority.

Reason:

To ensure that adequate and satisfactory provision is made for access and for off-street parking in the interests of road safety.

- 9 Prior to the occupation of any of the flats hereby approved bin storage facilities and cycle storage

facilities shall have been formed and made available for use. 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 writing by the Planning Authority. Thereafter, the storage facilities shall be retained in use as bin and cycle storage areas.

Reason:

To ensure the provision of adequate bin and cycle storage in the interest of the residential amenity of the future occupants of the flats hereby approved and the visual amenity of the locality.

10 Prior to the commencement of development, details, including a timetable for their implementation, showing compliance with the following transportation requirements shall be submitted to and approved in writing in advance by the Planning Authority.

(i) A controlled crossing of the A199 shall be provided in close proximity to the access to the site to ensure provision of a route to the catchment schools and to ensure cycling and pedestrian connectivity to adjoining open spaces;

(ii) A visibility splay of 4.5 metres by 90 metres shall be provided and maintained on each side of the access to be formed from Haddington Road such that there shall be no obstruction to visibility above a height of 1.05 metres measured from the adjacent carriageway level;

(iii) A dropped kerb tactile crossing of the access junction shall be provided on the pedestrian desire line along the Haddington Road footway;

(iv) 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.

(v) Within residential private parking areas the minimum dimensions of a single parking space shall be 2.5 metres by 5 metres. All visitor parking spaces within these areas shall be clearly marked for visitors with the remaining private parking spaces allocated to individual dwellings.

The residential development shall thereafter be carried out in accordance with the details so approved.

Reasons:

In the interests of road and pedestrian safety.

11 No trees or shrubs, which are to be retained on the site, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the prior written consent of the Planning Authority.

Reason:

To ensure the retention and maintenance of the trees which are an important landscape feature of the area.

12 No development shall take place on site until temporary protective fencing in accordance with Figure 2 of British Standard 5837_2012 "Trees in relation to design, demolition and construction" has been installed, approved and confirmed in writing by the Planning Authority. The fencing must be fixed in to the ground to withstand accidental impact from machinery, erected prior to site start and retained on site and intact through to completion of development. The position of this fencing must be as indicated on the drawing 'Landscape Layout' with drawing number 12-01j, shall be positioned outwith the Root Protection Area (RPA) as defined by BS5837:2012 for all trees and approved in writing by the Planning Authority.

All weather notices shall be erected on said fencing with words such as "Construction exclusion zone - Keep out". Within the fenced off areas creating the Construction Exclusion Zones the following prohibitions must apply:-

- _ No vehicular or plant access
- _ No raising or lowering of the existing ground level
- _ No mechanical digging or scraping
- _ No storage of temporary buildings, plant, equipment, materials or soil
- _ No hand digging
- _ No lighting of fires
- _ No handling discharge or spillage of any chemical substance, including cement washings

Planning of site operations should take sufficient account of wide loads, tall loads and plant with booms, jibs and counterweights (including drilling rigs), in order that they can operate without coming into contact with retained trees.

Reason

In order to protect retained hedgerows and trees from damage.

- 13 Notwithstanding the details shown on landscaping plans docketed to this planning permission, a scheme of landscaping for the SUDS basin shall be submitted to and approved in writing by the Planning Authority prior to any commencement of development on the site. The scheme shall provide details of the height and slopes of the SUDS basin, a scheme of landscaping for the SUDS basin and a programme of planting for the SUDS basin.

All planting, seeding or turfing comprised in the approved details of landscaping and in the drawing titled 'Landscape Layout' with drawing number 12-01j as docketed hereto shall be carried out in the first planting and seeding season following the completion of the development or occupation of any house hereby approved, whichever is the sooner. 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 and in the Overview Tree Survey and Arboricultural Constraints report by Donald Rodge dated July 2017 to be retained on the site, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority.

Reason:

In order to ensure the implementation of a landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area.

- 14 The maintenance of all communal landscape areas, and hedges to private front gardens, as defined on the 'Site Plan' with drawing number 15125(PL)001-X docketed to this planning permission shall be adopted and maintained by a Factor or a Residents Association in accordance with details to be submitted to and approved by the Planning Authority prior to the occupation of any residential units hereby approved.

Reason:

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

- 15 Notwithstanding that which is stated on the drawings docketed to this planning permission a detailed specification and samples of all external finishes of the houses, flats, garages and boundary treatments hereby approved shall be submitted to and approved by the Planning Authority prior to the use of the finishes in the development.

The external finishes of the houses and flats shall be in accordance with a co-ordinated scheme of materials and colours that shall be submitted to and approved in advance by the Planning Authority. This co-ordinated scheme shall in detail promote render as the predominant finish to the walls of the houses and flats, with a use of more than one render colour and with a strongly contrasting difference in the colours such that they will not each be of a light colour.

All such materials used in the construction of the houses, flats, garages and boundary treatments shall conform to the details so approved.

Reason:

To ensure the development is of a satisfactory appearance in the interest of the amenity of the locality.

- 16 A timetable for the provision of the erection of the boundary enclosures for the gardens of the houses and flats hereby approved shall be submitted to and approved in advance by the Planning Authority and development shall thereafter be carried out in full accordance with the timetable so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure the satisfactory provision of the boundary enclosures in the interest of safeguarding the privacy and amenity of future residents of the development and residential properties nearby.

- 17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended by Part 1 of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011), or of any subsequent Order

amending, revoking or re-enacting the 1992 Order, no windows or other glazed openings, other than those hereby approved shall be formed at first floor level within the northwesternmost elevations of the houses to be erected on plots 16, 20, 27 and 38 of the development hereby approved unless otherwise approved by the Planning Authority.

Reason:

To safeguard the privacy and residential amenity of the adjoining residential properties.