

**REPORT TO:** Planning Committee  
**MEETING DATE:** Tuesday 5 October 2021  
**BY:** Executive Director of Place  
**SUBJECT:** Application for Planning Permission for Consideration

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Application No. **21/00528/PM**  
Proposal Erection of crematorium building and associated works  
Location **Land At Old Craighall  
Musselburgh  
East Lothian**  
Applicant Crematoria Management Ltd  
Per Holder Planning Ltd

**RECOMMENDATION** Consent Granted

## **REPORT OF HANDLING**

### **PROPOSAL**

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: 20/00007/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 the consultation comprised of 3 main events, an online exhibition held on 14 January 2021 from 3pm – 7pm and video meetings on the 20 and 26 January 2021. Participants of the online exhibition were afforded the opportunity to post questions regarding the proposed development, and members of the applicant's project team were available to answer those question in real time. The PAC report informs that eight people took the time to ask questions of the project team and 1 completed feedback form was received following the consultation event. 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 site is an area of agricultural land measuring some 5.63 hectares. It is located to the north of the village of Old Craighall and to the south of the slip road linking the eastbound A720 to the westbound A1, with these forming the northern and eastern boundaries of the site. The site is bounded to the west by Old Craighall Road and to the south by a minor road linking with Old Craighall Road. The site is reasonably flat but undulating in parts.

The application site is visually well-contained to the north, east and south by the presence of tree belts. The site is more open to the west where it is adjacent to Old Craighall Road. There are two residential properties situated between Old Craighall Road and the site in its central part, which are set among mature trees. A burn crosses the north-west corner of the site, flanked by trees, separating it into two agricultural fields.

Across Old Craighall Road to the west of the application site is part of the land of Proposal MH1 of the adopted East Lothian Local Development Plan 2018 allocated for mixed use development. In October 2019 planning permission in principle 18/00485/PPM was granted for a mixed use development of the land of Proposal MH1 comprising residential development, education, business, industry, storage and distribution, innovation hub (including class 2,3,4,5 and 6), employment uses, community facilities, residential neighbourhood centre (including class 1,2,3 and 10 uses), playing fields, changing facilities, public park(s) and associated works. Specifically the area of land to the west of the application site is proposed for mixed use, predominantly housing development with a primary school and local centre.

The application site is allocated for employment uses by Proposal MH3 of the adopted East Lothian Local Development Plan 2018.

Planning permission is sought through this application for the use of the application site as a crematorium, for the erection of a crematorium building and associated works, including the formation of a SuDS basin, vehicular access and hardstanding areas (car parking and footpaths), fencing, gates and landscaping. A memorial garden and ornamental garden would also be formed.

The proposed crematorium building would be positioned centrally on the site and would be a single storey building. Its walls would be finished in a mix of coursed random rubble stone with ashlar stone detailing and harled render. Its doors and windows would be timber framed and its roof would be clad in natural slates. The building would also incorporate a chimney which would be 10m in height. Internally the building would house a 112 seat chapel, waiting room, accessible toilets, administration office and crematory and would also incorporate a covered walkway and floral tribute area.

Vehicular and pedestrian access to the site is proposed to be by way of a new access road into the site taken from Old Craighall Road. Also proposed is the provision of a 2 metre wide footway along the frontage of the site which would link at its northern end with the existing section of footway on the eastern side of Old Craighall Road (outside the two residential properties bounding the site on its west side) and at its southern end would continue the footway to the minor road junction that lies on the southwest corner of the site. This new footway, in turn, would enable access to the existing island crossing on Old Craighall Road which links with the northbound bus stop.

Internal access roads, footways and a total of 112 car parking spaces for visitor use, including 6 disabled bays, and 4 spaces for staff parking are proposed to be provided within the site.

The applicant advises that office and cremation hours would be 08:00 - 18:00 hours but informs that cremations can sometimes go over 18:00 hours in busy periods, for instance a cold winter or a pandemic, when deaths are higher. They further advise that typical full service times would be 10:00 – 16:00 hours but direct and committal services would be undertaken outside of these hours.

The applicant advises that a direct cremation is when a coffin is just dropped off to be cremated but there is no service, but out of respect they still take the coffin through the same route (i.e. through the chapel, over the catafalque and into the cremator room). A Committal is the same, although there may be a small number of family members.

An ornamental garden, memorial garden and 'parkland' feature would be formed around the crematorium building with paths through them. Woodland tree and hedgerow planting is proposed to be undertaken around the perimeter of the site and within the site itself would be tree and hedge planting and areas of amenity grasslands.

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 23 April 2021 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. 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.

## **DEVELOPMENT PLAN**

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.

There are no policies of SESplan relevant to the determination of this application.

Proposal MH3 (Land at Old Craighall Junction South West) and Policies CH5 (Battlefields), DP1 (Landscape Character), DP2 (Design), DP9 (Development Briefs), EMP1 (Business and Employment Locations), NH10 (Sustainable Drainage Systems), NH11 (Flood Risk), NH12 (Air Quality), NH13 (Noise), T1 (Development Location and Accessibility), T2 (General Transport Impact), T32 (Transport Infrastructure Delivery Fund) and DEL1 (Infrastructure and Facilities Provision) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of this application.

Also material to the determination of the application are:

- \* the Council's Development Briefs Supplementary Planning Guidance, and specifically the MH3 – Old Craighall Junction South West Development Brief contained within it; and
- \* the Council's Sustainable Drainage Systems (SuDS) Supplementary Planning Guidance. The SPG supplements relevant LDP policies regarding SuDS and flood risk management and links with wider Council policies, strategies and priorities.

A total of 13 written objections have been received to the application. The main grounds of objection are:

- \* the proposed development would lead to increased traffic congestion and would bring slow moving traffic to the area;
- \* the proposed development would lead to odour, smoke and noise issues;
- \* services could be emitted through speakers outdoors if the chapel is full leading to noise issues;
- \* the proposed development would lead to a loss of privacy to residential properties;
- \* impact of construction traffic;
- \* there are other crematorium within 5 miles and therefore there is no need for this one;
- \* there is a risk of overspill parking into surrounding streets;
- \* current crematoria in Edinburgh and the Lothians have sufficient capacity and facilities to meet need and demand;
- \* the location for the proposed crematorium is not the best or most convenient for East Lothian residents, would not be sustainable development and has been chosen for commercial benefit; and
- \* impact on property prices;

The impact of a proposed development on property prices is not a material consideration in the determination of a planning application.

## **PLANNING ASSESSMENT**

The application site is allocated for employment uses by Proposal MH3 of the adopted East Lothian Local Development Plan 2018. Proposal MH3 states:

“Approximately 5ha of land at Old Craighall Junction South West is allocated for employment uses. A design solution for this site that conforms to the Council’s Development Brief will be required. Any development here is subject to the mitigation of any development related impacts, including on a proportionate basis for any cumulative impacts with other proposals including on the transport network and on air quality as appropriate. Policy EMP1 applies.”

Policy EMP1 states that within areas allocated for business and employment, uses within Use Classes 4, 5 and 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 are supported. Other employment generating uses may also be supported in these locations subject to the town centre first principle (policy TC1) and provided there would be no amenity conflicts or other unacceptable impacts. Proposals to redevelop employment sites or premises for other employment generating uses will only be supported where the uses proposed do not prejudice or inhibit the activities of a nearby employment use.

Proposals must not adversely affect amenity and must be able to co-exist satisfactorily with existing or proposed uses on the site and in the surrounding area.

Policy TC1 of the adopted East Lothian Local Development Plan 2018 states that a sequential 'town centre first' approach will be applied where appropriate to retail, commercial

leisure, office and other development proposals that would attract significant footfall.

The applicant has submitted a report on The Need for a Crematorium to Serve East Lothian and the Surrounding Communities. The report informs that there is currently no crematorium provision within East Lothian so all residents have to travel out for cremation services, and concludes that there is significant current and future capacity issues facing surrounding crematoria including in Edinburgh and the Borders. It states there is a clear and compelling need for a new crematorium in a more accessible location to better serve the residents of East Lothian and surrounding communities. The report continues that the proposed siting of any new crematorium to meet this need is given very careful consideration, and several factors have to be considered before a location is selected.

The report continues that the site is situated close to the main centres of population of East Lothian and would be the closest crematorium for nearly 90% of East Lothian residents. The site would significantly reduce the travel time for the majority of East Lothian residents, by avoiding travelling the busy city bypass or the A1 to the crematoria in north Edinburgh. All major settlements to the west of East Lothian are within the important 30-minute cortege drive time of the proposed site. The proposed site would be the closest crematorium for 88% of East Lothian residents, providing a more sustainable local crematorium, rather than residents having to endure long journeys to crematoria, which are outwith the Council area.

The report informs that as a crude example of sustainability, the shortest distance to a crematorium from the East Lothian Council boundary is around an 8-mile round trip (Newcraighall to Seafeld Crematorium). On the basis of 1,100 cremations per year and say 20 cars per service, that is a saving of 176,000 car miles, which equates to around 95,000kg of carbon (calculated using MyClimate.org. website).

In conclusion the report finds that:

1. East Lothian does not have a crematorium to serve its residents, who currently have to endure long journeys into neighbouring Councils for services;
2. East Lothian has the fastest growing population in Scotland, mainly due to its location to its close proximity to Edinburgh labour markets;
3. Crematoria are a key community-based asset and perform a vital role in society. Cremation is not a commodity which people can choose to forego if there is insufficient supply, and the provision of this new community asset is constant with East Lothian's development objectives;
4. All three of the Crematoria situated in Edinburgh are over peak death month Practical Capacity, providing justification for a new crematorium;
5. The age and the poor facilities of the crematoria in Edinburgh gives rise to a poor experience for the bereaved, demonstrating there is a qualitative need for a new crematorium to serve the area;
6. For East Lothian residents it will significantly reduce journey times and associated stress, often exacerbated by the busy road network that needs to be navigated to reach existing crematoria within Edinburgh;
7. The provision of crematoria has not kept pace with the expanding population since the areas last crematorium in 1967 (Mortonhall), and the current provision is no longer suitable to serve the area, which is demonstrated by the existing stock being over Practical Capacity;
8. Significant increases in population and death are projected for East Lothian, Midlothian and Edinburgh over the next 20 which will materially increase the demand for cremation services. Without additional crematorium provision the existing crematoria will continue to struggle with demand, which will further exasperate the already clear qualitative and quantitative need for a new crematorium to serve the area;
9. The site will provide access to a new crematorium to a population of nearly 446,000 people within a 30-minute cortege drive time;

10. The site will be the closest crematorium for over 146,000 people, meaning that it will be closest crematorium for that population than any existing facility;
11. The site will also provide access to a crematorium to over 22,500 people within a 30-minute cortege drive time for the very first time;
12. The site will be the closest crematorium for 88% of East Lothian's population.
13. There is a clear and current quantitative and qualitative need for a new crematorium to serve East Lothian and the surrounding areas, as well as providing additional capacity to cater for the impending future demands of the area. The new crematorium will provide the residents of East Lothian a choice of a closer, more sustainable, and significantly improved funeral experience.

An Economic Benefits Assessment has also been submitted with the application. It informs that the proposed development has the potential to provide 57 jobs during construction, 6 permanent jobs once operational, a gross added value (GVA) of £180,000 to the area from the additional permanent jobs, an increase in local expenditure of £750,000 per annum and a rates income to the Council of £13,500 per annum.

**The City of Edinburgh Council (CEC)**, as a consultee on the application have submitted comments in respect of the proposed development. In their response, CEC question the conclusions in the applicant's submitted 'The Need for a Crematorium to Serve East Lothian and the Surrounding Communities' report, informing that that the proposed crematorium may have a negative impact on Edinburgh's crematoria in terms of jobs and revenue. Their response also questions the findings of the applicant's submitted Economic Benefits Assessment.

It should be noted that commercial competition is not a material consideration in the determination of a planning application.

The use of the site as a crematorium would not be anticipated to attract significant footfall. It is aimed at people attending the building for scheduled services and would not have an active frontage or regular incidental visitors. The site was identified by the applicant as a preferable location due to the size, location and ability to run the crematorium to full requirements. The crematorium use of it would not prejudice or inhibit the activities of any nearby employment use.

The use of the site as a crematorium would not be of such a scale as to result in a significant depletion of the Council's supply of allocated sites for 4, 5 and 6 uses to the detriment of the economy of East Lothian.

**The Council's Economic Development Team Manager** advises that the East Lothian Community Planning Economic Development Strategy 2012-22 was adopted by East Lothian Council on 9 October 2012 and the mid-term refresh was concluded December 2018. Economic development is a key priority for East Lothian and is at the forefront of The East Lothian Partnership Plan 2017-27. The Economic Development Strategy 2012 to 2022 is a reflection of the priority placed on economic development and acts as a guiding framework for future activities.

The Economic Development Team Manager raises no objection to the proposed development. He notes that the applicant's submitted information informs that the proposed development could result in additional capital investment in East Lothian, supporting some 57 construction jobs and 6 permanent jobs once operational and that it could be likely to support other local businesses within its supply chain, e.g. grounds maintenance and horticulture and florists. The Economic Development Team Manager advises that the proposal supports the goals and objectives of the Economic Development Strategy 2012-2022 to increase the proportion of East Lothian residents working in and contributing to East

Lothian's economy and to provide high quality employment pathways for East Lothian's workforce.

On the above considerations and that the proposed crematorium would be an employment generating use, the proposed development would not be contrary to Proposal MH3 or Policy EMP1 of the adopted East Lothian Local Development Plan 2018.

The adopted Development Brief MH3 – Old Craighall Junction South West has been prepared for the allocated employment site and sets out six guiding principles to be followed for its development, which have been taken into account in this application. These include, (i) vehicular access should be taken from the B6415 (Old Craighall Road), no vehicular connection across the minor watercourse. Formal specimen tree avenue planting and a 3m wide shared use path for walking and cycling should be provided along the B6415 frontage, (ii) an access for cycling and walking should be provided at the south-west corner of B6415 – all stone walls along the edge should be repaired/rebuilt and incorporated into this edge, (iii) the watercourse should be retained and enhanced with a bio-diverse designed landscape edge, forming a green corridor of at least 10m width, (iv) a minimum 30m build set back will be required from the A720, behind a 15m-wide noise attenuation mounding with specimen tree and understorey planting, (v) a minimum 15m build setback from B6415 is needed, and (vi) pedestrian access may be created at the south east corner between site 2 and the minor road to the south.

In accordance with the Development Brief the whole site would be accessed by a single vehicle access from the B6415 and there will be no vehicular crossing of the watercourse. A 2m wide footway would be provided along the frontage of the site to tie in with the existing width of footway. This, in turn, will enable access to the existing island crossing on Old Craighall Road which links with the northbound bus stop. It is proposed that an access for cycling and walking is provided at the southwest corner of the B6415 and it is proposed that the stone wall will be repaired/rebuilt in accordance with point (ii) of the Development Brief. The requirements of point (iii) of the Development Brief are designed into the development, as are the requirements of points (iv) and (v). With regard to point (vi) an access already exists and would be retained.

The proposed crematorium building would be single storey and would be articulated to reflect its functions with differential heights between chapel areas, office and technical areas reflecting the hierarchy of the building elements. In its position set back from the site frontage the building would be of an acceptable scale and massing for its landscape setting. Due to its height and its positioning relative to neighbouring residential properties the proposed building would not appear harmfully overbearing or dominant when viewed from those neighbouring residential properties. In such circumstances and by virtue of its height, size, scale, massing and positioning, the proposed crematorium building would sit comfortably in its positional relationship with neighbouring buildings and roads. It would not appear harmfully dominant, intrusive or incongruous within its setting. It would sit comfortably alongside the neighbouring buildings in the locality and would not have a harmfully overbearing effect on those neighbouring properties.

Its palette of external finishes of coursed random rubble stone with ashlar stone detailing and harled render for its external walls, timber framed doors and windows and a roof clad in natural slates would be appropriate to its architectural style and its functional use as a crematorium building, and would be reflective of the local context of finishes of buildings. By its positioning, design, architectural form and finishing materials the proposed building would not be harmful to the character and appearance of the area.

Seen as they would be in their immediate relationship with the proposed crematorium building, the proposed attenuation basin, vehicular access and hardstanding areas (car

parking and footpaths), fencing, gates, memorial and ornamental gardens and landscaping would not appear harmfully incongruous, exposed or an over development of the land upon which they would be built. They would not be harmful to the character and appearance of the area.

The proposed crematorium building would be positioned on the site such that its windows and other glazed openings would be more than 9 metres away from the garden of any existing residential properties surrounding the site. Such separation distances meet the Council's standard of acceptable privacy distances respectively between facing windows and private amenity space and between facing windows in neighbouring properties.

By its positioning, height, orientation and distance away from nearby housing, the proposed crematorium would not give rise to harmful loss of daylight or overshadowing of neighbouring properties. The proposed crematorium building, by virtue of its size, height, layout, design and orientation, would have no significant harmful impact on the privacy or residential amenity of the occupants of neighbouring residential properties.

On the above considerations the proposed development is consistent with Policies DP1, DP2 and DP9 of the adopted East Lothian Local Development Plan 2018 and with the Council's Development Briefs Supplementary Planning Guidance.

**The Council's Public Health and Environmental Protection Officer** advises that he has appraised the Air Quality Assessment report submitted with the application and agrees with its conclusions that the proposed development would not result in any harmful impact upon local air quality and there will be no exceedance of statutory Air Quality Objectives. He also states that the Scottish Environment Protection Agency (SEPA) is responsible for controlling any emissions to air from the proposed crematorium under the Pollution Prevention and Control (Scotland) Regulations 2012 (PPC) and therefore such matter is one for SEPA to regulate under that separate legislation, and that compliance with the terms of a PPC permit would ensure impacts upon air quality are adequately controlled. It would not be competent for the Council to duplicate that regulatory control.

**SEPA** advise that the proposed crematorium facility will result in emissions to air, and confirm that such emissions will be controlled by them under the Pollution Prevention and Control (Scotland) Regulations 2012 (PPC). SEPA have reviewed the Air Quality Assessment report submitted with the application and confirm that the proposed development would not result in any harmful impacts on local air quality. SEPA are satisfied that the proposed development is potentially capable of being authorised under the Pollution Prevention and Control (Scotland) Regulations 2012 and therefore raise no objection to the application.

On the matter of noise, the Council's Public Health and Environmental Protection Officer advises he has appraised the Noise Impact Assessment report submitted with the application and is satisfied that noise impacts arising as a result of the proposed development, including from road traffic, car parking, and fixed plant from the crematoria, would not result in any harmful impacts on the amenity of neighbouring or nearby residential properties, subject to the cremator flue, air blast vent, cremator room walls/roofs and louvres of the crematoria facility meeting the Performance Requirements stated in Table 8 of the submitted Noise Impact Assessment.

In terms of any potential noise from services being broadcast externally from the chapel, the applicant advises that that given the seating and standing space available inside the chapel, it would only be in very extreme cases will there be an mourners outside, stating it only generally happens when there is a celebrity or famous sports persons where this occurs, and it is estimated this may be the case about once a year. On this matter the Public Health



and Environmental Protection Officer recommends that amplified music and/or amplified speech arising from services broadcast externally from the chapel should be inaudible at the boundary of any neighbouring residential property.

On the matter of lighting, the Public Health and Environmental Protection Officer advises subject to control over light spillage, which can be imposed as a condition on a grant of planning permission, there would be no harm from the lighting of the site to the amenity of neighbouring or nearby residential properties.

In relation to considerations of contaminated land issues, the **Council's Environmental Protection Officer (Contaminated Land)** recommends that in the event that unexpected ground conditions (contamination) are encountered at any time when carrying out the permitted development, work on site shall cease and the issue shall be reported to the Planning Authority immediately. At this stage a Site Investigation and subsequent Risk Assessment may have to be carried out, if requested by the Planning Authority. It may also be necessary to submit a Remediation Strategy should the reporting determine that remedial measures are required. This requirement could be controlled by a condition attached to a grant of planning permission.

Subject to the above recommended controls, which can reasonably be imposed as conditions on a grant of planning permission, the proposed crematorium would not be harmful to the amenity of neighbouring or nearby residential properties, nor to any neighbouring land use. On this consideration the proposal does not conflict Policies DP2, EMP1, NH12 or NH13 of the adopted East Lothian Local Development Plan 2018.

**The Council's Landscape Projects Officer** advises that the proposed crematorium building is low level and compact in scale which would help reduce its visual impact on the site. The Landscape Projects Officer further notes that a 15m wide by 2m high bund and a 30m wide woodland is proposed to the southeast boundary and eastern corner of the site, as well as woodland planting to the south-western and western boundaries and that minimal additional scrub planting is proposed to the northern boundary with the A1 slip road. Within the site, car parking is broken up with tree and hedge planting and a range of landscaping treatments are proposed across the site from formalised memorial gardens and avenues of tree planting, to less formal groves of memorial trees, to wild flower meadows to the north. The Landscape Projects Officer advises that this would help create an attractive parkland setting and sense of place for the building as well as increasing biodiversity and habitat creation.

The Landscape Projects Officer is supportive of the proposed landscaping of the site and recommends that detail of the scheme of landscaping and a landscape management plan be submitted. The requirement of a scheme of landscaping and a management plan for it can be made a condition on a grant of planning permission for the proposed development.

**The Council's Biodiversity Officer** has been consulted on the application and advises that the proposed development would not impact on any designated sites. The Biodiversity Officer also advises that there are records of various garden and farmland bird species within the site boundary, plus records of bat, otter and badger within 1km, however the proposed development would not have any harmful impact on these species.

The Biodiversity Officer raises no objection to the application, satisfied that there would be no adverse effects on biodiversity but does however recommend that no works should be carried out during the breeding bird season (March-August) unless in compliance with a proposed species protection plan to include a nesting bird check. This recommended control can reasonably be imposed as a condition on a grant of planning permission.

**Historic Environment Scotland** advise that given the nature and location of both the

proposed development and the nearby heritage assets, they do not object to the application on the grounds of impact on the Battle of Pinkie Battlefield site.

**The Council's Archaeology/Heritage Officer** advises that the application site has a number of known cropmark remains within it and also lies partially within the area designated for the Battle of Pinkie Cleugh and therefore considered that the proposed development has a high potential to impact upon buried archaeological remains. He therefore advises that if planning permission is to be granted for this proposal, a Programme of Archaeological Works (Evaluation) be carried out at the site prior to the commencement of development. This requirement can be secured through a condition attached to a grant of planning permission.

Subject to the above recommendation, which could be secured by condition, the proposed development is consistent with Policy CH5 of the adopted East Lothian Local Development Plan 2018, Planning Advice Note 2/2011: Planning and Archaeology and Scottish Planning Policy: June 2014.

The applicant has submitted a Transport Statement, which informs that there is a footway on the western side of Old Craighall Road as it passes the proposed development. To the north, this footway continues into Musselburgh and to the south it terminates at the southern edge of Old Craighall. It would be around a 9 minute walk from the proposed development to the existing residential development of Stoneybank at the southwestern edge of Musselburgh. The footways and footpaths through Stoneybank provide a route to Musselburgh railway station, which is around a 20 minute walk from the proposed development. Millerhill is some 18 minute walk away. The transport statement also notes that planning permission 18/00485/PPM has been granted for a mixed-use development on land on the northwestern side of Old Craighall Road opposite the proposed development (Proposal MH1 of the adopted East Lothian Local Development Plan 2018). The layout of that approved mixed-use development will include footways and footpaths linking that development with Old Craighall Road.

In terms of bus and rail services, the Transport Statement informs that the nearest bus stops to the proposed development are on Old Craighall Road in Old Craighall, within around a 3 minute walk from the proposed development. These stops are served by Prentice of Haddington service 111, linking with Haddington and the Royal Infirmary of Edinburgh via Longniddry, Prestonpans, Wallyford and Musselburgh. It operates approximately hourly in each direction Monday to Friday daytime and every two hours on Saturdays.

The submitted Transport Statement further informs that East Lothian Council does not have a specific parking requirement for a crematorium use so they have used the SCOTS National Roads Development Guide (NRDG) standard of one space per seat. The Transport Statement further informs that 112 car parking spaces are proposed which is equal to the number of seats in the proposed chapel. The Transport Statement continues that the average number of attendees at a service is expected to be some 43 and many of those may car share and therefore the proposed parking provision provides for exceptional events. Moreover it is advised that reinforced verging to internal roadways will be formed allowing further overspill parking within the site should demand warrant it and this level of provision would ensure no overspill parking takes place on Old Craighall Road.

The Transport Statement also informs that cremation services are expected to be held between 10:30 and 15:30 hours, with only the occasional service outwith that period, and that each service is typically an hour long. Therefore the main operating hours of the proposed development would see trips to and from it on the road network outwith the peak hours and even if a service saw all 112 proposed parking spaces occupied, those trips would be unlikely to cause a noticeable traffic increase at any point on the surrounding road

network.

**The Council's Road Services** confirm that East Lothian Council does not have a specific parking requirement for a crematorium use, and that the standard set in the SCOTS National Roads Development Guide (NRDG) standard of one space per seat is a sound basis on which to establish a parking requirement for this proposal. Road Services therefore advise that the level of parking provision is sufficient and would ensure there would be no overspill parking onto Old Craighall Road. Road Services are also satisfied that the surrounding road network can accommodate any additional traffic generated by the proposed development and that it would not lead to any harmful increase in congestion, and that there are options for public transport to and from the site and active travel routes.

Road Services raise no objection to the proposed development subject to:

- \* A visibility splay of 2.4 metres by 45 metres to the southwest and 2.4 metres by 60 metres to the northeast being provided and maintained on each side of the proposed access to the site such that there shall be no obstruction to visibility above a height of 1.05 metres measured from the adjacent carriageway level;
- \* A continuous 2 metre wide shared footway being provided on the east side of the B6415 Old Craighall Road along the application site frontage to connect to the existing footway network with dropped kerbs provided as necessary;
- \* A pedestrian crossing being provided across the B6415 Old Craighall Road at the application site frontage; and
- \* Road Safety Audits being submitted which should be undertaken for the detailed design of all roadworks, footways and crossings including works to the B6415 Old Craighall Road.

Subject to the above recommended conditions, which can be imposed as conditions on a grant of planning permission, the proposed development is consistent with Policies T1 and T2 of the adopted East Lothian Local Development Plan 2018.

**Transport Scotland** raise no objection to the proposed development.

Policy DEL1 of the adopted East Lothian Local Development Plan 2018 states that new development will only be permitted where the developer makes provision for infrastructure required as a consequence of their development. 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 Road Services advises that the contributions required for each transport intervention for this development are:

- \* Improvements to Old Craighall junction: £141.50
- \* Musselburgh Town Centre improvements: £159.20
- \* Segregated Active Travel: £737.50

The total contribution required for transportation improvements resulting from cumulative impacts of the development is therefore £1,038.20.

The total developer contributions towards the transportation interventions of £1,038.20 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 site is located within the surface water catchment of the Cairnie Burn, which is part of the wider surface water catchment of the River Esk. The burn flows generally north eastwards within the northwestern extent of the site before discharging into the River Esk approximately 750m northeast of the site. Given this a Flood Risk and Drainage Assessment has been submitted with the application.

On the matter of flood risk, the submitted Flood Risk and Drainage Assessment confirms that the application site is overall at 'Low to No Risk' of flooding from all sources, except for fluvial flooding. A particular review has been carried out of the potential flood risk from fluvial flooding of the Cairnie Burn within the north western extent of the site, including surface water build up from the culverts within proximity to the site. The flood risk assessment indicates that the proposed development levels are suitable for the flood risk profile at the site and therefore the report concludes that there would be no flood risk of the site.

On the matter of drainage, the Flood Risk and Drainage Assessment informs that surface water drainage would be way of a SuDS pond, filter drains, permeable paving and underground cellular storage which would include both infiltration and attenuated discharge to the Cairnie Burn. For foul drainage arising from the development it is proposed that a packaged treatment plant would be installed at the site to receive foul flows which would then be discharged to the burn. Foul drainage would be designed in accordance with Sewers for Scotland 4th Edition.

**SEPA** have been reviewed the Flood Risk and Drainage Assessment and are satisfied that the recommendations of it have been taken into account in the design of the site and development is located on land which is unlikely to flood. Based on this SEPA raise no objection to the application on the ground of flood risk. Neither do they object on the matter of surface water drainage.

**The Council's Team Manager for Structures, Flooding and Street Lighting** has considered the submitted Flood Risk and Drainage Assessment and is satisfied with the contents and conclusions of it, and notes that a 35% climate change allowance has been used, and that the proposed crematorium building has a designed freeboard of 300mm resulting in a proposed finished floor level of 25.90m AOD which would prevent against flood risk.

The Team Manager for Structures, Flooding and Street Lighting also advises that the SuDS design incorporates a SuDS pond (Permanent Water Feature), filter drains, permeable paving and underground cellular storage with a flow control manhole on the pipe outfall route to the existing watercourse which is a satisfactory arrangement for surface water drainage.

The Team Manager for Structures, Flooding and Street Lighting therefore raises no objection to the proposed development on the grounds of flood risk or drainage.

**Scottish Water** raise no objection to the application.

On these considerations of SuDS design, flood risk and drainage the proposals are consistent with Policies NH10 and NH11 of the adopted East Lothian Local Development Plan 2018 and with the Council's Sustainable Drainage Systems (SuDS) Supplementary

Planning Guidance.

As the application site lies within an area at high risk due to former coal mining, The Coal Authority have been consulted on the application. **The Coal Authority** advise that records indicate that 3 recorded mine entries (shafts) are located within the application site and that the site has been subject historic underground unrecorded coal mining at shallow depth. The Coal Authority has reviewed the applicant's submitted Phase I and Phase II Ground Investigation Report and Mine Entry Risk Assessment Letter Report and advises that the former mine entries represent either low sensitivity or moderate sensitivity. Accordingly, The Coal Authority advise that the remedial measures set out in Section 5 the Mine Entry Risk Assessment Letter Report that has been submitted with the application are appropriate to address the mining legacy issues present on the application site and subject to a condition requiring such measures are implemented, The Coal Authority raise no objection to the application.

Such recommended control can reasonably be imposed as a condition on a grant of planning permission.

At its meeting on Tuesday 27th August 2019 the Council approved a motion declaring a Climate Emergency. Thereafter, at its meeting on Tuesday 3rd September 2019 the Council's Planning Committee decided that a report on the actions to be taken to reduce the carbon emissions from the building and from the completed development should be required on relevant applications for planning permission.

The applicant has submitted a Sustainability Statement report advising that the proposed crematorium building would meet the requirements of section 6 of the Scottish Building Regulations with suitable LZCGT (Low and Zero Carbon Generating Technologies) deployed to provide 15% reduction in emissions via LZCGT. This includes placing an emphasis on passive design strategies at site and building level to minimise the proposed development's overall energy demands. A low carbon and renewable technologies appraisal has been completed and it is anticipated that solar photovoltaics would be the most suitable for delivering low carbon solutions for the building. The effective measures required to reduce carbon emissions will be secured through the subsequent building warrant process. In order to further reduce carbon emissions, it would also be prudent to require proposals for the provision of new car electric charging points and infrastructure for them. This could be secured by a condition imposed on a grant of planning permission for this proposed development.

## **RECOMMENDATION**

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 by some other appropriate agreement, designed to secure a financial contribution to the Council of £1,038.20 for transport improvements (comprised of £141.50 for road improvements to Old Craighall Junction, £159.20 for Musselburgh town centre improvements and £737.50 for Segregated Active Travel).
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 a Section 75 Agreement or other 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 an agreement the proposed development is unacceptable due to a lack of roads and transport infrastructure improvements, contrary to Policies DEL1 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 The finished ground floor level of the crematorium building hereby approved shall be no lower than 25.90 metres above ordnance datum.

Reason:

In order to mitigate against flooding.

- 3 A schedule of materials and finishes and, where necessary, samples of such finishes for all components of the development, including ground surfaces shall be submitted to and approved by the Planning Authority prior to the material and finishes being used in the development. The materials and finishes used in the development shall accord with the schedule and samples of them so approved.

Reason:

To enable the Planning Authority to control the materials, finishes and colour to be used to achieve a development of good quality and appearance in the interest of the character and appearance of the area.

- 4 Prior to the occupation of the crematorium building 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 crematorium use of the site 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 parking in the interests of road safety.

- 5 No development shall take place on the site until the applicant has undertaken and reported upon a programme of archaeological work (Evaluation) which has been submitted by the applicant (or their agent) and approved by the Planning Authority.

Reason:

In the interests of archaeological and natural heritage.

- 6 No site clearance shall be undertaken during the breeding bird season (March to August inclusive), unless in strict compliance with a species protection plan for breeding birds, including provision for a nesting bird check, which shall be submitted to and approved in writing in advance by the Planning Authority.

Reason:

In the interests of the ecology of the area.

- 7 Noise emanating from the cremator flue, air blast vent, cremator room walls and roofs and louvres of the

crematoria facility hereby approved shall at all times meet the Performance Requirements in Table 8 - Summary of Mitigation Measures in the Environmental Noise Impact Assessment - Proposed Crematorium at Old Craighall report dated 23 April 2021 by The Airshed which is docketed to this planning permission.

Reason:

To ensure the crematorium use of does not harm the amenity of nearby residential properties.

- 8 Amplified music and/or amplified speech arising from services broadcast externally from the chapel shall be inaudible at the boundary of any neighbouring residential property.

Reason:

In the interests of safeguarding the amenity of the occupiers of nearby residential properties.

- 9 The design and construction of any artificial lighting within the application site shall take account of the guidance contained within Annex 1 to Appendix 2 of Scottish Government Guidance to Accompany the Statutory Nuisance Provisions of the Public Health etc (Scotland) Act 2008. Accordingly, within an E3 Zone, i.e. Medium district brightness area such as small town centres or urban locations, the following criteria shall be met prior to any external lighting units becoming operational and thereafter shall be maintained:

(i) Light Trespass (onto windows) of neighbouring residential properties, measured as Vertical Illuminance in Lux, (Ev), shall not exceed 10 between the hours of 0700 to 2300 and shall not exceed 2 between the hours of 2300 to 0700.

Reason:

In the interests of safeguarding the amenity of the occupiers of nearby residential properties.

- 10 In the event that unexpected ground conditions (contamination) are encountered at any time when carrying out the permitted development, work on site shall cease and the issue shall be reported to the Planning Authority immediately. At this stage a Site Investigation and subsequent Risk Assessment may have to be carried out, if requested by the Planning Authority. It may also be necessary to submit a Remediation Strategy should the reporting determine that remedial measures are required.

Reason:

To ensure that the site is clear of contamination.

- 11 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. The scheme shall include indications of all existing trees and hedgerows on and adjacent to the application site, details of any to be retained, and measures for their protection in the course of development. The scheme shall also include a maintenance and management plan for the landscaping.

The scheme of landscaping shall be based on the 'Indicative Landscape Masterplan' drawing no. 965-MP-01 Revision A that is docketed to this planning permission and shall include a programme of planting to establish grass and herbaceous species for meadowland creation, and woodland planting which shall include a mix of whips and standard trees of native species of a range of sizes to include, but not limited to, common oak, yew, lime, hornbeam, rowan, birch, Scots pine, field maple, cherry, aspen, hazel, and hawthorn. Non-thorn shrub species should be located adjacent to pedestrian areas.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of the development or occupation of the building hereby approved, whichever is the sooner, and any trees which within a period of ten years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation. 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. No trees detailed in the approved landscaping plans to be retained on the site, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority.

Reason:

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

- 12 Prior to the crematorium building hereby approved coming into use a continuous 2 metre wide shared footway shall be provided on the east side of the B6415 Old Craighall Road along the application site frontage to connect to the existing footway network and shall include dropped kerbs and tactile paving on both sides of the junction with the road that bounds the southern side of the application site (that crosses over the A720). Details of the new 2 metre wide footway shall be submitted to and approved in advance by the Planning Authority and development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road and pedestrian safety.

- 13 Prior to the crematorium building hereby approved coming into use a pedestrian crossing shall be provided across the B6415 Old Craighall Road at the application site frontage. Details of the new pedestrian crossing shall be submitted to and approved in advance by the Planning Authority and development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road and pedestrian safety.

- 14 Prior to the commencement of development a Stage 2 Road Safety Audit shall be submitted to and approved by the Planning Authority, which shall be undertaken for the detailed design of all roadworks, accesses, footways and crossings where provided and shall include an implementation programme describing when measures identified in the audits will be provided in relation to construction of the proposed development.

Immediately following completion of the development, the date of which shall be provided in writing to the Planning Authority, a Stage 3 Road Safety Audit - Post Opening shall be submitted to and approved by the Planning Authority.

12 months following approval of the Stage 3 Road Safety Audit a Stage 4 Road Safety Audit shall be submitted to and approved by the Planning Authority.

All the Road Safety Audits shall be carried out in accordance with GG119 Road Safety Audit Rev 1. The Road Safety Audits shall include the proposed roads, junctions, footways, cycle ways, pedestrian crossings and double 'D' islands where applicable.

Reason:

In the interests of road and pedestrian safety.

- 15 A visibility splay of 2.4 metres by 45 metres to the southwest and 2.4 metres by 60 metres to the northeast shall be provided and maintained on each side of the proposed site access junction with the B6415 Old Craighall Road so that no obstruction lies within it above a height of 1.05 metres measured from the adjacent carriageway surface.

Reason:

To ensure that adequate visibility is provided at the access in the interest of highway safety.

- 16 Prior to the crematorium building hereby approved coming into use, the west roadside stone boundary wall on the east side of the B6415 Old Craighall Road shall be repaired/rebuilt along the application site frontage, other than where demolition/realignment is required to facilitate the formation of new access to the site and required visibility splays and new footpath as required by the conditions above. Details of the exact position, height, materials and construction of the repair and rebuild of the stone boundary wall shall be submitted to and approved in advance by the Planning Authority and the repair and rebuild carried out shall accord with the detail so approved.

Reason:

To enhance the appearance of the development in the interests of the amenity of the area.

- 17 Prior to the crematorium building hereby approved coming into use, the remedial measures as detailed in Section 5 and as shown on drawing no. 8259OD06 in Appendix 1 of the Mine Entry Risk Assessment Letter Report dated 12 August 2021 by FWS Consultants Ltd docketed to this planning permission shall be carried out on the application site in accordance with detail to be submitted to and approved by the Planning Authority. The details submitted shall include the precise positioning and form of the geogrid membranes and the height, positioning and construction material of the fencing.

Reason:

In the interests of ground stability and public safety.



18 Prior to the commencement of development, details of the provision of new electric vehicle car charging points and infrastructure for them shall be submitted to and approved in writing 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.

Reason:

To minimise the environmental impact of the development.