

REPORT TO: Planning Committee
MEETING DATE: 26 March 2024
BY: Executive Director for Place
SUBJECT: Application for Planning Permission for Consideration

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Application No. **23/00453/AMM**

Proposal Approval of matters specified in conditions 1(a) to (i), 1(l), 1(m), 1(o), 5, 6, 9, 22, 23, 26, 27 and 31(a) of planning permission 21/01580/PM - Erection of 158 houses, 16 flats and associated works

Location **Blindwells
Tranent
East Lothian**

Applicant Avant Homes

Per Turley

RECOMMENDATION Consent Granted

REPORT OF HANDLING

Although this application is for the approval of matters specified in conditions of planning permission in principle 21/01580/PM it has to be determined as a major development type application because the area of the application site is greater than 2 hectares and the residential units applied for greater than 49. Accordingly the application cannot be decided through the Council's Scheme of Delegation. It is therefore brought before the Planning Committee for a decision.

BACKGROUND

The allocated land constituting the Blindwells site is in close proximity to the settlements of Prestonpans, Tranent, Cockenzie and Port Seton. It is within the inventory boundary of the Battle of Prestonpans, a battlefield included within the Inventory of Historic Battlefields. A Scheduled Ancient Monument, known as the Seton West Mains Enclosures 500M SW Of, is located some 300 meters to the northwest.

A Development Framework for the allocated land at Blindwells was approved by the Council on the 08th of June 2010. It sets out the role of the new settlement in the

settlement hierarchy and its characteristics in terms of service provision, the consequent scale and range of development/ land uses expected, and how the Council requires it to be developed in terms of infrastructure and design requirements.

Planning permission in principle 14/00768/PPM was granted in May 2018 for the creation of a mixed-use community on land at Blindwells which is located in close proximity to the settlements of Prestonpans, Tranent, Cockenzie and Port Seton. Elements of the proposed settlement include up to 1600 residential units, a school campus, 10 hectares of employment land, a local centre with commercial units, a supermarket, a park and ride facility, playing fields, open space, allotments, a cemetery, landscaping, roads, footpaths and associated infrastructure provision.

Planning permission 14/00768/PPM was granted subject to the prior conclusion of a Section 75 legal agreement to secure (i) 30% affordable housing provision; (ii) financial contributions towards (a) primary and secondary education, (b) community sports facilities, (c) equipped play (d) allotments, (e) cemetery plots and (f) maintenance depot; (iii) transfer to the Council, at no cost, ownership of the (a) site for the new primary school, (b) sites for the equipped play areas, (c) site of the community sports facilities, (d) sites for allotment and cemetery plots and (e) site for a new rail halt; and (iv) the provision of the bus services to Cockenzie Primary School, St Gabriel's Primary School, Preston Lodge High School and Prestonpans Railway Station. In March 2020 a Section 75A 20/000001/OBL was concluded to modify the planning obligations associated with the planning permission in principle for the Blindwells development of 1,600 homes (Ref:14/00768/PPM. Additionally, the masterplan docketed to planning permission (Ref: 14/00768/PPM) indicates the parts of the wider Blindwells development that will provide for affordable housing.

The indicative masterplan approved with planning permission in principle (ref: 14/00768/PPM) splits the housing development of the wider Blindwells site of 1600 houses into 11 phases of development and sets out the number of housing completions for each phase of development in each audit year.

Since the granting of planning permission in principle 14/00768/PPM a number of detailed planning applications (18/00420/P, 18/00725/AMC, 18/00825/AMC, 19/00242/AMC, 19/00620/AMM, 19/00900/AMM, 19/01068/AMM, 20/01030/PM, 21/00308/AMM, 21/01580/PM) have been granted for various schemes of development including road infrastructure, landscaping and residential units within the western part of the wider Blindwells site, referred to as Phase 1. These planning permissions grant approval for 480 residential units, a number of which have been completed and are now occupied.

Planning permission (Ref: 20/01030/PM) was granted in December 2020 to amend condition 30 (Transport Scotland Requirements) of planning permission in principle (Ref: 14/00768/PPM) to delay the timing of the interventions required to be undertaken amongst other things to the Bankton Interchange and its slip road until prior to the occupation of the 236th house on the larger Blindwells site. That approval created a new planning permission for the Blindwells development. An Indicative Masterplan docketed to planning permission in principle (Ref: 20/01030/PM) again shows how the various components of development could be accommodated on the site to include up to 1600 residential units, a school campus, 10 hectares of employment land, a local centre with commercial units, a supermarket, a park and ride facility, playing fields, open space, allotments, a cemetery, landscaping, roads, footpaths and associated infrastructure provision.

In June 2022 planning permission (ref: 21/01580/PM) was granted under section 42 of

Town and Country Planning (Scotland) Act 1997 for variation to conditions 1, 13, 30 and deletion of condition 31 of planning permission 20/01030/PM.

Planning permission (ref: 21/01580/PM) again created a new planning permission for the Blindwells development. That approval replaced the approved Masterplan docketed to planning permission in principle (ref: 14/00768/PPM) and planning permission (ref: 20/01030/PM) with a new indicative Masterplan showing how the various components of development could be accommodated on the site to include residential, employment, education and commercial uses with park and ride and rail halt facilities and associated works on land at Blindwells.

SITE CONTEXT

This planning application relates to some 4.4 hectares of land at Blindwells identified as Plot 5B. It forms part of a larger area of land allocated by Proposal BW1 (Blindwells New Settlement) of the adopted East Lothian Local Development Plan 2018 for a mixed development including circa 1,600 homes, no less than 10 hectares of serviced employment land, a local centre, education and community facilities, infrastructure and associated works.

The application site occupies a central position within the Blindwells site. It is bounded to the west by areas of open space with land beyond identified as plots 3AA/3AB and 3BA/3BB and approved for residential development within planning permission (ref: 21/00308/AMM). It is bounded to the east by an internal link road with land of the primary school approved by planning permission (ref: 22/00682/AMM) beyond. To the south are further areas of open space. To the north is a distributor spine road beyond which is an area of land identified as Plot 5A that is to be the subject of residential development associated with development proposed within this application further to completion of required ground surcharging works.

PROPOSAL

Planning permission is sought through this application for the approval of matters specified in conditions 1(a) to (i), 1(l), 1(m), 1(o), 5, 6, 9, 22, 23, 26, 27 and 31(a) of planning permission 21/01580/PM - Erection of 158 houses, 16 flats and associated works.

Of the 174 residential units proposed within this application 52 are proposed as affordable housing. In this regard the proposal is consistent with the indicative masterplan docketed to planning permission (Ref: 21/01580/PM) and with policy HOU3 (Affordable Housing Quota) of the adopted East Lothian Local Development Plan 2018. A condition can reasonably be attached to any grant of planning permission to ensure that the 52 units proposed as affordable housing are operated as such.

The application proposes a scheme of development composed of 17 different house types and 2 flatted building types. All of the residential units proposed for the site would be 2-storey in height. Of the 158 houses proposed for the site 60 would be detached and 98 would be semi-detached/terraced. In terms of size 29 of the houses would be 2-bedroom, 69 would be 3-bedroom, 36 would be 4-bedroom and 24 would be 5-bedroom. The proposed 16 flats would be composed of four 1-bedroom cottage flats provided within two 2-storey flatted blocks and twelve 2-bedroom cottage flats within six 2-storey flatted blocks.

Main vehicular access to the site is taken from 2 points formed to the north of the application site. Additional pedestrian footpath access is proposed at points to the north,

south, east and west.

The submitted details also include for internal roads, parking courts, boundary treatments, landscaping and areas of open space.

The application is supported by a Planning Statement and a Design and Access Statement.

The application is further supported by the following documents:

- *Drainage Statement
- *Drainage Strategy;
- *Flood Risk Assessment;
- *Geo-Environmental Assessment;
- *Landscape and Habitat Management Plan;
- *Landscape Design and Access Statement and Outline Specification;
- *Landscape Maintenance Visit Schedule;
- *Ecology Report;
- *Transport Assessment; and
- *Acoustic Report.

When this application was first registered it proposed the development of not only Plot 5B but also Plot 5A which is on the north side of the distributor road and which is also in the control of the applicant. Together the 2 plots proposed a total of 342 residential units. However, due to delays in the remediation of the land of Plot 5A the application has been amended and the houses and flats proposed for plot 5A have been deleted from this application. Therefore the number of residential units now proposed through this application has been amended to 158 houses and 16 flats.

Also since the application was first registered updated drawings have been submitted to provide details of:

- changes to the proposed affordable housing mix;
- revised site layout drawings;
- revised scheme of landscaping;
- flood mitigation measures;
- vehicle swept path details;
- a Foundation Zone Plan; and
- acoustic mitigation measures.

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 National Planning Framework 4 (NPF4) and the adopted East Lothian Local Development Plan 2018 (ELLDP).

NPF4 Policies 1 (Tackling the climate and nature crisis), 2 (Climate Mitigation and adaptation), 3 (Biodiversity), 4 (Natural Places), 5 (Soils), 7 (Historic Assets and Places), 9 (Brownfield, vacant and derelict land and empty buildings), 12 (Zero Waste), 13 (Sustainable Transport), 14 (Liveable Places), 15 (Local living and 20 min neighbourhoods), 16 (Quality Homes), 18 (Infrastructure First), 21 (Play, recreation and sport), 22 (Flood Risk and Water Management) and 24 (Digital infrastructure) are relevant to the determination of this application.

Also relevant to the determination of the application are Proposal BW1 (Blindwells New Settlement) and Policies HOU1 (Established Housing Land), HOU3 (Affordable Housing Quota), HOU4 (Affordable Housing Tenure Mix), DP1 (Landscape Character), DP2 (Design), DP3 (Housing Density), DP4 (Major Development Sites), DP8 (Design Standards for New Housing Areas), DP9 (Development Briefs), CH5 (Battlefields), W3 (Waste Separation and Collection), OS3 (Minimum Open Space Standards for New General Needs Housing), OS4 (Play Space Provision in new General Needs Housing Development), NH10 (Sustainable Drainage Systems), NH11 (Flood Risk), DCN2 (Provision for Broadband Connectivity in New Development), DEL1 (Infrastructure and Facilities Provision), SEH1 (Sustainable Energy and Heat), SEH2 (Low and Zero Carbon Generating Technologies), T1 (Development Location and Accessibility), T2 (General Transport Impact) and T31 (Electric Car & Bus Charging Points) of the ELLDP.

Also material to the determination of this application is the Scottish Government Policy Statement entitled "Designing Streets". It provides an overview of creating places, with street design as a key consideration. It advises on the detail of how to approach the creation of well-designed streets and describes the processes which should be followed in order to achieve the best outcomes. 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 approved masterplan for the site as approved by the grant of planning permission in principle (ref: 21/01580/PM). The masterplan sets out the land uses expected for the allocated site and how the Council requires the site to be developed.

Also material to the determination of the application is Supplementary Planning Guidance (SPG) on 'Design Standards for New Housing Areas' adopted by the Council in May 2020. The SPG expands on policies that are set out in the ELLDP.

REPRESENTATIONS

No public objection to this application has been received.

COMMUNITY COUNCIL

None.

PLANNING ASSESSMENT

The principle of the erection of up to 1600 houses on the wider Blindwells site the subject

of Proposal BW1 of the adopted East Lothian Local Development Plan 2018 has been approved through the grant of original planning permission in principle (ref: 14/00768/PPM), subsequent planning permission (ref: 20/01030/PM) and planning permission (ref: 21/01580/PM) following technical assessments which demonstrate that local and wider infrastructure, subject to financial contributions and conditions, can accommodate such level of development. Through the assessment of planning application (ref: 21/01580/PM) it has been concluded that the residential development of the site the subject of this application is acceptable. There can therefore be no objection in principle to the erection of the 158 houses, 16 flats now proposed on this particular part of the larger Blindwells site.

Therefore, in the determination of this application the Council, as Planning Authority, can only concern itself with the siting, design and external appearance of the development, the means of access to the site and the means of any enclosure of the boundaries of the site. In this regard the detailed proposals have to be considered against relevant development plan policy and the Illustrative Masterplan and relevant conditions 1(a) to (i), 1(l), 1(m), 1(o), 5, 6, 9, 22, 23, 26, 27 and 31(a) attached to planning permission (ref: 21/01580/PM).

The proposed layout is broadly consistent with the layout shown in the Illustrative Masterplan docketed to planning permission (ref: 21/01580/PM). The docketed masterplan provides details of mixed development approved that includes circa 1,600 homes, no less than 10 hectares of serviced employment land, a local centre, education and community facilities, infrastructure and associated works. Occupants of the residential units would be located within a reasonable distance of employment, shopping, health/social care facilities and childcare that could be easily accessed by sustainable or active travel methods.

The range of house types and flatted blocks proposed would give a variation of architectural form to the development, which coupled with the orientation and layout of the buildings, would give a degree of variety of appearance to the development. The architecture of the proposed buildings is of a relatively traditional pitched roof form. The proposed buildings, due to their positioning on the application site and by virtue of their height, size and scale, and architectural design would satisfactorily integrate into their surroundings and would not appear as prominent or intrusive features. This would ensure a visually attractive and cohesive development, with the proposed buildings visible, but not appearing incongruous or intrusive in their surroundings. The proposed materials palette comprises white and cream render, red multi-facing brick and a mix of red and grey concrete roof tiles. A condition can be imposed on any grant of planning permission to require the submission of a scheme of final finishes with a palette of colour of materials for the houses and flatted buildings.

In all of this, subject to the imposition of the above condition, the proposed residential units would, by virtue of their size, scale, height, design, finishes and layout, integrate and sit comfortably with the built architectural form and layout of the existing development of the area and would be an appropriate residential development of the site.

The other components of the proposed development would not be harmful to the character and appearance of the area.

The proposed housing development would provide an attractive residential environment for future residents of the proposed houses.

The houses and flatted blocks are largely shown to be laid out in such a way that

adheres to the normally accepted privacy and amenity criteria on overlooking and overshadowing. The occupants of each of the new residential units would be afforded an appropriate level of privacy and residential amenity. In the interests of safeguarding the amenity of the future occupiers of the proposed flats it should be made a condition of the grant of planning permission for the proposed development that bin storage facilities for the proposed flats be formed prior to the occupation of those residential units.

The proposed development would be consistent with Policy DP3 of the ELLDP, as the proposed development would achieve a minimum average density of at least 30 dwellings per hectare (net).

The application site is capable of accommodating all of the proposed development including vehicular and pedestrian access and amenity space without being an overdevelopment of it. The proposed positioning of the 174 residential units and other components of the development would not prejudice the form of development of the remainder of the 1600 houses approved in principle by the grant of planning permission in principle (ref: 14/00768/PPM), planning permission (ref: 20/01030/PM) and planning permission (ref: 21/01580/PM).

On these considerations of design, layout and amenity, the proposals are consistent with Policies 14, 15 and 16 of NPF4 and with Policies DP2 and DP4 of the ELLDP, the Scottish Government Policy Statement entitled "Designing Streets", the Masterplan approved by planning permission 21/01580/PM and the Council's Supplementary Planning Guidance on 'Design Standards for New Housing Areas'.

The **Council's Landscape Officer** has been consulted and advises that he is generally satisfied with the proposed landscape details. Subject to the proposed scheme of landscaping being carried out in accordance with a timetable that shall be submitted to and approved by the Planning Authority prior to the commencement of development, which can be made a condition of a grant of planning permission, he raises no objection to the proposed development.

The site that is the subject of this approval of matters application includes small areas of land shown on the indicative masterplan docketed to planning permission (ref: 21/01580/PM) as being the location for areas of open space. However this site is not shown on the masterplan to have any areas for play area provision within it. The masterplan does show that there are to be more substantial areas of open space adjacent to the north, south and west of the site that would include local parks.

The **Council's Acting Principal Amenity Officer** has been consulted on the application and has provided no comment.

Consequently, although the proposed development does not include the provision of formal play area provision, this is consistent with the docketed masterplan. On this consideration the proposed development is consistent with Policies OS3 and OS4 of the adopted East Lothian Local Development Plan 2018 and with the indicative masterplan docketed to planning permission (ref: 21/01580/PM).

On all of these foregoing findings on matters of design, density, layout, landscaping and amenity the details submitted for approval are consistent with NPF4 Policies 13, 14, 15 and 16 and Policies DP1, DP2, DP3 and DP4 of the ELLDP, the council's approved Development Framework for Blindwells and the Scottish Government's Designing Streets.

The **Council's Senior Environmental Health Officer** has been consulted on the

application. He advises that he is satisfied with proposed glazing and ventilation noise mitigation measures. He recommends that all habitable rooms of plots 186-206, 217-236 and 289-297 and identified by a purple dot on application drawing no. 22054(PL)004C titled 'Acoustic Model' will require a 8.8mm laminated glass-12mm air cavity -10.8mm laminated glass or an acoustically equivalent glazing unit which provides a minimum RTRA of 55dB in order to offer compliance with the local authority criteria and that all facades should be fitted with attenuated trickle ventilation with a minimum acoustic rating $D_{n,e,w}$ 55 dB in the open position. These matters can form a condition attached to a grant of planning permission.

Subject to the above controls the Council's Senior Environmental Health Officer raises no objection to the application.

The proposals are therefore consistent with NPF4 Policy 14 and Policy NH13 of the ELLDP.

Historic Environment Scotland raise no objection to the principles of the proposed development. They advise that the proposed development has the potential to impact upon:

- Seton Castle (formerly known as Seton House) with retaining terrace and walls, Listed Building (category A);
- Seton Collegiate Church, Scheduled Monument;
- Seton West Mains, enclosures 500m SW of Scheduled Monument;
- Greenykes, enclosure 310m SSE of Scheduled Monument; and
- Greenykes, enclosure 200m W of Scheduled Monument.

Historic Environment Scotland do not however consider any of the above to be of such a level as to warrant their objection. On this consideration the proposed development proposals would not have a significant adverse effect on the key features of the listed building or the scheduled monument. On this consideration the proposal is consistent with NPF Policy 7 and Policy CH5 of the ELLDP.

The **Council's Archaeology and Heritage Officer** has been consulted and has responded no comment.

The **Council's Road Services** have been consulted on the application and are generally satisfied with the detailed proposals for site access, layout arrangements and mixture of in-curtilage and on street car parking for residents and visitors. They do not object to the application on the grounds of road safety although they do recommend the following:

- i) submission for approval of details of all electric vehicle charging points and required infrastructure prior to commencement of any development, along with a timetable for provision;
- ii) submission of a Quality Audit, to include a Road Safety Audit, prior to the commencement of development to independently assess walking, cycling, access and road safety aspects within and around the development and to provide details of raised tables across the estate roads;
- iii) private driveways for the proposed houses shall have minimum dimensions of 6 metres by 3.3 metres. Double driveways shall have minimum dimensions of 6 metres width by 6 metres length or 3.3 metres width by 11 m length. All driveways shall be fully hard formed with a gradient no greater than 10%.
- iv) submission for approval of a Residents Travel Pack prior to first occupation of the first dwelling on the site providing information for residents to encourage use of sustainable modes of transport such as trains, buses, cycling and walking; and
- v) submission for approval of a Construction Method Statement prior to commencement of any development to provide details of mitigation measures to be implemented during

construction works to control noise, dust, construction traffic (including parking, routes to/from site and delivery times), hours of construction work and how building materials and waste will be safely stored and managed on site.

All of these requirements can reasonably be made conditions of a grant of planning permission for the proposed housing development.

On these foregoing transportation and other access considerations the proposed residential development is consistent with NPF4 Policies 13, 14 and 15 and Policies T1, T2 and T31 of the ELLDP.

Transport Scotland have been consulted and raise no objection to the proposals.

The **Council's Waste Services Manager** has been consulted and has no comment other than to stipulate that plots 173-182, 200-203 and 217-221 should present containers for emptying at the kerbside of the main thoroughfare rather than being set back in access areas or car parking areas.

The proposals are therefore not inconsistent with NPF4 Policy 12 and Policy W3 of the ELLDP.

The Scottish Environment Protection Agency (SEPA) have been consulted and advise that they have no concerns over proposals from a flood risk perspective subject to proposals aligning with the drainage strategy approved by planning permission (ref: 21/01580/PM) for the wider Blindwells site.

The **Council's Senior Engineer – Flooding** has been consulted on the application. Having perused the submitted Drainage Strategy and Flood Risk Assessment he confirms that he has no objection to the proposals on grounds of flood risk.

On the foregoing drainage considerations the proposed details are consistent with NPF4 Policy 22 and Policies NH10 and NH11 of the ELLDP.

Scottish Water as a consultee on the application advise that they have no objection to the proposal.

The Coal Authority were consulted on the application and initially raised objection on grounds that it was not demonstrated that the proposed development would avoid the high wall(s) associated with the former surface extraction operations. Further to the submission of drawing no. 21-169-300 rev C titled 'Foundation Zone Plan' the Coal Authority is satisfied that appropriate foundations will be incorporated into the design of those buildings that will span the high wall and that mitigation in the form of ground surcharging has been undertaken. The Coal Authority is satisfied that the development can be made safe and stable and, subject to controls to ensure that such mitigating measures are implemented prior to the commencement of any development, has withdrawn its objection to the application.

A condition can reasonably be imposed on a grant of planning permission requiring that development approved is carried out in accordance with the details shown on drawing ref 21-169-300 rev C titled 'Foundation Zone Plan'.

The Council's Contaminated Land Officer was consulted on the application and, taking into account the findings of the submitted Geo-Environmental Assessment, advises that the reporting has been carried out in accordance with best practice guidelines and the relevant standards. He confirms that he is in agreement with the findings of the report

that the site investigations have not identified any significant soil / made ground contamination that could impact upon human health or the water environment and notes that a topsoil layer has been recommended for gardens and areas of soft landscaping, with confirmatory testing carried out to confirm suitability. He further notes that gas monitoring and risk assessment carried out have identified the site as falling within a Characteristic Situation 2, with recommendations being made for gas protection measures to be installed in any new builds, and that the reporting recommended that additional investigative works were required with regards to establishing the specific gas regimes for Plot 5A to confirm that Characteristic Situation 2 protection measures are appropriate.

He therefore recommends that prior to the commencement of any development a Remediation Statement is submitted for planning authority approval that shows how the site is to be brought to a condition suitable for the intended use by the removal of unacceptable risks to all relevant and statutory receptors. The Statement should detail all works to be undertaken, proposed remediation objectives and remediation criteria as well as details of the procedures to be followed for the verification of the remedial works. It should also ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land following development.

Following completion of measures identified in the approved Remediation Statement, a Verification Report should be submitted that demonstrates the effectiveness of the remediation carried out. It must be approved by the Planning Authority prior to commencement of the new use of the land and the protection measures shall be implemented as so approved. In the event that unexpected ground conditions (contamination) are encountered at any time when carrying out the development further site investigations and subsequent risk assessment will be undertaken and, if necessary, a Remediation Strategy and a Verification Report be submitted confirming the satisfactory completion of these remedial works.

These recommendations can reasonably be secured by the imposition of a condition on any planning permission granted for the proposed development.

Subject to this planning control the Contaminated Land Officer raises no objection to the proposed development.

The **Council's Biodiversity Officer** offers no comment on the application. However a condition can be attached to any grant of planning permission requiring the submission for approval of a Biodiversity Enhancement Plan. Subject to the imposition of that planning control the proposals would not conflict with Policy 3 of NPF4.

At its meeting on Tuesday 27 August 2019 the Council approved a motion declaring a Climate Emergency. Thereafter, at its meeting on Tuesday 3 September 2019 the Council's Planning Committee decided that a condition requiring a developer to submit for the approval of the Planning Authority a report on the actions to be taken to reduce the carbon emissions from the buildings and from the completed development should be imposed on relevant applications for planning permission, which should include the provision of electric car charging points. Such a condition should be imposed on a grant of approval of matters for this proposed development.

Planning permission in principle 14/00768/PPM was granted following the conclusion of a Section 75 Agreement to secure (i) 30% affordable housing provision; (ii) financial contributions towards (a) primary and secondary education, (b) community sports facilities, (c) equipped play (d) allotments, (e) cemetery plots and (f) maintenance depot;

(iii) transfer to the Council, at no cost, ownership of the (a) site for the new primary school, (b) sites for the equipped play areas, (c) site of the community sports facilities, (d) sites for allotment and cemetery plots and (e) site for a new rail halt; and (iv) the provision of the bus services to Cockenzie Primary School, St Gabriel's Primary School, Preston Lodge High School and Prestonpans Railway Station.

In March 2020 a Section 75A Agreement was concluded to modify the planning obligations associated with the planning permission in principle for the Blindwells development of 1,600 homes (Ref: 14/00768/PPM).

The **Council's Planning Obligation Officer** advises that this application is covered by a S75 agreement associated with 14/00768/PPM as it was modified through the S75A application 22/00002/OBL. The planning obligations within the agreement relate to planning permissions 14/00768/PPM, 20/01030/PM and 21/01580/PM. This residential proposal the subject of this application will therefore be legally required to contribute towards infrastructure and community facilities in line with the S75 agreement.

In conclusion, the proposals are considered to be in accordance with the provisions of the stated relevant Development Plan policies and there are no material considerations which outweigh the proposals accordance with the Development Plan.

RECOMMENDATION:

That approval of matters specified in conditions 1(a) to (i), 1(l), 1(m), 1(o), 5, 6, 9, 22, 23, 26, 27 and 31(a) of planning permission 21/01580/PM for the erection of 158 houses, 16 flats and associated works be granted subject to the following conditions:

- 1 The development hereby approved shall begin before the expiration of 3 years from the date of this permission.

Reason:

Pursuant to Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.

- 2 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 buildings 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.

- 3 Other than in exceptional circumstances where the layout or particular building type does not permit, the approved residential units shall be orientated to face the street Notwithstanding that shown on the docketed site plan where a building is located on a corner of more than one street, it shall have enhanced gable(s) to ensure it has an active

elevation to each street it faces.

Reason:

In the interests of ensuring active frontages and to enhance character and appearance of the area.

- 4 Notwithstanding that which is stated on the drawings docketed to this planning permission, a detailed specification of all external finishes of the houses and flatted blocks of the proposed development 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 flatted blocks 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 buildings, 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 and flatted blocks 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.

- 5 Notwithstanding that shown on the drawings docketed to this approval of matters, all semi private and defensible spaces in front of or to the side of the residential units hereby approved and to the side of parking courtyards shall be enclosed by walls/hedges/fences/ or railings to define areas of private space from public space.

Details of the form and appearance of all boundary treatments, including 1.8m high fences within the rear gardens of the residential units, shall be submitted to and approved by the Planning Authority prior to the occupation of the first house.

A timetable for the provision of those boundary treatments shall be submitted to and approved in advance by the Planning Authority and 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 appropriate boundary enclosures and in the interest of safeguarding the privacy and amenity of future residents of the development.

- 6 Prior to the occupation of the last residential unit hereby approved the proposed access roads, parking spaces and footpaths shall have been constructed on site, in accordance with the docketed drawings and 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 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 and bicycle parking in the interests of road safety.

- 7 No development shall be commenced on site unless and until written evidence that a contract has been entered into for the provision as affordable housing of 52 of the residential units hereby approved has been submitted to and agreed by the Planning Authority.

Reason:

In order to ensure that 52 of the residential units hereby approved are operated as affordable housing and that the development is therefore compliant with Policy HOU3 of the adopted East Lothian Local Development Plan 2018.

- 8 Prior to their occupation, the windows and other glazed openings of all habitable rooms of the houses hereby approved for plots 186-206, 217-236 and 289-297 and identified by a purple dot on docketed drawing no. 22054(PL)004C titled 'Acoustic Model' shall be fitted with glazing designed to have a glazing specification of 8.8mm laminated glass-12mm air cavity -10.8mm laminated glass or an acoustically equivalent glazing unit which provides a minimum RTRA of 55dB in order to offer compliance with the local authority criteria. All facades shall be fitted with attenuated trickle ventilation with a minimum acoustic rating Dn,e,w 55 dB in the open position.

Such glazing shall thereafter be retained or replaced to an equivalent standard unless otherwise approved by the Planning Authority.

Reason:

In the interests of protecting the residential amenity of the occupiers of the houses from noise generated by use of the A1 trunk road.

- 9 All planting, seeding or turfing comprised in the details of landscaping on docketed drawing nos. 5695-OOB-ZZ-00-DR-L-0001 rev P06, 5695-OOB-ZZ-00-DR-L-0004 rev P06, 5695-OOB-ZZ-00-DR-L-0030 rev P06, 5695-OOB-ZZ-00-DR-L-0031 rev P06, 5695-OOB-ZZ-00-DR-L-0032 rev P06, 5695-OOB-ZZ-00-DR-L-0033 rev P06, 5695-OOB-ZZ-00-DR-L-0034 rev P06 and 5695-OOB-ZZ-00-DR-L-0035 rev P06 shall be carried out in accordance with a timetable that shall be submitted to and approved by the Planning Authority prior to the commencement of development.

Any trees or plants comprised in the details of landscaping 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.

The design of all landscaping must be carried out in conjunction with the design and positioning of all services, and sufficient space must be made available to accommodate the full establishment of all landscaping work without impacting on any services.

All the new planting shall be maintained in accordance with the maintenance and management programme as detailed in the docketed Report no. 5695-OOB-XX-XX-RP-L-0002_P02 titled 'Landscape and Habitat Management Plan' dated September 2022 by OOBÉ Ltd.

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.

- 10 Prior to the commencement of development details of all electric vehicle charging points and required infrastructure, along with a timetable for provision, shall be submitted to and approved in writing by the Planning Authority. Such provision shall involve engagement with electricity providers to ensure that the entire electricity supply infrastructure will have sufficient capacity to enable all chargepoints to operate simultaneously.

The installation of all electric vehicle charging points and required infrastructure shall thereafter be carried out in accordance with the details so approved unless otherwise agreed in writing with the Planning Authority.

Reason

In the interests of sustainability.

- 11 Prior to the commencement of development details of the bin storage facilities for the flatted buildings hereby approved shall be submitted to and approved in advance by the Planning Authority. Prior to the occupation of any of the flats the bin storage facilities shall have been formed in accordance with the approved details and made available for

use. Thereafter, the storage facilities shall be retained in use solely as bin storage areas.

Reason:

- To ensure the provision of adequate bin storage in the interest of the residential amenity of the future occupants of the flats hereby approved and the visual amenity of the locality.
- 12 Prior to commencement of development, a Factoring Plan shall be submitted clearly indicating the different responsibilities for long term maintenance including: private and shared private areas, factored areas, and prospectively adoptable roads.

Reason

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

- 13 Prior to the commencement of development a Quality Audit shall be submitted to and approved by the Planning Authority, which shall be undertaken for the preliminary and detailed design of all roadworks, footways and cycle paths within the development hereby approved. It shall include a Road Safety Audit to independently assess walking, cycling, access and road safety aspects within and around the development and to provide details of raised tables across the estate roads

Reason:

In the interests of road and pedestrian safety.

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

Reason:

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

- 15 A Construction Method Statement to minimise the impact of construction activity on the safety and amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic (including routes to/from site) and shall include hours of construction work and routing of traffic. The Construction Method Statement shall also provide details of utility/service drainage connections.

The Construction Method Statement shall also make recommendations in respect of how building materials and waste will be safely stored and managed on site.

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

- 16 To ensure that the site is clear of contamination, the following requirements shall be complied with:

*Prior to any works beginning on site (and where risks have been identified), a detailed Remediation Statement shall be produced and submitted for the prior approval of the Planning Authority. The Statement shall show how the site is to be brought to a condition suitable for the intended use by the removal of unacceptable risks to all relevant and statutory receptors. The Statement shall detail all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management

procedures. It shall also ensure that the site will not qualify as contaminated land under Part2A of the Environmental Protection Act 1990 in relation to the intended use of the land following development. The Statement must be submitted to the Planning Authority for approval;

*Prior to the commencement of any of the new uses hereby approved, and following completion of the measures identified in the approved Remediation Statement, a Validation Report demonstrating the effectiveness of the remediation carried out shall be submitted to and approved by the Planning Authority.

*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. It should also be noted that a Verification Report would also need to be submitted confirming the satisfactory completion of these remedial works.

Reason

To ensure that the site is clear of contamination prior to the occupation of any of the buildings.

- 17 Prior to the commencement of development details shall be submitted to and approved by the Planning Authority of overlying subsoil/topsoil to be provided to the front and back gardens of the houses hereby approved on a plot by plot basis and on all soft landscaping areas to ensure the provision of a layer of subsoil/topsoil of at least 600 mm in thickness. Thereafter the subsoil/topsoil shall be provided in accordance with the details so approved unless otherwise agreed in writing by the Planning Authority.

Confirmatory testing for both subsoil and topsoil materials is to be included within the Remediation Strategies being produced for the development site, with validation of these results being included within subsequent Verification Reports.

Reason

To ensure the provision of a suitable growing medium for garden areas and other areas of soft landscaping.

- 18 Prior to the commencement of development, a report on the actions to be taken to reduce the Carbon Emissions from the build and from the completed development shall be submitted to and approved in writing by the Planning Authority. This shall include the provision of renewable technology for all new buildings, where feasible and appropriate in design terms, and new car charging points and infrastructure for them, where feasible and appropriate in design terms. The details shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the report so approved.

Reason:

To minimise the environmental impact of the development.

- 19 Private driveways for the houses hereby approved shall have minimum dimensions of 6 metres by 3.3 metres. Double driveways shall have minimum dimensions of 6 metres width by 6 metres length or 3.3 metres width by 11 m length. All driveways shall be fully hard formed with a gradient no greater than 10%.

Reason

In the interests of road and pedestrian safety.

- 20 The development hereby approved shall be carried out in accordance with the mitigating details as shown on docketed drawing no. 21-169-300 rev C titled 'Foundation Zone Plan'

Reason:

To ensure that the buildings and associated works hereby approved can be made safe and stable in the interests of the safety and amenity of future residents and occupiers of the development.

21 Unless otherwise approved in writing by the Planning Authority:

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

Year 2021/22	-	120 residential units
Year 2022/23	-	130 residential units
Year 2023/24	-	110 residential units
Year 2024/25	-	120 residential units
Year 2025/26	-	120 residential units
Year 2026/27	-	120 residential units
Year 2027/28	-	120 residential units
Year 2028/29	-	120 residential units
Year 2029/30	-	120 residential units
Year 2030/31	-	150 residential units
Year 2031/32	-	150 residential units
Year 2032/33	-	150 residential units
Year 2033/34	-	70 residential units

(b) If fewer than the specified number of residential units is completed in any one year then those shall be completed instead at Year 2036 or beyond and not added to the subsequent Year.

Reason:

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

22 Unless otherwise agreed with the Planning Authority, after consultation with Transport Scotland, no part of the proposed development hereby approved shall be occupied until the requirements specified in Condition 30 of planning permission 21/01580/PM are implemented to the satisfaction of the Planning Authority, after consultation with Transport Scotland, those requirements being:

a) Prior to the occupation of the 236th residential unit hereby approved, the proposed upgrade of the northern and southern roundabouts at Bankton Interchange to traffic signal control, generally as illustrated in WYG's Drawing No. SK002, shall be implemented to the satisfaction of the Planning Authority, after consultation with Transport Scotland.

b) Prior to the occupation of the 236th residential unit hereby approved, the proposed upgrade of the west facing slips at Bankton Interchange to Type B parallel merge/diverge arrangements, generally as illustrated in WYG's Drawing No. SK004, shall be implemented to the satisfaction of the Planning Authority, after consultation with Transport Scotland.

Reason:

To ensure that the design layout complies with the current standards and that the safety and free flow of traffic on the trunk road is not diminished.

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

Reason:

In the interest of road safety.

- 24 Details of measures to protect and enhance biodiversity on the application site shall be submitted to and approved by the Planning Authority. The measures as so approved shall be implemented prior to any occupation of any house erected on the site and shall thereafter be retained, unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of protecting and enhancing biodiversity on the site and within the surrounding area.

