

**REPORT TO:** Planning Committee  
**MEETING DATE:** 20 August 2024  
**BY:** Executive Director – Place  
**SUBJECT:** Application for Planning Permission for Consideration

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Application No. **23/01367/PPM**

Proposal Planning permission in principle for the redevelopment of existing buildings and new build apartment buildings, associated landscape, roads, access and parking. The development proposals will provide up to 145 units of affordable housing for older people and community facilities within the Garleton building

Location **Former Herdmanflat Hospital  
Aberlady Road  
Haddington  
East Lothian**

Applicant East Lothian Council

Per Oberlanders Architects

**RECOMMENDATION** Granted Permission

## **REPORT OF HANDLING**

As the area of the application site is greater than two hectares and the principle of development is for more than 50 houses, 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: 23/00001/PAN) and thus community consultation prior to this application for Planning Permission in Principle was carried out.

As an outcome of that and as a statutory requirement for dealing with major development type applications a pre-application consultation report is submitted with this application. The report informs that some 134 people attended four organised public

events on 24 and 27 January and 24 and 28 February 2023 which were held at the Trinity Centre and Haddington Primary School respectively. Additionally, some 50 people attended a meeting with the Haddington Central Tenants and Residents Association (HCTRA) on 22nd May 2023. Attendees made a number of queries and suggestions regarding the proposals. The development for which Planning Permission in Principle is now sought is of the same character as that which was the subject of the community engagement undertaken through the statutory pre-application consultation of the proposal.

The application site comprises the whole of the former Herdmanflat hospital site. It comprises the hospital buildings together with its extensive grounds covering an area of approximately 60,600m<sup>2</sup>. The site is located within a predominantly residential area as defined by Policy RCA1 of the adopted East Lothian Local Development Plan 2018.

The site is bounded to the north by a woodland strip beyond which is the A199 public road. To the east of the site lies the residential area of Herdmanflat. The site is bounded on its west side by an existing stone boundary wall and an existing hedgerow, beyond which is Aberlady Road. To the south is the public road of Lydgait. Between the site and the public road of Lydgait is a short row of three houses and an ambulance depot. The site is outwith Haddington Conservation Area.

Vehicular access to the site is taken from Aberlady Road, and prior to the closure of the hospital access was also taken from Lydgait along Hopetoun Mews. Historically the grounds of the hospital were accessible to the public. Public access remains but is currently partly restricted to secure the remaining listed buildings.

The site levels fall from north to south with limited views over Haddington from the higher sections of the site across the central open parkland. The site contains mature woodland along its west, south and east boundary with an additional band running across the centre of the site. There is the remainder of a formal line of mature lime trees parallel to the former vehicle access off Lydgait. The Garleton Unit has mature woodland to the west and north which are linked to the woodland between the site boundary and the A199 road to the north. There is a community orchard to the east of this building.

The site has 3 distinct character areas (north, central and south areas). The northern section of the site is occupied mainly by the disused former Herdmanflat hospital buildings, areas of hardstanding and a grassed terrace. With the exception of the Garleton Building, which is a category B listed building, the hospital buildings are Category C listed buildings. There is a community orchard to the east of this building. There is no public access currently to this part of the site.

The central section of the site is an open area of parkland, some of which was previously landscaped for patients and visitors to the hospital. There is a line of formal mature trees located along its east boundary which runs parallel with Hopetoun Mews to the entrance at Lydgait to the south. There are also mature trees on the west boundary of this part of the site.

The southern section of the site was where the now demolished Hopetoun Unit had been located. This area has mature woodland along its north, west, south and east boundaries with younger trees growing on the areas where the buildings have been demolished. A row of modern ancillary buildings that were in the southwest corner of the site were demolished in 2022.

The central and southern sections of the site are presently open and are used by the public as an informal area of open space.

## **PLANNING HISTORY**

On 05 February 2007 planning permission (Ref:01/00062/OUT) was granted for outline planning permission for residential development on some 3.67 hectares of land located to the south of the Herdmanflat Hospital. Planning permission 01/00062/OUT has not been implemented and has expired.

Proposal of Application Notice ref 23/00001/PAN received 1/1/23. Decision notice issued 27/1/23. A Pre-Application Consultation Report on the public consultation events, and the comments received, forms part of the applicant's supporting information for this planning application.

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). On 25th April 2024 the Council issued a formal screening opinion to the applicant. The screening opinion concludes that it is East Lothian Council's view that the proposed development is not likely to have a significant effect on the environment such that consideration of environmental information is required before any grant of Planning Permission in Principle. It is therefore the opinion of East Lothian Council as Planning Authority that there is no requirement for the proposed housing development to be the subject of an EIA.

## **PROPOSAL**

This application seeks Planning Permission in Principle for the redevelopment of the former hospital buildings and for the erection of new build apartment buildings, associated landscape, roads, access and parking. The development proposals will provide up to 145 units of affordable housing for older people. Additionally, it is proposed that the Garleton building be repurposed to provide community facilities.

Whilst the details of the new build elements and associated buildings will be the subject of future Approval of Matters Specified in Conditions Applications this Planning Permission in Principle seeks permission for the details shown in the Masterplan including:

- \* Buildings to be converted and the location and heights of new buildings;
- \* Infrastructure including an active travel link to the A199, informal paths, public roads and footways, car parking and EV charging facilities;
- \* New access points (active travel link to the A199, 2 pedestrian access points to Aberlady Road;
- \* Open spaces including, recreational woodland, central area of open space, pétanque pitches, community garden and orchard;
- \* The drainage strategy for the site including the location of SUDS;
- \* Tree removal and compensatory planting;
- \* Biodiversity Strategy;
- \* Woodland Play locations:

The masterplan shows that vehicular access to the site would continue to be taken from Aberlady Road, with an internal access road being formed through the site. A secondary vehicular access is proposed to be created in the northeast corner of the site, via a road to the north of the houses of 55-65 Herdmanflat. To facilitate that new access an existing garage compound to the north of the houses would be demolished. The access road into the site from Herdmanflat has been detailed to include 9 no. parking spaces for the existing houses at Herdmanflat.

A third vehicular access would also be created off Lydgait to allow access to the parking spaces for the flatted building proposed in the southeast corner of the site, where the buildings demolished in 2022 were located.

The masterplan submitted with the application indicates how the residential units could be accommodated on the application site including for the retention and conversion of the existing buildings to provide a maximum of 47 residential units and the construction of new build residential elements accommodating a maximum of 98 residential units.

The masterplan shows that the new build elements would be in six different zones comprising:

Phase 1 – would be in the southern section of the site and would comprise four x three-storey buildings and one x two-storey building accommodating a total of 51 units;

Phase 2 – would be on the central area of the site comprising three x two-storey buildings accommodating 22 units and the refurbishment of Pencraig (8 units);

Phase 3 – would be the north eastern section of the site and would comprise two x two-storey buildings accommodating 19 units and the refurbishment of Lammerlaw (8 units);

Phase 4 – would be at the northwest section of the site, including the main hospital building, and would comprise of one x 2 storey building (6 units), the refurbishment of Main Building (30 units) and North Lodge (1 unit). This phase also includes a single storey energy centre;

Phase 5 – would comprise of the Garleton Building conversion to a community use.

It is also indicated that a SUDS pond be accommodated on the southern part of the site and that an area of recreational open space would be accommodated centrally within the site. It is also proposed that the former access road of Hopetoun Mews road be repurposed as a new active travel path between Lydgait and the A199 public road.

The site extends to include the existing garaging and extensive hard surfacing at the north of Herdmanflat. The garaging will be demolished and the land will accommodate the active travel connection to the A199, a secondary vehicle access to the site and car parking for the existing residents. This area also provides an opportunity for additional tree planting to extend the north tree belt into the site.

The residential units are to be affordable units for older people and would be Housing for Varying Needs compliant. A number of the units will be for learning disabilities or complex needs. The design of the site and buildings reflect dementia friendly principles.

The application has been revised during the consideration of the application and the representations received. The main revisions relate to:

The block E in SE corner has been made narrower and parking moved north to reduce impact on the adjacent trees' root protection zones (RPZs).

An adopted footpath is now included from the turning head located in phase 1 south section, linking through to the proposed active travel route on Hopetoun Mews, running along the southern edge of the SUDS basin.

New active travel linkage to A199 realigned to minimise the impact on the tree belt.

SUDS basin developed further to meet with Scottish Water and turning requirements.

Swale included on the southern side of the east-west access road with informal paths alongside and connecting into the main central open space.

The alignment of the east-west road has been adjusted to accommodate the turning head at the western end of this road, with parking allocated either side of the road and an adoptable footpath added to the northern side and to the front of the parking bays on the southern side.

The access road into the site from Herdmanflat has been detailed to include 9 no. parking spaces for the existing residence adjacent to Herdmanflat.

Access road to the Garleton Building has been updated to minimum 3.7m width road requirement for emergency vehicle access and a turning head at the end. Parking spaces have been added at the end of the turning head.

Pedestrian entrance at existing Aberlady Road access adjusted to meet adoptable standards.

Pedestrian routes rationalised in relation to car parking to better prioritise pedestrian routes.

The application is supported by:

Pre-Application Consultation report

Heritage Statement

Design and Access Statement

Ecological Appraisal Report

Flood Risk Assessment

Interim Report on Site Investigations

Landscape Visual Appraisal

Proposed Energy Strategy

Site Survey

Transport Assessment

Tree Survey/constraints plan

NPF4 Alignment Checklist

Policy and Planning Context

Phasing strategy, including sequence of development, construction access and temporary residents access

Illustrative detailed layout for phase 1

A number of these reports have been updated during the consideration of the application and the representations received. The tree survey has been updated and extended to include the area of the proposed active travel link to the A199. The Transport Assessment has been extended to include speed surveys on Aberlady Road to inform the alterations to the existing vehicular access, adjustments to the Lydgait active travel access and the junction of Lydgait and Aberlady Road.

The Design and Access Statement submitted with the application informs that following the opening of the East Lothian Community Hospital in Haddington NHS Lothian deemed the Herdmanflat Hospital site surplus to requirements. East Lothian Council purchased the site and its buildings from NHS Lothian in 2020.

The Design and Access Statement informs that East Lothian faces a growing demand for

housing, health and social care services, due to its rapidly ageing population. To address this challenge, the Council needs to plan strategically and provide adaptable and flexible housing that is integrated within well-connected accessible vibrant communities. The masterplan development has been a collaborative process which has sought to balance the needs of those living near the site, local service provision and by identifying gaps in service provision that might be addressed through future development. Whilst the biggest gap by far is the shortage of affordable housing to meet the needs of East Lothian's rising and ageing population, other important matters such as strengthening connections to the town centre, to healthcare and green space have been considerations. The masterplan aims to preserve and reuse the listed buildings on site, enhance the landscape quality, improve biodiversity, increase access for the wider community and deliver a meaningful level of new build affordable housing within the existing landscape setting.

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

NPF4 is designed to be read and applied as a whole, but in the case of this application the following policies are all of some relevance to its determination:

NPF4 Policies 1: Tackling the climate and nature crises, 2: Climate mitigation and adaptation, 3: Biodiversity, 4: Natural places, 6: Forestry, woodland and trees, 7: Historic assets and places, 9: Brownfield, vacant and derelict land and empty buildings, 12: Zero waste, 13: Sustainable transport, 14: Design, quality and place, 15: Local Living and 20-minute neighbourhoods, 16: Quality homes, 18: Infrastructure first, 20: Blue and green infrastructure, 21:1 Play, recreation and sport, 22: Flood risk and water management, 31: Culture and creativity

ELLDP Policies RCA1 (Residential Character and Amenity), HOU3: Affordable Housing Quota, HOU4: Affordable Housing Tenure Mix, PROP CF1: Provision of New Sports Pitches and Changing Accommodation OS1: Protection of Open Space, OS3: Minimum Open Space Standard for New General Needs Housing Development, Policy OS4: Play Space Provision in new General Needs Housing Development T1: Development Location and Accessibility, T2 : General Transport Impact, PROP T3: Segregated Active Travel Corridor, PROP T5: Cycle Route Network, T6: Reallocation of Road Space and Pedestrian Crossing Points, T32: Transport Infrastructure Delivery Fund, T31: Electric Car & Bus Charging Points, T32: Transport Infrastructure Delivery Fund. SEH1: Sustainable Energy and Heat, SEH2: Low and Zero Carbon Generating Technologies, DC10: The Green Network, NH4: European Protected Species, NH5: Biodiversity and Geodiversity Interests, including Nationally Protected Species, NH8: Trees and Development, NH10: Sustainable Drainage Systems, NH11: Flood Risk, CH1: Listed Buildings, CH4: Scheduled Monuments and Archaeological Sites, DP1: Landscape Character, DP2: Design, DP3: Housing Density, DP4: Major Development Sites, DP7 (Infill, Backland and Garden Ground Development), DP8: Design Standards for New Housing Areas, DEL1: Infrastructure and Facilities Provision

Also relevant are Developer Contributions Framework Supplementary Guidance, Design Standards for New Housing and Transport Infrastructure in New Development.

Also material to the determination of this application is Section 59 of the Planning (Listed

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

Also relevant to the determination of this application is Historic Environment Scotland Managing Change in the Historic Environment guidance series.

## **REPRESENTATIONS**

Thirty-eight letters of objection and one letter of support have been received to the application. The main grounds of objection are:

- \* Traffic congestion – increased traffic on Lydgait;
- \* Road Safety – narrow roads, Hope Park/Lydgait lack of footway and safe crossing;
- \* Safety of users on mixed/cycle route;
- \* Safety at Aberlady Road junction;
- \* Construction traffic routing;
- \* The existing Hopetoun Mews should be redesigned to provide service access to existing properties on Herdmandflat;
- \* Noise from construction works, associated machinery and traffic (hours of operation);
- \* Noise and light pollution from housing development;
- \* Zone 1 – loss of privacy to properties to the south;
- \* Flooding from surface water run off;
- \* South section has negative impact on woodland and wildland;
- \* Loss of trees and natural habitat, will obliterate the woodland;
- \* Loss of public access to green space and recreational opportunities; These should be retained for future generations;
- \* Tree and Woodland strategy should be considered;
- \* Design – development is out of keeping, too dense, too tall;
- \* Proposal not aligned with Nature Space and 20-minute Neighbourhood ideas;
- \* Development in zone 1 is contrary to NPF4 as it removes a park and replaces it with housing;
- \* Contrary to NPF4 themes of sustainable places, liveable places, healthier lives, reducing emissions, enhancing biodiversity;
- \* Contrary to NPF4 policy 1 Tackling the Climate and Nature Crises - the housing in the middle of the woodland should be removed as it does not create a nature positive response;
- \* Contrary to NPF4 policy 2 Climate Mitigation and Adaptation - It does not minimise the emissions;
- \* Contrary to NPF4 policy 3 Biodiversity - This proposal conflicts with this policy because it will harm biodiversity, accelerate biodiversity loss and weaken existing nature networks;
- \* Contrary to NPF4 policy 4 Natural Places – development of the 53 units in the south section will have an unacceptable impact on the natural environment;
- \* Contrary to NPF4 policy 5 Soils - The proposal should be revised with more focus placed on the existing brownfield site and no development on the existing woodland site;
- \* Contrary to NPF4 policy 6 Forestry and Woodland - This development fragments existing woodland rather than protecting and expanding it. The woodland has not been adequately integrated into the design;
- \* Contrary to NPF4 policy 14 Liveable Places – Development will remove a community asset;
- \* Contrary to NPF4 policy 15 Local Living and 20-minute neighbourhoods – The development actively harms local living by removing a park and green space;
- \* Contrary to NPF4 policy 20 Blue and Green Infrastructure - results in the net loss of green

infrastructure;

\* The community has not been adequately consulted throughout this process;

On the matter of consultation the developer has carried out all necessary pre application consultations as set out in the Pre-Planning Consultation Report submitted with their application. Therefore they have fulfilled the statutory requirements for public consultation as set out in Town and Country Planning (Pre-Application Consultation (Scotland) Amendment Regulation 2021.

The necessary notification and consultation have been carried out during the processing of the planning application in accordance with Statutory Requirements.

There is no requirement for this development to provide service access to neighbouring private properties.

Whilst the public have access to the vacant hospital site that area of land is not a public park.

Lack of info. on what the buildings will look like. As this application is for Planning Permission in Principle the details of the form and appearance of the proposed new buildings is not included. If Planning Permission in Principle were to be granted then that information would be included in the further application for Approval of Matters Specified in Condition.

The sale of the land is not material to the assessment of the planning merits of this application. Issues relating to the sale of the land and community buyout would be pursued independently of this application.

The grounds of support are:

\* The representation in support was general and did not specify any grounds.

## **COMMUNITY COUNCIL**

Haddington and District Community Council were consulted on this application. The community council are supportive of the development of the Herdmanflat site. They noted that changes were made following public feedback and that the final proposals are a sympathetic development, retaining much of the open ground. They also acknowledged the need for supported housing for the elderly and disabled people on a site that is close to the centre of Haddington and felt that this outweighs the changes that the development will bring to the site.

## **PLANNING ASSESSMENT**

The primary material consideration in the determination of this application is whether or not the principle of the proposed development accords with national and local plan policies, proposals and other planning guidance and, if not, whether there are material considerations that outweigh any conflict with those policies and guidance.

The proposal is for the conversion of the former hospital buildings on and the erection of new apartment buildings to create up to 145 new residential units on the former hospital site and its associated land.

NPF4 Policy 9 supports the sustainable reuse of brownfield land, vacant and derelict land and buildings. Therefore, the principle of the redevelopment of this former hospital site and its associated land is supported by Policy 9 of NPF4.



The application site is located within a predominantly residential area as defined by Policy RCA1 of the Local Development Plan. Policy RCA1 does not actively promote the development of land for new build residential development. Its principal purpose is to ensure that the predominantly residential character and amenity of existing housing areas is safeguarded from the adverse impacts of uses other than housing. Policy RCA1 does however state that proposals for new development will be assessed against appropriate local plan policies, which in the case of infill, backland and garden ground development is Policy DP7 of the ELLDP.

By its nature the proposed development amounts to urban infill housing development within the town of Haddington. The principle of such development is supported by Policy DP7 of the adopted East Lothian Local Development Plan 2018.

The site is not explicitly allocated by one of the proposals of the ELLDP as at the time of adoption of the ELLDP the site was not yet surplus to requirement by the NHS. However, the “Growing our Communities” section of the Haddington proposals of the ELLDP at paragraph 2.108 it states that “The redevelopment of the site of Herdmanflat Hospital and former Hopetoun Unit for housing would also be supported if these previously developed sites become surplus to NHS requirements during the life of this Plan.” Therefore, whilst not explicitly allocated by one of the proposals of the ELLDP the principle of a residential development of the former Herdmanflat hospital site has support in the ELLDP.

The site is located within the settlement of Haddington and is close to the Town Centre, the Community Hospital, library, dentists and doctors surgery. Therefore, the proposed repurposing of this site for a residential development accords with the principles of a 20-minute neighbourhood consistent with Policy 15 of NPF4.

The buildings on the site are listed as being of special architectural or historic interest. As it is proposed to repurpose the listed buildings as residential units, the former hospital buildings will be retained and their future will be safeguarded. The new build elements proposed for the northern section would be sensitively designed to sit to the side of the listed buildings. In that location and provided the new building to be located on the west side of the site, was no higher than two storeys and the two buildings on the east side were no higher than three storeys they would sit comfortably alongside the listed buildings and would not mask or draw focus from them. Consequently, and as no development would not take place on the grassed terrace to the front (south) of the principal building, the proposals would not harm the setting of the listed buildings. Furthermore, the existing community orchard, which forms part of the upper terrace and setting to the Garleton Building, would be retained and enhanced through community growing space and succession planting. This would enhance the setting of that listed building.

The central area of the site would retain a large area of public open space which would safeguard the setting of the listed hospital building and retain its primacy on the site. Due to new build development being contained to either side of that area of open space and no more than two-storey in height, those new build components would not mask or interrupt views to and from the listed buildings.

The southern section of the site had previously contained the now demolished Hopetoun Unit of the hospital and the more modern buildings that had been positioned in the southeast corner of the site which have also been demolished. The area where the Hopetoun Unit buildings previously stood has mature woodland planting on its north, south, east and west boundaries. Therefore, that established woodland creates a naturally enclosed area within it that is visually separated from the remainder of the hospital site to the north. Due to this visual separation and due to the lower topography of this part of the

site the three storey buildings proposed for it would not appear harmfully prominent or exposed. Instead, they would sit comfortably within the retained woodland ensuring the new buildings would not mask or draw focus from the listed buildings to the north.

The proposed masterplan shows a proposal that will retain most of the mature trees / wooded areas within the site and the central area of open space all of which form the setting of the listed buildings. Moreover, the design of new buildings and associated infrastructure, and particularly the requirement for adoptable roads, has been minimised to safeguard the existing mature woodland throughout the site to safeguard the setting of the listed buildings.

Therefore, this is a proposal for a development that would be sensitive to its historic setting and would not harm the setting of the listed buildings consistent with Policy 7 of NPF4 and Policy CH1 of the ELLDP.

Policy 14 of NPF4 states that development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. They will be supported where they are consistent with the six qualities of successful places. Policy DP1 of the ELLDP requires all new development must be well integrated into its surroundings by responding to and respecting landform and by retaining and enhancing existing natural and physical features at the site. Policy DP2 states that all new development must be appropriate to its setting in terms of its positioning, size, form, massing proportion scale and colours.

The overall design approach to the reuse of the historic buildings, routing of accesses, formation of new connections and the number, location, size and height of the buildings has been developed taking a placemaking approach. The landscape and the mature trees are a valuable asset to the centre of Haddington and its community and the development seeks to secure and enhance this asset.

All of the historic buildings within the site are to be brought back into use. The Garleton building is to be used for a community use, with various options being explored. The remainder of the historic buildings and the new buildings will be for affordable housing.

The central space will incorporate new buildings to both sides of a central open space. These buildings would be modest in height at two storeys and will frame the views from the formal lawn space. While there is an access road and car parking proposed within the central space, by using the existing ground levels, the views from the terrace and the principal building to the open space and central tree belt will be retained. The central open space will be framed by the existing building to the north, new buildings to the east and west and the existing tree belt to the south. Greater detail of the open space will be assessed through subsequent Approval of Matter Specified in Conditions applications.

The Landscape and Visual Appraisal (LVA) submitted with the application notes that views of the proposed new development within the site will be limited from outwith the site due to landform, established retained tree cover and surrounding buildings particularly the houses of Herdmanflat. There will be views of buildings from local roads specifically at the junctions of at Aberlady Road with Davidson's Terrace and Baird Terrace, and at the Hopetoun Mews and Lydgait junction. However, in these views of the new development will be partially screened by the mature trees. Overall, there would be limited visual impact from the proposals outwith the site and the new build components would sit comfortably within their landscape setting.

The proposed masterplan shows a proposal that will retain most of the mature trees / wooded area and the central area of open space with enhanced access points from

Hopetoun Mews and improved circulation within the site. A community growing space and orchard will also be provided at the northern end of the site, with path connections and accessibility around the site. The applicant has also confirmed that the proposed “recreational space with pétanque pitches” would be publicly accessible for all to use and the proposal incorporates recreational circular walking routes and a number of “play on the go” / “natural play” spaces in the woodland area. Consequently, the development would not result in the loss of opportunities for access to the site for the public and would not lead to the fragmentation or net loss of the green infrastructure of the site.

The applicant has provided more detailed proposals for the Orchard and Community Gardens, Formal Terrace and Community Open Space, Woodland and the Semi-private Gardens. These more detailed drawings show how these spaces will create attractive spaces for future residents and the wider community. They demonstrate how the spaces will incorporate elements which contribute to biodiversity and also the accessibility and useability of these area, for example, the provision of benches throughout the woodland and wheelchair friendly raised planters in the community garden.

The design also incorporates recreational circular walking routes and a number of “play on the go” / “natural play” spaces in the woodland area. Given that the housing provision is specifically for the over 55s the principle of less formal play provision is supported in this location. Greater detail of these play facilities will be assessed through subsequent Approval of Matter Specified in Conditions applications.

As this would be a development that would reuse existing buildings, create a network of open space and footpaths to allow continued public access and retain and enhance woodland planting then the proposal is consistent with the 6 qualities of successful places. The proposals do not conflict with Policies 12, 14 or 20 of NPF4 or Policies OS3 and OS4 of the ELLDP.

NPF4 Policy 16 supports the delivery of high quality, sustainable homes that meet the needs of people throughout their lives. It supports proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision. This could include accessible, adaptable and wheelchair accessible homes; homes that meet the needs of older people; a range of size of homes; and other specialist groups. Therefore, the proposal is consistent with Policy 16 of NPF4.

Housing to 2040 (H2040) is Scotland’s long-term national housing strategy and recognises that “there is a considerable number of people whose needs are not being met and who are not able to choose a home or way of living that meets their needs”. The Local Housing Strategy (LHS) is the sole strategic document on housing priorities for East Lothian. The strategy recognises the impact that a growing older population will have on East Lothian and healthcare services and the requirement for more specialist housing and housing related services. East Lothian Council’s Housing Strategy and Development team consider the proposals to be compatible with the Council’s Housing Strategy and Scottish Government policy.

While the number of units is not to be agreed at this point the supporting information shows that the total will be no greater than 145 residential. The site area, for the residential component, is 5.5 ha and the resultant density would be 26 units per ha. ELLDP DP3 generally requires a minimum density of 30 units per ha but accepts a lower density of development if it can be justified on the basis of its townscape or landscape setting. In this instance as the design approach derived is to safeguard the setting of the listed building and the impact on the landscape character of the site then, in this particular circumstance, a lower density of development can be supported. The proposal is therefore not contrary

to Policy DP3 of the ELLDP.

All the new build elements would be located sufficiently far from neighbouring residential properties to safeguard the residential amenity of their occupants. Notwithstanding, if Planning Permission in Principle were to be granted, the details of the siting, design and external appearance of the proposed residential units would require the subsequent approval of the Planning Authority. Through the subsequent determination of such details in relation to the Council's Urban Design Standards for New Housing Areas, and the Council's policies and practices in respect of residential amenity, planning control would be exercised to ensure that the built form of the development would be fully acceptable, with due regard to the need to safeguard the character and appearance of the site and of the area.

The principle of the development of the site as proposed does not conflict with Policies 7, 9, 12, 14, 15 or 16 of NPF4 or Policies RCA1, CH1, DP1, DP2, DP3, DP7, OS3 and OS4 of the ELLDP.

Policy 6 of NPF4 states that development proposals that enhance, expand and improve woodland and tree cover will be supported. Policy 20 of NPF4 states that development proposals incorporating new or enhanced green infrastructure will be supported.

In respect of landscape matters the **Council's Policy and Projects (Landscape)** team advises that there have been pre-application discussions with the applicant and their agent. During the preapplication discussion the upgrading of the existing access at Hopetoun Mews to an adoptable standard was discounted due to the unacceptable adverse impact on the avenue of mature lime trees. The preapplication discussions have resulted in a masterplan that generally respects the existing landscape design and character of the site and aims to retain and protect this through the layout of the proposed development within the site.

She advises that the applicant has submitted a full tree survey and constraints plan which identifies a maximum of 210 trees for removal, including 157 shrubs. However, as this is an application for Planning Permission in Principle then through detailed design of the development it is hoped that not all these trees may need to be removed. Notwithstanding, the trees shown to be removed comprise:

14 poor quality to be removed for health and safety and woodland management reasons:  
39 individual trees:  
157 trees within shrub/scrub groups:

The largest area of tree removals would be the groups of trees that are within the centre of the southern area of the site, around and on the site of the now demolished Hopetoun Unit building. They are mainly young trees which are small in size. The woodland blocks to the north, east and west, and the trees to the south would largely be retained. Moreover, it is proposed that new tree planting will be carried out throughout the site where it is proposed to plant 1,250 new trees, comprising:

53 extra heavy standard trees  
132 standard trees  
1025 woodland trees (planted as bareroot and feathers)  
40 specimen trees (5no per semi-private garden space).

Therefore, the loss of the trees whilst unfortunate would be mitigated by the proposed compensatory planting which would expand and enhance woodland cover on the site. Therefore, the **Council's Policy and Projects Landscape Officer** does not object to the

removal of the trees subject to a condition that limits any tree removal to that shown on the docketed drawings and that remaining trees being protected during the period of construction.

The Council's Policy and Projects Landscape team also advises that the proposals give an opportunity to improve woodland habitat connectivity with new areas of tree planting strengthening the links between the existing woodlands. Therefore, notwithstanding the proposed tree removal, the proposals would not lead to the fragmentation or net loss of the green infrastructure or Green Networks and will ensure the ongoing management of the woodlands for recreation, all of which supports the aims of the Council's Tree and Woodland Strategy.

Consequently, although through the development of the site there would be some loss of trees and the character of this part of the site would change, as the woodland and trees on the site would overall be enhanced and expanded the proposal does not conflict with Policies 6 and 20 of NPF4 or Policies DC10 or NH8 of the ELLDP or conflict with the Council's Woodland Strategy.

NPF4 Policy 3 requires the proposal to be based on understanding of both the site and its local, regional, and national ecological context.

A Preliminary Ecological Appraisal (PEA), Ecological Appraisal (EA) and Outline Biodiversity Enhancement Plan (OBEP) have been submitted in support of the application. The PEA informs that the site area is approximately 60,600m<sup>2</sup> in size, and the proposed development will result in the building on of some 7,000m<sup>2</sup> of vacant land, the majority of which comprises amenity grassland, and species-poor neutral grassland and scrub.

The **Council's Biodiversity Officer** agrees with the findings of the PEA and the assessment of the habitats present as being of either poor condition or low conservation value. Therefore, she raises no objection to the application provided that biodiversity enhancement as set out in the OBEP is carried out to compensate for any habitat loss and which will include:

- Increase species diversity of grassland habitats within the Site, through the provision of species-rich seed mixes and an appropriate maintenance and cutting schedule.
- Increase species diversity of woodland and increase the connectivity of green corridors within the Site, through the provision of species-rich hedgerows, targeted tree planting, ground flora regeneration and woodland enhancement.
- Create new habitats within the site with the establishment of new damp SUDS and swale habitat features.
- Increase opportunities for bird, protected species and invertebrates, through the provision of food resources and homes for nature.
- Ensure adherence with legislation regarding protected species, including the survey and licensing regime. Provision for roosting bats and nesting birds will form a key mitigation measure associated with proposals regarding the retained buildings.

These measures can be secured through future Approval of Matters Specified in Conditions application which will include the details of the habitat management and the timescales for delivery of these biodiversity enhancement measures. Subject to these measures being carried out the proposal would not conflict with Policy 3 of NPF4.

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 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 building and from the completed development should be imposed on all applications for planning permission except Section 42 applications, householder applications, design changes, changes of use, non-householder alterations and extensions, or where it is not considered reasonable by the Planning Officer. As this application is for new build development such a condition should be imposed on a grant of planning permission for the proposed development consistent with Policy 1 and 2 of NPF4.

Policy 13 of NPF4 supports proposals that enhance and provide active travel infrastructure, are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles. Policy T1 of the ELLDP requires that new developments should be located on sites that are capable of being conveniently and safely accessed on foot and by cycle as well as by private vehicles.

The site is well located for access to local services by foot and bike including access to public transport in the centre of Haddington. The proposed access arrangements include a new north to south active travel link from Lydgait to the A199 to the north, utilising Hopetoun Mews. There is also an active travel link proposed from east to west which includes a new pedestrian access through the boundary wall onto Aberlady Road with a new crossing facility over Aberlady Road.

Otherwise, a series of adopted footways and informal woodland paths are proposed which will ensure improved permeability within the site. These routes are enhanced by new pedestrian connections to Aberlady Road and Hopetoun Mews and improved pedestrian access at the main junction on Aberlady Road and onto Lydgait. Overall, the design prioritises pedestrian and cycle movement and will deliver attractive routes to encourage sustainable travel choices in accordance with Policy 13 of NPF4.

Policy 13 also supports proposals that are ambitious in terms of low/no car parking, particularly in urban locations that are well served by sustainable transport modes and where they do not create barriers to access by disabled people.

The proposal is designed with 75% car parking provision, all of which will be serviced for E.V charging. By being within the settlement of Haddington, this development is in a suitable location for reduced car parking and is designed to provide a high level of accessibility, including for disabled people, through the new and improved access points and routes through the site. The parking provision is therefore in accordance with Policy 13 of NPF4.

Policy 13 and Policies T1 and T2 require that new development must have no significant impact on road safety.

The former Hospital had vehicular access from Aberlady Road and Lydgait via Hopetoun Mews. The proposed vehicular access arrangement will continue to have a principle access from Aberlady Road and a secondary access off Herdmanflat. The development will incorporate a single flat block (estimated at 6 units) which would have its own access from Lydgait.

In support of the application a Transport Assessment has been submitted to establish the impact of the development on the local road network. The **Council's Roads Services** are satisfied that traffic likely to be generated by the proposed development could be

satisfactorily accommodated on the local road network. Therefore, they raise no objection to the application subject to conditions being imposed that require:

- \* A new shared-use travel access point on Aberlady Road, including a raised table or signalised crossing facility which shall form part of the phase 1 application.
  - \* a raised table crossing at the junction of Hopetoun Mews with Lydgait and access to the adjacent factored courtyard to west. This shall form part of the phase 1 application.
  - \* New access points from existing footways on Herdmanflat to the active travel route on Hopetoun Mews., which shall form part of the phase 2 and 3 application and include details of boundary alterations and any required regrading.
  - \* A new shared-use linkage from Hopetoun Mews to the A199 which shall form part of the phase 3 application.
- \* a Construction Method Statement to minimise the impact of construction activity on the public road network be submitted to and approved by the Planning Authority prior to the commencement of development. It should recommend mitigation measures to control construction traffic and include hours of construction work; and
- \* wheel washing facilities be provided and maintained in working order during the period of operation of the site.

Subject to the imposition of those planning controls the proposed development of the site does not conflict with Policy 13 of NPF4 and Policies T1 and T2 of the adopted East Lothian Local Plan 2018.

The applicant has submitted a Drainage Strategy for the whole site. The information also includes a fully designed road and parking design which is a significant component of the surface water run off on the site. The drainage strategy and detailed drainage design show the required connections outwith the site as well as the works within the site.

The **Council's Manager - Structures, Flooding** is satisfied with the Drainage Strategy and that the proposed development could be carried out without unacceptable risk of flooding.

The **Council's Archaeology/Heritage Officer** advises that there are a number of listed structures which are proposed to be redeveloped on the site and there is a good potential for as yet unknown archaeological remains to survive in the areas of the new builds. Therefore, it should be made a condition of any grant of Planning Permission in Principle that no development shall take place on the site until the applicant has undertaken and reported upon a programme of archaeological work (Historic Building recording and Archaeological trial trenching) in accordance with a written scheme of investigation which has been submitted by the applicant (or their agent) and approved by the planning authority. Subject to the imposition of that planning control The Council's Archaeology/Heritage Officer raises no objection to the application.

As set out in ELLDP Policy DEL1 there is a requirement for all residential developments of 5 units or more to contribute towards the infrastructure and community facilities required to accommodate the development.

The proposal is for up to 145 affordable homes designed specifically for an aging population by the Council and include provision for specialist housing. They are therefore consistent with policies HOU3 and HOU4 of the ELLDP and in line with the Council's Local Housing Strategy and the Supplementary Planning Guidance: 'Affordable Housing'.

The **Council's Education & Children's Services** have advised that provided a condition

is imposed on any grant of planning permission that restricts the occupancy of the residential units to people who are 55 years old or older then no financial contribution towards additional educational accommodation would be necessary, as there would be no school age children generated from the development. Therefore, subject to the imposition of such a condition they raise no objection to the application.

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 Transport Appraisal (TA)** provides the evidence base which has informed the Council's draft Developer Contributions Framework (DCF) and has been produced in conjunction with the Local Development Plan TA so that Road Services can assess the cumulative impacts of the Local Development Plan allocations on the Transport Network. The 145 units the subject of this application were not part of that transportation modelling. The traffic previously associated with the use of this site has been displaced with the opening of the new community hospital. There will therefore be an increased use of the road network associated with this development and developer contributions towards transport interventions are appropriate, including the provision of a Strategic Active Travel Corridor (£71,284.18) Proposal T3, A1 Interchange Improvements (Salters Road and Bankton Junction) (£1027.13) Proposal T17, Transport Improvements at Tranent Town Centre (£788) Policy T26, Transport Improvements at Musselburgh Town Centre (£362.76) Proposal T19 and Old Craighall Junction Improvements (£1424.53) Proposal T15 of the adopted East Lothian Local Development Plan 2018. Therefore, a developer contribution of £78,284.18 is required towards those Transportation Interventions indexed from Q1 2019 using the BCIS All-in Tender Price Index. Subject to the payment of those contributions the proposals are consistent with Policies T26 (Transport Improvements at Tranent Town Centre) and Policy T32 (Transport Infrastructure Delivery Fund) of the adopted East Lothian Local Development Plan 2018.

The **Council's Team Manager for Amenity Services** has been consulted and advises that a financial contribution towards the provision of additional/upgraded sports facilities capacity in the Haddington area is required to support the residents of the proposed development. While the accommodation is for older residents it is accepted that the occupants will make use of the sporting facilities and therefore it is reasonable to seek a contribution. This approach is aligned with the ELLDP Developer Contributions Framework Supplementary Guidance and consistent with other consented residential developments in the Haddington Area. In total the contributions equate to £187,050.00, indexed from Q1 2019 using the BCIS All-in Tender Price Index.

The payment of a financial contribution of £78,284.18 towards the transport interventions and £187,050.00 towards additional/upgraded sports facilities would in most cases be secured by a legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or some other legal agreement. However, as the applicant is East Lothian Council Housing Service the use of a S75 agreement is not possible. Therefore, in this instance the sums will be secured through a Legal Undertaking where the Housing Service will commit to ensure that the contributions sought in association with this planning application will be paid within the necessary timescales to ensure that the required infrastructure and facilities can be developed to support the residents generated from this housing development will suffice. This would also be in compliance with Policy DEL1 (Infrastructure and Facilities Provision) which stipulates that new housing will only be permitted where appropriate provision for infrastructure required as a consequence of the



development is made.

If the applicant were to sell the whole or part of the site to a third party, then the Legal Undertaking will include that sales missives will require the successor(s) in title to agree to enter a S75 agreement(s) to ensure planning obligations are placed on the land prior to land title transfer. The items to be covered by the S75 are as follows:

- 1) The proportion payment of the Transportation Contributions and Sporting Facilities Contributions associated with the number of units with planning permission within the land being sold.
- 2) To ensure the provision for 25% of the overall housing units within the site are for Affordable housing (within the planning application red line site).
- 3) If the applicant submits a S42 application to increase the number of units that additional contributions will need to be secured through a new S75 to support further development of infrastructure to support higher levels of housing, and this may require further infrastructure assessments).

Subject to the use of a condition to restrict occupancy to over 55 years of age, and securing the aforementioned contributions, the development will accord with ELLDP Policy DEL1: Infrastructure and Facilities Provision and guidance.

## **RECOMMENDATION**

It is recommended that Planning Permission in Principle be granted subject to:

1. The undernoted conditions and
2. A Legal Undertaking designed to secure from the applicant a financial contribution to the Council of £78,284.18 for the transport interventions, £187,050.00 for additional/upgraded sports facilities capacity in the Haddington area and the provisions of a minimum of 25% affordable housing provision on site.

## **CONDITIONS:**

- 1 The development hereby approved shall begin before the expiration of 5 years from the date of this permission.

Reason:

Pursuant to Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended.

- 2 The development shall generally accord with the approved drawings and strategies docketed to this planning permission in principle. The elements approved through the PPiP comprise:

Land Uses (Age restricted dwellings and community use (Garleton Building).

Masterplan Drawing REF: 12049-LD-PLN-001:

Building locations, level, heights and roof form:

Infrastructure, including, active travel routes, footpaths, recreational paths, roads, car parking, levels and adoption areas:

EV charging infrastructure locations (1 per parking space):

Outline Biodiversity Enhancement Plan:

Tree removal (worst case), protection, and compensatory planting strategy:

Open spaces, including, woodland, community orchard/garden, pétanque courts, central grassland, "play as you go" locations and semi-private space:

Drainage Strategy Plan including SUDS, swales and associated pipework:

Preliminary Drainage Proposal (Ref: HFH-GOO-ZZ-XX-DR-C-0500)

Reason:

To ensure the development is carried out in accordance with the consent.

- 3 The submission for approval of matters specified in conditions of this grant of planning permission in principle shall correspond with a development phase boundary (1-5) as set out in the approved phasing strategy and shall include details of:

- o the siting, design and external appearance of all the residential units and any other buildings or structures which should generally accord with the Masterplan and Proposed Heights drawing docketed to this planning permission in principle;
- o shared use routes, footpaths, roads, car parking, EV charging, lighting and adoption areas which should generally accord with the Masterplan and Road Adoption Layout docketed to this planning permission in principle;
- o landscaping, including woodland, tree, hedgerow, grassland and orchard planting, boundary treatments and hardsurfacing which should generally accord with the Masterplan docketed to this planning permission in principle;
- o drainage works including swales and SUDS which should generally accord with the Drainage Strategy docketed to this planning permission in principle;
- o "play and go" and seating provision;
- o Tree removal which should generally accord with the Tree Removal plan docketed to this planning permission in principle ;
- o Biodiversity enhancement which should accord with the OBEP docketed to this planning permission in principle:
- o any artwork to be erected on the site;
- o Detailed Energy Strategy.

Additionally, the matters listed below shall be included with the application for the matters specified in conditions in accordance with the phases specified.

- o New shared-use travel access point and pedestrian access point on Aberlady Road, including crossing facility. These shall form part of the phase 1 application;
- o New access points from existing footways on Herdmanflat to the active travel route on Hopetoun Mews. These shall form part of the phase 2 and 3 application and include details of boundary alterations and any required regrading;
- o New shared-use linkage from Hopetoun Mews to the A199. This shall form part of the phase 1 application;
- o New raised table junction at Hopetoun Mews and Lydgait, including access to private parking courtyard to west, and junction improvement at Lydgait and Aberlady Road. This shall form part of the phase 1 application.

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

Reason:

To enable the Planning Authority to control the development in the interests of the amenity of the development and of the wider environment and in the interests of road safety.

- 4 Prior to the commencement of development on each phase, as set out on the approved phasing strategy, the applicant shall submit a Woodland Management Plan for the whole of the corresponding area of land. The Plan shall be approved by the Planning Authority prior to the commencement of development on the associated phase. The woodland shall be managed in accordance with the approved Woodland Management Plan unless agreed in writing by the planning authority.

Reason:

To ensure the Woodland is managed appropriately to provide amenity for the residents and wider community.

Prior to the commencement of development a woodland management plan for the

woodland on the site shall be submitted to and approved in writing by the Planning Authority. The plan shall further the value of the resource for biodiversity as well as people, and shall include the following measures:

The requirements of the woodland management plan shall thereafter be carried out in accordance with the details so approved.

Reason:

To maximise the ecological potential of the proposed development.

- 5 Prior to the commencement of development on each phase, as set out on the approved phasing strategy, the applicant shall submit the contaminated land information detailed in parts 1-4 below. The details shall be approved by the Planning Authority prior to the commencement of development on the associated phase. The development shall be carried out in accordance with the approved details.

#### Part 1 - Contaminated Land Assessment

Based on the additional investigative works and monitoring carried out, a suitable Geo-environmental Assessment should be submitted which details the extent, scale and nature of any contamination, and reporting on the appropriate risk assessment(s) carried out with regards to Human Health, the Water Environment and Gas Characteristic Situation as well as an updated conceptual model of the site.

The Assessment must be undertaken by suitably qualified, experienced and competent persons and must be conducted in accordance with the relevant guidance and procedures. If it is concluded by the Reporting that remediation of the site is not required, then Parts 2 and 3 of this Condition can be disregarded.

#### Part 2 - Remediation Statement

Prior to any works beginning on site (and where risks have been identified), a detailed Remediation Statement should be produced that shows 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. The Statement must be submitted to the Planning Authority for approval.

#### Part 3 - Validation Report

The approved Remediation Statement must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out the agreed remediation. Following completion of the measures identified in the approved Remediation Statement, a Validation Report should be submitted that demonstrates the effectiveness of the remediation carried out. It must be approved by the Planning Authority prior to the use of the new development.

#### Part 4 - 'Unforeseen' Contamination

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.

If no 'unexpected' ground conditions are encountered during the development works, then this should be confirmed to the Planning Authority prior to the use of the new development.

Reason:

To ensure the ground conditions are suitable for development.

- 6 Prior to the occupation of any part of development in phase 2 the applicant shall submit detailed proposals for the central grassland/open space and pétanque court area. These proposals may be prepared in collaboration with the local community (The Community Council and/or other bodies agreed with the Planning Authority). The detailed design may include, but not be restricted to, opportunities for organised occasional use of the space, landscaping, earthworks, biodiversity enhancements, planting and opportunities for public art.

Reason:

- 7 To ensure the central space encourages public use and wider community involvement.  
Prior to the commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved by the planning authority,

The CEMP shall include, but not be limited to:

1. The specific mitigation measures to be implemented to control impacts from noise and dust during the construction phase;
2. Measures to minimise the impact from waste construction materials, including measures on the storage of waste;.
3. Measures to minimise the impact from construction traffic on road safety and residential amenity (as per the phasing strategy);
4. Temporary measures to control surface water drainage during the construction the SuDS.

The CEMP should also take account of the following guidance:

- o BS 5228-1:2009+A1:2014 "Code of practice for noise and vibration control on construction and open sites.
- o The Institute of Air Quality Management Guidance on the assessment of dust from demolition and construction (2014)

All construction works shall be carried out in accordance with the approved CEMP.

Reason:

To enable the Planning Authority to consider this matter in further detail.

- 8 The residential units hereby approved shall be occupied only by persons over 55 years of age.

Reason:

The applicant has proposed housing for an aging population. The educational authority would not be able to accommodate any children generated by this residential development without contributions to enable the development of additional educational accommodation. If all housing units occupancy is restricted to an age where there would be no school age children generated from the development then no additional educational accommodation would be necessary.

- 9 Each application for matters specified in conditions shall be accompanied by an updated phasing strategy document which sets out:

Sequence of buildings and infrastructure;  
Construction traffic routing (restricted to existing Aberlady Road only);  
Temporary access arrangements for existing and new residents (walking, wheeling and driving);  
Active travel routes;  
Walking and cycling connections at site boundaries;  
Roads;  
Landscaping and open space including "play as you go" and seating;  
Biodiversity enhancement;  
Off site infrastructure improvements, set out in the reserved matters.

The updated phasing plan for each Approval of Matters Specified in Conditions shall be approved by the Planning Authority prior to the commencement of development on the associated phase. The development shall thereafter be carried out in accordance with the approved phasing plan, unless otherwise approved in writing in advance by the Planning Authority.

Reason:

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

- 10 No development shall take place on a respective phase of development (as set out in the phasing strategy) until the applicant has undertaken and reported upon a programme of archaeological work (Historic Building recording and Archaeological trial trenching) in accordance with a written scheme of investigation which has been submitted by the applicant (or their agent) and approved by the planning authority. Where the programme of works is submitted on a phased basis each phase shall include all area required for any temporary works, including construction access provision.

Reason:

To enable the Planning Authority to consider this matter in further detail.

- 11 Prior to commencement of development details of signage and minor improvements to the walking route from Hopetoun Mews to the access to Tesco supermarket on Fortune Avenue shall be submitted for the approval of the Planning Authority. The approved details shall be carried out prior to the occupation of the first residential units or otherwise agreed in writing by the Planning Authority.

Reason:

To improve the accessibility of the site from the town centre by active travel.

- 12 Wheel washing facilities must be provided and maintained in working order during the period of operation of the site. All vehicles must use the wheel washing facilities to prevent deleterious materials being carried onto the public road on vehicle tyres.

Reason:

To ensure road safety is not compromised.

- 13 Prior to commencement of development a programme for monitoring the condition of the public road to be used by construction traffic for the period of development hereby approved, shall be submitted to and approved in writing by the Planning Authority.

The programme should include details of the inspection schedule and of the commitment by the developer for repairs to be made to the aforementioned roads, including emergency repairs for more serious damage to the road surface that could represent a significant road safety risk. Any non-emergency remedial works shown by the monitoring as arising from the construction of the development shall be undertaken by the applicant within three months of the completion of the final monitoring undertaken.

Reason:

To ensure road safety is not compromised.

- 14 Prior to the commencement of development the details of the following offsite measures, including a timetable for their implementation shall be submitted to and approved by the Planning Authority:

\* A new shared-use travel access point on Aberlady Road, including crossing facility - (between Baird Terrace and Hopetoun Drive (raised table or signalised crossing):

\* A raised table at the junction of Hopetoun Mews with Lydgait (raised table crossing) and access to the adjacent factored parking courtyard

- \* The junction improvement at Lydgait and Aberlady Road;
- \* New access points from existing footways on Herdmanflat to the active travel route on Hopetoun Mews, and include details of boundary alterations and any required regrading.
- \* A new shared-use linkage from Hopetoun Mews to the A199.

The offsite measures shall thereafter be installed in accordance with the approved details and in the timescales so approved.

Reasons:

In the interests of road safety and sustainable travel.

- 15 No residential unit within phase 2 shall be occupied unless and until details of artwork to be provided on the site have been submitted to and approved by the Planning Authority. The artwork as approved shall be provided prior to the occupation of the final residential unit approved for erection on phase 2.

Reason:

To ensure that artwork is provided in the interest of the visual amenity of the locality and the wider area within an appropriate timescale.

- 16 Each phase of development shall be carried out in strict accordance with the Drainage Strategy and Preliminary Drainage Proposal (Ref: HFH-GOO-ZZ-XX-DR-C-0500) docketed to this planning permission in principle. Prior to the commencement of development, full details of the finalised SUDS scheme shall be submitted to and approved in writing by the Planning Authority. Development shall thereafter be carried out in accordance with the details so approved.

Reason:

To ensure adequate protection of the water environment from surface water run-off.

- 17 Prior to the commencement of development, details of how the areas of open space and "play and go" areas are to be maintained shall be submitted to and approved in advance by the Planning Authority. The maintenance of the openspace and play area shall accord with the details so approved.

Reason:

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

- 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 The only trees to be removed are those identified for removal on the 'Tree Removals, Protection and Planting Strategy' drawing numbered 12049-LD-PLN-103 rev D. No development shall take place on site until temporary protective fencing in accordance with Figure 2 of British Standard 5837\_2012 "Trees in relation to design, demolition and construction" has been installed, approved by the arboriculturist and confirmed in writing by the Planning Authority. The fencing must be fixed into the ground to withstand accidental impact from machinery, erected prior to site start and retained on site and intact through to completion of development. The position of this fencing must be as indicated on the drawing 'Tree Removals, Protection and Planting Strategy' drawing numbered 12049-LD-PLN-103 rev D, shall be positioned outwith the Root Protection Area (RPA) as defined by

BS5837:2012 for all trees and approved in writing by the Planning Authority. Where construction space is required within the Root Protection Areas the ground should be protected in accordance with section 6.2.3 Ground protection during demolition and construction of BS5837:2012 approved by the arboriculturist and confirmed in writing by the Planning Authority.

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

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

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

#### Reason

In order to form Construction Exclusion Zones around retained trees and protect retained trees from damage.

