



**MINUTES OF THE MEETING OF THE
PLANNING COMMITTEE**

**TUESDAY 6 MAY 2025
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON
& HYBRID MEETING FACILITY**

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Committee Members Present:

Councillor N Hampshire (Convener)
Councillor C Cassini
Councillor D Collins
Councillor A Forrest
Councillor N Gilbert
Councillor C McGinn
Councillor S McIntosh
Councillor K McLeod
Councillor J McMillan
Councillor C Yorkston

Other Councillors Present:

None

Council Officials Present:

Mr K Dingwall, Service Manager – Planning
Mr C Grilli, Service Manager – Governance
Ms E Taylor, Team Manager – Planning Delivery
Mr D Irving, Senior Planner
Mr B Nicolson, Planner
Mr D Taylor, Planner
Mr S Robertson, Assistant Planner
Ms J Newcombe, Biodiversity Officer
Ms M Haddow, Senior Roads Officer
Mr C Wiseman, Projects Officer – Landscape
Ms W McGuire, Head of Housing
Ms R Pringle, Team Manager – Housing & Strategy
Mr J Bee, Team Manager – Development & Regeneration
Ms K Duckham, New Build Development Officer
Ms P Gray, Communications Adviser
Ms E Barclay, Democratic Services Assistant

Clerk:

Ms B Crichton

Visitors Present/Addressing the Committee:

Item 3: Mr K Macdonald

Apologies:

Councillor J Findlay
Councillor L Allan

Declarations of Interest:

None

The clerk advised that the meeting was being held as a hybrid meeting; that the meeting would be recorded and live streamed; and that it would be made available via the Council's website as a webcast, in order to allow public access to the democratic process in East Lothian. She noted that the East Lothian Licensing Board was the data controller under the Data Protection Act 2018; that data collected as part of the recording would be retained in accordance with the Council's policy on record retention; and that the webcast of the meeting would be publicly available for six months from the date of the meeting.

The committee clerk recorded the attendance of Planning Committee members by roll call.

Keith Dingwall, Service Manager – Planning and Chief Planning Officer, advised that Item 2 of the published agenda would not be heard at the meeting. He explained correspondence from an objector had argued that the application should be treated as being part of the larger Dunbar development in terms of Environmental Impact Assessment screening. Following this, it had been concluded that the application must be screened for an Environmental Impact Assessment, and a report would be presented to a future meeting of the Planning Committee.

**1. MINUTES FOR APPROVAL
Planning Committee, 1 April 2025**

Planning Committee members agreed the minutes as an accurate record of the meeting.

2. PLANNING APPLICATION NO. 24/01004/P: INSTALLATION OF SURFACE WATER PIPE, LAND EAST OF DUNBAR GARDEN CENTRE, SPOTT ROAD, DUNBAR

The item had been removed from the agenda to be for Environmental Impact Assessment screening.

3. PLANNING APPLICATION NO. 24/01380/LBC: REPLACEMENT WINDOWS, ENGINE COTTAGE, ABBOTSFORD ROAD, NORTH BERWICK

A report had been submitted in relation to Listed Buildings Consent application no. 24/01380/LBC. Scott Robertson, Assistant Planner, presented the report, highlighting the salient points. The report recommendation was to refuse consent.

Following the officer's presentation, Councillor Collins displayed an historical photograph of Engine Cottage she had found online, and pointed out that the windows in the photograph were dark in colour.

Officers responded to questions from Councillors McLeod, Gilbert, McIntosh, and the Convener. Mr Robertson advised that the Velux windows had been installed prior to 1988, and were part of the building's listing. He highlighted that there was no knowledge of the history of the building's windows; although an assumption had been made that they had once been dark in colour, this could not be confirmed. He advised that energy efficiency was not considered in the assessment of a listed building consent application. He noted that, although each

application had to be assessed on its own merits, other applications with slimline double glazing had been used and approved on listed buildings, and in this case, the refusal had mainly been because of the proposed colour rather than the use of double glazing.

Keith Macdonald, the applicant's agent, spoke to the application. He summarised the application as being to replace non-original white timber windows in poor condition on the original Engine Cottage building, for grey aluminium-faced high performance timber windows, which would match the windows on the newer wings of the property. He disagreed with the planning report's statement that the windows were an intrinsic part of the listed building; he suggested that if the windows had not been part of the building at the time it was listed, it would have been highly unlikely that approval would have been given later to fit the windows. Having studied the Historic Environment Scotland (HES) guidance on replacing windows, he considered that the planning report's statements relating to changing material or colour being rarely acceptable had been taken out of context, and pointed out that the HES guidance aimed to protect original fabric and appearance; he reiterated that the current windows were neither original nor historic. He illustrated the flexibility that existed in the HES guidance with an example from Riddles Court, off the Royal Mile, where the architects had fitted original openings with grey aluminium doors and screens; he argued that this application would have fallen within the scope of the same HES guidance and thought that it would have been subject to great scrutiny by HES officers in view of its location. He reported that HES often did not state support, and highlighted that HES had not stated opposition to the application. He highlighted that Engine Cottage could only be viewed from the golf course, against a woodland setting. He also highlighted nearby buildings at Carlekemp with black windows, which he said offered historic and contextual justification for the windows at Engine Cottage to be permitted to be a dark colour. He questioned what negative impact the development could have, and pointed out that the current white colour stood out against the subdued tones of the building, whereas the grey used in the newer parts blended in softly. He summarised that the assessment should come down to whether the change would give an acceptable and pleasing appearance, and whether it would comply with planning policy and guidance, which he believed it would in both cases.

Mr Dingwall pointed out that the Planning Committee was not aware of the background to the case at Riddles Court. He also advised that HES had decided to take a step back and provide no comment to planning applications on which they were consulted, and only objected if they considered it would be in the national interest. He discouraged Planning Committee members from placing weight on HES's lack of comment, and reminded members to consider the application on its own merits.

Mr Macdonald responded to questions from Councillors McLeod and McIntosh. He advised that the colour of the windows would be a soft grey with a slightly green tinge. He confirmed that these particular windows would harmonise the building's appearance by using the same product on the Engine Cottage building as had been used in the extension. He also advised that the aluminium facing meant that the windows would be maintenance free.

At the request of Councillor McMillan, Mr Macdonald passed around the photographs he had used to illustrate his presentation. Responding to further questions from Councillors McMillan and the Convener, Mr Macdonald advised that he had no direct evidence that the windows had originally been a darker colour, other than there being two dark-coloured windows at the gable ends, as his research had not turned up the photograph shown by Councillor Collins. He reiterated that the proposed windows would be very durable and would not require maintenance. He also reiterated that the current windows were not original windows, and were in poor condition. He advised that the extension was very recent, perhaps in the last 25 years, and as there had been no requirement for the windows to match the pump house building, aluminium windows had been installed. He clarified that the windows would have a timber frame, a thermal separation, and then a factory-coated aluminium facing. He advised that listed building consent had been granted for the most recent extension in 2012 or 2013.

Councillor McLeod said he had seen three or four types of windows across the building, and felt that uniformity would be beneficial. He also pointed out that the cottage was not visible from the main road, and only those using the golf course could see it. He would therefore vote against the officer's recommendation to refuse consent.

Councillor Collins said she had found very few examples of Tudor timber buildings online with white windows, as they had all originally been built with dark timber frames. Thus, she felt that the grey finish would be closer to the original type of frame, and referred to the historical photograph she had found and shared with the Planning Committee. She considered that the aluminium cladding would reduce wear and tear from sea wind and rain, and she would support the application.

Councillor Forrest noted that the original pipework remained on the building. He felt that the listed building had to be kept in its original form, and he would vote in support of the officer's recommendation to refuse consent.

Councillor Cassini felt that since the current windows were not original and were not environmentally beneficial, she would support the application for replacement.

Councillor Gilbert commented that the proposals were to change white windows which had been installed in the 1960s, and which appeared to originally have been dark in colour. He thought that grey windows would be an improvement, and would vote against the officer's recommendation.

Councillor McMillan said his opinion had changed from the start of the meeting, following Mr Macdonald's comments and seeing the photograph found by Councillor Collins. He felt that the proposed changes were appropriate, would improve the windows' durability, would revert the windows back to their original colour, and would harmonise with the surrounding windows. He would vote against the officer's recommendation to refuse consent.

Councillor Yorkston commented that the crux of the matter was originality of the fabric; he did not consider the fabric, which was altered 65 years after the building was originally built, to be original. He did not think the proposals would have a harmful impact, and said he had found the photo found by Councillor Collins helpful. He would vote against the officer's recommendation.

Councillor McGinn said he would vote against the officer's recommendation to refuse consent. Making particular reference to HES, he commented that it was unhelpful for any consultees to refrain from responding to consultations.

The Convener said that he would ordinarily have taken a similar position to Councillor Forrest's, but felt differently having seen how the whole appearance of the pump house building had been altered by the large extension and modern windows. He pointed out that changes would improve the building and its sustainability, and provide windows of better quality and efficiency, thus protecting its future. He would vote against the officer's recommendation.

The Convener then moved to a roll call vote on the officer's recommendation to refuse consent. Committee members unanimously voted against the officer's recommendation, except for Councillor Forrest, who voted in support of the recommendation to refuse consent.

Mr Dingwall checked that Committee members were content that only one condition be imposed, which was the Planning Authority's standard time condition. In response to Councillor McGinn's remarks, he also asked that Committee members were content that he write to Historic Environment Scotland regarding their lack of response in such cases. Committee members agreed these two matters.

Decision

Planning Committee agreed to grant listed building consent, subject to the following condition:

- 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.

4. PLANNING APPLICATION NO. 25/00246/PM: SECTION 42 APPLICATION TO VARY CONDITION 19 OF APPROVAL OF MATTERS SPECIFIED IN CONDITIONS 23/00453/AMM TO AMEND DIMENSIONS OF DRIVEWAYS ON PLOT 5B, BLINDWELLS, TRANENT

A report had been submitted in relation to Planning Application No. 25/00246/PM. David Taylor, Planner, presented the report, highlighting the salient points. The report recommendation was to grant consent.

Responding to a question from Councillor Yorkston, local member, Mr Taylor confirmed that the footprint of each house would be the same, and the driveways in the proposed drawings would be the same, but the wording of the condition was being updated because of a change of guidance during the determination period.

Responding to a question from Councillor McIntosh, Mr Taylor advised that the change in guidance had been from the Council's Road Services.

Councillor McIntosh said she assumed the guidance had been updated to facilitate 'vehicle creep', where cars were gradually getting larger; she pointed out that this had an environmental impact. She was happy to approve the change because she felt that planning standards should not facilitate vehicle creep by approving ever-larger driveways. She was keen that this be considered in the next iteration of the Local Development Plan, and would take the matter up with Road Services. She was in favour of the development using the smaller vehicle size standards for driveways on environmental grounds and to discourage car travel in towns and urban areas.

The Convener then moved to a roll call vote on the officer's recommendation to grant consent, and Committee members unanimously indicated their support.

Decision

Planning Committee agreed to grant planning permission, 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 $D_{n,e,w}$ 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 OOBELtd.

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 2.5 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 meters 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.

5. PLANNING APPLICATION NO. 24/01284/AMM: APPROVAL OF MATTERS SPECIFIED IN CONDITION 3, AND COMPLIANCE WITH CONDITION 4, 9 AND 17 FOR PHASE 1 OF PLANNING PERMISSION IN PRINCIPLE 23/01367/PPM, COMPRISING ALL DETAILS OF THE 51 FLATS INCLUDING DESIGN, LAYOUT, APPEARANCE, MATERIALS, HARD AND SOFT LANDSCAPING AND ALL ASSOCIATED WORKS, FORMER HERDMANFLAT HOSPITAL GROUNDS, ABERLADY ROAD, HADDINGTON

A report had been submitted in relation to Planning Application No. 24/01284/AMM. Bruce Nicolson, Planner, presented the report, highlighting the salient points. The report recommendation was to grant consent.

Officers responded to questions from Committee members. Councillor McMillan, local member, asked at what point a lift might be considered necessary, and questioned why a lift might not be installed from the beginning. Mr Nicolson responded that the wider site contained 150 units, and all ground floor elements would have access for disabled users. He explained that installation of lifts may eventually depend on the distribution of those who would require the use of a lift, and the design allowed for flexibility. Wendy McGuire, Head of Housing, added that installation of a lift or lifts would come later once there was a better understanding on the nature of the clients who would be moving in, however, she would discuss with the team whether consideration should be given to lift installation at the outset.

Kate Duckham, New Build Development Officer, responded to several questions from Councillor Forrest and the Convener. She advised that opportunities around the community orchard were still being investigated, and it was hoped that the community would come together to future-proof the management of the parkland. She advised that the formal paths would have a gravel effect, which would encourage the community to benefit from the area. James Bee added that he understood that the SuDS pond would drain away into the soakaways, but would check this.

Councillor McMillan welcomed the intention of the development, and was supportive of the detail contained within the application. He acknowledged some community concerns around the felling of trees, but pointed out the additional trees to be planted, and the greater access provided to a communal space. He welcomed the units coming forward for the older demographic they would serve, and the development of the community orchard. He also welcomed the development's energy strategy, and the quality and detail of the development. He thanked officers within Housing and Planning for their work on the project.

Councillor Forrest felt that community was at the forefront of the development, and welcomed its position close to the town centre, and the benefits of the proposed woodland areas. He also commended the officers who had brought the proposals forward.

Councillor Cassini welcomed the development coming forward, and particularly the provision of one-bed properties.

The Convener agreed with comments from colleagues, and felt that the quality development would be a huge asset to the community. He commented that there was a desire to build such developments across the county to suit older people who wanted to live comfortably in a place where adaptations could be made. He welcomed the proposals, and felt that local people would be proud of the development.

The Convener then moved to a roll call vote on the officer's recommendation to grant consent, and Committee members unanimously indicated their support.

Decision

Planning Committee agreed:

The phase 1 details submitted in respect of Conditions 4 - Woodland Management Plan, 9 - Updated phasing plan and 17 - Open space and 'play and go' maintenance be approved.

The Approval of Matters Consent be granted for phase 1, 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 until a person, who through relevant education, training and experience, has gained recognised qualifications and expertise in the field of trees in relation to construction, has been employed by the developer to monitor any works in close proximity of trees on the site as detailed on the approved 'Tree Strategy' Drawing 12049-L U C-XX-XX-DR-L-0410 P05 including the installation and maintenance of temporary protective fencing, construction of woodland paths in accordance with the detail on the 'Hardworks GA Site Wide' drawing numbered 12049-LUC-XX-XX-DR-L-0200 P08, construction of the retaining wall, and erection of fencing within RPAs. The arborist shall be required to confirm that the location and construction of the temporary protective fencing is in accordance with the approved 'Tree Strategy' Drawing 12049-LUC-XX-XX-DR-L-0410 P05 and submit written confirmation and photographic evidence that the required fence has been erected prior to the commencement of development.

Reason

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

- 3 No trees other than those identified for removal on the approved 'Tree Strategy' Drawing 12049-LUC-XX-XX-DR-L-0410 P05 shall be removed from site without the prior approval of the Planning Authority.

Reason

To ensure the existing woodland is adequately retained.

- 4 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 in to the ground to withstand accidental impact from machinery, erected prior to site start and retained on site and intact through to completion of development. The position of this fencing must be as indicated on the 'Tree Strategy' Drawing 12049-L U C-XX-XX-DR-L -0410 P05, shall be positioned outwith the Root Protection Area (RPA) as defined by BS5837:2012 for all trees and approved in writing by the Planning Authority.

All weather notices 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, without supervision by the appointed arboriculturalist
 - _ No mechanical digging or scraping
 - _ No storage of temporary buildings, plant, equipment, materials or soil
 - _ No hand digging, without supervision by the appointed arboriculturalist
 - _ 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.

- 5 All soft and hard landscaping and woodland shall be maintained in accordance with the approved Landscape Maintenance Schedule numbered 12049-LUC-XX-XX-RP-L-0700.

Reason:

To ensure the soft and hard landscaping and woodland is managed appropriately to provide amenity for the residents and wider community.

- 6 All planting, seeding or turfing comprised in the approved details of landscaping on the drawings titled 'Softworks General Arrangement Site Wide' with drawing number 12049-LUC-XX-XX-DR-L-0400 P04, 'Softworks General Arrangement Detailed Area 1' with drawing number 12049-LUC-XX-XX-DR-L-0401 P05 and 'Softworks General Arrangement Detailed Area 2' with drawing number 12049-LUC-XX-XX-DR-L-0402 P05 shall be carried out in the first planting and seeding season following the occupation or completion of any part of the development hereby approved, whichever is the sooner. All planting shall be established and maintained in accordance with the details on the above drawings. Any trees, hedges or plants which die, are removed or become seriously damaged or diseased within a period of ten years from the completion of the development shall be replaced in the next planting season with others of similar species at approved size and density, unless the Planning Authority gives written consent to any variation. No trees detailed in the approved landscaping plans to be retained on the site, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority. All landscape shall be retained and maintained to accord with the details of the approved details of landscaping.

Reason

To ensure establishment of a landscape scheme that improves the amenity of the area.

- 7 Unless otherwise agreed in writing by the Planning Authority, the following works hereby approved shall be completed prior to the first occupation of any dwelling within phase 1.
- a) The shared-use travel access point and pedestrian access point on Aberlady Road, shall be built in accordance with drawing HFH-GOO-P1-XX-DR-C-0702-P04;
 - b) The shared-use linkage from Hopetoun Mews to the A199, and the raised table junction at Hopetoun Mews and Lygait, shall be constructed in accordance with drawing HFH-GOO-P1-XX-DR-C-0702-P04, unless the Planning Authority, following consideration of an arboriculturist's assessment on the impact on the integrity of the trees adjacent to the A199, gives written consent to a variation;
 - c) The raised table on Aberlady Road shall be constructed in accordance with drawing HFH-GOO-P1-XX-DR-C-0704-P02;
 - d) The raised table on Lydgait shall be constructed in accordance with drawing HFH-GOO-P1-XX-DR-C-0702-P04; and
 - e) The Aberlady Road / Lydgait junction improvement shall be constructed in accordance with drawing HFH-GOO-P1-XX-DR-C-0709

Reason

To ensure that adequate active travel options are in place to connect the development with the wider community and services.

Signed

Councillor Norman Hampshire
Convener of the Planning Committee

DRAFT

REPORT TO: Planning Committee
MEETING DATE: 3 June 2025
BY: Executive Director for Place
SUBJECT: Application for Planning Permission for Consideration

2

Application no. **24/00777/AMM**

Proposal Approval of matters specified in conditions 1(a) to (i), 1(l), 1(m), 1(o), 5, 6, 9 and 27 of planning permission 21/01580/PM - Erection of 96 houses, 39 flats and associated works

Location **Blindwells
Tranent
East Lothian**

Applicant Hargreaves Services (Blindwells)

Per EMA Architecture + Design

RECOMMENDATION Consent Granted

REPORT OF HANDLING

BACKGROUND

Although this application is for the approval of matters specified in conditions of planning permission in principle 14/00768/PPM 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 number of dwellings detailed is 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.

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 8th 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 new settlement that could comprise residential, employment, education and commercial uses with park and ride and rail halt facilities and associated works all on land at Blindwells, which is located in close proximity to the settlements of Prestonpans, Tranent, Cockenzie and Port Seton.

The indicative masterplan approved with planning permission in principle 14/00768/PPM shows how the various components of development could be accommodated on the site including how the site could be accessed at three points from the A198 road, to the west of the application site. It shows how one of the accesses could be taken from the Bankton Interchange, which is at the southwest edge of the site. The northernmost proposed access is shown to involve the upgrading of the existing vehicular access into the site. It is further indicated that the third access could be formed at a central point on the western boundary of the site, in a position opposite an existing vehicular access that serves the former St Joseph's School.

Since the granting of planning permission in principle 14/00768/PPM a number of detailed planning applications and Section 42 applications to vary conditions of planning permission in principle 14/00768/PPM (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, 21/00120/AMM and 21/01580/PM, 22/00682/AMM, 23/00011/AMC, 23/00410/AMM) have been granted for various schemes of development including road infrastructure, landscaping, residential units, a car park and a primary school. These planning permissions have been implemented with road infrastructure including the three access roads off the A198 into the site, landscaping and residential units having been undertaken within the western part of the Blindwells site and a number of residential units are now occupied.

The granting of planning permission 21/01580/PM in varying conditions 1, 13, 30 and deleting condition 31 of planning permission 20/01030/PM had the effect of granting a new planning permission in principle for the Blindwells site through planning permission 21/01580/PM.

Planning permission 23/00410/AMM was granted in March 2024 for the approval of matters specified in conditions of planning permission 21/01580/PM for the erection of 101 houses, 39 flats and associated works at Blindwells for plot 4 within the Blindwells site being the same application site as the current application. Planning permission 23/00410/AMM has been implemented with works having commenced on site on the residential units which are not the subject of any material change through this revised layout the subject of this current application.

PROPOSAL

Approval of matters is now sought for the erection of 96 houses, 39 flats and associated works constituting phase 4 of the phasing plan approved within planning permission in principle 21/01580/PM.

Within Approval of Matters (Ref 19/00620/AMM) planning permission is granted for 2 main distributor spine roads providing access to the wider Blindwells site from the A198 Road

to the west at a point to the north opposite an existing vehicular access on the A198 Road that serves the former St Joseph's School, and from Bankton Interchange to the south.

The application site occupies a central position within the wider Blindwells site. It is 3.3 hectares in size and is located to the immediate east of the area identified on the approved masterplan for the Blindwells town centre, to the immediate south of the Princes Loch park area, to the north of the central distributor road and to the west of a landscaped area with land allocated for future residential development beyond.

The planning permission in principle for the wider Blindwells site 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.

Of the 135 units proposed within this application 93 are proposed as private for sale and 42 are proposed as affordable housing. In this regard the proposal is consistent with the indicative masterplan docketed to planning permission in principle 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 42 units proposed as affordable housing are operated as such.

The proposed scheme of development has a similar site layout to the scheme of development previously approved through the grant of planning permission 23/00410/AMM however the mix, house types and position of some of the units has been slightly altered. This application proposes a scheme of development composed of 10 different house types and 7 flat types within the proposed flatted buildings. Of the 96 houses proposed, 83 would be 2-storey in height, 11 would be 2 storey with living accommodation within the roof and 2 would be single storey bungalows with 9 houses being detached and 92 semi-detached/terraced. In terms of size 34 of the houses would be 2-bedroom, 35 would have 3 bedrooms and 27 would have 4 bedrooms. The proposed 39 flats would be provided within eight flatted blocks. Four 2 storey flatted blocks would be located within the central part of the site, two 4 storey flatted blocks would be located within the north-east corner of the site and two 3 storey blocks would be located to the immediate west of the 4 storey flatted buildings. In terms of size 4 of the flats would be one bedroom and 35 would be two bedroom.

The proposed scheme of development has a similar site layout to the scheme of development previously approved through the grant of planning permission 23/00410/AMM with the main vehicular, pedestrian and cycle access to the site taken from an access point in the south east corner taken off the central distributor road which runs to the immediate south of the application site. Additional pedestrian footpath access would be provided at points to the north, east and west connecting into the previously approved path network of the adjacent sites previously approved through the grant of the phase 2 infrastructure permission 21/00120/AMM. The layout of the site is such that pedestrian access could also be provided within the north east corner of the site to the west into the

area allocated on the approved masterplan for the town centre. The submitted details also include for internal roads, parking courts, boundary treatments, and landscaping.

The application is supported by a Planning Statement, Design and Access Statement, Preliminary Ecological Appraisal, Landscape and Habitat Management Plan, Geo-Environmental Assessment, Transport Statement, Environmental Noise Assessment and Drainage and Flood Risk Assessment.

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) which was adopted by The Scottish Government on the 13th February 2023 and the adopted East Lothian Local Development Plan 2018 (ELLDP).

Relevant NPF4 Policies are 1 (Tackling the climate and nature crisis), 2 (Climate Mitigation and adaptation), 3 (Biodiversity), 12 (Zero waste), 13 (Sustainable Transport), 14 (Design Quality and Place), 15 (Local living and 20 min neighbourhoods) and 16 (Quality homes).

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), DP9 (Development Briefs), CH5 (Battlefields), T1 (Development Location and Accessibility), T2 (General Transport Impact), W3 (Waste Separation and Collection), OS3 (Minimum Open Space Standards for New General Needs Housing), NH10 (Sustainable Drainage Systems) and NH11 (Flood Risk) of the ELLDP.

Material to the determination of the application is the non-statutory Development Framework for Blindwells New Settlement which was approved by the Council on 8 June 2010 and the Supplementary 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.

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

Also material to the determination of 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.

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 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.

REPRESENTATIONS

No public objection to the application has been received.

COMMUNITY COUNCIL

Cockenzie and Port Seton Community Council and Longniddry Community Council have both been consulted on the application however neither Community Council has provided a response or made any comment on the application.

Prestonpans Community Council as a consultee on the application object to the application which they state their main concern is with the continuing programme of piecemeal development at Blindwells is the absolute lack of facilities that are being provided by the site owner and various developers. Temporary portacabins are a wholly unacceptable solution to a very significant problem. So far, retail and commercial spaces, permanent community facilities and a medical centre are nothing but vague, meaningless promises at Blindwells, with no concrete plans in place to begin delivering them. Throughout the long years of planning for this enlarged housing development, the neighbouring communities were promised by both developer and East Lothian Council alike, that a "New Town" would be built next to them. New Towns are supposed to see a mix of housing, offices, retail, industrial, commercial and civic buildings, along with regulated transport infrastructure, open spaces and recreational facilities all being built at the same time. This quite evidently is not happening at Blindwells. Indeed, all we have seen is the introduction of a massive housing development that adversely impacts the already overburdened infrastructure around it. The car parking at Prestonpans railway station is overflowing on the busiest commuting days and the traffic jams along the roads that intersect with the entry and egress points from Blindwells at peak times are fast-becoming lengthy and problematic. More houses, means increased burdens on neighbouring schools and medical facilities, that are already struggling to cope with existing demands. Creating better physical pathways from Blindwells to the various facilities in neighbouring communities does not in any way improve this dreadful situation, but that is apparently the only improvement that appears to be on the horizon arranged between the Council and the developer. As a consequence of this inaction by the developer(s) and landowner to provide sufficient facilities and infrastructure within the Blindwells development, our Community Council wishes to object to further development there until we begin to see these long-promised facilities being built across the site so that it begins to function as the "New Town" we were promised. Refusal of permission to build further housing units until the promised supporting infrastructure is in place is the only stricture that the landowner will understand and provoke action.

Matters raised by Prestonpans Community Council regarding the provision of retail, commercial, permanent community facilities and a medical centre are not material considerations in the determination of this planning application which is for a scheme of residential development. Facilities which are to be provided as part of the Blindwells Town

Centre are the subject of a completely separate planning application which stands to be determined on its own merits.

This application is not proposing any additional residential units to that which have been previously approved within the wider Blindwells site to date, given there is an existing planning permission 23/00410/AMM for 140 residential units on this application site and the current scheme of development the subject of this application proposes 135 residential units being 5 less residential units than has previously been approved.

PLANNING ASSESSMENT

By the grant of planning permission in principle 21/01580/PM approval has been given for 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, following technical assessments which demonstrated that local and wider infrastructure, subject to financial contributions and conditions, can accommodate such level of development. There can therefore be no objection in principle to the erection of the 96 houses and 39 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 conditions attached to planning permission in principle 21/01580/PM.

The proposed layout is broadly consistent with the layout shown in the Illustrative Masterplan docketed to planning permission in principle 21/01580/PM. The proposed layout is also largely consistent with the approved scheme of development previously approved for this current application site the subject of planning permission 23/00410/AMM.

The houses, flatted blocks and associated areas of ground, in their proposed groupings, orientations, and layout would be consistent with the principles of the Scottish Government Policy Statement entitled "Designing Streets". The proposed layout of roads, pathways and parking spaces would also generally be consistent with those principles.

The range of house types 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 houses is of a relatively traditional pitched roof form. The proposed houses, 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 houses visible, but not appearing incongruous or intrusive in their surroundings.

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, allowing for some use of reconstituted stone, providing it is limited to a distinctively complete feature of the houses and flatted buildings and respectful of their design integrity. In all of this, subject to the imposition of the above condition, the proposal 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 adopted East Lothian Local Development Plan 2018, as the proposed development would achieve a minimum average density of at least 30 dwellings per hectare (net).

The masterplan docketed to planning permission in principle 21/01580/PM indicates how areas of formal and informal open space could be located throughout the Blindwells allocated site.

The site that is the subject of this approval of matters application is not shown on the masterplan to have any areas for play area provision within it. The masterplan does show that there is to be a substantial area of open space to the immediate north of the site adjacent to Princess Loch that would include a local park with formal play area and also to the south of the site on the opposite side of the distributor road which is to be known as Princess Park which is also to have a formal play area.

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 in principle 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 Policies DP1, DP2, DP3 and DP4 of the adopted East Lothian Local Development Plan 2018, the Council's approved development framework for Blindwells and the Scottish Government's Designing Streets.

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 135 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 21/01580/PM.

A mixture of in-curtilage and on street car parking for residents and visitors is proposed throughout the development with provision for electric vehicle charging points for each residential unit.

The **Council's Road Services** have been consulted on the application and advise that the proposed development content and layout is acceptable on the basis that the changes when compared to the previously approved scheme 23/0410/AMM are not significant in relation to roads and transport planning issues and policies. Road Services state the submitted site plan (23071(PL)001-S) indicates that the site will permit general vehicular access on its western boundary into the adjacent Town Centre site that will allow access

to a limited number of residential properties within that site only that will terminate as a cul de sac and will not permit a wider vehicular through route between the two sites. Road Services state that this arrangement is considered to be acceptable in the context of the acceptability of this site in its own right and in the context of the wider Blindwells masterplan. As such Road Services raise no objection to the application subject to a condition being attached to any grant of planning permission to secure the following transportation requirements:

(i) all adoptable footpaths shall be 2m wide;

(ii) driveways shall have minimum dimensions of 6 metres by 3 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 m length;

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

(iv) all prospectively adoptable parking bays (i.e. that will form part of the public road) shall have minimum dimensions of 2.5 metres by 6 metres. This can be reduced to a minimum length of 5 metres on the proviso that there is adequate road space to manoeuvre in adjacent to the parking bay;

(v) Vehicle access to private parking areas shall be via a reinforced footway crossing and have a minimum width of 5.5m over the first 10m to enable adequate two-way movement of vehicles;

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

(vii) Prior to commencement of development, a Quality Audit to independently assess walking, cycling, access and road safety aspects within and around the development should be submitted and approved by the planning authority. This will be reviewed after construction is substantially complete and the developer required to make good any issues.

(viii) 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. One electric vehicle charging point will be required for each residential dwelling.

(ix) a Road Safety Audit to independently assess walking, cycling, access and road safety aspects within and around the development should be submitted and approved by the planning authority prior to construction commencing. This will be reviewed after construction is substantially complete and the developer required to make good any issues;

(x) 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) and hours of construction work. Construction of the site shall thereafter be carried out in accordance with the Construction Method Statement so approved.

All of these requirements can reasonably be made conditions of an approval of matters specified in conditions for the proposed housing development.

Transport Scotland have been consulted on the application and raise no objection to it provided no part of the proposed development shall be occupied until the proposed upgrades to Bankton Interchange, as specified in Condition 30 of planning permission 21/1580/PM, are implemented to the satisfaction of the Planning Authority, after consultation with Transport Scotland. This condition is required given that Transport Scotland are aware of current housing completions on the wider Blindwells site in relation to the occupation limit stated in Condition 30 of planning permission 21/01580/PM and as such the occupation of any units in the scheme of development the subject of this application requires the works to the Bankton Interchange to have been undertaken. As such it is reasonable to impose the required condition on this grant of approval of matters.

On these foregoing transportation and other access considerations and subject to the aforementioned conditions the proposed residential development is consistent with Policies T1 and T2, of the adopted East Lothian Local Development Plan 2018.

The **Council's Housing Enabler Officer** within the **Council's Strategy & Development Department** as a consultee on the application advises that 30% of the total number of houses proposed, being 42, are to be provided for affordable housing provision with the mix of types of units, as amended, having been agreed with the Council. The preferred tenure for this site will be social rent through East Lothian Council. Accordingly, the Council's Strategy & Development Department support the application.

The **Council's Waste Services Manager** has been consulted and has no comment other than to stipulate that residents in the flatted properties would be required to remove containers for waste and recycling and place them at the kerbside for collection.

The **Coal Authority** has been consulted on the application and have responded stating that given their previous correspondence in relation to conditions 18, 19, 20 and 21 of the planning permission in principle for the Blindwells site in relation to land instability it will be for Building Standards process to ensure that each aspect of the built development will incorporate foundations to address stability risks posed by past surface mining operations, the Coal Authority has no objection to this planning application.

The **Council's Senior Environmental Health Officer** as a consultee on the application has no adverse comment to make on the application, being satisfied that the development would not have an adverse impact on any neighbouring land uses.

The **Council's Contaminated Land Officer** has been consulted on the application and advises he has reviewed the Geo-Environmental Assessment Report submitted and is satisfied with the reporting and agrees with the findings. The recommendations are therefore (for the Plot 4A development) that a series of specific gas monitoring standpipes are installed and monitored following the completion of any ground improvement works (grouting). What is also required is for a Remedial Statement to be submitted detailing all the measures necessary (including gas protection measures and proposals for clean cover layers) and listing the validation procedures to be followed. There is also a requirement for a Verification Report to be submitted and approved to confirm the satisfactory completion of the remedial works (prior to the occupation of the new dwellings). Accordingly, the Council's Contaminated Land Officer recommends that the following

condition be attached to any grant of consent:

Part 1

Prior to any works beginning on site an updated Gas Risk Assessment should be submitted to the Planning Authority for approval.

Following this (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 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.

Part 2

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 occupation of the new builds.

Part 3

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 further Site Investigation and subsequent Risk Assessment may have to be carried out, if requested by the Planning Authority. It may also be necessary to modify the Remediation Strategy should the reporting determine that additional measures are required. It should also be noted that a Verification Report would also need to be submitted confirming the satisfactory completion of all 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 occupation of the new builds.

These recommendations can reasonably be secured by the imposition of a condition on any approval of matters for the proposed development. Subject to this planning control the contaminated land officer raises no objection to the proposed development.

The **Councils Biodiversity Officer** offers no comment on the application. A condition can reasonably be attached to any grant of planning permission requiring the submission of a biodiversity enhancement plan. Subject to the imposition of that planning control the proposals do not conflict with Policy 3 of NPF4.

Historic Environment Scotland as a consultee on the application advise they have no comment to make on the proposal.

The **Council's Archaeology Officer** advises he has no comment to make on the application.

The **Council's Amenity Service** advise they are content with the proposal and have no objection to it.

The **Scottish Environment Protection Agency (SEPA)** have been consulted and

advised that they previously had 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 and raised no objection.

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.

At its meeting on 27 August 2019, the Council approved a motion declaring a Climate Emergency. Thereafter, at its meeting on 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. The proposed application accords with the S75 requirements for affordable housing, as 30% of the total number of housing units within Blindwells requires to be affordable housing and phases 3 to 10 inclusive. On plot 4 there is a requirement for a minimum of 30 AH units, or serviced land sufficient to accommodate 30 AH units however, there should be no more than 50% of the total number of units in the phase, therefore as this site is providing 42 AH units (31.1%) out of 135 total housing units it complies with the S75.

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 in conditions of planning permission 21/01580/ for the erection of 96 houses and 39 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 The development shall comply with the following transportation requirements:

(i) all adoptable footpaths shall be 2m wide;

(ii) driveways shall have minimum dimensions of 6 metres by 3 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 m length;

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

(iv) all prospectively adoptable parking bays (i.e. that will form part of the public road) shall have minimum dimensions of 2.5 metres by 6 metres. This can be reduced to a minimum length of 5 metres on the proviso that there is adequate road space to manoeuvre in adjacent to the parking bay;

(v) Vehicle access to private parking areas shall be via a reinforced footway crossing and have a minimum width of 5.5m over the first 10m to enable adequate two movement of vehicles;

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

(vii) Prior to commencement of development, a Quality Audit to independently assess walking, cycling, access and road safety aspects within and around the development should be submitted and approved by the planning authority. This will be reviewed after construction is substantially complete and the developer required to make good any issues.

(viii) 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. One electric vehicle charging point will be required for each residential dwelling.

(ix) a Road User Safety Audit to independently assess walking, cycling, access and road safety aspects within and around the development should be submitted and approved by the planning authority prior to construction commencing. This will be reviewed after construction is substantially complete and the developer required to make good any issues.

(x) 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) and hours of construction work. Construction of the site shall thereafter be carried out in accordance with the Construction Method Statement so approved.

The housing development 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 road and pedestrian safety.

- 7 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.

- 8 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 42 of the residential units hereby approved has been submitted to and agreed by the Planning Authority.

Reason:

In order to ensure that 42 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.

- 9 All planting, seeding or turfing comprised in the details of landscaping on docketed drawing Landscape Layout no. 2373/01 Rev C 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. 5398-OOB-XX-RP-RP-L-0001_P02 titled 'Landscape and Habitat Management Plan' dated September 2022 by OOB 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 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.

- 11 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.

- 12 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.

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

Part 1

Prior to any works beginning on site an updated Gas Risk Assessment should be submitted to the Planning Authority for approval.

Following this (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 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.

Part 2

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 occupation of the new builds.

Part 3

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 further Site

Investigation and subsequent Risk Assessment may have to be carried out, if requested by the Planning Authority. It may also be necessary to modify the Remediation Strategy should the reporting determine that additional measures are required. It should also be noted that a Verification Report would also need to be submitted confirming the satisfactory completion of all 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 occupation of the new builds

Reason

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

- 14 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.

- 15 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.

- 16 Unless otherwise agreed with the Planning Authority, after consultation with Transport Scotland, no part of the proposed development shall be occupied prior to the implementation and completion of the works to upgrade the Bankton Interchange to the satisfaction of the Planning Authority and Transport Scotland.

Reason:

To mitigate the adverse impact of the development on the safe and efficient operation of the trunk road network.

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

Reason

In the interests of road safety.

- 18 Unless otherwise agreed by the Planning Authority, no residential unit shall be occupied unless and until measures within the docketed Waterman 'Blindwells Plot 4A Drainage Strategy and Flood Risk Assessment' July 2024 have been implemented to the satisfaction of the Planning Authority following consultations with SEPA, to accord with the Drainage Strategy approved within planning permission in principle (Ref: 21/01580/PPM) and any variations to that consent.

Reason:

To ensure the built development within the application site is not at risk from flooding, there is no increase in flood risk elsewhere and appropriate long-term maintenance arrangements are in place.

- 19 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.

- 20 Prior to commencement of development, 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 use being made of the agricultural building hereby approved 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.

REPORT TO: Planning Committee
MEETING DATE: 3 June 2025
BY: Executive Director for Place
SUBJECT: Application for Planning Permission for Consideration

3

Application No. **24/00931/AMM**

Proposal Approval of matters specified in conditions 1(a) to (i), 1(l), 1(m), 5 and 27 of planning permission 21/01580/PM - Erection of 197 houses, 20 flats and associated works

Location **Blindwells Plots 6A And 6B
East Lothian**

Applicant Bellway Homes Ltd (Scotland East) & Hargreaves (Blindwells)

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 8 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 (ref: 14/00768/PPM) was granted in May 2018 for the

creation of a mixed use community on land at Blindwells. 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, 21/00449/PM, 21/01580/PM, 22/00682/AMM, 23/00011/AMC, 23/00410/AMM, 23/00453/AMM and 23/00841/AMC) have been granted for various schemes of development including road infrastructure, EV car parking, landscaping and residential units and a primary school within the western part of the wider Blindwells site, referred to as Phase 1. These planning permissions grant approval for 817 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 for a Section 42 application variation to conditions 1, 13, 30 and delete condition 31 of planning permission 20/01030/PM. The granting of planning permission 21/01580/PM had the effect of granting a new planning permission in principle for the Blindwells site through planning permission 21/01580/PM.

An illustrative masterplan docketed to planning permission in principle (Ref: 21/01580/PM) again shows 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 6.75 hectares of land at Blindwells identified as Plots 6A and 6B. 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 northern position within the Blindwells site. Whilst the area around the application site is currently under development, it would be bound to the immediate east by an access road with areas allocated for employment use, future residential development and a local park and SUDS basin beyond. To the immediate west would be a landscaped area of open space with land beyond identified as plot 4A and approved for residential development within planning permission (ref: 23/00410/AMM). To the south is a distributor road running east-west within the Blindwells site with land approved for the erection of a primary school currently under construction. To the northwest would be an area of open space featuring a SUDS basin. Further areas allocated for open space are to the north of the application site with the east coast main railway line beyond.

PROPOSALS

This application is for approval of matters specified in conditions 1(a) to (i), 1(l), 1(m), 5 and 27 of planning permission 21/01580/PM for the erection of 197 houses, 20 flats and associated works.

Of the 217 residential units proposed within this application 65 are proposed as affordable housing comprising 45 houses and 20 flats located at points to the southwest and north of the site.

The application proposes a scheme of development composed of 20 different house types comprising a mix of 2, 3, 4 and 5-bedroom houses. All of the buildings proposed for the site would be 2-storey in height. Of the 197 houses proposed for the site 96 would be detached and 101 would be semi-detached/terraced. In terms of size 33 of the houses would be 2-bedroom, 85 would be 3-bedroom, 70 would be 4-bedroom and 9 would be 5-bedroom. The proposed flats would be composed of eight of 1-bedroom and twelve of 2 bedrooms within five 2-storey flatted blocks.

Main vehicular, pedestrian and cycle access to the site is taken from a point formed to the south of the application site with a further 2 points formed to the east. Additional pedestrian footpath access is proposed at points to the 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 Design and Access Statement.

The application is further supported by the following documents:

- Drainage Methodology Report (Dougall Baillie Associates, August 2024);
- Storm Network Results (Dougall Baillie Associates, August 2024);
- Drainage Strategy (Waterman Infrastructure and Environment Ltd, October 2017);

-Flood Risk Assessment (Waterman Infrastructure and Environment Ltd, July 2018); and
-Geo-Environmental Assessment (Waterman Infrastructure and Environment Ltd, December 2022).

Since the application was first registered updated application drawings have been submitted in response to consultation responses received from the Council's Roads Services and Landscape (Projects).

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), CH4 (Scheduled Monuments and Archaeological Sites), 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), W3 (Waste Separation and Collection), 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 197 houses, 20 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), 5 and 27 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 proposed development would be seen in relation to completed areas of new housing and residential developments under construction on land at Blindwells and would also, in time, be seen in relation to development proposed for the wider Blindwells site.

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, light grey brick and a mix of red and grey concrete roof tiles featuring photovoltaic panels. A condition can be imposed on an approval of matters consent 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 an approval of matters consent 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 217 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'.

On matters of landscape the applicant has taken into consideration the comments of the **Council's Landscape Projects Officer** in the submission of revised drawings to incorporate enhanced landscape planting within the site. The provision, maintenance and retention of a scheme of landscaping of the site can be made a condition of an approval

of matters consent.

Subject to the above controls the Council's Landscape Projects Officer raises no objection to the proposals.

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, northwest, west, south and east of the site that would include local parks.

In terms of Amenity and Open Space the **Council's Strategy, Policy and Development Manager** has been consulted on the application and raises no objection.

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 ELLDP 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 Environmental Health Officer** has been consulted on the application and has responded no comment.

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. Amongst other matters Policy T2 requires that new development must have no significant impact on road safety

The site is well located for access to local services by foot and cycling. 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.

The **Council's Housing Enabler Officer** within the **Council's Strategy & Development Department** as a consultee on the application advises that the mix of house/flat types, sizes and locations proposed is satisfactory to meet the current housing needs of the area, and therefore she raises no objection to the application. She recommends that communication continues with East Lothian Council Strategy and Development Team towards an agreed approach to delivering the 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 65 units proposed as affordable housing are operated as such.

The **Council's Road Services** have been consulted on the application and advise that the

location and amount of parking within the site is acceptable and that the development can be safely accessed by cars and large vehicles. They recommend however that conditions be imposed on any approval of matters consent to ensure that:

- i) a Residents Travel Pack with information for residents to encourage use of sustainable modes of transport such as trains, buses, cycling and walking is submitted to and approved by the Planning Authority prior to construction commencing. The Travel Information Pack will include local bus and train timetables, local cycling and walking maps, information on bike hire / car sharing, and shall include details of how it will be distributed to residents;
- ii) prior to the commencement of development a Construction Method Statement designed to minimise the impact of construction activity and the movements of construction traffic on the amenity of the area shall be submitted to and approved in writing in advance by the Planning Authority. The Construction Method Statement shall include any recommended mitigation measures for the control of noise, dust and construction traffic, including hours of construction works, routing of vehicles and delivery time restrictions, and a health and safety method statement. The Construction Method Statement shall also provide details of utility/service drainage connections, including what temporary measures shall be put in place to control surface water drainage during the construction phase; and
- iii) prior to any development 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 to prevent deleterious materials being carried onto the public road on vehicle tyres.

All of these requirements can reasonably be made conditions of an approval of matters specified in conditions for the proposed housing development.

Transport Scotland have been consulted on the application and raise no objection subject to no part of the proposed development being occupied until the proposed upgrades to Bankton Interchange, as specified in Condition 30 of planning permission 21/1580/PM, are implemented to the satisfaction of the Planning Authority, after consultation with Transport Scotland. This condition is required given that Transport Scotland are aware that current housing completions on the wider Blindwells site have exceeded the occupation limit stated in Condition 30 of planning permission 21/01580/PM and as such the occupation of any units in the scheme of development the subject of this application requires the works to the Bankton Interchange to have been undertaken. As such it is reasonable to impose the required condition on this grant of approval of matters.

On these foregoing transportation and other access considerations and subject to the aforementioned conditions the proposed residential development is consistent with Policies T1 and T2 of the adopted East Lothian Local Development Plan 2018.

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 proposals.

The Coal Authority were consulted on the application and raise no objection to the application on the basis that it will be for the Building Standards process to ensure that each aspect of the built development will incorporate appropriate foundations to address any stability risks posed by past surface mining operations.

The **Council's Senior Environmental Compliance 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 potential risks 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 3 that could be changed to a CS2 classification given the results from post ground consolidation gas monitoring for the Phase 1 development, 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 the application site to confirm that Characteristic Situation 2 protection measures are appropriate.

He therefore recommends that prior to the commencement of any development of the site, and where risks have been identified, 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 Part2A 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 Validation 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 the above controls the Senior Environmental Compliance Officer raises no objection to the proposed development.

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);
- Greendykes, enclosure 200m W of Scheduled Monument;
- Seton West Mains, enclosures 500m SW of Scheduled Monument;
- Seton Collegiate Church, Scheduled Monument; and
- Battle of Prestonpans, Battlefield.

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 provided no response.

The **Council's Waste Services** have been consulted and have no comment other than to stipulate that waste and recycling containers should be presented on the main thoroughfare rather than in parking areas. The applicant has provided swept path analysis drawings which demonstrate to the satisfaction of the Council's Road Services that large vehicles including waste service vehicles could satisfactorily negotiate the proposed development. The proposals are therefore not inconsistent with NPF4 Policy 12 and Policy W3 of the ELLDP.

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 details of measures to protect and enhance biodiversity on the application site. Subject to the imposition of that planning control the proposals would not conflict with Policy 3 of NPF4.

At its meeting on 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 (S75) under the provision of Section 75 of the 1997 Town and Country Planning (Scotland) Act 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 modification 22/00001/OBL. The planning obligations within the agreement relate to planning permissions 14/00768/PPM, 20/01030/PM and 21/01580/PM. The 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), 5 and 27 of planning

permission 21/01580/PM for the erection of 197 houses, 20 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 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 block 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 block shall be in accordance with a co-ordinated scheme of materials and colours that shall be submitted to and approved in advance by the Planning Authority. This co-ordinated scheme shall in detail promote render as the predominant finish to the walls of the houses, 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 flats 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.

- 4 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.

- 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 the 1.8m high

fences within the rear gardens of the houses, 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 commencement of development details of the bin storage facilities for the flatted building 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.

- 7 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.

- 8 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.

- 9 Prior to the commencement of development hereby approved, the details of the measures to be taken to enhance biodiversity within the application site shall be submitted to and approved by the Planning Authority which shall include a timetable for their implementation. Thereafter those measures identified to enhance biodiversity shall be carried out within the timescales stated, unless otherwise agreed in writing by the Planning Authority.

Reason:

To enhance biodiversity in accordance with Policy 3 of NPF4.

- 10 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.

- 11 Prior to the commencement of development confirmation from Scottish Water shall be provided that demonstrates that there is an available connection to the public sewer and that Scottish Water will accept waste from this development. If Scottish Water cannot accept foul drainage from this site, proposals for alternative arrangements should be provided, prior to the commencement of development and SEPA should be re-consulted.

Reason:

In the interests of ensuring that foul drainage from the site can be accommodated.

- 12 Prior to the occupation of the last residential unit hereby approved, the proposed access roads, parking spaces, and footpaths to serve them shall have been constructed on site in accordance with the docketed drawings.

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

Reason:

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

- 13 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 65 of the residential units hereby approved has been submitted to and agreed by the Planning Authority.

Reason:

In order to ensure that 65 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.

14 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.

15 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.

16 Prior to the occupation of any of the residential units hereby approved, the electric vehicle car charging units and infrastructure for them, as shown on docketed drawing no. BLINDWELLS-6/DL/001 rev F titled 'PROPOSED DEVELOPMENT LAYOUT', shall be installed and made operational for use, and thereafter shall be retained and maintained and be available for use.

Reason:

To minimise the environmental impact of the development.

17 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.

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

The Construction Method Statement shall include details of:

- * Mitigation measures to control noise, dust, construction traffic (including routes to/from site and delivery times);
- * Hours of construction work; and
- * Routes for construction traffic

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 and the wheel washing facilities or any alternative facility so approved shall be provided and maintained in working order during the period of construction operations at the site.

Reason:

To minimise the impact of construction traffic in the interests of road and pedestrian safety in the locality.

- 19 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.

- 20 The areas of open space amenity land detailed on drawings docketed to this approval shall be laid out and available for use within a period of 12 months following the first occupation of any of the residential units hereby approved.

Thereafter those areas of land shall be retained for such purposes and shall not be adapted or used for other purposes without the prior written approval of the Planning Authority.

Reason:

To ensure the satisfactory laying out of all areas of open space in the interest of visual and residential amenity.

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

Reason:

To ensure establishment of a landscape scheme that improves the amenity of the area

- 22 The maintenance of all communal landscape areas, and hedges to private front gardens, as defined on the approved plans shall be adopted and maintained by a Factor or a Residents Association in accordance with details to be submitted to and approved by the Planning Authority prior to the occupation of any residential units hereby approved.

Reason:

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

- 23 Unless otherwise agreed with the Planning Authority, after consultation with Transport Scotland, no part of the proposed development shall be occupied prior to the implementation and completion of the works to upgrade the Bankton Interchange to the satisfaction of the Planning Authority and Transport Scotland.

Reason:

To mitigate the adverse impact of the development on the safe and efficient operation of the trunk road network.

REPORT TO: Planning Committee
MEETING DATE: 3 June 2025
BY: Executive Director for Place
SUBJECT: Application for Planning Permission for Consideration

4

Application no. **23/01052/AMM**

Proposal Approval of matters specified in conditions 1a, 1b, 1d, 1e, 1f, 1i, 1j, 1o, 2iii, 3, 4, 5a, 7, and 27 of planning permission in principle 14/00903/PPM – Erection of 29 houses, 46 flats, children’s home and associated works

Location **Site West of Masons Way
Wallyford
East Lothian**

Applicant East Lothian Council
Per Anderson Bell Christie Architects

RECOMMENDATION Consent Granted

REPORT OF HANDLING

Although this application is for the approval of matters specified in conditions of planning permission in principle 14/00903/PPM it must be determined as a major development type application because the area of the application site is greater than 2 hectares and the number of dwellings detailed is 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.

APPLICATION SITE

This application site is an area of some 2.56 hectares of undeveloped land located immediately to the south and east of the Wallyford Toll roundabout, situated within the wider Wallyford expansion area which is allocated for mixed use development by Proposal (PROP) MH9: Land at Wallyford of the adopted East Lothian Local Development Plan 2018.

The site is a roughly L shaped area of ground which is bounded to the south by the

Wallyford Learning Campus and its sports pitches and by an area of land which the Council are developing further sports pitches on, partly to the west by a car salesroom, to the north by the Wallyford Toll roundabout and the A199 public road and to the east by the distributor road of Masons Way. The majority of the site is on a higher ground level than the roads bounding it and the majority of the land of the site is generally flat with a slight downwards slope towards the north with the exception of parts of the northern and eastern edges of the site which slope steeply down from the main part of the site to the level of the adjoining roads. The site has a rough grass finish and has no trees or any other landscape features present on it.

The application site is part of the designated area of Pinkie Battlefield. It is also part of a larger area that is identified by the Coal Authority as being potentially at risk from past mining related activity. The western part of the application site is within an area identified by The Coal Authority as being a Coal Mining Development Low Risk Area and the eastern part of the application site is within an area identified by The Coal Authority as being a Coal Mining Development High Risk Area. The land of the application site is also within a wider area defined by the Macaulay Capability for Agriculture (LCA) classification system as being prime agricultural land. Land along the northern boundary of the site is identified as being at risk of surface water flooding.

BACKGROUND

On 30 November 2009 planning permission in principle (Ref: 09/00222/OUT) was granted for a mixed use development on some 86 hectares of predominantly agricultural land to the east, south and southwest of Wallyford. The site included Wallyford Community Woodland, the public roads of Salters Road and Inchview Road, and land to the south of Fa'side Avenue South, to the south of the existing village. The land is the allocated housing site of Proposal MH9 of the adopted East Lothian Local Development Plan 2018.

Planning permission in principle (Ref: 12/00924/PPM) was subsequently sought for the renewal of planning permission in principle 09/00222/OUT, as submitted to the Council on 26 November 2012. On 1 April 2014, the Council resolved to approve the application subject to the required Section 75 Agreement and planning permission in principle was duly granted with conditions on 14 November 2014 following the registration of that agreement.

Subsequent to this planning permission was sought and was granted for the following variations to the conditions of planning permission in principle 12/00924/PPM:

- Variation of condition 2 of planning permission in principle 12/00924/PPM to allow for the development and occupation of residential units from both the western (A6094 - Salters Road) and northern (A199) ends of the site (Ref: 14/00913/PM);

- Variation of condition 5 of planning permission in principle 12/00924/PPM to allow for up to 90 units to be completed in Year 1, up to 150 units in Year 2, up to 150 units in Year 3 and up to 60 units in Year 8 (Ref: 14/00916/PM).

In September 2015 planning permission in principle (Ref: 14/00903/PPM) was granted for amendments to planning permission in principle 12/00924/PPM, including an increase in number of residential units from 1050 up to a maximum of 1450, relocation and redesign of open space, development for residential purposes of areas previously proposed as open space and relocation and redesign of the proposed local centre.

The elements of the approved mixed use development include residential development, community buildings including a new school and community facilities, office units, a

restaurant, business units, general industrial units, storage and distributions units, trade counter units, a residential institution, a non-residential institution, hot food takeaways, playing fields, open space, allotments, landscaping and associated infrastructure provision.

Also in September 2015 Approval of matters specified in conditions of planning permission in principle 14/00903/PPM (ref: 15/00136/AMM) was granted for proposed infrastructure, access, landscaping and site development works including distributor road and access junctions onto the A199 and A6094, footpaths/cycleways, suds basins, acoustic bunds and development platforms.

In December 2020 planning permission in principle (ref: 15/00537/PPM) was granted for residential development with associated educational and community facilities and open space on the land known as Dolphingstone to the immediate south and east of the site the subject of planning permission in principle 14/00903/PPM. Through a condition attached to the grant of planning permission in principle 15/00537/PPM, the number of residential units on the combined sites the subject of planning permission in principle 14/00903/PPM and 15/00537/PPM is limited to no more than 2050. A revised indicative masterplan was submitted and approved as a part of planning permission in principle 15/00537/PPM to show that the positions shown for the distributor road, SUDS ponds, school campus and local centre would be the same as that approved by planning permission in principle 14/00903/PPM.

Since the granting of planning permission in principle (ref: 14/00903/PPM) and planning permission in principle (ref: 15/00537/PPM) a number of detailed planning applications (16/00537/AMC, 17/00384/AMM, 17/00432/AMM, 18/01283/AMM, 19/00926/AMM, 21/00069/AMM, 21/00070/PM, 21/00219/AMC, 21/00468/AMM, 22/00009/AMM, 22/01374/AMC, 23/00498/AMM and 24/00632/AMM) have been granted for various schemes of development including housing, road infrastructure, landscaping, a Learning Campus and a Local Centre.

Development of the wider Wallyford site is well underway. To date, approval has been granted through subsequent applications for the erection of a total of some 1413 residential units on sites within the wider combined Wallyford and Dolphingstone sites with a number of those developments either completed or under construction.

Also, in June 2019 application ref 19/00003/OBL to modify the S75 legal agreement that is associated with planning permission in principle 14/00903/PPM was approved. This gave approval for modifications to that S75 legal agreement which was the mechanism by which the provision within the residential development of 1450 residential units of 25% affordable housing (i.e. 363 units of the proposed 1450 units) was secured. Additionally, the plan docketed to the Section 75 agreement indicated where within the parts of the overall Wallyford development site that the affordable housing would be provided.

PROPOSAL

Through this current application the approval of matters specified in conditions 1a, 1b, 1d, 1e, 1f, 1i, 1j, 1o, 2iii, 3, 4, 5a, 7 and 27 of planning permission in principle 14/00903/PPM is sought for the erection of 29 houses, 46 flats, a children's home and associated works on this part of the land to which the planning permission in principle and the masterplan docketed to that permission applies.

Since the registration of the application, a number of non-material amendments have been made to the proposals resulting in the submission of revised site layouts, details of finishing materials, landscaping, boundary treatments, parking, road and footpath layouts. Also

since the registration of the application, the children's home has been reduced in size and capacity and an additional terraced house has been included in the layout and further details on drainage arrangements have been submitted. Accordingly, the description of the application has been partly amended to read "erection of 29 houses" instead of the previous description which read "erection of 28 houses".

The development site layout plan shows how the proposed 29 houses and 12 cottage flats and their gardens, the two flatted blocks containing a total 34 flats and the children's care home would be accommodated on the site along with associated parking provision, boundary treatments, access roads and areas of open space, landscaping and footpaths. The site would be served from the access road to Wallyford Learning Campus and a new road would be formed northwards from that access road into the site. It would continue northwards through the site then would turn westwards terminating in a roundabout at the westernmost end of the northernmost part of the site. The children's care home would be positioned at the very westernmost end of the northernmost part of the site just beyond the roundabout that would be formed and a row of terraced and semi-detached houses and cottage flats would be erected to the east of the children's care home, all on the southern side of the access road and fronting on to it. Another row of terraced and semi-detached houses and cottage flats would be erected on the west side of the part of the access road which would run in a north to south direction along the southernmost part of the site and a further terrace of 5 houses and two buildings containing a total of 34 flats would be erected on the eastern side of this same part of the access road. Areas of landscaped open space would be formed around the flatted buildings and around the northern edges of the application site and around the children's care home building. Footpaths would be formed throughout the site and these would connect to the wider site the subject of planning permission in principle 14/00903/PPM and onto the footpath to the north of the site for easy access into the rest of Wallyford or beyond to the park and ride site. The submitted details also include for the erection of bike, water tank and bin store enclosures, the installation of electric vehicle charging points throughout the site and the installation of air source heat pumps.

The 29 houses would comprise a mix of 8 semi-detached and 21 terraced houses of 3 different house types. The cottage flats would all be 'four in a block' style properties of 2 different house types. All of the houses and cottage flats would be two storey in height. The two flatted buildings containing the remaining 34 flats would be 3 storey in height and would contain 7 different flat types including wheelchair accessible properties. The children's care home would be a children's residential home which would be registered as such with the Care Inspectorate. It would be operated as a residential facility with 24/7 staffing and residents. Children would live there, some for short periods of time, some for longer periods of time. The design of the building allows sleeping accommodation for 4 children and 1 live-in staff member.

In terms of size, of the proposed 29 houses, 14 would contain 2 bedrooms, 9 would contain 3 bedrooms and 6 would contain 4 bedrooms. Eight of the cottage flats would be 1-bedroom flats and the other four would be 2-bedroom flats. The remaining 24 flats would be a mix of 1-, 2- and 3-bedroom flats.

All of the houses, flats and the children's care home would be Council owned and managed. The applicant's agent has advised that it is expected that the proposed development would be carried out in two phases, due to the restricted electrical capacity available to the site.

The application is supported by a number of detailed drawings and reports including an Energy Statement and Energy Compliance Report, Surface Water Management and Drainage Statements, Site Investigation Reports, and other related background reporting

some of which has been revised and resubmitted since the application was first registered.

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 adopted National Planning Framework 4 (NPF4) and the adopted East Lothian Local Development Plan 2018 (ELLDP) together with its adopted supplementary guidance.

NPF4 Policies 1 (Tackling the climate and nature crisis), 2 (Climate Mitigation and adaptation), 3 (Biodiversity), 7 (Historic Assets and Places), 12 (Zero Waste), 13 (Sustainable Transport), 14 (Design, quality and place), 15 (Local living and 20 minute neighbourhoods), 16 (Quality Homes), 18 (Infrastructure First), 21 (Play, recreation and sport) and 22 (Flood Risk and Water Management) are relevant to the determination of this application.

Relevant ELLDP Policies and Proposals are PROP MH9: Land at Wallyford, Policy T1: Development Location and Accessibility, Policy T2: General Transport Impact, Policy DP1: Landscape Character, Policy DP2: Design, Policy DP3: Housing Density, Policy DP4: Major Development Sites, Policy DP8: Design Standards for New Housing Areas, Policy HOU3: Affordable Housing Quota, Policy HOU4: Affordable Housing Tenure Mix, Policy W3: Waste Separation and Collection, Policy SEH2: Low and Zero Carbon Generating Technologies, Policy OS3: Minimum open Space Standards for New General Needs Housing, Policy OS4: Play Space Provision in New General Needs Housing Development, Policy CH4: Scheduled Monuments and Archaeological Sites, CH5: Battlefields, Policy NH5: Biodiversity and Geodiversity Interests, including Nationally Protected Species, Policy NH10: Sustainable Urban Drainage Systems, Policy NH11: Flood Risk, Policy NH12: Air Quality and Policy NH13: Noise.

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: Housing Quality explains how Designing Streets 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: (i) the approved masterplan for the site as approved by the grant of planning permission in principle 14/00903/PPM. The

masterplan sets out the land uses expected for the allocated site and how the Council requires the site to be developed; (ii) the Council's Supplementary Planning Guidance 'Design Standards for New Housing Areas' which expands on policies that are set out in the ELLDP and (iii) the Council's declarations of a Climate Emergency, Nature Crisis, and an Affordable Housing Emergency.

REPRESENTATIONS

No public representations have been received to this application.

COMMUNITY COUNCIL COMMENTS

Wallyford Community Council have been consulted on the application but have not provided any comments on it.

PLANNING ASSESSMENT

By the grants of planning permission in principle (ref: 14/00903/PPM) and planning permission in principle (ref: 15/00537/PPM) approval has been given for the principle of the erection of up to 2050 houses and for other uses on the combined Wallyford and Dolphingstone sites following technical assessments which demonstrated that local and wider infrastructure, subject to financial contributions and conditions, can accommodate such level of development.

To date, approval has been granted for the erection of a total of 1413 residential units on those combined sites (ref: 16/00537/AMC, 17/00384/AMM, 17/00432/AMM, 18/01283/AMM, 18/01328/AMM, 19/00926/AMM, 21/00069/AMM, 21/00693/P, 21/00219/AMC, 21/00468/AMM, 22/00009/AMM, 23/00498/AMM and 24/000632/AMM). Therefore, as the cap of 2050 houses has not yet been reached within the combined Wallyford and Dolphingstone sites, there can be no objection in principle to the 29 houses and 46 flats now proposed on this particular part of the wider Wallyford site.

This application seeks approval of matters consent for the matters specified in conditions 1a, 1b, 1d, 1e, 1f, 1i, 1j, 1o, 2iii, 3, 4, 5a, 7, 27 of planning permission in principle 14/00903/PPM. These conditions relate to provision of recycling facilities, the detailed design, finishing, density and layout of residential units, roads design, footpath provision, parking and cycle parking rates and other transportation requirements, the boundary treatments to be erected and the landscaping for the site. Therefore, in the determination of this application the Council, as Planning Authority, can only concern itself with these matters. In this regard the detailed proposals have to be considered against relevant development plan policy, the approved masterplan of, and conditions attached to planning permission in principle 14/00903/PPM.

The proposed residential and children's home development would form an extension to, and would be a natural extension of, the eastern edge of Wallyford. The proposals would be seen in relation to completed new housing developments and those under construction on land at Wallyford. The proposed residential development would be sympathetic to and would not be out of keeping with the character of Wallyford or with other recent housing developments in the Wallyford area.

The proposed houses, flatted buildings and children's home due to their positioning on the application site and by virtue of their height, size and scale, architectural design and finishes would satisfactorily integrate into their surroundings and would not appear as prominent or intrusive features, consistent with the principles of the Scottish Government Policy Statement entitled "Designing Streets". The other components of the proposed

development involving the layout of roads, pathways and parking spaces would not be harmful to the character and appearance of the area and would also generally accord with those principles.

The details submitted for approval are for a scheme of development comprising a mix of semi-detached and terraced 2-storey houses and 3-storey flatted buildings and a two storey high children's home. The layout reflects that of the wider Wallyford development, which is generally characterised by detached, semi-detached and terraced houses mostly being two-storey but also by the more substantial building of Wallyford Learning Campus which lies adjacent to the site and alongside which the flatted buildings would be read. The range of house types and flatted buildings 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 houses and flatted buildings is of a traditional pitched roof form. Render would be the predominant wall finish of the buildings with the exception of the flatted buildings which would be finished in brick. The rendered houses, flats and children's home buildings would consist of three different render colours, those being off white, beige and terracotta and the brick finished flatted buildings are proposed to be finished in bricks of differing buff shades used in different ways to create different visual outcomes. The three render colours and the use of different textures and laying patterns in the brick work of the flatted buildings will in the most part achieve a coordinated scheme of materials and colours that shall respect the layout of the development and the wider Wallyford development area however, in order to ensure there would not be a monotony of the same colour between the flatted buildings and the adjacent Wallyford Learning Campus it would be prudent to ensure that a sample of the brick(s) to be used on the flatted buildings is submitted to the Planning Service for its approval prior to its use on the development. This is a matter which can be controlled through a condition if approval of matters consent is to be granted.

The proposed development would provide an attractive residential environment for future residents of it. The residential units are shown to be laid out in such a way that adheres to the normally accepted privacy and amenity criteria on overlooking and overshadowing, whilst affording future occupants an appropriate level of privacy and residential amenity. The proposed new houses and flatted buildings would be so sited, oriented and screened such as not to harm the privacy and amenity of existing or future neighbouring or nearby residential properties through overlooking or overshadowing.

The application site is capable of accommodating all of the houses and flats and the children's home without being an overdevelopment of the site and without being incompatible with the density of existing housing development in the area.

Footpath links to the wider residential site, the learning campus and to the footpaths around Wallyford Toll roundabout are proposed that would allow for pedestrian and cycle access to the wider area and allow for good connectivity with the remainder of the Wallyford site.

The **Council's Biodiversity Officer** does not advise that the application site is of a high biodiversity value given the current nature of the land and raises no objection to the application subject to the submission of a Biodiversity Enhancement Plan which should set out measures for ecological enhancement opportunities. Subject to this recommended control, which can reasonably be imposed as a condition on an approval of matters consent were that to be the decision, the proposed development does not conflict with Policy 3 of NPF4 or with Policy NH5 of the ELLDP.

In respect of landscape matters the applicant has taken into consideration the comments

of the **Council's Senior Landscape Projects Officer** in the submission of revised drawings to incorporate enhanced landscape planting within the site. The provision, maintenance and retention of a scheme of landscaping of the site can be made a condition of an approval of matters consent.

Subject to the above control the Council's Senior Landscape Projects Officer raises no objection to the application. The proposed scheme of landscaping would also serve to encourage habitat creation and strengthen nature, enhancing the biodiversity of the site. On this consideration the proposed development is consistent with Policy 3 of NPF4 and Policy DP1 of the ELLDP.

The **Council's Environmental Health Officer** has been consulted on the application. He has responded to advise he has no objection to the proposed development, being satisfied that occupants of the proposed development would enjoy sufficient amenity, and the proposals would not result in harm to the amenity of any neighbouring land use. He recommends that conditions be imposed if planning permission is to be granted to ensure that noise associated with the operation of the Air Source Heat Pumps (ASHPs) and Exhaust Air Heat Pumps (EAHPs) proposed to be installed at the affordable housing units, including cumulative impacts of a number of ASHPs and ESHPs operating simultaneously, shall not exceed Noise Rating curve NR25 at any octave band frequency when measured from neighbouring residential properties. He also recommends that prior to the commencement of any development a report, based on an on-site assessment of the floodlighting on the adjoining sports pitches at Wallyford Learning Campus, is submitted to and approved by the Planning Authority to demonstrate that there shall be no harmful light spill into the residential properties from the neighbouring floodlighting. Subject to the imposition of these conditions the proposals are compliant with Policies NH12 and NH13 of the ELLDP.

The masterplan docketed to planning permission in principle (Ref: 14/00903/PPM) indicates how areas of formal and informal open space, including two community sports pitches, could be located throughout the allocated site.

Policy OS3 (Minimum Open Space Standard for New General Needs Housing Development) of the adopted ELLDP 2018 requires that for developments of 20 and more dwellings the minimum requirement for on-site provision of open space is 60m² per dwelling. Policy OS4 (Play Space Provision in New General Needs Housing Development) requires that developments of 50 and more dwellings must provide a play area suitable for children aged 0 - 8.

Areas of landscaped open space, which are to include seating areas, are proposed to be created on the site of this approval of matters application however most open space provision and the formal play provision and sports pitch provision are formed elsewhere on the wider Wallyford development site. The site lies adjacent to sports pitches and beyond that by playgrounds and sports pitches associated with the Learning Campus immediately to the south of it and further beyond that a Community Woodland can be accessed, all of which will provide opportunities for outdoor recreation for the residents of the wider Wallyford site including the future occupants of this site. Furthermore, the site is in close proximity to areas identified by the masterplan for planning permission in principle (Ref: 14/00903/PPM) as open space including for the provision of a play park.

Consequently, although the proposed development does not include play area provision or the provision of larger formal areas of open space consistent with Policies OS3 and OS4 of the ELLDP, this is consistent with the docketed masterplan attached to planning permission in principle (Ref: 14/00903/PPM). On this consideration the proposed development is consistent with Policy 21 of NPF4 and Policies OS3 and OS4 of the ELLDP

and with the indicative masterplan docketed to planning permission in principle (Ref: 14/00903/PPM).

The **Council's Access Officer** has been consulted but has not provided any comments on the application. Footpath links to the wider residential site the subject of planning permission in principle 14/00903/AMM and to the footpaths around Wallyford Toll roundabout are proposed and they will allow for pedestrian and cycle access to the wider area and will allow for good connectivity with the remainder of the Wallyford development site and beyond.

The principles of the means of accessing the wider Wallyford development are already decided by the grant of planning permission in principle (Ref: 14/00903/PPM). These include vehicular access to the proposed housing plots being taken from the distributor road of Masons Way.

The **Council's Road Services** have considered the details of the application and raise no objection to the proposed development, being satisfied that could be accessed safely and would not lead to a road or pedestrian safety hazard. They advise the location and amount of parking and secure cycle parking within the site is acceptable. They note the site's proximity to local bus services and the rail station Journey Hub. They recommend a number of transportation requirements which, where relevant, can be met through a condition approval of matters consent for the proposed development. With the imposition of conditions to cover these recommendations of Road Services, the proposed development does not conflict with Policies T1 or T2 of the ELLDP or with Policies 13 and 14 of NPF4.

Swept path analysis drawings demonstrating how the site can be serviced for waste collection have been submitted as part of the application. The **Council's Waste Services** and the **Council's Road Services** have made no comments or objections to the swept path analysis drawings submitted and no other comments on the refuse and recycling facilities proposed. The proposal does not conflict with Policy W3 of the ELLDP or with Policy 12 of NPF4.

Historic Environment Scotland (HES) have been consulted on this application and consider that the proposals have the potential to affect the Battle of Pinkie Battlefield Site. They note however that the principle of development within the application area has already been accepted and do not consider that the scale or nature of the proposed development raises issues of national interests. HES therefore raise no objection to the application. The **Council's Heritage Officer** has been consulted and has made no comments nor has he raised any objections on heritage grounds. On these cultural heritage considerations the proposed development does not conflict with Policy 7 of NPF4 or Policies CH4 and CH5 of the ELLDP.

In relation to considerations of contaminated land issues, the **Council's Senior Environmental Compliance Officer** has advised that there have been a number of Desk Studies and Ground Investigation Reporting carried out for the wider site area, however, much of this reporting is now some 15 years old and as such doesn't reflect the current ground conditions on the site. He advises that as with other sites in the vicinity there has been a wide variety of groundworks both on the site and in close proximity to it (both earthworks and ground stabilisation) which could potentially have altered both the contamination issues and ground gas issues impacting on the site. Given the nature of the proposed development (residential units), he recommends that the reporting is updated to reflect the current conditions on the site, with the assessments being carried out according to current best practice guidelines and standards. It would therefore be prudent to impose a condition if approval of matters consent is to be granted requiring a

Geo-Environmental Assessment be carried out to determine the ground conditions and potential contamination issues impacting on the site and thereafter that its findings be satisfactorily reported on to the Planning Authority and any necessary measures carried out on site. This requirement can be secured through a condition attached to an approval of matters consent for the proposed development. Subject to this control the Council's Senior Environmental Compliance Officer raises no objection to the proposals.

The **Coal Authority** have been consulted on the proposals and have raised no objections to them. Nor have they recommended the imposition of any conditions relating to coal mining safeguards.

Matters of drainage and flood risk concerning the wider allocated site were fully considered in the assessment of the planning permission in principle application 14/00903/PPM and the Indicative masterplan docketed to planning permission in principle 14/00903/PPM indicates how three sustainable urban drainage scheme (SUDS) detention basins could be formed within the wider Wallyford site to attenuate the flow of surface water run-off. Condition 27 of planning permission in principle 14/00903/PPM states that a SUDS scheme should be submitted for the written approval of the planning authority, in consultation with the Scottish Environment Protection Agency. The position of the three SUDS detention basins has already been approved by approval of matters 15/00136/AMM.

The **Council's Team Manager for Structures and Flooding** has been consulted on the application and has advised he is content with the drainage information submitted by the applicant. He does not object to the proposals and has no comments to make on drainage or flood risk grounds. Nor does he recommend that any conditions be imposed on an approval of matters consent. The proposals are consistent with Policies NH10 and NH11 of the ELLDP.

Scottish Water have been consulted on the application but have made no comments on it. It is the responsibility of the developer to make separate application to Scottish Water for permission to connect to the public waste water and water networks.

The applicant is East Lothian Council, and they would operate all of the residential units proposed for the site as affordable housing. The mechanism of the provision within the residential development of the wider Wallyford site of 25% affordable housing units is already secured through the grant of planning permission in principle 14/00903/PPM. The residential units proposed for the site form a part of the Affordable Housing schedule. In this regard the proposals are consistent with the indicative masterplan docketed to planning permission in principle (Ref: 14/00903/PPM) and with Policy 18 (Infrastructure first) of National Planning Framework 4 and Policy HOU3 (Affordable Housing Quota) of the adopted East Lothian Local Development Plan 2018.

At its meeting on 27 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 relevant applications for planning permission, including applications for the approval of matters specified in conditions of a planning permission in principle. This application is supported by an 'Energy Compliance Report' and by an 'Energy Strategy' which set out the measures to be taken to reduce the carbon emissions from the building and from the completed development which are designed to ensure compliance with the CO2 requirements of the Scottish Building Standards, and to meet the 15% reduction in carbon emissions from Low and Zero Carbon Generating Technologies (LZCGT) as required by

the ELLDP. The Reports set out that amongst other measures a combination of roof mounted PV panels and air source heat pumps are to be used for the houses proposed and a combination of PV panels and exhaust air heat pumps are to be used for the flatted buildings.

In respect of electric vehicle (EV) charging provision, the layout has been designed to incorporate EV charging infrastructure in parking courtyards and on driveways although the applicant's agent has advised that the design only allows for the charger infrastructure at this time with the provision and specification of the actual chargers to be confirmed by the applicant at a later date. They have also advised it will not be possible for communal chargers to become operational during the Phase 1 element of the works due to limited electrical capacity and instead these will be made live following the completion of the phase 2 works. The **Council's Road Services** have confirmed that they are satisfied with the electric vehicle charging measures proposed subject to the types of chargers being Type 2 chargers. A condition can be imposed on an approval of matters consent to ensure that the details of the charging arrangements, including the use of Type 2 chargers, be agreed with the Planning Authority. Subject to a condition being imposed for this proposed development to ensure that the proposed actions to be taken to reduce the carbon emissions from the building and from the completed development, including the proposals for Electric Vehicle Charging Provision are implemented on site, the proposals, on these climate change considerations, comply with Policies 1 and 2 of NPF4 and with Policy SEH2 of the ELLDP.

The mechanism of a financial contribution towards additional educational provision has already been secured through the grant of planning permission in principle 14/00903/PPM, as has the phasing of completions of the residential units to ensure sufficient education capacity can be provided for the pupil product of the development. The **Council's Planning Obligations Officer** advises there is only a negligible impact on infrastructure and community facilities associated with the operation of the proposed children's home based on the scale and nature of the overall approved mixed-use scheme approved through 14/00903/PPM and therefore no contributions will be sought in respect of the Children's Home. The Council's Planning Obligations Officer has confirmed that, as an approval of matters specified in conditions of planning permission in principle 14/00903/PPM, there are no requirements for additional developer contributions associated with this application.

On all of these considerations of design, density, layout, road, pedestrian, cyclist and other transportation design considerations, amenity, cultural heritage, landscaping, nature and biodiversity, climate mitigation and adaption, infrastructure, drainage and flood risk the proposed development is not inconsistent with the conditions imposed on planning permission in principle 14/00903/PPM or with the masterplan docketed to that planning permission in principle. It is not inconsistent with NPF4 Policies 1, 2, 3, 7, 12, 13, 14, 15, 16, 18, 21 or 22. Nor is it inconsistent with Proposal MH9 or Policies DP1, DP2, DP3, DP4, DP8, DP9, HOU3, HOU4, SEH2, NH5, NH10, NH11, NH12, NH13, OS3, OS4, CH4, CH5, W3, T1 or T2 of the ELLDP, the Scottish Government Policy Statement entitled "Designing Streets", the Council's Supplementary Planning Guidance on 'Design Standards for New Housing Areas' or the Council's declarations of a Climate Emergency, a Nature Crisis and an Affordable Housing Emergency.

In summary, the site is capable of accommodating the proposed development including vehicular, pedestrian and cycle access and landscaped open space. An approval of matters consent for the proposed development in the context of the site being part of housing allocation PROP MH9 of the East Lothian Local Development Plan, and in that its impacts in respect of amenity and technical considerations are acceptable in themselves, or can be mitigated through the appropriate use of planning conditions, would not be

inconsistent with National Planning Framework 4, with the Scottish Government's "Designing Streets" or PAN 67, with the relevant policies and proposals of the East Lothian Local Development Plan 2018 or with its adopted supplementary planning guidance or with the principles established by the grant of planning permission in principle 14/00903/PPM.

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 Consent 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 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 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.

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

The Construction Method Statement shall include details of:

- * Mitigation measures to control noise, dust, construction traffic (including routes to/from site and delivery times).
- * Hours of construction work
- * Routes for construction traffic
- * Wheel washing facilities or alternative facilities to prevent deleterious materials being

carried onto the public road on vehicle tyres.

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 and the wheel washing facilities or any alternative facility so approved shall be provided and maintained in working order during the period of construction operations at the site.

Reason:

To minimise the impact of construction traffic in the interests of road and pedestrian safety in the locality.

- 5 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.

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/children's home use of the site and shall not be adapted or used for other purposes without the prior written approval of the Planning Authority.

Reason:

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

- 6 All the open space recreation areas detailed on the docketed drawings, including all of the benches proposed to be installed in them, shall be available for use prior to the occupation of the last residential unit on the site. The open space recreation areas and benches, when provided, shall be used and retained for such purposes at all times thereafter unless agreed in writing by the Planning Authority.

Reason:

To ensure the satisfactory laying out of all areas of open space in the interest of the amenity of the future occupants of the dwellings hereby approved.

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

- o Phase I - A preliminary investigation incorporating a desk study, site reconnaissance, development of a conceptual model and an initial risk assessment.
- o Phase II - Incorporating a site survey (ground investigation and sample analysis) and risk evaluation. It is required if the Phase I investigation has indicated that the site is potentially contaminated and the degree and nature of the contamination warrants further investigation.
- o Phase III - Where risks are identified, a Remediation Strategy should be produced detailing and quantifying any works which must be undertaken in order to reduce the risks to acceptable levels.

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

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

additional remedial measures are required.

Reason:

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

- 8 Prior to the commencement of the development hereby approved, a report, based on an on-site assessment, of the floodlighting on the adjoining sports pitches at Wallyford Learning Campus, shall be submitted to and approved by the Planning Authority. The details to be submitted in the report shall demonstrate compliance with the following requirement:

(i) Light Trespass (onto windows) of the residential properties to be formed at plots 40 and 41 of the development hereby approved, measured as Vertical Illuminance in Lux, (Ev), shall not exceed 10 between the hours of 0700-2300 and shall not exceed 2 between the hours of 2300-0700.

A Light Spill iso contour plot based on the results of the on-site assessment shall be provided to ensure the above requirement can be met.

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

Reason:

In the interests of the amenity of the future occupants of plots 40 and 41 of the site.

- 9 Prior to the commencement of the development hereby approved, a Noise Impact Assessment Report assessing impacts associated with the Air Source Heat Pumps (ASHP's) and the Exhaust Air Heat Pumps Noise (EAHP's) hereby approved, including cumulative impacts of a number of Heat Pumps operating simultaneously, shall be submitted to and approved by the Planning Authority. The details to be submitted in the report shall demonstrate compliance with the following requirement:

(i) Noise associated with the operation of the ASHP's and ESHP's, including cumulative impacts, shall not exceed Noise Rating curve NR25 at any octave band frequency within any residential property. All measurements to be made with windows open at least 50mm.

Reason:

To safeguard the amenity of the occupants of residential properties.

- 10 Details of measures to protect and enhance biodiversity on the site shall be submitted to and approved by the Planning Authority. The measures as so approved shall be implemented prior to any use being made of the development hereby approved, and shall thereafter be retained unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of protecting and enhancing biodiversity within the site.

- 11 The actions to be taken to reduce the carbon emissions from the building and the provisions for electric vehicle charging all as detailed in the 'Energy Compliance Report', the 'Energy Strategy' Report and in the proposed site plan docketed to this approval of matters consent shall be fully implemented on site prior to the occupation of the last residential unit hereby approved and thereafter shall be retained unless otherwise approved in writing by the Planning Authority. Unless otherwise approved by the Planning Authority Type 2 electric vehicle chargers will be provided.

Reason:

To minimise the environmental impact of the development.

- 12 Notwithstanding that which is stated on the drawings docketed to this approval of matters specified in conditions permission a detailed specification of all external finishes of the

houses and flats hereby approved including a sample(s) of the brick(s) to be used in the flatted buildings shall be submitted to and approved by the Planning Authority prior to the use of the finishes in the development. All materials used in the construction of the houses and flats 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.

- 13 Prior to the occupation of any of the houses, flats and children's home hereby approved, a timetable for the provision of all boundary treatments, including the erection of the 1.8 metre high boundary enclosures for the rear gardens of the houses hereby approved, shall be submitted to and approved in advance by the Planning Authority and development shall thereafter be carried out in full accordance with the timetable so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

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

- 14 No development shall take place until there has been submitted to and approved in writing by the Planning Authority a detailed planting plan and schedule based on the 'Proposed Landscape Masterplan Layout' drawing numbered 1669-HLA-XX-XX-DR-L-90-001-F, 'Landscape Maintenance and Specification' drawing numbered 1669-HLA-XX-XX-DR-L-90-002, 'Proposed Landscape Softworks Layout 1/2' drawing numbered 1669-HLA-XX-XX-DR-L-90-003, and 'Proposed Landscape Softworks Layout 2/2' drawing numbered 1669-HLA-XX-XX-DR-L-90-004.

The scheme shall provide details of: tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. Non-thorn shrub species should be located adjacent to pedestrian areas. In addition to that shown, the scheme shall include hedge / shrub planting to all front gardens; scrub planting to the roadside of the woodland to the north and east boundaries; hedge planting to the eastern boundary of the children's home.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with the details so approved, including the timetable for implementation. All planting shall be established and maintained in accordance with the details on the approved drawings. Unless otherwise approved in writing by the Planning Authority, hedge planting to the rear garden boundaries shall generally be maintained at a height between 1.5 and 1.8m and front garden hedges shall be maintained at a minimum of 900mm in height. Any trees or plants which die, are removed or become seriously damaged or diseased within a period of ten years from the completion of the development 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. All existing and new planting comprised in the scheme of landscaping shall be retained and maintained to accord with the details of the approved details of landscaping unless the Planning Authority gives written consent to any variation.

Reason:

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