



## **MINUTES OF THE MEETING OF THE LOCAL REVIEW BODY**

# 2

**THURSDAY 20 NOVEMBER 2025  
COUNCIL CHAMBER, TOWNHOUSE, HADDINGTON  
AND DIGITAL HYBRID SYSTEM**

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**Committee Members Present:**

Councillor L Allan  
Councillor J Findlay  
Councillor N Hampshire (Convener)

**Advisers to the Local Review Body:**

Mr C Grilli, Legal Adviser to the LRB  
Mr M Mackowiak, Planning Adviser to the LRB

**Clerk:**

Ms M Scott, Committees Officer

**Other Officers Present:**

Ms E Barclay, Committees Assistant (meeting administrator)

**Apologies:**

Councillor J McMillan

**Declarations of Interest**

N/A

The clerk advised that this meeting was being held as a hybrid meeting. It was being recorded and webcast live via the Council's website in order to allow the public access to the democratic process in East Lothian. East Lothian Council was the data controller under the Data Protection Act 2018. Data collected as part of the recording would be retained in accordance with the Council's policy on record retention and a recording of the meeting would be available for 5 years.

The clerk confirmed attendance by taking a roll call of Local Review Body (LRB) Members present.

## **Introductory Statement by the Legal Adviser**

The Legal Adviser asked Members to confirm that they had had access to all the information. Confirm reviewed applicant's submission He outlined the procedure for the LRB to reach a decision on the planning application before it and reminded them that further advice would be provided on procedure, should they conclude they did not have enough information to determine the application at this meeting.

On this occasion it was agreed that Councillor Forrest would chair the LRB.

### **1. PLANNING APPLICATION NO. 25/00542/P: CHANGE OF USE OF FLAT TO MIXED USE OF RESIDENTIAL AND SHORT TERM HOLIDAY LET, 22 VERT COURT, HALDANE AVENUE, HADDINGTON, EH41 3PX (REVIEW AGAINST DECISION – REFUSAL)**

The Chair invited the Planning Adviser, who had not been involved in the original decision, to present a summary of the planning policy considerations in this case.

The Planning Adviser provided details of the application, property and location. He summarised the planning case officer's assessment of the application against relevant planning policies and highlighted the responses from internal and external consultees and interested parties. He then summarised the reasons for review provided by the applicant, drawing attention to some of the key arguments. He also confirmed that one representation had been received in relation to the appeal.

He summarised the planning case officer's assessment of the application against relevant planning policies and highlighted the responses from internal and external consultees, as well as objections submitted by interested parties.

The Planning Adviser then summarised the reasons for review provided by the applicant, drawing attention to some of the key arguments. He also highlighted that one further representation had been received in relation to the request for review.

The Planning Advisor answered questions from Members, confirming he was not aware of any other mixed use short term lets and from experience believed they would be difficult to enforce, and provided information on the communal space around the flat.

The Legal Advisor also made Members aware that if they upheld the appeal today the current offering for a license was three years, but conditions could be added to only allow the use of a short term during specific times and explained the privacy notice was available on the Council website as part of the application process.

The Chair asked his colleagues to confirm that they had attended the site visit and if they were satisfied that they had sufficient information before them to determine the application. They confirmed this to be the case.

The Chair then invited Members to give their views on the application.

Councillor Findlay noted the difference in this application compared to other short term lets as this would remain the families main home. He also highlighted there was only one objection received out of nine neighbours and that the hallways were wide and away from main doors some with their own internal halls so they would be protected from noise to a greater degree. For these reasons he would be supporting the appeal and going against officers recommendations.

Councillor Allan agreed with Councillor Findlay's pointing noting the holiday let period would be for the school holidays therefore would be unlikely the applicant would try to extend it, she did not feel there would be a loss of amenities and people and coming and going would be a possibility even with neighbours. Therefore she would also be supporting the appeal.

The Chair disagreed with other Members stating it was not unacceptable for people to use a shared area they do not own and people who are spending time on holiday live differently from people in a permanent residence. He also felt limiting the time the flat was let out would be impossible to control

The LRB members confirmed their decision via roll call vote. They agreed, my majority to uphold the applicants appeal. The Chair proposed a condition that the premises shall only be used as a short term holiday let from the period of 1 July until 15 August in any year which was seconded by Councillor Findlay.

## **Decision**

The ELLRB agreed, by majority to uphold the applicants appeal with the condition that the premises shall only be used as a short term holiday let from the period of 1 July until 15 August in any year.

## **2. PLANNING APPLICATION NO. 25/00577/P: ERECTION OF 1 HOUSE AND ASSOCIATED WORKS, LAND TO NORTH OF SPITTALRIGG MAIN HOUSE, SPITTALRIGG, LETHAM, HADDINGTON (REVIEW AGAINST DECISION – REFUSAL)**

The Chair invited the Planning Adviser, who had not been involved in the original decision, to present a summary of the planning policy considerations in this case.

The Planning Adviser provided details of the application, property and location. He summarised the planning case officer's assessment of the application against relevant planning policies and highlighted the responses from internal and external consultees and interested parties. He then summarised the reasons for review provided by the applicant's agent, drawing attention to some of the key arguments. He also confirmed that two representations had been received in relation to the appeal.

The Planning Advisor answered questions from Members confirming that a Section 75 agreement could introduce the element of perpetuity and if it was to be changed then a separate application would have to be submitted and that the proposed house would be partly assembled elsewhere but it would still be classed as a permanent structure. He also explained that the proposed tenure for affordable housing was 80% ownership of the house and that policy DC4 sets out a number of criteria for agricultural use and employment on site as well as the element around location, such as smaller settlements, hamlets or villages which he did not feel was the case for the current application.

The Chair asked his colleagues to confirm that they had attended the site visit and if they were satisfied that they had sufficient information before them to determine the application. They confirmed this to be the case.

The Chair then invited Members to give their views on the application.

Councillor Allan stated the location was not appropriate due to not being a small hamlet or village and the structure itself would not be fitting with the traditional style houses. She added that say yes to this application would open the whole of the East Lothian Countryside in a way that we really don't want to see and therefore she would be agreeing with officer recommendations.

Councillor Findlay commented even though he liked the modern design of the house it would not fit in this particular context with the older buildings that would surround it, and the build would not adhere to policies 17 of NPF4 or DC4 therefore he would also be supporting the officers recommendations.

The Chair was of a similar opinion to his colleagues and expressed his concern over the house being classed as affordable housing. He expressed a need for the new policy to be clear and state homes should be built alongside existing settlements within the countryside and not an isolated location and for these reasons he would also be supporting the officers recommendation.

The LRB members confirmed their decision via roll call vote. They agreed unanimously to confirm the original decision of the planning case officer to refuse planning permission for the reasons set out in the original decision notice.

## **Decision**

The ELLRB agreed unanimously to confirm the original decision of the planning case officer to refuse planning permission for the reasons set out in the original decision notice.

Signed .....

Councillor Norman Hampshire  
Chair of Local Review Body (Planning)

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**COMMITTEE:** Planning Committee

**MEETING DATE:** 3 February 2026

**BY:** Depute Chief Executive – Resources and Economy

**REPORT TITLE:** Application for Planning Permission for Consideration

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Application no. **25/00403/AMM**

Proposal Approval of matters specified in conditions 2, 8, 9, 11, 13, 14, 17, 18 of planning permission in principle 25/00236/AMM for the erection of 76 houses and associated works

Location **Area F  
Land at Windygoul South  
Tranent  
East Lothian**

Applicant BDW Trading Ltd

**RECOMMENDATION** Consent Granted

## **REPORT OF HANDLING**

Although this application is for the approval of matters specified in conditions of planning permission in principle 25/00236/PM 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.

## **BACKGROUND**

On 19 December 2019, planning permission in principle 18/00937/PPM was granted for a residential development of 561 residential units with associated access, SUDS, roads, open space, future school expansion site, sports pitch and landscape works all on the allocated housing site TT1 and allocated Windygoul Primary School Expansion site TT2 at Windygoul South, Tranent. Docketed to that

planning permission in principle is an indicative site plan/masterplan which shows how in principle, the development would be accommodated on the application site.

Since then, a number of detailed planning permissions and approval of matters consents have been granted for residential units including affordable housing units, access roads, SUDS and associated works on various parts of the wider site the subject of planning permission in principle 18/00937/PPM and the masterplan docketed to that planning permission in principle.

On 10 September 2025, planning permission in principle (reference 25/00236/PM) was granted for an application made under Section 42 of the Town and Country Planning (Scotland) Act 1997, as amended, to vary condition 3 of planning permission in principle 18/00937/PPM to allow an increase in the overall numbers of residential units over the site from 561 to 577, an increase of 16 units overall. Planning permission in principle 25/00236/PM was granted subject to (i) modifications being made to the Section 75 Agreement associated with planning permission in principle 18/00937/PPM to encompass the further application and any further planning applications associated with the subjects prior to their determination and (ii) all of the same conditions from planning permission in principle 18/00937/PPM where it was determined they should still apply. It was decided that the majority of the conditions should continue to apply with the exception of those which had had details approved and the approved works had already been implemented, such as the formation of the SUDS basin and the carrying out of archaeological evaluation. An additional condition was imposed requiring the 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.

## **PROPOSAL**

Through this current application the approval of matters specified in conditions 2, 8, 9, 11, 13, 14, 17 and 18 of planning permission in principle 25/00236/PM is sought for the erection of 76 houses on another part of the land to which the planning permission in principle and the masterplan docketed to that permission apply. This now proposed housing site is located at the very western end of the overall site and includes land to the north and to the south of the spine road which runs through the site. It is bounded on the north by a landscape strip and beyond by residential properties, to the east by the remainder of the site the subject of planning permission in principle 25/00236/PM, to the south by land which is to become the landscaped perimeter edge of the wider Windygoul site and beyond that by Fleets Industrial Estate and Elphinstone Research Centre and to west by a core path and beyond that by agricultural land which is land allocated in the East Lothian Local Development Plan 2018 under PROP TT3 for employment use. The new spine road of the overall site and its associated landscaped edges would run through the middle of the site of this current application.

The site is within an area identified by the Coal Authority as being a Coal Mining Development Low Risk Area.

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, colours of finishing materials, landscaping, boundary treatments, parking, road surfacing and road and footpath layouts. Also since the registration of the application, further details on construction method statements, swept path analysis, drainage arrangements and broadband connectivity have been submitted and there has been a revision to the application description.

The development site layout plan shows how the proposed 76 houses would be accommodated on the site along with associated detached garages, boundary treatments, access roads and areas of open space, landscaping and footpaths. The houses would comprise of a mix of 61 detached, 10 semi-detached and 5 terraced house types. There would be a total of 12 house types. All of the houses would be two-storey in height.

In terms of size, of the proposed 76 houses, seven would contain five bedrooms, 54 would contain four bedrooms, and 15 would contain three bedrooms. All of the houses would be private houses for sale.

Vehicular access to the site would be taken by way of a total of four separate accesses which would be formed directly from the new spine road which would cross through the site. One vehicular access would serve the 29 houses which are proposed to be formed to the north of the spine road and the remaining three vehicular accesses would serve the remainder of the houses proposed to be formed to the south of the spine road with the exception of five houses immediately to the south of the spine road which it is proposed would have direct vehicular access onto the spine road. Other than the driveways serving those five proposed houses, the proposed vehicular accesses would continue northwards and southwards and would branch off to form a series of streets throughout the site. Residential properties would generally face towards the streets and the majority of the proposed residential properties would have in curtilage parking, with the exception of the proposed terraced and semi-detached houses at the northern end of the site which would have off street parking provided immediately adjacent to them. Visitor parking would also be provided. Footpaths would be formed throughout the site and these would connect to the wider site the subject of planning permission in principle 25/00236/PM to connect the development the subject of this application to areas of open space and other parts of the residential development the subject of that planning permission in principle and beyond. The submitted details also include for, detached garages, boundary treatments and landscaped open space within the site.

The application is supported by a number of detailed drawings and reports including a Flood Risk Assessment and Drainage Strategy Report and a Construction Method Statement.

A separate planning application (reference 25/01410/P) has been submitted by the same applicant for the formation of vehicular and pedestrian accesses which would connect 5 of the house plots proposed through this application to the spine road to be formed through the middle of the site. Planning application 25/01410/P is being considered separately from the application the subject of this report.

## **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), 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), 22 (Flood Risk and Water Management) and 24 (Digital infrastructure) are relevant to the determination of this application.

Relevant ELLDP Policies and Proposals are PROP TT1: Housing at Windygoul South, Tranent, 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 DP9: Development Briefs, Policy DCN2: Provision for Broadband Connectivity in New Development, Policy HOU3: Affordable Housing Quota, 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 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.

Also material to the determination of the application is the non-statutory Development Brief (TT1 – Windygoul South, Tranent) which was adopted by the Council on 30 October 2018, the Council's approved non-statutory Supplementary Planning Guidance (SPG) on 'Design Standards for New Housing Areas' adopted by the Council in May 2020 and the approved masterplan for the site as approved by the grant of planning permission in principle 25/00236/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 written representations have been received to this application.



## **COMMUNITY COUNCIL COMMENTS**

Tranent and Elphinstone Community Council have been consulted on the application but have not provided any comments on it.

## **PLANNING ASSESSMENT**

By the grant of planning permission in principle 25/00236/PM, approval has been given for the principle of the erection of 577 residential units over the wider allocated site following technical assessments which demonstrated that local and wider infrastructure, subject to financial contributions and conditions, can accommodate such level of development. The indicative site plan docketed to planning permission in principle application 25/00236/PM is indicatively detailed down to the level of individual house plots and house types which could be accommodated on the overall site the subject of that planning permission in principle and the detailed layout the subject of this current application shows a layout, a density, overall number of units and house types that are broadly consistent with the indicative layout docketed to permission in principle 25/00236/PM for this part of the Windygoul South site. Full regard has been had to the terms of the approved site layout drawing that relates to the wider site and the development now proposed is broadly in conformity with the overall provisions of that approved site layout drawing. There can therefore be no objection in principle to the erection of the 76 houses now proposed on this particular part of the site.

This application seeks approval of matters consent for the matters specified in conditions 2, 8, 9, 11, 13, 14, 17, 18 of planning permission in principle 25/00236/PM. These conditions relate to the height, finishing, layout and design of the residential units, the parking rate, roads layout and other transportation requirements, the boundary treatments to be erected, the landscaping and landscape maintenance for the site, contaminated land and ground condition requirements, construction method and wheel washing details. 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 and conditions attached to planning permission in principle 25/00236/PM.

The proposed houses, 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. The other components of the proposed development would not be harmful to the character and appearance of the area. Residential properties would generally face towards the streets.

The architecture of the proposed houses is of a relatively traditional pitched roof form. Render is proposed as the predominant wall finish with reconstituted stone basecourses and detailing. Three different colours of render, one colour of reconstituted stone and two different colours of roof tile are proposed to add visual interest to the development. The 12 differing house types would also add visual interest to the development. In all of this, the proposal would be an appropriate

residential development of the site. It would be well designed and integrated into its landscape and settlement setting.

The proposed development would provide an attractive residential environment for future residents of the proposed houses. The 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 the future occupants of the houses an appropriate level of privacy and residential amenity. The proposed new houses 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 **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 25/00236/PM 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 Windygoul South site.

In respect of landscape matters the applicant has taken into consideration the comments of the **Council's Senior Landscape Officer** in the submission of detailed landscape layout drawings, revised boundary treatment drawings and drainage drawings. The Council's Senior Landscape Officer advises the proposals are acceptable in landscape terms. She comments that the houses are now generally orientated towards the street, which creates a stronger and more coherent urban frontage, frontage parking has been minimised, and larger areas of parking bays have been broken up with landscape areas of an appropriate size to accommodate tree planting. The Council's Senior Landscape Officer advises this will support improved long-term canopy coverage across the development, helping to address urban heat and contribute to climate-resilient streetscapes. The reduction in frontage parking has also enabled hedge planting along front gardens, which will help soften the hard urban edges, contribute positively to the character of the streetscape, and enhance the overall sense of place within the development. These landscape measures will also benefit biodiversity and lead to biodiversity enhancement of the site. The provision, maintenance and retention of the scheme of landscaping proposed for the site can be made a condition of an approval of matters consent. On this consideration the proposed development is consistent with Policy 3 of NPF4 and Policies DP1 and NH5 of the ELLDP.

The **Council's Road Services** have considered the details of the application and raise no objection to the proposed development, being satisfied that, together with the associated planning application for 5 driveways and paths which extend beyond the site boundary of this application, it could be accessed safely and would not lead to a road or pedestrian safety hazard. They raise no objections to the details of the Construction Method Statement submitted to address conditions 13 and 14 of planning permission in principle 25/00236/AMM. They recommend a number of transportation requirements which, where relevant, can be met through a conditional approval of matters consent for the proposed development. With the imposition of conditions to cover these recommendations of Roads Services, the proposed development does not conflict with Policies T1 or T2 of the ELLDP.

Swept path analysis drawings demonstrating how the site can be serviced for waste collection and how buses and large rigid vehicles could manoeuvre through the site have been submitted as part of the application. The **Council's Waste Services** have been consulted on the proposals and have confirmed they have no objections to the layout of the proposed development being satisfied that waste vehicles can access and service the site satisfactorily. The Council's Waste Services have provided advice on bin collections, which has been forwarded to the applicant for their information. The Council's Road Services are also satisfied that it has been satisfactorily demonstrated that the site can be serviced for waste collection, or other large, vehicles and that buses could manoeuvre throughout the northern part of the site. The proposal complies with Policy W3 of the ELLDP.

In relation to considerations of contaminated land and ground condition issues, the **Council's Senior Environmental Compliance Officer** advises he has previously reviewed a Site Investigation Report which formed part of the original planning permission in principle application 18/00937/PPM and has revisited the sampling strategy and chemical data contained within the Report as it relates to the site of this approval of matters consent application. He advises that he is content to accept the original risk assessment for the site regarding both soil contamination and potential impact on the water environment, which confirmed that no remedial measures were required in respect of these. Similarly, he advises, the gas monitoring data available for this part of the wider site shows no elevated levels, with no shallow coal mine working underlying the site. He advises that the latest Radon Mapping data shows the site falling within a Radon Affected Area and he advises the applicant to obtain a site-specific Radon GeoReport (Scotland) from the BGS website to determine the actual radon potential for the site. Should the report indicate that the site is affected by radon then there would be a requirement for radon protection measures to be installed in accordance with relevant Building Standards legislation and appropriate guidance. An advisory Note to the applicant on this matter can be issued with any approval of matters consent granted for the proposed development.

The **Council's Environmental Health Officer** raises no objection to the proposed development, being satisfied that it would not result in harm to the amenity of any neighbouring land use and future residents of the proposed development would also benefit from a satisfactory level of amenity. He is satisfied with the details of the Construction Method Statement submitted to address conditions 13 and 14 of planning permission in principle 25/00236/AMM. The Council's Environmental Health Officer recommends a condition be imposed on any approval of matters consent for the proposed development to ensure that noise levels of any air source heat pumps installed do not exceed noise rating curve NR20 at any octave band frequency between the hours of 2300-0700 and noise rating curve NR25 at any octave band frequency between the hours of 0700-2300 within any existing or proposed residential property. This can be controlled through a condition imposed on an approval of matters consent for the proposed development. The proposals do not conflict with Policies NH12 or NH13 of the ELLDP.

Matters of drainage and flood risk concerning the wider allocated site were fully considered in the assessment of the original planning permission in principle application 18/00937/PPM and again through the assessment of planning

permission in principle application 25/00236/PM. The principle, and subsequently the detail, of the provision of a sustainable urban drainage scheme (SUDS) detention basin to serve the wider development has already been approved by the grant of planning permission in principle 18/00937/PPM and the detailed planning permission 19/00379/P.

The **Council's Team Manager for Structures & Flooding** has been consulted on this current application and has advised that in terms of information this Council has concerning flood risk to this site, SEPA's Flood Hazard Mapping indicated that the site is not at significant risk from a flood event with a return period of 1 in 200 years plus climate change. That is the 0.5% annual risk of a flood occurring in any one year with an allowance for climate change. The Council's Team Manager for Structures & Flooding confirms he is satisfied that the surface water from this site would connect to the SUDS Basin approved by the grant of planning permission 19/00379/P. Having assessed the information submitted with this current application, the Council's Team Manager for Structures & Flooding has confirmed that he raises no objections and has no comments to make on drainage or flood risk grounds. The proposals are consistent with Policies NH10 and NH11 of the ELLDP.

**Scottish Water** have been consulted on the proposals. They have not provided any comments on the application.

On all of these foregoing findings on matters of density, design, layout, road, pedestrian, cyclist and other transportation design considerations, drainage, landscaping and amenity, and subject to the imposition of conditions, the proposed development is not inconsistent with the conditions imposed on the planning permission in principle 25/00236/PM or with the indicative layout/masterplan docketed to that planning permission in principle. It is not inconsistent with NPF4 Policies 13, 14, 15, 16 or 22. Nor is it inconsistent with Proposal TT1 or Policies DP1, DP2, DP3, DP4, DP8, DP9, NH12, NH13, T1 or T2 of the ELLDP, the Council's adopted development brief for the site, the Council's adopted SPG on 'Design Standards for New Housing Areas' or the Scottish Government Policy Statement entitled "Designing Streets".

Areas of landscaped open space are proposed to be created on the site of this current application however most open space provision and the formal play provision are to be formed elsewhere on the wider Windygoul South site, including in an area immediately to the east of the site of this application. In terms of open space and formal play provision the details for this site are consistent with the indicative details shown for this area of the wider site in the indicative site plan docketed to planning permission in principle application 25/00236/PM and therefore the proposals are consistent with Policy 21 of NPF4 and Policies OS3 and OS4 of the ELLDP.

In accordance with Policy DCN2 of the ELLDP the applicant has confirmed in writing to the Planning Authority that they will be installing BT/Openreach telecoms and broadband connections to the houses within the site. This is consistent with Policies 24 of NPF4 and DCN2 of the ELLDP.

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 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. Such a condition should be imposed on an approval of matters consent for this proposal, were that to be the decision. Subject to such a condition being imposed the proposals are consistent with Policies 1 and 2 of NPF4 and Policy SEH2 of the ELLDP.

The mechanisms to secure sports pitch provision, the transfer of land for additional school campus provision, financial contributions towards primary and secondary school provision, transport improvements, allotment provision, path provision and the provision of affordable housing units on the overall planning permission in principle site have already been secured through the grant of planning permission in principle 25/00236/PM. The masterplan docketed to planning permission in principle 25/00236/PM indicates the parts of the wider Windygoul development that will provide for affordable housing. There is no affordable housing allocated for this part of the site in that docketed masterplan. In this regard the proposal is consistent with the indicative masterplan docketed to planning permission in principle 25/00236/PM and not inconsistent with Policy 18 of NPF4 or Policy HOU3 of the ELLDP.

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 TT1 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', 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 25/00236/PM.

## **RECOMMENDATION**

That approval of matters consent be granted subject to the following conditions:

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

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

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

take measurements and shall be shown on the drawing; and  
c. the ridge height of the proposed shown in relation to the finished ground and floor levels on the site.

Reason:

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

- 2 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.

- 3 A Travel Information Pack shall be submitted to and approved by the Planning Authority prior to the occupation of any of the residential units hereby approved. The Travel Information Pack shall have particular regard to provision for walking, cycling and public transport access to and within the site, shall 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 The Construction Method Statement hereby approved 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, all of the access roads, parking spaces and footpaths hereby approved 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 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 Prior to the occupation of the residential units numbered plots 81, 82, 83, 99 and 100 on the planning layout drawing hereby approved, vehicular accesses to serve them shall be fully formed from the spine road to the north of them in accordance with a planning permission for such vehicular accesses and the vehicular accesses shall have been fully constructed in accordance with the planning permission for them and available for use prior to the occupation of the houses they are designed to serve.

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 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.

- 7 All planting, seeding or turfing comprised in the approved details of landscaping on the drawings titled 'Landscape Proposal (Sheet 1 of 4)' numbered 67.49.02b, 'Landscape Proposal (Sheet 2 of 4)' numbered 67.49.03b, 'Landscape Proposal (Sheet 3 of 4)' numbered 67.49.04b and 'Landscape Proposal (Sheet 4 of 4)' numbered 67.49.05b shall be carried out in the first planting and seeding season following the completion of the development or occupation of any house hereby approved, whichever is the sooner. All planting shall be established and maintained in accordance with the details on the approved drawings. 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 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 the interests of achieving an appropriate landscaped setting for the housing development.

- 8 The maintenance of all communal landscape areas, and hedges to private front gardens, 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 communal landscaping and hedges on the site in the interest of amenity.

- 9 All the open space areas indicated on the docketed drawings shall be available for use prior to the occupation of the last house on the site. The open space areas, when provided, shall be used 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.

- 10 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 residential units 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.

- 11 Noise associated with the operation of any air source heat pumps to be installed in the development hereby approved, including cumulative impacts of a number of air source heat pumps operating simultaneously, shall not exceed Noise Rating curve NR20 at any octave band frequency between the hours of 2300-0700 and Noise Rating curve NR25 at any

octave band frequency between the hours of 0700-2300 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.