

COMMITTEE: Planning Committee
MEETING DATE: 19 August 2025
BY: Executive Director for Place
REPORT TITLE: Application for Planning Permission for Consideration

4

Application No.	25/00236/PM
Proposal	Section 42 application to vary condition 3 of planning permission in principle 18/00937/PPM – to increase number of units to be built on the site to no more than 577
Location	Land at Windygoul South Tranent East Lothian
Applicant	Walker Group
Recommendation	Consent Granted

REPORT OF HANDLING

As the area of the application site is greater than 2 hectares, what is proposed in this application is, under the provisions of The Town and County Planning (Hierarchy of Developments) (Scotland) Regulations 2009, defined as a major development type proposal and thus it cannot be decided through the Council's Scheme of Delegation. The application is therefore brought before the Planning Committee for a decision.

THE APPLICATION SITE

The application site is an area of some 35 hectares of former agricultural land at Windygoul on the southern edge of Tranent, the majority of which is allocated by Proposal (PROP) TT1 of the adopted East Lothian Local Development Plan 2018 (ELLDLP) for circa 550 homes, the expansion of Windygoul Primary School campus as well as other community uses, infrastructure and associated works.

Part of the site (approximately 1.12 hectares of land to the south of the current Windygoul Primary School campus) is also allocated by PROP TT2 for the expansion of Windygoul Primary School campus in line with PROP ED4, to accommodate the impacts generated by PROP TT1 and other housing sites in the school's catchment area. and to provide community facilities in line with PROP CF1 and PROP OS6 of the ELLDP. The land allocated by Proposal TT1 is also subject to a Development Brief which forms part of the Council's approved Supplementary Planning Guidance Development Briefs as required by the ELLDP.

The application site is bounded to the north by the Windygoul residential area of Tranent and by Windygoul Primary School, landscaped areas of open space and the southern end of the public road of Brotherstone's Way. It is bounded to the east by the B6371 public road of Ormiston Road and a core path, and beyond by agricultural land. To the south it is bounded by the farm access and agricultural and domestic buildings of Carlaverock Farm with further agricultural land beyond, and at the western end of its southern boundary by Elphinstone Research Centre which is operated by Charles River Laboratories. It is bounded to the west by a core path and beyond that by agricultural land which is land allocated in the ELLDP under PROP TT3 for employment use. Beyond the site of PROP TT3 lies the B6414 public road of Elphinstone Road.

The site has an undulating land form with heights varying from +114 metres in the south west to +94.5 metres in the north east. Generally, however, the site slopes down from the southern edge to the northern edge. There are woodland strips bounding parts of the site, in particular between the Elphinstone Research Centre and the western end of the southern boundary of the site and between parts of the existing residential developments to the north and the northern boundary of the site.

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 western part of the site is within an area identified by The Coal Authority as being a Coal Mining Development Low Risk Area. Small areas of land throughout the site are identified as being at risk from surface water flooding.

BACKGROUND

On 19 December 2019 planning permission in principle (reference 18/00937/PPM) was granted for a residential development with associated access, SUDS, roads, open space, future school expansion site, sports pitch and landscape works on the application site.

A detailed planning permission (reference 19/00378/P) was granted on the 12th September 2019 for the formation of a vehicular access from the classified road of Ormiston Road and for the formation of part of a spine/link road through the site and another detailed planning permission (reference 19/00379/P) was granted on the 23rd December 2019 for the formation of a sustainable urban drainage basin designed to serve the overall residential development the subject of planning permission in principle 18/00937/PPM. Since then, a

number of detailed planning permissions and approval of matter consents have been granted for residential developments across the overall site and the development of the site is now well underway with approximately 200 units now completed and occupied.

Planning permission in principle 18/00937/PPM was granted following the conclusion of a legal agreement to secure a number of developer contributions and subject to a number of conditions. Of those, condition 3 of planning permission in principle 18/00937/PPM states:

“No more than 561 residential units shall be erected on the site.

Reason:

To ensure that there is sufficient education capacity and to restrict the scale of development to that applied for.”

PROPOSAL

Through this current application permission is sought to vary condition 3 of planning permission in principle 18/00937/PPM to read:

“No more than 577 residential units shall be erected on the site.

Reason

To ensure that there is sufficient education capacity and to restrict the scale of development to that applied for.”

Since the original registration of the application the description has been revised with the applicant’s agreement to read “no more than 577 residential units” instead of “no more than 575 residential units” as it was originally described. This change in description is to take account of two affordable housing units which hadn’t been included in the initial description. The application has been re-registered with the amended description, all interested parties including notifiable neighbours have been re-notified on the change of description and re-advertisement of the application has taken place.

The applicant has submitted a supporting statement with the application setting out the reasoning for the proposed variation to condition 3. The supporting statement explains that the conditional planning permission in principle 18/00937/PPM requires that development of the site shall generally accord with the Site Layout drawing with drawing reference 18006(PL)001 F docketed to the planning permission in principle. Drawing reference 180006(PL) 001 F is a Masterplan showing a total of 561 residential units divided into a number of areas for private and affordable housing (described in later drawings as Areas A-F in the case of the private housing areas and Areas AH1-3 in the case of the affordable housing areas). The supporting statement explains that an examination of detailed consents approved to date show that Area A secured consent (reference 20/00764/AMC) for an additional 1 unit above the Masterplan, Area B secured consent (reference 21/00551/AMM) for an additional 2 units above the approved Masterplan number, Area AH1 secured consent (reference 19/01131/PM) for an additional 1 affordable housing unit above the Masterplan and Area C secured consent (reference 23/01253/AMM)

for a total of 10 units above that shown on the Masterplan. Areas D, E and AH3 have been approved with the same numbers as indicated in the Masterplan. The supporting statement explains that as matters stand and subject to the remaining two parcels of the overall site, which have not yet had detailed proposals approved for them, being developed in accordance with the Masterplan capacity, the total numbers for the site would exceed the number permitted by condition 3 of planning permission in principle 18/00937/PPM which states that no more than 561 residential units shall be erected on the site. The supporting statement also states that, as well as being to control the overall numbers to those being applied for, the reason for condition 3 restricting the overall numbers of residential units was to ensure that there is sufficient education capacity. The applicant considers that there is sufficient capacity within Windygoul Primary School to accommodate the additional residential units proposed through this application.

As well as a supporting statement the application is supported by a site layout plan detailing visually how numbers of residential units have varied, or would vary, throughout the overall site and an indicative layout demonstrating how the remaining site for affordable housing within the overall site could be laid out to accommodate an increase of two affordable housing units.

ENVIRONMENTAL IMPACT ASSESSMENT

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 the proposed development falls within the category of a Schedule 2 Development, being one that may require the submission of an Environmental Impact Assessment (EIA). Schedule 3 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 sets out the selection criteria for screening whether a Schedule 2 development requires an EIA. On the 6th August 2025 the Council issued a formal screening opinion with the conclusion that the proposed development is not likely to have a significant effect on the environment such that consideration of environmental information is required before any grant of planning permission. It is therefore the opinion of East Lothian Council as Planning Authority that there is no requirement for the proposed development to be the subject of an EIA.

DEVELOPMENT PLAN

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan, unless material considerations indicate otherwise.

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

Relevant NPF4 Policies are Policies 1 (Tackling the climate and nature crisis), 2 (Climate Mitigation and adaptation), 3 (Biodiversity), 4 (Natural places), 5 (Soils), 6 (Forestry, woodland and trees), 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), 20 (Blue and green infrastructure), 21 (Play, recreation and sport), 22 (Flood Risk and Water Management) and 24 (Digital infrastructure).

Relevant ELLDP Policies and Proposals are PROP TT1: Housing at Windygoul South, Tranent, PROP TT2: Windygoul Primary School Expansion Land, PROP ED4: Tranent Cluster Education Proposals, PROP CF1: Provision of New Sports Pitches and Changing Accommodation, PROP OS6: Allotment Sites, Policy SECF1: Safeguarded Education and Community Facilities; Policy HOU3: Affordable Housing Quota, Policy HOU4: Affordable Housing Tenure Mix, Policy OS3: Minimum Open Space Standard for New General Needs Housing Development, Policy OS4: Play Space Provision in New General Needs Housing Development, Policy OS5: Allotment Provision, PROP OS6: Allotment Sites, Policy T1: Development Location and Accessibility, Policy T2: General Transport Impact, Policy T4: Active Travel Routes and Core Paths as part of the Green Network Strategy, PROP T9: Safeguarding of Land for Station Car Parks – Musselburgh, Longniddry, Drem, PROP T10: Safeguarding of Land for Platform lengthening – Musselburgh, Prestonpans, Longniddry, Drem and Dunbar, PROP T15: Old Craighall Junction Improvements, PROP T17: A1 Interchange Improvements (Salters Road, Dolphinstone Interchange, Bankton Interchange and Gladsmuir), PROP T21: Musselburgh Urban Traffic Control System, PROP T27: Tranent Town Centre One-Way System, PROP T28: Junction Improvements at Elphinstone Road and Edinburgh Road, Policy T31: Electric Car & Bus Charging Points, Policy T32: Transport Infrastructure Delivery Fund, Policy W3: Waste Separation and Collection, Policy NH5: Biodiversity and Geodiversity Interests, including Nationally Protected Species, Policy NH10: Sustainable Urban Drainage Systems, Policy NH11: Flood Risk, Policy NH12: Air Quality, Policy NH13: Noise, Policy CH4: Scheduled Monuments and Archaeological Sites, 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 and Policy DEL1: Infrastructure and Facilities Provision.

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, East Lothian Council's approved Developer Contributions Framework Supplementary Guidance (SG) and the approved Supplementary Planning Guidance (SPG) on:

- (i) 'Design Standards for New Housing Areas'. The SPG expands on policies that are set out in the adopted ELLDP. It seeks to raise awareness of the unique characteristics and attributes of East Lothian, how these can be used positively to create new places both small scale and large, and the technical aspects of design that are required to deliver great new places;
- (ii) 'Affordable Housing'. The SPG supplements relevant LDP policies in relation to the delivery of affordable housing; and

(iii) 'Sustainable Drainage Systems (SuDS)'. The SPG supplements relevant LDP policies regarding SuDS and flood risk management and links with wider Council policies, strategies and priorities.

A further material consideration is Scottish Government Policy Statement Designing Streets, and Planning Advice Note 67: Housing Quality. They provide an overview of creating places, with street design as a key consideration. They advise on the detail of how to approach the creation of well-designed streets and describe the processes which should be followed in order to achieve the best outcomes. PAN 67 states that the planning process has an essential role to play in ensuring that the design of new housing reflects a full understanding of its context in terms of its physical location and market conditions, reinforces local and Scottish identity, and 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 are the written representations received to it.

REPRESENTATIONS

A total of five written representations have been received, all of which raise objections to the proposal. Copies of written representations are contained in a shared electronic folder to which all Members of the Committee have access.

The main grounds of objection in respect of the proposal are summarised below:

- * Impact on local infrastructure – the area already faces pressures on roads, schools, healthcare and other essential services and further plans would exacerbate these issues without clear plans for mitigation;
- * Overdevelopment – Tranent has already seen significant expansion in recent years and further large scale development risks harming the town's character and putting unsustainable pressure on resources;
- * There has been visible excess water penetration to neighbouring property since the commencement of works;
- * Traffic and Safety Issues – increased housing would result in more traffic congestion, potentially affecting road safety, particularly around schools and residential streets;

- * A recent change in Lothian buses scheduling will add more private car traffic than previous since the provision of public transport in this area is getting worse rather than improving;
- * There is no sign of the previously approved extension to Windygoul School and playing fields ever happening but yet we see more and more houses being built without any additional community amenities/pitches etc.;
- * Environmental concerns – concerns that the proposed development could lead to loss of green space, disruption to local wildlife and increased pollution which would impact on natural areas and the well being of current and future residents;
- * There will be noise and disturbance during the construction of the additional units;
- * Loss of privacy and not a safe environment for children to play as more houses will result in a lot more cars.

COMMUNITY COUNCIL

Tranent and Elphinstone Community Council have been consulted on the application however no response has been received from them.

PLANNING ASSESSMENT

By the grant of planning permission in principle 18/00937/PPM, approval has been given for the principle of the erection of 561 residential units and associated works over the allocated site following technical assessments which demonstrated that local and wider infrastructure, subject to financial contributions and conditions, can accommodate such level of development. Since then a number of detailed planning permissions and approval of matters consents have been approved for the detailed layout of most of the residential areas within the wider site and for the associated roads and drainage infrastructure including the SUDS basin. Those detailed consents have, for the most part, been implemented and now much of the overall site has been developed and approximately 200 of the residential units are occupied.

The determination of this application therefore rests only on the planning consideration of the consequences of varying 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.

Proposal TT1 of the ELLDP allocates the site for a residential development of circa 550 homes and thus the Council recognises its potential for residential development for circa 550 homes. The 561 residential units consented by the grant of planning permission in principle 18/00937/PPM, followed technical assessments which demonstrated that local and wider infrastructure, subject to financial contributions and conditions, can accommodate such level of development. The Council accepted that the 561 units proposed for the site sat comfortably with PROP TT1s allocation of the land for circa 550 dwellings. In principle, an increase of 16 more dwellings would also sit comfortably with PROP TT1s allocation of the land for circa 550 dwellings. Accepting higher

overall housing numbers on allocated housing sites is, if there is no impediment on other grounds such as educational, roads or other infrastructure capacity and no impediment on design grounds, supported as an efficient use of land. It is relevant to note that some other allocated sites of the ELLDP have seen planning permissions granted for a higher number of housing units than their site allocation and some have seen planning permissions granted for a smaller number of housing units than their site allocation. The provision of a larger number of housing units compared to an approximate capacity stated in the ELLDP does not in itself amount to a conflict with the development plan.

It is however necessary to consider the impact 16 additional residential units would have on infrastructure and facilities and on the design and layout of the overall site against relevant development plan policies, the development brief for the site and other material considerations to ascertain whether the site can accommodate the proposed increase in units and to consider the impact the proposals would have on amenity and on the climate emergency and nature crises.

The Masterplan with drawing reference 18006(PL)001 F docketed to planning permission in principle 18/00937/PPM 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. Through the determination of detailed planning applications and approval of matters consents for the individual areas of residential development over the overall site, consents have been issued for layouts with either less numbers than indicatively detailed, the same number as indicatively detailed or more than indicatively detailed on the individual sites of the overall site. Through the determination of detailed planning applications and approval of matters consents for Areas D, E, F and AH2 overall numbers have remained the same as that indicated in the approved Masterplan. However, through the determination of approval of matters consent applications 20/00764/AMC, 21/00551/AMM, 23/01253/AMM and detailed planning permission 19/01131/PM respectively there has been an increase in residential units over and above those indicated on the approved Masterplan of 1 in Area A, 2 in Area B, 10 in Area C and 1 in Area AH1. Notwithstanding that in some of these detailed consents the overall numbers have varied from those indicated in the Masterplan, in all of these cases the detailed layouts the subject of the applications have proposed a layout, density and house types that are broadly consistent with the indicative layout docketed to planning permission in principle 18/00937/PPM. In the determination of all of these detailed proposals full regard has been had to the terms of the approved Masterplan that relates to the wider site and the developments have been found to be in conformity with the overall provisions of that Masterplan. In particular, the variations in unit numbers has not resulted in any changes to the road and footpath layouts, the amount and positioning of open space, play areas, landscape provision or in the general layout or overall size of each residential development area. I.e. the areas of residential development haven't spread out over a wider area than indicated in the Masterplan and there has been no loss of open space provision for example. Nor have these variations in housing numbers had a harmful impact on the character of the overall development or on the amenity of

neighbouring residential properties or on existing or future residential properties to be built on this site. The sites which have seen an increase in numbers from those indicated on the Masterplan still provide an attractive environment for future residents of the proposed houses and 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 residential units an appropriate level of privacy and residential amenity. The additional residential units are so sited, orientated and screened such as not to harm the privacy and amenity of existing or future neighbouring or nearby residential properties through overlooking or overshadowing. Therefore, on these considerations of design, layout and residential amenity it has already been demonstrated that the additional units can be accommodated throughout the overall site.

However, and as set out in the applicant's supporting statement, it is clear that as matters stand and subject to the remaining two parcels being approved in accordance with the Masterplan capacity, the total numbers for the site will exceed the number permitted by 18/00937/PPM, hence the reason for this application. The increase in overall numbers by 16 residential units covers the 14 additional units detailed on areas already consented and the principle of 2 additional affordable housing units on Area AH3 of the site.

There now remains only two areas of the overall site which have not received detailed planning permission or approval of matters consent for detailed layouts. Those are Areas F and AH3 (as annotated in the site plan submitted with this application) at the far western end of the site. An approval of matters consent application (reference 25/00403/AMM) has been submitted to the Council for Area F of the site and is under consideration. It is for the erection of 76 houses, which is the same number of units indicated for this area of the site in the approved Masterplan. No detailed proposals have to date been submitted for the remaining affordable housing area of the site, Area AH3. The approved Masterplan indicates that 32 residential units can be developed on this area.

In accordance with the Council's Affordable Housing Policies, an increase in the housing numbers as proposed, generates a requirement to provide an additional 2 affordable housing units and the applicant proposes that these be provided within Area AH3, which is the final of the three affordable housing sites within the wider site and the one which has not yet been the subject of a detailed consent. The applicant has provided an indicative layout to demonstrate that the detailed layout of that site could accommodate an additional two units whilst meeting the requirements of the Council's Housing Enabler who has provided comments to the applicant which they have taken into account in their indicative layout. The detailed layout of this site would have to be the subject of a detailed application, either an approval of matters consent application or a detailed planning application, and the detail of those proposals would be assessed through such an application but the indicative details submitted by the applicant demonstrate that in principle Area AH3 could be designed to accommodate two residential units more than the Masterplan docketed to planning permission in principle 18/00937/PPM currently indicates.

Therefore, on considerations of design, density, layout it has been satisfactorily demonstrated that an additional 16 units can be accommodated over the entire site in a manner that would ensure that the residential development would still integrate into its surroundings and the design, size, layout and positioning of the residential units would not have a harmful impact on the character of the overall development nor on the amenity of neighbouring residential properties or on existing or future residential properties to be built on this site.

As stated above, the roads, footpaths, open space layout, provision of landscaping, play provision, position and capacity of the SUDS basin and any other infrastructure works have not been altered or reduced in size or number as a result in the variations in housing numbers and nor are they proposed to be through this current application.

The Council's Road Services have been consulted and they have raised no objections to this proposal and nor have they recommended any changes to the conditions they recommended be imposed on the grant of planning permission 18/00937/PPM which would remain relevant to this current application. They have not advised that an increase in residential units from 561 to 577 would lead to any harmful impacts road or pedestrian safety, on parking provision or result in any impacts of additional traffic generation on the existing road network.

The Council's Team Manager for Structures, Flooding & Street Lighting has been consulted on the application and he raises no objections and nor does he recommend any changes to the conditions imposed on the grant of planning permission 18/00937/PPM which would remain relevant to this current application. He does not advise that an increase in residential units from 561 to 577 would have any implications on drainage infrastructure or result in any issues of flooding within the site or to any neighbouring residential properties.

The Scottish Environment Protection Agency (SEPA) have advised they have no comments to make on this application.

Scottish Water have been consulted on this current application but have not provided any comments on it.

Matters relating to environmental compliance, including noise and air quality impacts and the submission and approval of a geo-environmental assessment, are controlled by conditions imposed on the grant of planning permission in principle 18/00937/PPM and these would continue to be controlled through conditions imposed on a grant of planning permission for this current proposal, should that be the decision on this application. The proposals raise no new environmental compliance issues and there are no objections to this application from the Council's Environmental Health Officer or Contaminated Land Officer.

An Ecological Assessment of the site has previously been undertaken as part of the assessment of planning permission in principle 18/00937/PPM and that assessment included a badger survey, a dusk bat survey and observation for

ground nesting birds. The **Council's Biodiversity Officer** at that time raised no objection the proposals satisfied that they would not have a harmful impact on existing wildlife or on the biodiversity of the area. The Council's Biodiversity Officer has made no further comments on this current proposal to increase residential unit numbers overall by 16.

In terms of biodiversity enhancement and landscaping considerations, the existing planning permission in principle for the site (18/00937/PPM) includes areas of structural landscape planting around the perimeter of the overall site, other areas of landscaping within the site, areas of landscaped open space, formal and informal pedestrian routes within the landscaped areas and areas providing habitat connectivity. The implementation, management and maintenance of the already approved landscaping of the site, which will enhance biodiversity on the site, is controlled by conditions imposed on that grant of planning permission in principle. No additional landscaping treatment or variations to the already approved scheme of landscaping are proposed through this current application. The **Council's Landscape Team** and the Council's Biodiversity Officer have not made any comments on the proposed increase in numbers nor have they raised any objections to it.

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 18/00937/PPM 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" or its PAN 67.

The **Council's Amenity Services** in consultation on this current application asked the applicant to demonstrate that the open space being provided on the overall site and the on-site play provision already agreed for this site would be sufficient to accommodate the additional residential units now proposed. The applicant has confirmed that the overall open space provision on the site equates to 63,861 square metres which remains unchanged despite the proposed increase in unit numbers. The applicant advises that taking account the increase in unit numbers, the open space provision still provides circa 30,000 metres square in excess of the 60 square metres per unit provision required by Policy OS3 of the ELLDP. In terms of play provision the applicant advises that three play parks over the wider site have been agreed through the approval of planning permission in principle 18/00937/PPM and since then the details of these play area have been discussed in detail with the Council's Amenity Services. The applicant considers the amount and quality of play equipment agreed for these play areas is sufficient to cover the increase in unit numbers proposed. The applicant has therefore demonstrated that there would be sufficient open space and formal play provision to accommodate the

proposed increase in unit numbers and the Council's Amenity Services have made no further comment nor raised any objection to the proposal. In these respects the proposals comply with Policies OS3 and OS4 of the ELLDP.

The application site lies in an area which contains previously identified cropmarks of a putative prehistoric enclosure and a condition imposed on planning permission 18/00937/PPM requires a programme of archaeological works (Evaluation by archaeological trial trench) be carried out prior to the commencement of development. This requirement has been carried out and completed to the satisfaction of the Planning Authority in consultation with the **Council's Heritage Officer** and there is no requirement to carry out any further archaeological works as a result of this current proposal. On this consideration the proposed development does not conflict with Policy 7 of NPF4 or Policy CH4 of the ELLDP.

As part of the site is within a Coal Mining Development High Risk Area a condition is imposed on the grant of planning permission in principle 18/00937/PPM to ensure that intrusive investigation works be undertaken prior to the commencement of development and that in the event that the site investigations confirm the need for remedial works to treat mine entries and any area of shallow mine workings, development shall not begin until a scheme of remedial work on the site has been submitted to and approved in writing by the Planning Authority. This current application raises no new or additional matters in relation to coal mining risks but as not all of the site has yet been developed it would be prudent to ensure that such a condition remains in place in the event of this current application being granted.

At its meeting on Tuesday 27th 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 a grant of planning permission 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.

Consideration must then be given to the potential impact this proposed increase in overall residential units from 561 units to 577 units (an increase in 16 units) could have on the infrastructure of the area. Policy 18 of NPF4 requires development to take into account the capacity and any additional needs for community services and facilities, as part of the infrastructure first approach. This reflects Policy DEL1 of the ELLDP which stipulates that new housing will only be permitted where appropriate provision for infrastructure, required as a consequence of the development, is made. Proposal TT11 of the ELLDP stipulates that any development on the site is subject to the mitigation of any development related impacts, including on a proportionate basis for any

cumulative impacts with other proposals including on the transport network, on education and community facilities, and on air quality as appropriate.

The East Lothian Council Health and Social Care Partnership (ELHSCP) have been consulted on this current application. They raise no concerns about the ability of its health and social care services to support the proposed increase in residential units from 561 to 577 residential units. They advise that as this site is allocated for circa 550 homes in the ELLDP it has been taken into account in planning for health care by the East Lothian Health and Social Care Partnership and they therefore have no objections to the proposal nor do they have any requirements for capital contributions to infrastructure as a result of the proposals.

Planning permission in principle 18/00937/PPM was granted following the conclusion of a legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 designed to secure from the applicant:

(i) the transfer to the Council, at no cost, of ownership of the area of land indicatively shown on the application site plan for a sports pitch and either (a) provision by the applicant of a sports pitch on that land to a specification to be agreed in advance with the Council, to be transferred to the Council at no cost or (b) a financial contribution to the Council of £152,400 for provision of the sports pitch;

(ii) the transfer to the Council of 1.105 hectares of land required for the additional school campus in the area shown for this on the application site plan with that land formed to a specification to be approved by the Council;

(iii) the transfer to the Council, at no cost, of ownership of the proportion directly related to this proposal of the 0.605 hectares of land allocated as part of an expansion to the campus of Windygoul Primary School which is detailed on the application site plan

(iv) a financial contribution to the Council of £3,448,467 towards the provision of addition capacity at Windygoul Primary School;

(v) a financial contribution to the Council of £2,652,408 towards the provision of additional capacity at Ross High School;

(vi) a financial contribution to the Council of £108,295 for transport improvements to Old Craighall Junction, Salters Road Interchange, Bankton Interchange, Musselburgh town centre improvements, Tranent town centre improvements and rail network improvements;

(vii) a financial contribution to the Council of £7,010 towards allotment provision;

(viii) a financial contribution to the Council of £120,273 towards provision of a path from the primary spine road towards the open space to the east of Gavin's Lee as indicated on the application site plan;

(ix) the provision of land to deliver 141 affordable housing units at an agreed mix and within agreed locations, either through the transfer of serviced land or the transfer of completed units, or the off site provision of 141 affordable housing units or in exceptional circumstances if the Council agrees to it, the transfer of an agreed commuted sum.

The **Council's Planning Obligations Officer** has been consulted on this current application and has advised that as this proposal will increase the residential unit number on this site by 16 residential units it is critical that there is sufficient infrastructure and associated community facilities developed to accommodate the demand generated from these additional residential units. Having consulted with the Council's Amenity Services, Education and Children Service, Roads Service and Housing Service, the Council's Planning Obligations Officer has confirmed that these Services do not object to the proposal subject to securing the additional financial contributions which will be required, as set out below and subject to two of the additional 16 units being affordable housing units.

In terms of strategic transport contributions, the Council's Planning Obligations Officer advises that the additional contributions required for each transport intervention are as detailed below:

- *Improvements to Old Craighall Junction (PROP T15): £48.73
- * Improvements to Salters Road Interchange (PROP T17): £190.46
- * Improvements to Bankton Interchange (PROP 17): £745.57
- * Musselburgh Town Centre improvements (PROP T21): £291.29
- * Tranent Town Centre Improvements (PROP T27 and T28): £1627.64
- * Rail Network Improvements (PROP T9 and T10): £246.72

Therefore, a Transport Improvement contribution of £3,150.40 indexed linked from Q1 2019 until date of payment using the BCIS All-in Tender Price Index, would be required towards strategic transportation intervention for the additional 16 units based on the Supplementary Guidance: Developer Contribution Framework TT1 site Windygoul South costs.

The **Council's Road Services** have not identified any additional local transport requirements necessary for the additional 16 units.

The **Council's Planning Obligations Officer** advises that the additional contributions required for sports provision for 16 additional units is £4,416.00 and this will be indexed linked from Q1 2019 until date of payment using the BCIS All-in Tender Price Index. She advises changes will be required to the S75 to include a definition for "Sports Provision" and a Clause for the payment of the Sports Provision Contribution.

In respect of allotment provision, the Council's Planning Obligations Officer advises that the additional contributions required for this as a result of the increase in unit numbers is £200.00 and this will be indexed linked from Q1 2019 until date of payment using the BCIS All in Tender Price index. She also advises clause 11 of the S75 Agreement will require to be modified to enable a

second instalment of allotment contribution to the £200 indexed due for the additional 16 housing units.

In respect of Education provision, it is relevant to consider that the reason for the restriction on overall numbers of residential units to 561 imposed by Condition 3 of planning permission in principle 18/00937/PPM is to restrict the scale of development to that applied for and also to ensure that there is sufficient education capacity.

East Lothian Council has a duty under the Education (Scotland) Act 1980 “to secure that there is made for their area adequate and efficient provision of school education”. The Council also has a duty under the Local Government Etc. (Scotland) Act 1994 “to make proper arrangements for securing economy, efficiency and effectiveness in their use of resources”.

New development will only be permitted where the developer makes appropriate provision for necessary infrastructure and community facilities arising because of their development, including to mitigate cumulative impacts. Such development must be phased in line with the infrastructure and community facilities required.

The need for any developer contribution will be assessed on a cumulative basis with other proposed developments in the area, consistent with the principles and purpose of Scottish Government Circular 3/2012: Planning Obligations and Good Neighbour Agreements. The assessment has to be based on the best information available at the time. A planning obligation will be sought to secure all necessary developer contributions.

The **Council's Education and Children's Service** have provided a consultation response to this current application confirming that they have undertaken significant work to assess if the catchment schools can accommodate this increase in residential units and its impact on the Education Service's ability to deliver education within the catchment. The application site is within the catchment areas of Windygoul Primary School and Ross High School. There is a nursery and ASN unit contained within Windygoul Primary School that service the locality. The consultation response details their considerations in full and explains that having carried out a full assessment, the Education Service raise no objection to the additional 16 units subject to the provision of developers' contributions being made under an amended Section 75 Agreement towards additional pre-school and primary education within the catchment of £257,770.00 indexed linked from Q3 2024 until date of payment using the BCIS All-in Tender Price Index. The Council's Education and Children's Service confirm they are not seeking secondary school contributions as they advise there is sufficient capacity within Ross High School to accommodate any pupils generated from the additional 16 units. The Council's Planning Obligations Officer advises S75A modifications will be required for Clause 1 definitions for “Primary Education Contribution” as the amount will change and definition for “Indexed” as the primary contribution for the additional 16 units will be indexed from Q3 2024 not Q1 2019, as well as modifications to

Clause 3 of the S75 will be required to be incorporated to ensure the additional primary education contribution is captured.

In respect of affordable housing provision, the **Council's Planning Obligations Officer** in consultation with the **Council's Housing Enabler** confirms that in accordance with Policy HOU3 of the ELLDP, the increase in 14 private residential units requires that two additional affordable housing units will be required to be delivered on Area AH3 at the westernmost part of the site. The Housing Enabler has indicated that the additional affordable housing units can be added to the existing affordable housing area 3, that still require to be delivered, and these units would be for social rent. The actual details would require to be agreed with the Council's Housing Service, and would require the detailed approval of the Planning Service through an application for detailed planning permission or an approval of matters consent application. The Council's Planning Obligations Officer advises that in respect of the S75A there will need to be a modification in respect of Clause 5 and Clause 6 to reflect the affordable housing unit increase and changes in the delivery triggers for the affordable housing.

As per the Adopted Supplementary Guidance: Developer Contributions Framework, all Strategic Transportation, Allotment and Sports Provision Contributions will be increased in line with indexation from Q1 2019 using the All-in Tender Price Index published by the Building Cost Information Service (BCIS) Limited for the Royal Institution of Chartered Surveyors until due date of payment and the Primary Education Contribution will be increased from Q3 2024 using the All-in Tender Price Index published by the Building Cost Information Service (BCIS) Limited for the Royal Institution of Chartered Surveyors until due date of payment.

The applicant has confirmed in writing their agreement to the additional contributions detailed above, including the provision of the two affordable housing to be delivered on the site.

The **Council's Planning Obligations Officer** advises a Section 75A application to modify the existing Section 75 agreements including the core development definition and other clauses to incorporate the additional contributions required for the additional 16 units to make this planning application acceptable in planning terms will be required. She advises the modification will require to be approved and the Decision Notice for the S75A application registered prior to a planning permission being issued for this Section 42 application, should the decision be to grant planning permission for it. The applicant has recently submitted a Section 75A application (reference 25/00003/OBL) which has been validated and is now being considered by the Council's Planning Obligations Officer prior to it being decided.

CONCLUSION

In conclusion, subject to conditions and modification of the existing Section 75 Agreement as set out above, the proposed variation to condition 3 to allow for an additional 16 residential units to be accommodated on the site is, considered

to be in accordance with the provisions of the stated relevant Development Plan policies and there are no material considerations which outweigh the proposal's accordance with the Development Plan.

A revised version of Planning Series Circular 3/2013 (Development Management Procedures) was published by the Scottish Government in September 2015. Annex I of the Circular gives guidance on applications for planning permission under section 42 of the Town and Country Planning (Scotland) Act 1997, as amended. The application that is the subject of this report is made under section 42 of the Act. Annex I states that "Planning authorities should attach to the new permission all of those conditions from the previous permission, where it is intended these should apply and ensure (where appropriate) that permission is granted subject to the conclusion of any appropriate planning obligation". Therefore, it is recommended that planning permission should be granted for the applied for variation of Condition 3 of planning permission in principle 18/00937/PPM subject to the necessary modifications being made to the S75 Agreement associated with planning permission in principle 18/00937/PPM to encompass this application and any further planning applications associated with the subjects prior to their determination and the submission and receipt for registration of such modifications being made to the Land Registry of Scotland against the land title and subject to all of the remaining conditions from planning permission in principle 18/00937/PPM where it is intended these should apply. In this case, it is recommended that the majority of the conditions should continue to apply with the exception of those which have had details approved and the approved works have been implemented, such as the formation of the SUDS basin and the carrying out of archaeological evaluation. Pursuant to Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended it is recommended that a condition be added requiring the commencement of the development before the expiration of 5 years from the date of the permission. The wording of some of the other conditions require to be altered, for example to accurately reflect the planning permission in principle to which they relate. Condition 4 of planning permission in principle 18/00937/PPM relates to the annual housing completions within the site. Since the granting of the planning permission in principle East Lothian Council as Planning Authority has approved revised timings of housing completions for the site, as such condition 4 has been amended to reflect the approved updated housing completion figures. It is also recommended that an additional condition be added 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. This is in accordance with the motion approved by the Council at its meeting on Tuesday 27th August 2019 declaring a Climate Emergency and thereafter, at its meeting on Tuesday 3rd September 2019 the Council's Planning Committee deciding 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. Therefore such a condition should be imposed on a grant of planning permission in principle for this proposed development.

RECOMMENDATION:

It is recommended that planning permission be granted subject to:

1. The following conditions;
2. The prior conclusion of a satisfactory modification, under Section 75A of the Town and Country Planning (Scotland) Act 1997, of the existing Section 75 Agreement associated with planning permission 18/00937/PPM, to encompass the additional contributions and affordable housing provision detailed in this report, and any associated variations to clauses of that Agreement; and
3. That in accordance with the Council's policy on time limits for completion of planning agreements the decision also is that in the event of the Section 75A Agreement not having been executed by the applicant, the landowner and any other relevant party within six months of the decision taken on this application, the application shall then be refused for the reason that it would not be regulated by the terms and obligations set out in the S75A agreement.

CONDITIONS:

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

Reason:

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

- 2 The submission for approval of matters specified in conditions of this grant of planning permission in principle shall include details of the siting, design and external appearance of all the residential units, any other buildings, any artwork to be erected on the site, the means of road, pedestrian and cycle accesses, the means of any enclosure of the boundaries of the site and of gardens and other subdivisions of the site and the landscaping of the site and those details shall generally accord with the Site Layout drawing with drawing reference 18006(PL)001F docketed to planning permission in principle 18/00937/PPM but additionally shall comply with the following requirements:

a) The residential units shall be no higher than two storeys in height and the external finish to their walls shall be predominantly rendered and coloured in accordance with a co-ordinated colour scheme that respects the layout of the development;

b) Other than in exceptional circumstances where the layout or particular building type does not permit, the residential units shall be orientated to face the street. Notwithstanding that shown on the docketed site plan the houses denoted with an asterisk shall have dual frontages. Otherwise 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;

c) There shall be no integral garages, unless it can be justified as an exceptional design feature, or where the house and garage would not be on a primary or secondary street frontage;

d) The detailed design of the layout shall otherwise accord with the principles set out in the Council's Design Policies and with Scottish Government Policy Designing Streets;

e) Notwithstanding that shown in the Indicative Masterplan docketed to this planning permission in principle, there shall be at least a 9 metres separation distance between the windows of a proposed new building and the garden boundaries of neighbouring residential properties and an 18 metres separation distance between directly facing windows of the proposed new building and the windows of existing or proposed neighbouring residential properties;

f) parking for the residential development hereby approved shall be provided at a rate as set out in the East Lothian Council Standards for Development Roads- Part 5 Parking Standards;

g) all access roads shall conform to East Lothian Council Standards for Development Roads and Design Standards for New Housing Areas in relation to roads layout and construction, footways and footpaths, parking layout and number, street lighting and traffic calming measures;

h) 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 metres length. Pedestrian ramps to houses may encroach by up to 300mm on the width (but not the length) provided they are no greater than 150mm in height above the adjacent driveway surface;

i) Within residential private parking areas the minimum dimensions of a single parking space shall be 2.5 metres by 5.0 metres.

j) All prospectively adoptable parking bays (i.e. that form part of the public road) shall have minimum dimensions of 2.5 metres by 6 metres.;

k) Vehicle accesses to private parking areas (i.e. other than driveways) shall be via a reinforced footway crossing and have a minimum width of 5.5 metres over the first 10 metres to enable adequate two way movement of vehicles;

l) The front, rear and side boundary treatments of each residential, unit shall be in accordance with a detailed boundary treatment scheme which shall provide for wall, hedge or railing boundary treatments where those boundaries face public spaces and for other appropriate boundary treatments between individual properties where not facing public spaces;

m) Unless where detailed otherwise in the docketed Site Plan drawing footpaths within the site shall be hardsurfaced in accordance with details to be agreed in writing with the Planning Authority.

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

Reason:

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

- 3 Prior to the commencement of development a delivery schedule and phasing plans that establishes the phasing and timing programme for the proposed development shall be submitted to and approved in advance by the Planning Authority. It shall include the phasing and timing for the provision of footpaths/cycleways and external works such as offsite path links. These path links shall include

o A north-south path from the north-west corner of the affordable housing to the northernmost proposed path which runs from the Ormiston Road to the school.

o A path connection from the south-east corner of the site to connect with the national cycle route N196 to Ormiston.

o A path linking the northern part of the application site to the public road of Winton Court

It must also include for public road links, including paths, to local services, schools and the public road network. It shall further include the provision of drainage infrastructure, equipped play facilities, sports pitch, landscaping and open space. The details to be submitted shall also include construction phasing plans.

The phasing of the development of the site shall be carried out in strict accordance with the phasing plan so approved, unless otherwise approved in writing in advance by the Planning Authority.

Reason:

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

4 No more than 577 residential units shall be erected on the site.

Reason:

To ensure that there is sufficient education capacity and to restrict the scale of development to that applied for.

5 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 2025/26 – 71 residential units

Year 2026/27 – 116 residential units

Year 2027/28 – 117 residential units

Year 2028/29 – 49 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 2029/30 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.

6 Prior to the erection of any residential units full details of all noise mitigation measures shall be submitted to and approved in advance by the Planning Authority. The mitigation measures shall include, but may not be limited to,

* the construction of an acoustic barrier approx. 4 metres in height and comprising an acoustic fence atop an earth bund. The location of the barrier will be in the south portion of the site adjacent to the eastern boundary of the Research Centre;

* placement of bungalows in the cul-de-sac beyond the barrier, to eliminate the potential for lines of sight over the top of the barrier from first floor habitable rooms;

* positioning of principle gardens on the far side of associated dwellings from the Research Centre incinerator, to create localised acoustic screening, minimising the potential for any residual impacts; and

* minimising habitable room glazing elements facing directly towards the Research Centre by arranging future dwellings around recognised potential noise sources with the gable end orientated towards the source; this limits the angle of view from future habitable room windows.

These mitigation measures shall be such that the following design criteria shall be met:

1. The Rating Level, LArTr, of noise associated with the operation of the existing research facility (when measured 3.5m from the façade of any proposed residential property) shall be no more than 5dB (A) above the background noise level, LA90T. All measurements to be made in accordance with BS 4142: 2014 "Methods for rating and assessing industrial and commercial sound".

2. Noise associated with the operation of any plant and/or equipment serving the existing research facility 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 proposed residential property. All measurements to be made with windows open at least 50mm.

The details to be submitted shall also include a further noise report to demonstrate the noise mitigation measures required to ensure compliance with this design criteria, together with a timetable for the implementation of all of the proposed noise mitigation measures.

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

Reason:

To ensure an appropriate level of acoustic screening in the interests of the amenity of the future occupants of the site.

- 7 No residential units shall be erected within the yellow shaded area shown in Drawing No. CAR85-902 and titled Air Quality Mitigation Area dated 01.04.2019 docketed to planning permission in principle 18/00937/PPM unless and until such times as an updated Air Quality Assessment, that demonstrates all statutory Air Quality Objectives are being, and will continue to be met, has been submitted to, and approved in writing by, the Planning Authority.

Reason:

To ensure an acceptable standard of air quality in the interests of the amenity of the future occupants of the site.

- 8 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.

- 9 Prior to the commencement of development intrusive investigation works shall be carried out at the application site in accordance with detail to be submitted to and approved in advance by the Planning Authority following consultation with The Coal Authority to assess ground stability due to former mine workings at the site. In the event that the intrusive investigation works confirm the need for remedial works to treat any areas of shallow mine workings, development shall not begin until a scheme of remedial works on the site has been submitted to and approved in writing by the Planning Authority, and thereafter have been fully implemented as so approved.

Reason:

To ensure that the site is clear of coal mining features and hazards prior to the occupation of any of the buildings.

- 10 Prior to their erection, details, including their size, form, position, appearance and colour(s), of all substations and gas governors to serve the development hereby approved shall be submitted to and approved in advance in writing by the Planning Authority, and thereafter any substations and gas governors shall accord with the details so approved.

Reason:

To enable the Planning Authority to control the positioning, appearance, form, finishes and colour of the substations and gas governors to be used to achieve a development of good quality and appearance in the interest of the visual amenity of the area.

- 11 Prior to the commencement of development, details of all boundary enclosures to be erected on the site of the residential development, and the timescales for their provision, shall be submitted to and approved in advance by the Planning Authority. Those details shall show 1.8 metre high enclosures around rear gardens of the houses hereby approved and where rear garden boundaries face or run parallel with roads these shall be feature boundaries in either render, stone or stone with timber panel infills and not full height close boarded fencing.

Development shall thereafter be carried out in full accordance with the details 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 visual amenity of the area and to safeguard the privacy and amenity of residential properties nearby.

- 12 A Green Travel Plan (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 Green Travel Plan (Travel Information Pack) shall have particular regard to provision for walking, cycling and public transport access to and within the site, and will include a timetable for its implementation, details of the measures to be provided, the system of management, monitoring, review, reporting and duration of the Plan, and details of how and when it will be distributed to all residents.

The Green Travel Plan (Travel Information Pack) shall thereafter be provided to residents in accordance with the details approved.

Reason:

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

- 13 A Construction Method Statement to minimise the impact of construction activity on the safety and amenity of the area, including from the effects of noise and dust, 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. It shall also make recommendations in respect of how building materials and waste will be safely stored and managed on site.

The recommendations of the Construction Method Statement shall be fully complied with during the construction phase of the development. 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.

- 14 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.

- 15 Development of the application site shall be carried out in accordance with the following transportation requirements:

a) Unless otherwise agreed to an alternative standard in writing by the Planning Authority, a visibility splay of 9 metres by 160 metres shall be provided and maintained on each side of the proposed access junction from the application site onto the B6371 such that there shall be no obstruction to visibility above a height of 1.05 metres measured from the adjacent carriageway level within the following defined area - a) A line of 9 metres long measured along the access road from the nearside edge of the main road carriageway; b) A line 160 metres long measured along the nearside edge of the main road carriageway from the centre of the access road in both directions; and c) A straight line joining the termination of the above two lines. Details of the provision of the visibility splays shall be submitted to and approved by the Planning Authority prior to the commencement of development and thereafter shall be provided and maintained in accordance with the details above prior to the occupation of any of the approved development;

b) Unless otherwise agreed in writing with the Planning Authority the junction of the primary spine road with the B6371 Ormiston Road shall incorporate a right turning lane protected by islands which could serve the dual purpose of providing crossing points to the national cycle route N196, all in accordance with details to be submitted to and approved by the Planning Authority prior to the commencement of development. It shall be provided in accordance with details approved and prior to the occupation of any of the approved development.

c) No residential unit hereby approved shall be occupied unless and until (i) a 40 miles per hour speed limit on the B6371 (Ormiston Road) has been brought into effect from a location at the southeast corner of the site and shall continue northwards until it meets with the existing 30 miles per hour speed limit and (ii) a gateway feature is installed at the southern end of the east boundary of the site. Details of the proposed 40 miles per hour speed limit and of the proposed gateway feature shall be submitted for approval by the planning authority. These measures shall be implemented in accordance with the details as approved by the planning Authority.

d) Prior to the occupation of any residential unit hereby approved a suitable crossing of the B6371 shall be provided, in accordance with details to be submitted to and approved in advance by the Planning Authority.

e) Prior to the occupation of any residential unit hereby approved, a 2 metres wide, lit (street lighting) footway shall be provided to tie into the existing footway and for the full length of the site on the west side of the B6371 in accordance with details to be submitted to and approved in advance by the Planning Authority. .

f) Prior to the occupation of any residential unit hereby approved, a 2 metres wide, lit (street lighting) footpath shall be provided along the full length of the western edge of the site in accordance with details to be submitted to and approved in advance by the Planning Authority. .

g) prior to commencement of development a scheme of traffic calming to deter through traffic and school drop-off by car and to prioritise walking and cycling routes to Windygoul Primary School shall be submitted to and approved by the Planning Authority. The details to be submitted shall include details of two signalised crossings to be installed on Brotherstone's Way (one to replace the existing zebra crossing and one south of George Grieve Way) and a signalised crossing of the primary spine road through the development site and a timetable for provision of the signalised crossings and other traffic calming measures. These measures shall be implemented in accordance with the details as approved by the planning Authority.

Reason:

In the interests of road safety.

- 16 Unless otherwise agreed in writing by the Planning Authority prior to the occupation of any residential unit, pairs of bus stops shall be provided on both sides of the primary spine road, in accordance with details showing the number and locations of the bus stops to be submitted to and approved in advance of their construction by the Planning Authority .

Unless otherwise agreed in writing by the Planning Authority no residential units to the west of Brotherstone's Way shall be occupied unless and until a suitable bus route (which avoids the need for reversing manoeuvres) through this western part of the development is constructed in accordance with details to be submitted to and approved by the Planning Authority.

Reason:

In the interests of road safety.

- 17 No development shall take place until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping. The scheme shall provide details of: the height and slopes of any mounding on or re-contouring of the site including SUDS basin/ponds details; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. Non-thorn shrub species should be located adjacent to pedestrian areas. The submitted scheme of landscaping shall show planting on both sides of the bund. The scheme shall include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development. Specific planting details shall include hedges

to front gardens; oaks, sycamores and limes as well as establishment species such as birch and smaller understorey species of whitebeam, hawthorn, rowan, cherry and hazel to the boundary woodland planting; large species feature trees in open spaces to include beech, Scots pine and oak. The scheme shall include a timetable for implementation of landscaping, and this scheme shall show that the structural landscape planting shall be implemented within 1 year of the commencement of development and shall include a tree protection and maintenance plan to safeguard new structural tree planting during the course of development.

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. Any trees or plants 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. No trees or shrubs, 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 existing and new planting comprised in the scheme of landscaping shall be retained and maintained unless the Planning Authority gives written consent to any variation.

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.

- 18 The maintenance of all communal landscape areas, and where applicable hedges to private front gardens, shall be adopted and maintained by Estate Management or Factored 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.

- 19 Details of the play areas, including the equipment to be provided within them and a timetable for installation, shall be submitted to and approved in advance by the Planning Authority. The play areas shall be installed in accordance with the details so approved.

Prior to the commencement of development, details of how all the areas of open space and equipped play areas are to be maintained shall be submitted to and approved in advance by the Planning Authority.

The details shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the details so approved and the play areas and open space shall thereafter be maintained in accordance with the details so approved..

Reason:

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

- 20 Notwithstanding that detailed on the site plan at least one electric vehicle charging point shall be provided adjacent to the approved primary spine road and to the south of the approved sports pitch. Prior to the commencement of development details of the electric vehicle charging point(s) shall be submitted to and approved in writing by the Planning Authority. The details to be submitted shall include a timetable for provision. Development shall thereafter be carried out in accordance with the details to approved and shall be retained unless other approved in writing by the Planning Authority.

Reason:

In the interests of sustainability.

- 21 Cycle parking shall be included at a rate of 1 space per flat. The cycle parking shall be in the form of 1 locker per flat or communal provisions in the form of a lockable room or shed in accordance with details to be submitted to and approved in advance by the Planning Authority. Thereafter the cycle parking approved shall be provided and be made available for use prior to the occupation of each flatted property it is associated with and shall thereafter be retained unless other approved in writing by the Planning Authority.

Reason:

To ensure the provision and retention of cycle parking.

- 22 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 electric 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.