



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

**TUESDAY 1 APRIL 2014  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

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**Committee Members Present:**

Councillor N Hampshire (Convener)  
Provost L Broun-Lindsay  
Councillor D Berry  
Councillor S Brown  
Councillor J Caldwell  
Councillor S Currie  
Councillor A Forrest  
Councillor J Gillies  
Councillor J Goodfellow  
Councillor D Grant  
Councillor P MacKenzie  
Councillor K McLeod  
Councillor J McMillan  
Councillor J McNeil  
Councillor T Trotter  
Councillor J Williamson

**Council Officials Present:**

Mr R Jennings, Head of Development  
Ms M Ferguson, Service Manager – Legal Services  
Mr I McFarlane, Acting Service Manager – Development Management  
Mr K Dingwall, Principal Planner  
Ms C Molloy, Senior Solicitor  
Mr M Greenshields, Transportation Planning Officer

**Clerk:**

Ms F Currie

**Visitors Present:**

Item 2 – Mr J Aitken  
Item 3 – Mr M Andrews

**Apologies:**

Councillor T Day  
Councillor W Innes

**Declarations of Interest:**

None

**1. MINUTES OF THE MEETINGS OF THE PLANNING COMMITTEES HELD ON 25 FEBRUARY AND 4 MARCH 2014**

The minutes of the Planning Committees held on 25 February and 4 March 2014 were approved.

**2. PLANNING APPLICATION NO. 12/00924/PPM: RENEWAL OF PLANNING PERMISSION IN PRINCIPLE 09/00222/OUT FOR A PROPOSED MIXED USE DEVELOPMENT AT LAND TO SOUTH, EAST AND WEST WALLYFORD**

A report was submitted in relation to Planning Application No. 12/00924/PPM. Keith Dingwall, Principal Planner, presented the report, summarising the key points and drawing Members' attention to two additions to the proposed clauses and conditions (outlined below). The report recommendation was to grant consent. The two additions were:

1. That there should be an additional clause within the legal agreement that would be Clause vi). Clause vi) would state:

Secure from the applicant the transfer to the Council of ownership of the land required for the new Wallyford Primary School. The value of the land contributed by the applicant for the new School will be agreed with the district valuer and offset against the value agreed with the district valuer for the existing Wallyford Primary School site that is to be transferred to the applicant or their nominees.

2. That there should be an additional condition, condition 27. Condition 27 would state:

No development (including buildings or any SUDS detention pond) shall be constructed over an existing culvert (including the Ravensheugh Burn) that is to remain active, unless otherwise approved in writing by the Planning Authority, following consultation with SEPA.

Reason:

To limit the risk of flooding of the application site and surrounding land.

In response to questions from Members, Mr Dingwall advised that in addition to the developer's financial contribution there would be a transfer of land for a new primary school and the maximum number of houses for the site had been set at 1050. He also addressed questions of flood prevention, noise mitigation and the proposed mix of commercial and other units.

Members also raised the question of delivery of the 263 affordable housing units for this site. They considered it essential that as many of these units as possible be delivered on site and requested that, should there be any proposal to deliver the affordable housing units off site or that the Council take a commuted sum in place of onsite delivery of units, such a decision should be remitted to the Planning Committee.

Head of Development, Richard Jennings, said that the Council's primary aim was always to deliver affordable housing on site and they worked closely with developers and the Scottish Government to achieve this. However, where this was not possible, it was necessary to consider alternatives such as banking land or taking commuted sums.

Service Manager – Legal Services, Morag Ferguson, advised Members that, ordinarily, decisions on delivery mechanisms would be a matter for officers under the Scheme of Delegation. However, if Members wished to take such decisions, these would be a matter for Council, rather than Planning Committee. The Convenor undertook to refer any such decisions to a meeting of Council if circumstances arose where an onsite solution was not reasonably practicable.

Mr Jim Aitken of East Lothian Developments Ltd, the applicant, addressed the Committee. He acknowledged the unfortunate history of the site, however the investment needed to progress the development was now in place. He urged Members to support the application and allow work to commence as soon as possible.

Local Member Councillor Caldwell considered this development to be long overdue. He noted that, as well as affordable housing, it would deliver land for a new primary school and other new amenities. He would be supporting the application.

Local Member Councillor Currie expressed his thanks to planning officers for their work on this and previous applications. He welcomed the proposals which would be of benefit to all and provide much needed housing and jobs in the local area. He would be supporting the application.

Local Member Councillor Forrest agreed with his colleagues and noted that Mr Aitken had taken the time to discuss his plans with the Community Council. He would be supporting the application.

Councillor Berry also welcomed the proposals, especially the mix of residential and commercial units and the plan to keep the existing community at the heart of the development. He would be supporting the application.

The Convenor brought the discussion to a close. He concluded that this was a very important site for East Lothian, particularly in relation to the delivery of affordable housing, and development should proceed forthwith. He would be supporting the recommendation to grant planning permission as set out in the report.

The Convenor moved to the vote on the report recommendation:

For: 16

Against: 0

Abstentions: 0

### **Decision**

The Committee agreed to grant planning permission subject to:

1. A direction to substitute the period of 3 years referred to in Section 59(2)(a)(i) and (3) of the Town and Country Planning (Scotland) Act 1997 (as amended) with a period of 8 years.
2. The undernoted conditions.
3. The satisfactory conclusion of an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997, or some other legal agreement designed to:

- (i) Secure from the applicant the provision of two community sports pitches, a four changing room facility and an allotment site;
- (ii) Secure from the applicant the transfer to the Council, at no cost, of ownership of the Wallyford Community Woodland;
- (iii) Secure from the applicant the provision of a commuted sum for the future maintenance of Wallyford Community Woodland for a 10 year period. The commuted sum shall also be sufficient to cover maintenance for a 10 year period of the two proposed community sports pitches and the open space that is immediately adjacent to it.
- (iv) Secure from the applicant a financial contribution to the Council of £8,233,666 towards the provision of the new primary school and £2,175,945 towards additional secondary school accommodation at Musselburgh Grammar School or any subsequently redefined provision of secondary education within the Musselburgh secondary catchment area;
- (v) Secure the provision of 263 affordable housing units within the application site or if it can be demonstrated to the Council that this, or the off-site provision of 263 affordable units is not practicable, to secure from the applicants a commuted sum payment to the Council in lieu of such an on or off-site provision;
- (vi) Secure from the applicant the transfer to the Council of ownership of the land required for the new Wallyford Primary School. The value of the land contributed by the applicant for the new School will be agreed with the district valuer and offset against the value agreed with the district valuer for the existing Wallyford Primary School site that is to be transferred to the applicant or their nominees;

4. That in accordance with the Council's policy on time limits for completion of planning agreements it is recommended that the decision should also be that in the event of the Section 75 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 without the developer contributions to be secured by the Agreement the proposed development is unacceptable due to insufficient future maintenance and ownership arrangements for, as relevant, Wallyford Community Woodland and the two proposed community sports pitches and the open space that is immediately adjacent to it, an insufficient provision of community sports pitches, related changing facilities and allotments, a lack of sufficient primary and secondary school capacity, and the lack of provision of affordable housing, contrary to the Council's Development Framework for the development that is titled Wallyford Settlement Expansion & Regeneration and, as applicable Policies INF3 and H4 of the adopted East Lothian Local Plan 2008.

- 1 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 dwellings and other buildings, the means of access to them, the means of any enclosure of the boundaries of the site and the landscaping of the site and those details shall generally accord with the Indicative Master Plan and Masterplan Document docketed to this planning permission in principle, and shall address the following requirements:
  - a. The provision within the application site of recycling facilities.
  - b. Other than in exceptional circumstances where the layout or particular building type does not permit, houses and flats shall be orientated to face the street.

c. Notwithstanding that shown in the Indicative Master Plan docketed to this planning permission in principle 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 street frontage;

d. The detailed design of the layout shall otherwise accord with the principles set out in the Council's Design Standards for New Housing Areas and with Designing Streets;

e. The external finishes of the residential units shall be in accordance with a coordinated scheme of materials and colours that shall respect the layout of the development and shall promote render as the predominant finish to the walls of the residential units.

f. Notwithstanding the details shown in the Indicative Site Master Plan referred to above, there shall be a separation distance of at least a 9 metres between the windows of a proposed new building and the garden boundaries of neighbouring residential properties; and a separation distance of at least 18 metres between directly facing windows of a proposed new building and the windows of existing or proposed neighbouring residential properties.

g. Details of the play area(s), including the equipment to be provided within it and a timetable for installation, shall be submitted to and approved in advance by the Planning Authority. The play area(s) shall be installed in accordance with the details so approved.

h. Parking for the residential and primary school components of the development hereby approved shall be provided at a rate as set out in the East Lothian Council's "Standards for Development Roads- Part 5 Parking Standards".

i. All access roads shall conform to East Lothian Council's "Standards for Development Roads" in relation to roads layout and construction, footways and footpaths, parking layout and number, street lighting and traffic calming measures.

j. Cycle parking shall be included at a rate of 1 space per flat. The parking shall be in the form of 1 locker per flat or communal provisions in the form of a lockable room or shed.

k. The provision of a vehicular access from the new distributor road to the site of the residential institution/ non-residential institution unit/ retirement homes use hereby approved.

l. The provision of pedestrian crossing points on Fa'side Avenue South to link the proposed new footpath behind the existing tree line to the existing footpath on the northern side of Fa'side Avenue South.

m. The provision of a 2 metres wide footway on the southern side of the A6094 road between the northern end of the existing footpath link that runs between Fa'side Crescent/ Fa'side Avenue South and the A6094 road, and a point approximately 60 metres to the west of the new roundabout access on the north-western edge of the site, delineated as the 'Salters Road Access' on docketed drawing no. 08018 (00) 256.

n. The provision of a minimum of 135 parking spaces provided within the new local centre for non-residential use.

o. The provision of a 1.2 metre high wall along the northern boundary of the site.

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.

2 The details to be submitted pursuant to condition 1 shall include a revised phasing plan. The revised phasing plan shall show the site being built out in an east to west direction with no housing being constructed within the west part of the site unless and until the distributor road has been completed. The revised phasing plan shall also accord with the following requirements:

(i) The traffic calming and environmental improvement works to be undertaken on Salter's Road must be completed prior to the commencement of development, unless otherwise approved by the Planning Authority following consultation with Transport Scotland.

(ii) Any improvements to the Wallyford and Dolphingstone interchanges as outlined in the transportation assessment to be undertaken prior to the commencement of development, unless otherwise approved by the Planning Authority following consultation with Transport Scotland.

(iii) Pedestrian links between each phase of development and the existing settlement to be provided prior to the occupation of the first dwelling house in each phase unless otherwise agreed with the local planning authority.

(iv) The supermarket(s) and local centre units must be complete and ready for letting by occupation of the 675th residential unit unless otherwise agreed with the local planning authority.

(v) The proposed school shall be completed and available for use prior to the occupation of the 300th house unless otherwise agreed with the local planning authority.

(vi) The distributor road shall be completed in its entirety within a period of two years from the date on which the 300th house is occupied.

(vii) No more than 600 units shall be accessed from the proposed eastern access junction at Strawberry Corner prior to the distributor road being completed and open to vehicular traffic.

(viii) The sports pitches, changing accommodation and allotments to be completed by occupation of the 675th residential unit unless otherwise agreed with the local planning authority.

(ix) The bus layover and passenger waiting facilities to be completed and available for use by occupation of the 675th residential unit unless otherwise agreed with the local planning authority.

(x) Improvements to the community woodland to be completed by occupation of the 675th residential unit or occupancy of the new primary school, whichever is first, unless otherwise agreed with the Planning Authority.

(xi) The eastern section of the distributor road between the Strawberry Corner access junction and the new primary school shall be finished to an adoptable standard with final surfacing prior to the first opening of the new primary school.

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.

- 3 The development of the site shall conform with the minimum density requirements established for the identified development areas shown on docketed drawing no. 08018(00), as well as generally complying with the range of house types and sizes shown on the same drawing.

Reason:

To ensure compliance with the provisions of the development plan.

- 4 No more than 1050 residential units shall be erected on the site.

Reason:

To ensure that there is sufficient education capacity, to restrict the scale of development to that identified in the applicant's update to the Transport Assessment and to minimise interference with the safety and free flow of traffic on the trunk road.

- 5 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 1- 120 residential units  
Year 2- 120 residential units  
Year 3- 120 residential units  
Year 4- 150 residential units  
Year 5- 150 residential units  
Year 6- 150 residential units  
Year 7- 150 residential units  
Year 8- 90 residential units

If less than the specified number of residential units are completed in any one year then those shall be completed instead at Year 9 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 Unless otherwise approved in writing in advance by the Planning Authority, the uses and unit sizes of the commercial units within the new local centre shall accord with the Local Centre table that is docketed to this planning permission in principle.

No more than 2731 square metres (gross) of the total gross floor space of the commercial units shall be used for convenience retail and no more than 603 square metres (gross) of the total gross floor space of the commercial units shall be used for comparison retail.

Reason:

In order to retain control over the format of retail and other commercial development in the interests of the vitality and viability of the new local centre.

- 7 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 recontouring of, the site; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. 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.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, 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.

- 8 Prior to the commencement of development a long term landscape and habitat management plan shall be submitted to and approved in writing by the Planning Authority.

Reason:

To maximise the ecological potential of the proposed development.

- 9 Prior to the commencement of development a woodland management plan for the community woodland shall be submitted to and approved in writing by the Planning Authority. The plan shall further the value of the resource for biodiversity as well as people, and shall include the following measures:

- \* Formalisation and lighting of key footpaths to adoptable standard. These will give access to the new local centre and school;
- \* Provision of cycleways where required;
- \* Informal surfacing of secondary paths;
- \* Provision of additional lighting and seating in appropriate locations; and
- \* Enhancement of the existing viewing area and clearing at the summit of the woodland.

The plan shall cover a 15 year period, to be split into 5 year periods, and shall include a timetable for implementation.

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

Reason:

To maximise the ecological potential of the proposed development.

- 10 A Green Travel Plan shall be submitted to and approved by the Planning Authority prior to the first use of any component of the mixed use development. The Green Travel Plan 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.

The Green Travel Plan shall thereafter be implemented in accordance with the details so approved.

Reason:

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

- 11 Prior to the commencement of development the findings of an independent road safety audit of the traffic calming and other environmental improvements of Salters Road shown on docketed drawing nos. 0645-LE-201 Rev B, 0645-LE-202 Rev B, 0645-LE-203 Rev B, 0645-LE-204 Rev A, and 0645-LE-205 Rev A shall be submitted to and approved in writing by the Planning Authority.

The traffic calming and other environmental improvements of Salters Road shall thereafter be fully undertaken in accordance with docketed drawing nos. 0645-LE-201 Rev B, 0645-LE-202 Rev B, 0645-LE-203 Rev B, 0645-LE-204 Rev A, and 0645-LE-205 Rev A and the approved findings of the independent road safety audit prior to the first occupation of any of the houses hereby approved.

Reason:

In the interests of road safety.

- 12 Prior to the commencement of development the findings of an independent road safety audit of the design of the environmental improvements of Inchview Road shown on docketed drawing no. 0645-LE-207 Rev A shall be submitted to and approved in writing by the Planning Authority.

Prior to the first occupation of the 675th house or occupancy of the new primary school, whichever is sooner, the environmental improvement of Inchview Road shall be fully carried out in accordance with docketed drawing no. 0645-LE-207 Rev A and the approved findings of the independent road safety audit.

Reason:

In the interests of road safety.

- 13 Unless otherwise approved in writing by the Planning Authority, the following transportation requirements shall have been undertaken prior to the occupation of the 675th residential unit or the occupation of the new school, whichever is the soonest:

a. A footpath, which shall include street lighting and which shall be made up to an adoptable standard, shall be formed through the community woodland in an east to west axis in the position that is indicatively shown on the masterplan docketed to this planning permission in principle.

Reason:

In the interests of road safety.

- 14 Prior to the commencement of development the findings of an independent road safety audit of the traffic calming and other environmental improvements of the new distributor road shown on docketed drawing nos. 0645-LE-101 Rev B, 0645-LE-102 Rev B, 0645-LE-103 Rev B, and 0645-LE-104 Rev B shall be submitted to and approved in writing by the Planning Authority. The audit shall include all access junctions, bus stops, raised tables, and signalised junctions/crossing points. It shall include details of safe crossing locations for pedestrians travelling to and from the new Town Centre in a north to south direction.

The traffic calming and other environmental improvements of the new distributor road shall thereafter be fully undertaken in accordance with docketed drawing nos. 0645-LE-101 Rev B, 0645-LE-102 Rev B, 0645-LE-103 Rev B, and 0645-LE-104 Rev B and the approved findings of the independent road safety audit prior to the whole of the new distributor road being opened to vehicular traffic.

Reason:

In the interests of road safety.



- 15 A monitoring program of traffic flows on Salters Road and the new distributor road shall be put in place to ensure that the deflection measures are operating to the satisfaction of the Planning Authority. Traffic count surveys shall be completed on occupancy of the 175th unit, the 450th unit, the 675th unit, and on completion of the development. The findings of the traffic count surveys shall be submitted to the Planning Authority within a period of two months from the date of the traffic count, unless otherwise approved in writing by the Planning Authority.

Reason:

In the interest of road safety.

- 16 No development shall take place until there has been submitted to and approved in writing by the Planning Authority full details of the bus gate, including a timetable for its installation and proposals for its future maintenance, that is to be installed between Inchview Road and the new local centre. The bus gate shall thereafter be installed in accordance with the details so approved.

Reason:

In the interests of road safety.

- 17 No development shall take place until the applicant has submitted to and approved in advance a signage strategy for the application site. The strategy shall identify and promote key pedestrian, cycle and vehicle routes to and from the new local centre from both the existing settlement of Wallyford and from the other components of the mixed use development hereby approved.

Reason:

In the interests of encouraging sustainable travel patterns in respect of the mixed use development.

- 18 A Construction Method Statement to minimise the impact of construction activity on the amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic and shall include hours of construction work. It shall also address the temporary measures proposed to deal with surface water runoff during construction in accordance with the requirements of the Water Environment (Controlled Activities) (Scotland) Regulations 2005 and General Binding Rules. The Construction Method Statement shall also make recommendations in respect of how pedestrians and school children can safely access the new school during construction works. These recommendations shall include the eastern section of the distributor road and footpaths from the new Strawberry Corner access being finished to an adoptable standard with final surfacing prior to the opening of the new school.

The recommendations of the Construction Method Statement shall be implemented prior to the commencement of development.

Reason:

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

- 19 The details to be submitted pursuant to condition 1 above shall include full details of all noise mitigation measures. These shall be based on the mitigation measures identified in the docketed Noise and Vibration report and shall be designed so that the 'good standard' indoor levels from Table 5 of BS 8233 Sound Insulation and Noise Reduction for Buildings- Code of Practice are met inside the proposed residential units. The mitigation measures shall include the erection of an acoustic barrier along the southern boundary of the site. The details to be submitted shall also include 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.

- 20 Development shall not begin until a scheme to deal with contamination on the site has been submitted to and approved in writing by the Planning Authority. The scheme, which shall include a detailed gas survey (long term monitoring) and a detailed groundwater monitoring exercise, shall contain details of the proposals to deal with contamination to include:

- 1 the nature, extent and type(s) of contamination on the site,
- 2 measures to treat/remove contamination to ensure the site is fit for the use proposed,
- 3 measures to deal with contamination during construction works,
- 4 condition of the site on completion of decontamination measures.

Before any of the buildings are occupied the measures to decontaminate the site shall be fully implemented as approved by the Planning Authority.

Reason:

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

- 21 No development shall commence unless and until the following requirements have been met:
- a. the existing 30 miles per hour speed limit has been extended along the frontage of the site on the A199 road from the existing 30 mph limit at Wallyford Toll, up to the eastern side of the proposed new access at Strawberry Corner; and
  - b. the existing 30 miles per hour speed limit has been extended along the frontage of the site on Salter's Road from the existing 30 mph limit at Fa'side Crescent, up to the western side of the proposed new access on the A6094 road.

Details of the proposed extension to the existing 30 miles per hour speed limit 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.

Reason:

In the interests of road safety.

- 22 The proposed eastern and western vehicle site accesses shall be designed in accordance with the Design Manual for Roads and Bridges, Volume 6. An independent road safety audit shall be undertaken (and submitted to the Planning Authority for approval) for the final design drawings of the those two site accesses.

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

Reason:

In the interests of road and pedestrian safety.

- 23 There shall be no commencement of development unless and until:
- a) proposals for the alteration and re-activation of the existing traffic signal installation at the A1/A6094 junction have been approved in writing with the Planning Authority, in consultation with Transport Scotland; and
  - b) revised signal timing plans for the existing traffic signal installation at the A1/A199 junction have been submitted and approved in writing with the Planning Authority, in consultation with Transport Scotland.

The details to be submitted shall include a timetable for their implementation.

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

Reason:

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

- 24 No development shall take place until the applicant has, through the employ of an archaeologist or archaeological organisation, secured the implementation of a programme of archaeological work on the site of the proposed development in accordance with a written scheme of investigation which the applicant will submit to and have approved in advance by the Planning Authority.

Reason:

To facilitate an acceptable archaeological investigation of the site.

- 25 No residential unit shall be occupied unless and until details of artwork to be provided on the site or at an alternative location away from the site have been submitted to and approved by the Planning Authority and the artwork as approved shall be provided prior to the occupation of the final residential unit approved for erection on the site.

Reason:

To ensure that artwork is provided in the interest of the visual amenity of the locality or the wider area.

- 26 Surface water from the application site shall be treated in accordance with the principles of the SUDS Manual (C697), which was published by CIRIA in March 2007.

Reason:

To ensure that the drainage scheme complies with best SUDS practice to protect nearby watercourses and groundwater.

- 27 No development (including buildings or any SUDS detention pond) shall be constructed over an existing culvert (including the Ravensheugh Burn) that is to remain active, unless otherwise approved in writing by the Planning Authority, following consultation with SEPA.

Reason:

To limit the risk of flooding of the application site and surrounding land.

**3. PLANNING APPLICATION NO.13/00719/P: ERECTION OF 17 HOUSES, GARAGES AND ASSOCIATED WORKS AT LAND AT STATION ROAD, DUNBAR**

A report was submitted in relation to Planning Application No. 13/00719/P. Mr Dingwall presented the report, summarising the key points and the history of previous planning applications for this site. He confirmed that, contrary to the terms of the report, the existing planning consent for a nursing home was still extant, having been granted an extension of time for implementation until 2015. The proposed decision set out in the report was to grant consent.

In response to questions from Members Mr Dingwall advised that the safest and most suitable access to the site was from Countess Road. He also confirmed that housing density had been carefully considered and that the proposed layout was acceptable in terms of visual amenity for neighbouring properties.

Mr Mike Andrews, the applicant, addressed the Committee. He stated that this was a good site for housing and the proposed design was sympathetic to the surrounding conservation area with retention of the existing wall and tree line. It was a low density site of well-spaced houses and to provide additional car parking within the site would create amenity and safety issues for the occupants of the houses.

Councillor Berry sought an assurance that no private access would be allowed directly onto the station platform. Acting Service Manager – Development Management, Iain McFarlane, indicated that any change to the existing wall would require separate planning permission.

The Convenor outlined his reasons for bringing this application to Committee. Local Plan proposal H10 required that this site be used for a mix of housing and car parking. At the time the previous planning permission for this site had been granted, the Committee had been advised that discussions around the provision of additional car parking on land owned by Network Rail were in an advanced stage and this parking would be provided near the railway station in the near future. This had not happened and was not likely to happen as discussions have now broken down on the issue of cost for this parking. In the meantime, Dunbar was expanding and was due

to expand further. He considered that there was more pressure than ever on existing parking provision leading to congestion and inconvenience for residents in streets around the railway station. This application was contrary to the terms of the Local Plan proposal in that it did not provide any additional parking and therefore he would not be supporting the report recommendation.

Councillor Currie did not consider car parking to be material to the determination of this application. He noted that there had been few objections from the community and planning officers clearly felt justified in going against policy to recommend consent. He would be supporting the report recommendation.

Councillor Berry had no difficulty with the proposals and saw no justification for refusal of the application. He would be supporting the report recommendation.

Councillor Grant agreed that the extant planning permission for this site had also been a departure from the Local Plan but that decision had been taken in the expectation of additional parking coming forward elsewhere. The Committee now knew that this was not going to happen. Accordingly, he considered the current application to be a departure from the Local Plan that was not now justified and he would not be supporting the report recommendation.

Provost Broun-Lindsay was aware of the pressures on parking in the area surrounding the station. He considered that the Network Rail site would have provided an ideal solution but, if this is not now going to be possible, he considered that it was important to stick with the terms of the Local Plan proposal and require the provision of parking on this site. For this reason, he would be voting against the report recommendation.

The Convener brought the discussion to a close. He commented that with existing plans for over 1000 houses in Dunbar, the Council should do all it could to secure additional car parking for the town centre.

The Convener moved to the vote on the report recommendation:

For: 7  
Against: 9  
Abstentions: 0

**Decision**

The Committee agreed to refuse planning permission for the following reason:

- The proposed development does not provide for the development of a car park and is therefore contrary to Proposal H10 of the adopted East Lothian Local Plan 2008.

Signed .....

Councillor Norman Hampshire  
Convener of the Planning Committee