

**PLANNING COMMITTEE**

**31 MARCH 2015**

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

**TUESDAY 3 MARCH 2015  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

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**Committee Members Present:**

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

**Council Officials Present:**

Ms M Ferguson, Service Manager – Legal and Procurement  
Mr I McFarlane, Service Manager – Planning  
Mr G Talac, Transportation Planning Officer  
Ms P Bristow, Communications Officer

**Clerk:**

Ms A Smith

**Visitors Present:**

Mr D Scott  
Mr M Quinn

**Apologies:**

None

**Declarations of Interest:**

None

**1. MINUTE OF THE MEETING OF THE PLANNING COMMITTEE OF 3 FEBRUARY 2015**

The minute of the Planning Committee of 3 February 2015 was approved.

**2. PLANNING APPLICATION NO. 14/00913/PM: VARIATION OF CONDITION 2 OF PLANNING PERMISSION IN PRINCIPLE 12/00924/PPM TO ALLOW FOR THE DEVELOPMENT AND OCCUPATION OF RESIDENTIAL UNITS FROM BOTH THE WESTERN (A6094-SALTERS ROAD) AND NORTHERN (A199) ENDS OF THE SITE AT LAND TO SOUTH, EAST AND WEST, WALLYFORD**

A report was submitted in relation to Planning Application No.14/00913/PM. Iain McFarlane, Service Manager for Planning, presented the report, summarising the key points. The report recommendation was to grant consent.

Mr McFarlane responded to questions, referring Members to the application for renewal of planning permission in principle 12/00924/PPM, granted by the Committee in November 2014. He advised that further details would be determined by the detailed planning applications which would come to Committee in due course. In relation to delivery of the primary school he advised that the main governing factor was the Section 75 Agreement attached to the earlier grant of planning permission.

Grant Talac, Transportation Planning Officer, responded to questions about the distributor road, signalisation, interchange improvements, Salters Road and traffic calming measures. He provided further clarification about levels of finish on the distributor road and the Roads Construction Consent process.

Derek Scott, representing Derek Scott Planning, agent for the applicant, and Martin Quinn, also responded to questions from Members. Councillor McNeil asked if discussions were taking place with NHS Lothian regarding provision of a medical facility. Mr Scott confirmed that discussions were taking place, adding that this issue had been raised by the community council and others during the consultation process. In relation to other facilities intended within the civic centre, queried by Councillor Berry, Mr Quinn indicated these would be demand led; discussions were taking place with several retailers. Mr Scott indicated they had a number of applications currently with the Council; one of these was a detailed application regarding infrastructure for the site. In relation to their work programme they hoped to start work in June/July this year and, assuming this start date, planned to have the first house occupied in June/July 2016 so the distributor road would be completed by that date.

Local Member Councillor Currie appreciated the request for the variation, to enable more rapid progression of this development. He did have concerns however about the timing of completion of the proposed school, not available for use prior to occupation of the 300<sup>th</sup> house and potential issues associated with this. He supported the application but also had further concerns about some traffic issues.

Local Member Councillor Caldwell welcomed progress on this site. He was pleased to note the traffic calming measures on Salters Road, as this was an issue constantly raised by the community council. He would be supporting the recommendation.

Local Member Councillor Forrest also welcomed progress on this development. The distributor road would benefit Wallyford, building the site from both ends would also be beneficial. He would be supporting the report recommendation.

Councillor Innes stated that this site was one of the key strategic sites in the Local Plan; he was delighted it was now progressing, it was essential for this site to be developed. He added that the lack of strategic sites coming forward meant pressure from developers for other sites in the county. He would be supporting this application.

Councillor Berry associated himself with Councillor Innes's comments. He stressed the need for better connections between new and existing developments, building communities rather than just building houses. The Council should also be more creative in outlining its requirements for civic areas/community spaces. He made a plea for the Council to be more proactive in future. He supported the application.

The Convener referred to completion of the distributor road, stating that from the day the road was completed traffic would transfer from Salters Road to this new road; it would become a very busy road. He felt that to only have a base course level finish would not be sufficient; it should have a final finish from commencement of use and the road would then be adopted by the Council. He proposed this amendment to part (ix) of condition 2.

Councillor McNeil supported this amendment.

Councillor Currie cautioned that this was a 10 year project so there would be 10 years worth of construction traffic on this road, continual repair work would need to be carried out by Road Services.

The Convener accepted that some damage would be done by construction traffic but argued that many people from across East Lothian would be using this distributor road; the amendment was proposed for safety reasons.

Councillor Innes stated that this road was slightly different from the usual road in a new development; it was a distributor road that would relieve traffic on Salters Road and therefore needed to be of a decent standard.

Provost Broun-Lindsay remarked that Members were being asked to agree to a fundamental difference to the application that would affect the Council's budget for the life of this project; for the benefit of the Council's purse, the Committee should determine the report as it stood. He did not agree with the Convener's suggestion.

Several other Members entered the debate, some opposing the amendment, some expressing support.

The Convener brought the discussion to a close. He noted the differing views expressed by Members. He asked the Committee to vote on the proposed amendment to part (ix) of condition 2, that the distributor road should be completed to final finish level prior to the occupation of the first house, the road would then be adopted by the Council – reason: road safety.

For: 7

Against: 11

Abstentions: 0

The amendment therefore fell.

The Convener then moved to the vote on the report recommendation:

For: 18

Against: 0

Abstentions: 0

### **Decision**

The Committee agreed to grant planning permission for the following variation to Condition 2 of planning permission in principle 12/00924/PPM:

1 Condition 2

The details to be submitted pursuant to condition 1 shall include a revised phasing plan which shall 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 sports pitches, changing accommodation and allotments to be completed by occupation of the 675th residential unit unless otherwise agreed with the local planning authority.

(vii) 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.

(viii) 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.

(ix) The distributor road shall be completed in its entirety to base course level prior to the occupation of the first dwelling house and all pedestrian links connecting the proposed residential development areas to the proposed primary school shall be completed to adoptable standard 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. PLANNING APPLICATION NO. 14/00916/PM: VARIATION OF CONDITION 5 OF PLANNING PERMISSION IN PRINCIPLE 12/00924/PPM TO ALLOW FOR UP TO 90 UNITS TO BE COMPLETED IN YEAR 1, UP TO 150 UNITS IN YEAR 2, UP TO 150 UNITS IN YEAR 3 AND UP TO 60 UNITS IN YEAR 8 AT LAND TO SOUTH, EAST AND WEST, WALLYFORD**

A report was submitted in relation to Planning Application No.14/00913/PM. Mr McFarlane presented the report, summarising the key points. The report recommendation was to grant consent.

Members raised questions about library provision and class configuration of the proposed primary school. Mr McFarlane referred to the proposed community facilities as indicated in application 12/00924/PPM advising that these would be outlined further in the detailed applications yet to come forward; this application only concerned phasing of the housing units. With regard to the second point he advised that this was the configuration put forward by the Education Service.

Local Member Councillor Currie noted that in the Education Service's view the proposed variation of Condition 5 would not prejudice delivery of the proposed primary school or the Council's education strategy for the expansion of Wallyford.

The Convener reiterated that as mentioned by the Council Leader this development was of great importance to East Lothian. He moved to the vote on the report recommendation:

For: 18  
Against: 0  
Abstentions: 0

**Decision**

The Committee agreed to grant planning permission for the following variation to Condition 5 of planning permission in principle 12/00924/PPM:

1 Condition 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- 90 residential units
- Year 2- 150 residential units
- Year 3- 150 residential units
- Year 4- 150 residential units
- Year 5- 150 residential units
- Year 6- 150 residential units
- Year 7- 150 residential units
- Year 8- 60 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 rates of residential development within the application site accords with the provision of education capacity.

Signed .....

Councillor Norman Hampshire  
Convener of the Planning Committee





**REPORT TO:** Planning Committee  
**MEETING DATE:** Tuesday 31 March 2015  
**BY:** Depute Chief Executive  
(Partnership and Services for Communities)  
**SUBJECT:** Application for Planning Permission for Consideration

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**Note** - this application was called off the Scheme of Delegation List by Councillor Goodfellow for the following reasons: There is significant concern expressed by surrounding neighbours that the extended hours for deliveries proposed in the report would give rise to noise nuisance.

Application No. **14/00968/P**

Proposal Variation of Condition 7 of planning permission P/00696/92 to change the opening hours from 08.00 to 20.00 Monday to Friday and 08.00 to 18.00 Saturdays and Sundays to 08.00 to 22.00 Monday to Saturday and 09.00 to 19.00 Sundays and removal of delivery/servicing restrictions

Location **48 - 52 Dunbar Road  
North Berwick  
East Lothian  
EH39 5AB**

Applicant Aldi Stores Ltd

Per GVA Grimley Ltd

RECOMMENDATION Consent Granted

#### PLANNING ASSESSMENT

This application relates to the former Co-op supermarket in North Berwick which is currently vacant. It occupies a corner site immediately to the south of the junction of Glenburn Road and Dunbar Road. It is within a mixed use area as defined by Policy ENV2 of the adopted East Lothian Local Plan 2008. It is outwith the defined town centre of North Berwick.

Outline planning permission ref: P/00696/92 (now planning permission in principle) was granted on 18 March 1993 for the erection of the supermarket and associated access and car parking, subject to 13 conditions. Of these, Condition 7 stipulates that:

“The supermarket will not be open to trading outwith the hours 0800 to 2000 Monday to Friday and 0800 to 1800 hours on Saturdays and Sundays.

No goods delivery vehicles will enter or leave the site between 1900 to 0700 Mondays to Saturdays and at any time on Sundays. No offloading or loading of goods or refuse to or from vehicles or containers will take place to or from the premises during those hours.

Reason:

To safeguard the amenity of the occupants of nearby residential properties”

Planning permission is now sought through this application for a variation of Condition 7 of outline planning permission P/00696/92 to:

(i) change the opening hours of the supermarket from 0800 to 2000 Monday to Friday and 0800 to 1800 hours on Saturdays and Sundays to 0800 to 2200 Monday to Saturday and 0900 to 1900 on Sundays; and

(ii) remove the time restriction on goods delivery vehicles entering or leaving the site and for the offloading or loading of goods or refuse to or from vehicles or containers such that this could take place at any time of day or night.

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

The development plan is the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Plan 2008.

There are no policies of the approved South East Scotland Strategic Development Plan (SESplan) relevant to the determination of this application.

Relevant to the determination of the application is Policy ENV2 (Town and Village Centres, Other Retail or Mixed Use Areas) of the adopted East Lothian Local Plan 2008.

One written objection to the application has been received. It takes the form of a petition with 11 signatories. The grounds of objection are to the proposed extended opening hours of the supermarket and the proposed removal of the time restriction on goods delivery vehicles entering or leaving the site.

One written representation has also been received to the application in which points are raised with regard to noise from delivery vehicles and the protection of existing tree planting.

The determination of this application rests on the planning considerations of the likely additional impacts the proposed extension in opening hours and the removal of the time restriction on goods delivery vehicles entering or leaving the site and for the offloading or loading of goods or refuse to or from vehicles or containers would have on the amenity of any neighbouring use, including neighbouring residential properties.

With regard to these considerations Policy ENV2 of the adopted East Lothian Local Plan 2008 requires that proposals that would have a significant environmental impact, particularly on existing housing, will not be permitted.

The Council’s Environmental Protection Manager advises that the operation of the

supermarket during daytime hours, which are defined as 0700 to 2300 hours, would not have a harmful noise impact on the amenity of any neighbouring or nearby residential property. Therefore the Environmental Protection Manager confirms that the proposed opening hours of 0800 to 2200 Monday to Saturday and 0900 to 1900 on Sundays, by being within daytime hours, would not harmfully impact on the amenity of any neighbouring or nearby residential property through noise associated with the proposed increase in the operational hours of the supermarket.

Although the applicant proposes the varied opening hours of 0900 to 1900 on Sundays, the current restriction imposed on opening hours by Condition 7 of outline planning permission P/00696/92 allow the supermarket to open at 0800 hours on Sundays. Given this there would be no justifiable necessity in restricting the opening of the supermarket to 0900 hours on Sundays as proposed by the applicant and it would be reasonable to continue to allow the supermarket to open at 0800 hours on Sundays. The Environmental Protection Manager does not object to the retention of this opening time on Sundays.

With respect to the proposal to remove the time restriction on goods delivery vehicles entering or leaving the site and for the offloading or loading of goods or refuse to or from vehicles or containers, the Environmental Protection Manager advises that the complete removal of the delivery/servicing restrictions part of Condition 7 of outline planning permission P/00696/92 is not acceptable due to the fact that noise arising from vehicle movements and loading/unloading of goods and refuse during night time hours of 2300 to 0700 would unacceptably impact on the amenity of neighbouring residential properties. The Environmental Protection Manager therefore advises that an amendment to Condition 7 of planning permission P/00696/92 to restrict delivery/servicing movements to daytime hours only (0700 to 2300 hours) would be acceptable and would not harmfully impact on the amenity of neighbouring and nearby residential properties.

Therefore, the Environmental Protection Manager is satisfied that if the varied Condition 7 were to read as follows there would be no harmful noise impact on any neighbouring or nearby residential property and thus no harmful impact on the amenity of such residential properties:

'The supermarket will not be open to trading outwith the hours of 0800 to 2200 Monday to Saturday and 0800 to 1900 hours on Sundays.

No goods delivery vehicles will enter or leave the site between 2300 to 0700 hours Mondays to Sundays. No offloading or loading of goods or refuse to or from vehicles or containers will take place to or from the premises during those hours.

Reason:

To safeguard the amenity of the occupants of nearby residential properties.'

The applicant's agent confirms in writing that the applicant is agreeable to this wording.

The variation of Condition 7 of outline planning permission P/00696/92 as noted above is consistent with Policy ENV2 of the adopted East Lothian Local Plan 2008.

Given that this application is seeking only to vary Condition 7 of outline planning permission P/00696/92, all other conditions imposed on the grant of outline planning permission P/00696/92 would otherwise remain unaltered and in force. It would be prudent to confirm this in an advisory note on the decision notice.

CONDITION:

1 Condition 7

The supermarket will not be open to trading outwith the hours of 0800 to 2200 Monday to Saturday and 0800 to 1900 hours on Sundays.

No goods delivery vehicles will enter or leave the site between 2300 to 0700 hours Mondays to Sundays. No offloading or loading of goods or refuse to or from vehicles or containers will take place to or from the premises during those hours.

Reason:

To safeguard the amenity of the occupants of nearby residential properties.

*Please note that the remainder of pages relating to this item have been removed as they contain personal information (for example - names and addresses of people that have made representation)*