



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

**TUESDAY 2 JUNE 2015
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Committee Members Present:

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

Council Officials Present:

Ms M Ferguson, Service Manager – Legal and Procurement
Mr I McFarlane, Service Manager – Planning
Mr K Dingwall, Principal Planner
Ms J Holland, Senior Solicitor
Mr D Irving, Acting Senior Planner
Ms K Slater, Planner
Mr E Bean, Graduate Planner
Mr M Greenshields, Transportation Planning Officer

Clerk:

Ms A Smith

Visitors Present:

Item 3 – Mr R Holder, Ms I Hopkins
Item 5 – Mr K Ross, Mr N Wright, Mr J Lamb, Mr C Stevenson, Ms K Payne,
Mr S Wright
Item 7 – Mr R Hall, Mr I McMinn

Apologies:

Councillor D Berry
Councillor J Goodfellow
Councillor J McNeil

Councillor T Trotter

Declarations of Interest:

None

1. MINUTE OF THE MEETING OF THE PLANNING COMMITTEE OF 5 MAY 2015

The minute of the Planning Committee of 5 May 2015 was approved.

2. PLANNING APPLICATION NO.14/00534/PCL: ERECTION OF PRIMARY SCHOOL AND ASSOCIATED WORKS AT LAND AT EAST LETHAM MAINS, AT HADDINGTON

A report was submitted in relation to Planning Application No.14/00534/PCL Keith Dingwall, Principal Planner, presented the report, summarising the key points. He informed Members that the following 3 items on the Agenda all related to development at Letham Mains, covering a total of 43 hectares of agricultural land. The principle of the proposed new school being erected within the allocated site of Letham Mains had been established by Proposal ED3 of the adopted East Lothian Local Plan 2008 and by the approved Development Framework for Letham Mains. This report set out all the technical aspects of the application. The report recommendation was to grant consent.

Local Member Councillor McMillan welcomed progress on the Letham Mains development; it had taken a considerable time to reach this stage. With regard to reactions to the development there were objections but there had also been many comments about the need for this development. He noted that concerns were largely not related to planning matters but rather to neighbourhood and community issues.

Local Member Provost Broun-Lindsay agreed with his colleague that progress on the Letham Mains development was long overdue. The primary school was key to the ongoing development of the area. He welcomed this particular application.

Councillor MacKenzie welcomed this application. It would be good to have a school at the heart of a new community. He was pleased to note that the site could accommodate future extension of the school if required. He was also pleased to note that a Green Travel Plan was included.

The Convener moved to the vote on the report recommendation:

For: 14

Against: 0

Abstentions: 0

Decision

The Committee agreed to grant planning permission subject to the following conditions:

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

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

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

Reason:

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

- 2 Samples of the external finishing materials and finishing colours to be used in the development shall be submitted to the Planning Authority for its prior approval, prior to their use in the development. Only those materials and finishing colours approved by the Planning Authority will be used in the external finishes of the development hereby approved.

Reason:

To ensure the external finishes are appropriate in the interests of protecting the amenity of the area.

- 3 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.

- 4 The design and installation of any plant or equipment shall be such that any associated noise does not exceed noise rating curve NR20 at any frequency when measured within any neighbouring residential building. Noise measurements shall be taken within the building with windows open at least 50mm.

Reason:

In the interests of protecting the amenity of future nearby properties.

- 5 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.

- 6 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. 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.

- 7 A Green Travel Plan to minimise private car trips and to encourage use of alternative modes of transport such as cycling and walking shall be submitted to and approved by the Planning Authority prior to the school opening for use. Additionally the Green Travel Plan shall include details of the measures to be provided, the methods of management, monitoring, review, reporting and duration of the Plan.

The approved Green Travel Plan shall be implemented prior to the first opening of the school.

Reason:

In the interests of ensuring sustainable travel patterns in respect of the proposed school.

- 8 Prior to the commencement of development, full details of the finalised SUDS scheme shall be submitted to and approved in writing by the Planning Authority, following consultation with SEPA. Development shall thereafter be carried out in accordance with the details so approved.

Reason:

To ensure adequate protection of the water environment from surface water run-off.

3. PLANNING APPLICATION NO.14/00089/PM: ERECTION OF 257 HOUSES, 119 FLATS, COMMERCIAL AND COMMUNITY BUILDINGS AND ASSOCIATED WORKS AT LETHAM MAINS, HADDINGTON

A report was submitted in relation to Planning Application No.14/00089/PM. Mr Dingwall presented the report, summarising the key points. He gave further details of the development regarding density, specifying the number of units per hectare, the public square, retail units and the linear park. In relation to affordable housing he advised that 17% was consistent with the Local Plan; Policy H4 stipulated 25% for all sites with the exception of the Blindwells and Letham Mains developments. He drew attention to the issues regarding future ownership and maintenance of the playing field/changing rooms, as detailed in the report. He referred to the conditions. With regard to Condition 9, Scottish Government advice stated that this negative wording could be used if the reason for this condition was to prohibit part of the development until a specific action had been taken, in this case to ensure the primary school had been built; there was therefore no justification to remove this condition. Condition 19, part ix - the wording "unless otherwise agreed in writing by the planning authority" should be added to this condition. The report recommendation was to grant consent.

Mr Dingwall responded to questions. He clarified, in relation to a query from Councillor Day about the Section 75 Agreement for the Aubigny Sports Centre that normally the detail was dealt with during the negotiation stage of the Agreement.

Councillor Currie queried the 17% allocation for affordable housing units. Mr Dingwall advised that the Letham Mains development had been many years in planning prior to the current Local Plan; the Council's Affordable Housing Policy at that time did not have a 25% affordable housing element. When the new Local Plan was being prepared the Letham Mains development had reached a stage that the applicants stated it would not be viable to increase this percentage to 25%. The Council had therefore decided to accept a lower number of affordable housing units. In response to further questions, Mr Dingwall replied that it would be unreasonable for the Council, to insist on 25% now as 17% had been stated in the current Local Plan and the Development Framework for Letham Mains. He advised that viability could be a material planning consideration; he clarified that developers could still request a lower percentage for affordable housing units in particular cases.

In response to questions from Councillor McMillan, Mr Dingwall advised that as regards density, this site reflected the appropriate balance. In relation to the

expansion of the Aubigny Sports Centre, this facility was wholly contained in its present site so the expectation would be expansion on that site.

Provost Broun-Lindsay queried the possible dangerous conflict between the footway/cycleway and traffic at the linear path crossing points. Marshall Greenshields, Transportation Planning Officer, advised that the detail for crossing points would be addressed in the Road Construction Consent.

In response to a question from Councillor MacKenzie about the public square, Mr Dingwall advised that the intention was to provide visual relief, it would be beside the primary school, with retail units to the north, so should be a well used space.

Robin Holder of Holder Planning, agent for the applicants for this and the next application, indicated that he would do one presentation covering the entire development. He and his clients had worked closely with the Council to produce a masterplan for the whole site. The process had started around 2004 and had involved a huge amount of work; it was the most comprehensive development management process he had been involved in. He responded to several points raised. He drew attention to developer contributions, as detailed in the report. In relation to the Aubigny Sports Centre it was appropriate that this be dealt with through a Section 75 Agreement. Regarding the 17% affordable housing allocation, if this percentage figure increased, the development would no longer be viable. In respect of the playing field/changing rooms his clients were prepared to gift these to Council, but not prepared to pay maintenance costs; alternatively they would retain these and appoint a Factor to manage these. He informed Members that Condition 9 was problematic as they were not in control of delivering the school; this was a significant issue for the applicant regarding the financial contribution for this development. He suggested that the Section 75 Agreement be given flexibility to allow the developer to provide the school, otherwise he requested deletion of this condition.

Councillor Day referred to capacity issues at the Aubigny Sports Centre and asked if the Council had any power in these negotiations to vary what the contribution was spent on and to influence the timing of the contribution. In relation to Councillor McMillan's point about wording of the relevant condition, he queried whether the Council could deliver offsite provision. Morag Ferguson, Service Manager for Legal and Procurement, advised that the negotiation process was bound by the terms of the conditions contained in the Committee's decision. She added that if there were concerns, the Committee could expand the wording of that condition when reaching its decision.

Irene Hopkins, a neighbouring resident whose property backed on to the Letham Mains site, spoke against the application. She raised a number of concerns in relation to the construction works, including noise, security and disturbance to local residents. There were issues regarding St Laurence Burn and Letham Burn. She also had concerns about the impact of the development on the sewage system, roads and on other schools in Haddington. She queried aspects of use of the playing field.

Local Member Provost Broun-Lindsay indicated that he understood the objectors' concerns however following the site visit and considering the plan for the development, he felt that some of the points raised were covered in the report. It would be impossible for any development of this scale to occur without any effect on neighbouring residents. The development was needed to meet the Scottish Government's requirements for housing in East Lothian; on balance he felt this development should go ahead so he would be supporting the recommendation.

Local Member Councillor McMillan noted Mr Holder's comments about the masterplan for the whole site. He echoed his colleague's comments about this much needed development. He noted at the site visit traffic volumes on Pencaitland Road and, with the distributor road going through the development, queried whether the effect in the long term on other roads should be looked at. He noted the agent's point about the school, condition 9, questioning if this required further thought from the Education and Planning authorities. He felt that clarification was needed about the number of units that would trigger an expansion to the Aubigny Sports Centre. He welcomed the report but there were still a few issues to be resolved.

Councillor Currie remarked that looking at sites approved years ago and at current applications the single biggest factor now was the size of the infrastructure required. With regard to affordable housing he pointed out there were 2 sites identified in the Local Plan under the 25% provision of affordable housing; he was not impressed by the viability argument, East Lothian was a good area for developers. This development, after more than a decade, needed to go forward; the reason this site had become more of an issue was the length of time it had taken to progress. Regarding the school, the conditions were there for a good reason; it was the Education Authority's responsibility to bring it forward on time. On balance, he supported the application.

Councillor Innes stated this was a very important site in the Local Plan. Lack of progression had resulted in the Council losing appeals on applications on other sites across East Lothian and other communities in the county had unacceptable developments forced on them by the appeal process. The new sports facility had long been in the planning process and he was slightly concerned that factors and residents would control this; it would be preferable for the Council to own and control the sports facility. Regarding affordable housing, at the time the application had first come forward there had been no national percentage figure. He supported the application.

The Convener brought the discussion to a close. This application had been in process for the last 10 years; it was an important site in the Local Plan and difficulties had been created by this site not coming forward. The Council now had a duty to put in the infrastructure to progress this development. With regard to the new primary school, he stated that legally the Council had to build this. As a whole these applications were welcomed, they would be a massive boost to Haddington and would provide housing for local people.

Councillor Day proposed an amendment to condition 2(v) so that a) the financial contribution should be used for the provision of sporting facilities in Haddington; and b) there should be a stipulation that this contribution should be paid prior to a certain number of residential units being occupied. The Convener indicated that this condition concerned the next application as well and suggested that the most appropriate way to deal with this would be to delegate the detail to the Convener and relevant Head of Service, with advice from Planning and Legal services as required. Councillor Day accepted this suggestion.

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

For: 14
Against: 0
Abstentions: 0

Decision

The Committee agreed to grant planning permission subject to the following conditions, with the amendments as outlined:

1. The undernoted conditions.

2. 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 secure from the applicant and from the applicant the subject of separate planning application 13/00519/PM:

(i) A financial contribution to the Council of £71,100 towards upgrading works to the path network in the vicinity of Letham Mains. This contribution shall be made prior to occupancy of the first house.

(ii) The transfer to the Council, at no cost, of ownership of the site for the school that is approved by planning permission 14/00534/PCL. The site for the school shall be serviced and shall be transferred to the Council within 9 months of commencement of either of the developments the subject of planning permission 13/00519/PM or planning permission 14/00089/PM;

(iii) A financial contribution to the Council of £9,225,154 towards the primary school provision and £1,579,500 towards additional secondary school accommodation at Knox Academy;

(iv) The provision of the sports pitch and the two changing room facility hereby approved;

(v) A financial contribution to the Council of £524,800 towards the provision of sporting facilities in Haddington, the timing for when this contribution should be paid to be delegated to the Convener and relevant Head of Service, with advice from Planning and Legal services as required; and

(vi) The provision of 138 affordable housing units within the application site or if it can be demonstrated to the Council that this, or the off-site provision of 138 affordable units is not practicable, to secure from the applicant a commuted sum payment to the Council in lieu of such an on or off-site provision.

3. 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: an inadequate path network in the vicinity of Letham Mains, an insufficient provision of sports facilities, a community sports pitch and related changing facilities; 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 Letham Mains, Haddington and, as applicable Policies INF3 and H4 of the adopted East Lothian Local Plan 2008.

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

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

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

Reason:

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

- 2 The docketed phasing plan is not hereby approved. Instead, and prior to the commencement of development, a revised phasing plan shall be submitted to and approved in advance by the Planning Authority. The revised phasing plan shall accord with the following requirements:

(i) The footway/ cycleway required by condition 19v) above shall be formed and made available for use prior to the occupation of any of the residential units hereby approved;

(ii) The pedestrian crossing required by condition 19xvii) above shall be provided and made available for use prior to the school approved by planning permission 14/00534/PCL being open to pupils;

(iii) a timescale for the formation of the path running parallel to and crossing Letham Burn connecting to the south eastern corner of the site onto the A6093 Pencaitland Road; and

(iv) the access road between the B6471 road and the northern end of the site for the proposed primary school shall be formed and made available for use in the first phase of development.

The phasing of the development of the site shall be carried out in strict accordance with the revised 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.

The phasing of the development of the site shall be carried out in strict accordance with the revised 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.

- In relation to the required footway/cycleway to be provided along the southern side of the B6471 road linking the application site to the Park Lane junction with West Road (this to extend westwards to the proposed Sainsbury's (toucan) signalised crossing to provide a continuous link). The principle has been agreed but not worked through to a finalised design. This needs to be in place prior to the occupation of any houses.

- The provision of a controlled crossing over the distributor road (linking the A6093 road to the B6471) shall be in place/use prior to the school being open to the pupils.

- The provision of the pedestrian crossing to the east of the proposed public square shall consist of a zebra crossing or other suitable alternative, this shall be in place/use prior to the school being open to the pupils.

- The distributor road (linking the A6093 road to the B6471) and its access junction with the A6093 road (including the required path connection eastwards to the Letham Burn Bridge on the A6093) must be provided and open to vehicular traffic, including members of the public, prior to the occupation of any houses south of Letham Burn.

- The proposed path running parallel to and crossing Letham Burn connecting to the south eastern corner of the site onto the A6093 Pencaitland Road, shall be formed and made available for use in accordance with a timetable to be agreed in advance - from the proposed phasing plan (included in the current Masterplan) this should be provided at the end of phase 1 or prior to commencement of Phase 2 (this is currently proposed in Phase 2 but this may be at the end!).

- 3 Notwithstanding that which is stated on the drawings docketed to this planning permission, a detailed specification of all external finishes of the houses and flats of the proposed development shall be submitted to and approved by the Planning Authority prior to the use of the finishes in the development. The external finishes of the houses and flats shall be in accordance with a co-ordinated scheme of materials and colours that shall be submitted to and approved in advance by the Planning Authority. This co-ordinated scheme shall in detail promote render as the predominant finish to the walls of the houses and flats, with a use of more than one render colour and with a strongly contrasting difference in the colours such that they will not each be of a light colour. The render colours shall have due regard to the finishes of other residential properties in Haddington. However, some use of reconstituted stone would be acceptable providing it is limited to a distinctively complete feature of the houses and flats and respectful of their design integrity. All such materials used in the construction of the houses and flats shall conform to the details so approved.

Reason:

To ensure the development is of a satisfactory appearance in the interest of the amenity of the locality.

- 4 Prior to the commencement of development details of the bin storage facilities for the flatted properties shall be submitted to and approved in advance by the Planning Authority. Prior to the occupation of any of the flats the bin storage facilities shall have been formed in accordance with the approved details and made available for use. Thereafter, the storage facilities shall be retained in use solely as bin storage areas.

Reason:

To ensure the provision of adequate bin storage in the interest of the residential amenity of the future occupants of the flats hereby approved and the visual amenity of the locality.

- 5 Development shall not commence until the findings of a soil gas survey have been submitted to and approved by the Planning Authority. The survey shall be undertaken to determine the current levels of gas emissions from the site. The findings shall contain details of any necessary mitigation measures to protect the occupiers of the proposed buildings from the migration of these gases.

Before any of the buildings are occupied any necessary mitigation measures shall be fully implemented as approved by the Planning Authority.

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 prior to the occupation of any of the buildings.

- 6 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.

- 7 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.

- 8 Housing completions on the application site 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, unless otherwise approved in writing by the Planning Authority:

Year 1- 05 residential units

Year 2- 60 residential units
Year 3- 75 residential units
Year 4- 74 residential units
Year 5- 75 residential units
Year 6- 70 residential units
Year 7- 17 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 8 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.

- 9 No more than 300 residential units shall be occupied within the allocated Letham Mains site unless and until the school approved by the grant of planning permission 14/00534/PCL has been completed and is made available for use.

Reason:

To ensure that the completion rate of residential development within the application site accords with the provision of education capacity.

- 10 Prior to the commencement of development, a revised site layout plan shall be submitted to and approved by the Planning Authority. The revised site layout plan shall comply with the following requirements:

* the northern boundary for the house on plot 153 shall be realigned such that it aligns with the north elevation of that house. The realigned boundary shall be enclosed by a 1.8 metres high stone wall;

* a 1.1 metre high stone wall shall be erected at either side of the junction between the B6471 road and the northern end of the road serving the site for the new primary school.

* the northern boundaries of the northernmost houses and flats shall be enclosed either by hedging or stone walling;

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

Reason:

To ensure the development is of a satisfactory appearance in the interest of the amenity of the locality.

- 11 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 comply with the following requirements:

* a feature tree shall be planted between the junction and both of the new sections of 1.1 metres high stone wall required by condition 10 above;

* the northern boundary of the parking court between plots 160 and 161 shall be enclosed solely by hedging;

* large species trees shall be planted on either side of the junction that is to the east of plots 169, 170 and 171;

* the landscape buffer proposed for the southern edge of the site shall include hedges and small groups of tree planting;

* boulevard tree planting shall be provided on both sides of the distributor road that extends north-westwards from the proposed roundabout access.

* a 5.0 metres wide landscape belt shall be provided to the northeast of Gateside Cottage; and

* hedge planting with trees behind it shall be provided immediately to the north of the property on plot 153.

The scheme shall also 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.

- 12 Notwithstanding the drawings docketed to this planning permission, the east gable wall of the flats on plots 169, 170 and 171 shall not be a blank gable. It shall instead include windows within it. Prior to the commencement of development, a drawing showing compliance with the requirements of this condition shall be submitted to and approved in writing by the Planning Authority.

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

Reason:

To add visual interest to the visually prominent east gable wall of the flatted building, in the interests of the character and appearance of the area.

- 13 No development shall take place on site until the Scheduled Ancient Monument, known as Spottiswoode, enclosure 145m SSW of, has been protected by a fence, to be approved in writing by the Planning Authority, erected around the scheduled ancient monument at a distance as may be agreed in writing by the Planning Authority. Within the area so fenced off the existing ground level shall neither be raised or lowered and no materials, temporary buildings, plant, machinery or surface soil shall be placed or stored and no fires shall be lit thereon without the prior written approval of the Planning Authority. The fence shall remain in place during construction works. On the completion of construction works the fence shall be removed from the application site.

Reason:

To ensure the retention and maintenance of the Scheduled Ancient Monument, known as Spottiswoode, enclosure 145m SSW of.

- 14 Prior to the occupation of any of the houses or flats hereby approved, a scheme for the future management of the Scheduled Ancient Monument, known as Spottiswoode, enclosure 145m SSW of, shall be submitted to and approved in writing by the Planning Authority. The scheme shall comply with the following requirements:

- * The Scheduled Ancient Monument should be preserved in open grass; and
- * There should be no shrub or tree planting within the scheduled area or within 20 metres of the scheduled monument boundary.

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

Reason:

To ensure the future retention and maintenance of the Scheduled Ancient Monument, known as Spottiswoode, enclosure 145m SSW of.

- 15 Prior to the commencement of development:

a) an otter and water vole survey shall be carried out along the Letham Burn and the St Laurence House Burn; and

b) details of the findings of the survey, and of any necessary mitigation measures, shall be submitted to and approved by the Planning Authority.

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

Reason:

In the interests of the ecology of the area.

- 16 Prior to the commencement of development details of the linear park, including its proposed design and future management, shall be submitted to and approved by the Planning Authority. The submitted details shall incorporate the needs of water voles.

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

Reason:

In the interests of the ecology of the area.

- 17 The areas of open space hereby approved, including the public square, football pitch and changing pavillion shall be maintained and retained for community use.

Reason:

In the interests of the amenity of the future occupants of the development hereby approved.

- 18 Prior to the commencement of development, full details of the finalised SUDS scheme shall be submitted to and approved in writing by the Planning Authority, following consultation with SEPA. Development shall thereafter be carried out in accordance with the details so approved.

Reason:

To ensure adequate protection of the water environment from surface water run-off.

- 19 Prior to the commencement of development, details, including a timetable for their implementation, showing compliance with the following transportation requirements shall be submitted to and approved in writing in advance by the Planning Authority.

i) A detailed swept path assessment shall be undertaken for all of the access roads within the housing development. This shall include the access junctions onto the B6471 and the A6093. It should also be noted that pedestrian safeguards should not form any part of the manoeuvring space for the Design Vehicle. The Design Vehicle to be used in the detailed swept path assessment shall be 2.5 metres wide, and shall have a 6.1 metre wheelbase within an overall vehicle length of 10 metres;

ii) Bus shelters and bus stops shall be provided within the site;

iii) 1 secure cycle storage space shall be provided per flat;

iv) Traffic signals shall be provided on West Road (the B6471). The signals shall be linked to each other and the future Sainsbury's access junction to allow the efficient operation and management of the localised road corridor along the B6471;

v) A footway/cycleway shall be provided along the southern side of the B6471 road linking the application site to the Park Lane junction with West Road. This shall also extend westwards to the proposed Sainsbury's (toucan) signalised crossing to provide a continuous link. The footway/ cycleway shall be formed in accordance with the findings of the Safety Audit docketed to this planning permission;

vi) A footway/cycleway shall be provided along the northern side of the A6093 road over the entire southern frontage of the application site;

vii) A footpath shall be formed within the site to connect to the existing footbridge over the St Laurence House Burn near to its confluence with the Letham Burn;

viii) A Quality audit to include visibility splays and removal of parking within these shall be undertaken for the application site. This shall include a risk assessment;

ix) The distributor road (linking the A6093 road to the B6471) and its access junction with the A6093 road (including the required path connection eastwards to the Letham Burn Bridge on the A6093) shall be provided and open to vehicular traffic, including members of the public, prior to the occupation of any houses south of Letham Burn, unless otherwise agreed in writing by the planning authority. These shall be formed in accordance with a Safety Audit that shall be undertaken for those works;

x) The proposed path running parallel to and crossing Letham Burn connecting to the south eastern corner of the site onto the A6093 Pencaitland Road, shall be formed and made available for use in accordance with a timetable to be agreed in advance;

xi) Cul-De-Sac's that are to form prospectively adoptable public roads shall normally have a minimum carriageway width of 5.5 metres, this can be reduced to 4.8 metres provided the vehicle tracking demonstrates the Design vehicle can physically manoeuvre;

xii) Within the housing areas a pedestrian safeguard is required, on at least one side, for prospectively adoptable public roads;

xiii) For all access junctions onto the distributor road linking the A6093 road to the B6471, minimum visibility splays of 2.5 metres by 43 metres are required, no obstruction shall lie within the splay above a height of 1.05 metres measured from the adjacent carriageway surface (including parking bays);

xiv) For all the crossings of the Letham Burn (both pedestrian/cycle and vehicular) details, including structural, are required;

xv) Single driveways shall be at least 6 metres long and be at least 3.0 metres wide;

xvi) Double driveways shall be at least 6 metres long and be at least 5 metres wide. Double length driveway shall be at least 11 metres long and 3 metres wide;

xvii) The pedestrian crossing to the east of the proposed public square shall consist of a zebra crossing or other suitable alternative; and

xviii) For all the crossings of the Letham Burn (both pedestrian/cycle and vehicular) details, including structural, are required;

The housing development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road and pedestrian safety.

- 20 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.

- 21 A Travel Plan shall be submitted to and approved by the Planning Authority prior to the occupation of any of the residential units hereby approved. The 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 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 residential development.

- 22 A Construction Management Plan 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 Management Plan shall recommend mitigation measures to control noise, dust, construction traffic and shall include hours of construction work and delivery routes. It shall confirm that construction access to the site shall not be permitted via the Knox Place junction via West Road. All construction access shall instead be taken directly from West Road. The Management Plan shall also include the phasing of the development and restrictions that may be required, particularly for those travelling to existing and/or proposed schools. It shall also include details of how the habitat of the Letham Burn will be protected during the construction phase of the development.

The recommendations of the Construction Method Statement shall be implemented prior to the commencement of development. Development shall thereafter be undertaken in accordance with the details so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

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

- 23 Prior to the commencement of development, a programme for monitoring the condition of the section of the public road of West Road (the B6471) between the Oak Tree roundabout and the application site, prior to and immediately following the completion of the housing development, shall be submitted to and approved in writing by the Planning Authority. Thereafter the approved programme of monitoring shall be implemented. Any remedial works shown by the monitoring as arising from the construction of the development, shall be undertaken by the applicant within 3 months of the completion of the final monitoring undertaken, unless an alternative means of securing the works is approved in writing by the Planning Authority.

Reason:

To ensure that damage to the public road network resulting from the construction of the housing development is rectified.

4. PLANNING APPLICATION NO.13/00519/PM: ERECTION OF 385 HOUSES, 48 FLATS, GARAGES AND ASSOCIATED WORKS AT LETHAM MAINS, HADDINGTON

A report was submitted in relation to Planning Application No.13/00519/PM. Mr Dingwall presented the report, summarising the key points. He reported that the density of this application was 27 residential units per hectare, which was slightly higher than the previous application. He advised Members of amendments to the conditions. As per the previous report, Condition 15, part ix - the wording "unless otherwise agreed in writing by the planning authority" should be added to this condition. Condition 8 should be amended to read Year 6 - 75 residential units and Year 7 - 69 residential units. The report recommendation was to grant consent.

Both Local Members indicated they had nothing further to add to their earlier comments.

The Convener moved to the vote on the report recommendation subject to the same changes as in the previous item relating to the contribution towards expansion of the sports facilities at the Aubigny Centre:

For: 14

Against: 0

Abstentions: 0

Decision

The Committee agreed to grant planning permission subject to the following conditions, with the amendments as outlined:

1. The undernoted conditions.
2. 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 secure from the applicant and from the applicant the subject of separate planning application 14/00089/PM:

(i) A financial contribution to the Council of £71,100 towards upgrading works to the path network in the vicinity of Letham Mains. This contribution shall be made prior to occupancy of the first house.

(ii) The transfer to the Council, at no cost, of ownership of the site for the school that is approved by planning permission 14/00534/PCL. The site for the school shall be serviced and shall be transferred to the Council within 9 months of commencement of either of the developments the subject of planning permission 13/00519/PM or planning permission 14/00089/PM;

(iii) A financial contribution to the Council of £9,225,154 towards the primary school provision and £1,579,500 towards additional secondary school accommodation at Knox Academy;

(iv) The provision of the sports pitch and the two changing room facility hereby approved;

(v) A financial contribution to the Council of £524,800 towards the provision of sporting facilities in Haddington, the timing for when this contribution should be paid to be delegated to the Convener and relevant Head of Service, with advice from Planning and Legal services as required; and

(vi) The provision of 138 affordable housing units within the application site or if it can be demonstrated to the Council that this, or the off-site provision of 138 affordable units is not practicable, to secure from the applicant a commuted sum payment to the Council in lieu of such an on or off-site provision.

3. 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: an inadequate path network in the vicinity of Letham Mains, an insufficient provision of sports facilities, a community sports pitch and related changing facilities; 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 Letham Mains, Haddington and, as applicable Policies INF3 and H4 of the adopted East Lothian Local Plan 2008.

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

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

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

Reason:

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

- 2 The docketed phasing plan is not hereby approved. Instead, and prior to the commencement of development, a revised phasing plan shall be submitted to and approved in advance by the Planning Authority. The revised phasing plan shall accord with the following requirements:

(i) The footway/ cycleway required by condition 15v) below shall be formed and made available for use prior to the occupation of any of the residential units hereby approved;

(ii) The controlled crossing required by condition 15xviii) below shall be provided and made available for use prior to the school approved by planning permission 14/00534/PCL being open to pupils; and

(iii) a timescale for the formation of the path running parallel to and crossing Letham Burn connecting to the south eastern corner of the site onto the A6093 Pencaitland Road.

The phasing of the development of the site shall be carried out in strict accordance with the revised 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 Notwithstanding that which is stated on the drawings docketed to this planning permission, a detailed specification of all external finishes of the houses and flats of the proposed development shall be submitted to and approved by the Planning Authority prior to the use of the finishes in the development. The external finishes of the houses and flats shall be in accordance with a co-ordinated scheme of materials and colours that shall be submitted to and approved in advance by the Planning Authority. This co-ordinated scheme shall in detail promote render as the predominant finish to the walls of the houses and flats, with a use of more than one render colour and with a strongly contrasting difference in the colours such that they will not each be of a light colour. The render colours shall have due regard to the finishes of other residential properties in Haddington. However, some use of reconstituted stone would be acceptable providing it is limited to a distinctively complete feature of the houses and flats and respectful of their design integrity. All such materials used in the construction of the houses and flats shall conform to the details so approved.

Reason:

To ensure the development is of a satisfactory appearance in the interest of the amenity of the locality.

- 4 Prior to the commencement of development details of the bin storage facilities for the flatted properties shall be submitted to and approved in advance by the Planning Authority. Prior to the occupation of any of the flats the bin storage facilities shall have been formed in accordance with the approved details and made available for use. Thereafter, the storage facilities shall be retained in use solely as bin storage areas.

Reason:

To ensure the provision of adequate bin storage in the interest of the residential amenity of the future occupants of the flats hereby approved and the visual amenity of the locality.

- 5 Development shall not commence until the findings of a soil gas survey have been submitted to and approved by the Planning Authority. The survey shall be undertaken to determine the current levels of gas emissions from the site. The findings shall contain details of any necessary mitigation measures to protect the occupiers of the proposed buildings from the migration of these gases.

Before any of the buildings are occupied any necessary mitigation measures shall be fully implemented as approved by the Planning Authority.

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 prior to the occupation of any of the buildings.

- 6 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.

- 7 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.

- 8 Housing completions on the application site 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, unless otherwise approved in writing by the Planning Authority:

Year 1- 05 residential units
Year 2- 60 residential units
Year 3- 75 residential units
Year 4- 74 residential units
Year 5- 75 residential units
Year 6- 75 residential units
Year 7- 69 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 8 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.

- 9 No more than 300 residential units shall be occupied within the allocated Letham Mains site unless and until the school approved by the grant of planning permission 14/00534/PCL has been completed and is made available for use.

Reason:

To ensure that the completion rate of residential development within the application site accords with the provision of education capacity.

- 10 Prior to the commencement of development, details, including a revised site layout plan, shall be submitted to and approved by the Planning Authority. The revised site layout plan shall comply with the following requirement:

* The boundary treatment for all of the northern end of the application site shall consist of a stone wall or a stone wall with a hedge planting above it;

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

Reason:

To ensure the development is of a satisfactory appearance in the interest of the amenity of the locality.

- 11 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 comply with the following requirements:

* The existing roadside hedge to the south of the B6471 road shall be retained between the northwest corner of the application site and the proposed footpath link to the east of it;

* Trees shall be planted within the open space between the northernmost houses and the B6471 road;

*The landscaped open space at the northern edge of the application site shall be extended eastwards such that it would tie in with the proposed '6.5m landscaped zone';

* The southern and western boundaries of the area delineated as 'Affordable Housing 3' on the docketed Combined Development Proposals drawing and the western boundary of the land between that area and the proposed section of distributor road to the north of it shall all be enclosed by a hedgerow interspersed with tree planting; and

* boulevard tree planting shall be provided on both sides of the distributor road that extends north-westwards from the proposed roundabout access.

The scheme shall also 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.

- 12 Prior to the commencement of development details of the linear park, included its proposed design and future management, shall be submitted to and approved by the Planning Authority. The submitted details shall incorporate the needs of water voles.

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

Reason:

In the interests of the ecology of the area.

- 13 The areas of open space hereby approved shall be maintained and retained for community use.

Reason:

In the interests of the amenity of the future occupants of the development hereby approved.

- 14 Prior to the commencement of development, full details of the finalised SUDS scheme shall be submitted to and approved in writing by the Planning Authority, following consultation with SEPA. Development shall thereafter be carried out in accordance with the details so approved.

Reason:

To ensure adequate protection of the water environment from surface water run-off.

- 15 Prior to the commencement of development, details, including a timetable for their implementation, showing compliance with the following transportation requirements shall be submitted to and approved in writing in advance by the Planning Authority.

i) A detailed swept path assessment shall be undertaken for all of the access roads within the housing development. This shall include the access junction onto the B6471. It should also be noted that pedestrian safeguards should not form any part of the manoeuvring space for the Design Vehicle. The Design Vehicle to be used in the detailed swept path assessment shall be 2.5 metres wide, and shall have a 6.1 metre wheelbase within an overall vehicle length of 10 metres;

ii) Bus shelters and bus stops shall be provided within the site;

iii) 1 secure cycle storage space shall be provided per flat;

iv) Traffic signals shall be provided on West Road (the B6471). The signals shall be linked to each other and the future Sainsbury's access junction to allow the efficient operation and management of the localised road corridor along the B6471;

v) A footway/cycleway shall be provided along the southern side of the B6471 road linking the application site to the Park Lane junction with West Road. This shall also extend westwards to the proposed Sainsbury's (toucan) signalised crossing to provide a continuous link. The footway/ cycleway shall be formed in accordance with the findings of the Safety Audit docketed to this planning permission;

vi) The proposed path connection onto the distributor road (linking the A6093 road to the B6471) over the driveway for plots 32 & 33 of the Mactaggart & Mickel part of the application site is not approved. An alternative and segregated path shall instead be formed;

vii) Pedestrian Safeguards shall be provided in the parking courtyards serving plots 16/17, 18/19, 20/21 & 22/23 of the area delineated as 'Affordable Housing 2' in the docketed Combined Development Proposals drawing;

viii) A Quality audit to include visibility splays and removal of parking within these shall be undertaken for the application site. This shall include a risk assessment;

ix) The distributor road (linking the A6093 road to the B6471) and its access junction with the A6093 road (including the required path connection eastwards to the Letham Burn Bridge on the A6093) shall be provided and open to vehicular traffic, including members of the public, prior to the occupation of any houses south of Letham Burn, unless otherwise agreed in writing by the planning authority. These shall be formed in accordance with a Safety Audit that shall be undertaken for those works;

x) The proposed path running parallel to and crossing Letham Burn connecting to the south eastern corner of the site onto the A6093 Pencaitland Road, shall be formed and made available for use in accordance with a timetable to be agreed in advance;

xi) Cul-De-Sac's that are to form prospectively adoptable public roads shall normally have a minimum carriageway width of 5.5 metres, this can be reduced to 4.8 metres provided the vehicle tracking demonstrates the Design vehicle can physically manoeuvre;

xii) Within the housing areas a pedestrian safeguard is required, on at least one side, for prospectively adoptable public roads;

xiii) For all access junctions onto the distributor road linking the A6093 road to the B6471, minimum visibility splays of 2.5 metres by 43 metres are required, no obstruction shall lie within the splay above a height of 1.05 metres measured from the adjacent carriageway surface (including parking bays);

xiv) For all the crossings of the Letham Burn (both pedestrian/cycle and vehicular) details, including structural, are required;

xv) Single driveways shall be at least 6 metres long and be at least 3.0 metres wide;

xvi) Double driveways shall be at least 6 metres long and be at least 5 metres wide. Double length driveway shall be at least 11 metres long and 3 metres wide;

xvii) Speed reducing measures shall be provided on the distributor road (linking the A6093 road to the B6471) to ensure speed are kept at or below the 30mph speed limit;

xviii) At least one controlled pedestrian crossing shall be provided over the distributor road (linking the A6093 road to the B6471) to take account of school related journeys;

xix) For the housing area to the north western corner of the application site a further 3 visitors parking spaces shall be provided. Those spaces shall not be formed within any of the land proposed as open space; and

xx) For access to private parking courtyards, two-way movement of vehicles is necessary. The access shall therefore be a minimum of 4.8 metres wide over the first 10 metres length.

The housing development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road and pedestrian safety.

- 16 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.

- 17 A Travel Plan shall be submitted to and approved by the Planning Authority prior to the occupation of any of the residential units hereby approved. The 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 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 residential development.

- 18 A Construction Management Plan 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 Management Plan shall recommend mitigation measures to control noise, dust, construction traffic and shall include hours of construction work and delivery routes. It shall confirm that construction access to the site shall not be permitted via the Knox Place junction via West Road. All construction access shall instead be taken directly from West Road. The Management Plan shall also include the phasing of the development and restrictions that may be required, particularly for those travelling to existing and/or proposed schools. It shall also include details of how the habitat of the Letham Burn will be protected during the construction phase of the development.

The recommendations of the Construction Method Statement shall be implemented prior to the commencement of development. Development shall thereafter be undertaken in accordance with the details so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

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

- 19 Prior to the commencement of development, a programme for monitoring the condition of the section of the public road of West Road (the B6471) between the Oak Tree roundabout and the application site, prior to and immediately following the completion of the housing development, shall be submitted to and approved in writing by the Planning Authority. Thereafter the approved programme of monitoring shall be implemented. Any remedial works shown by the monitoring as arising from the construction of the development, shall be undertaken by the applicant within 3 months of the completion of the final monitoring undertaken, unless an alternative means of securing the works is approved in writing by the Planning Authority.

Reason:

To ensure that damage to the public road network resulting from the construction of the housing development is rectified.

- 5. PLANNING APPLICATION NO.14/00731/AMM: APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF PLANNING PERMISSION IN PRINCIPLE 13/00071/PPM – ERECTION OF 109 HOUSES, 4 FLATS AND ASSOCIATED WORKS AT DOVECOT FARM, PENCAITLAND ROAD, HADDINGTON**

A report was submitted in relation to Planning Application No.14/00731/AMM. Mr Dingwall presented the report, summarising the key points. He advised Members that the proposal was consistent with the development plan and the conditions specified in the Reporter's decision letter. The report recommendation was to grant consent.

Kenny Ross of EMA Architecture and Design, agent for the applicant acknowledged that the application site had sensitive boundaries, informing Members that there had been detailed discussions with a tree specialist and the Landscape Officer. Following this, adjustments had been made to parts of the site at the eastern boundary; on average the houses would now be 14 metres further from the trees. The house types would be traditional in design with grey roof tiles. The frontages, with hedging, would help integrate the development and respect the character of East Lothian.

In response to a question from Councillor MacMillan, Mr Ross advised that the spray painting shed had been moved to the northern boundary, around the existing commercial space.

Charles Stevenson spoke against the application. He lived at Clerkington and was responsible for the woodland to the east of the application site. He had issues with the report, which gave the impression he was uncooperative regarding the footpath; this was not the case, he had proposed a more comprehensive path which would connect with the Core Path Network. His main concern was the proximity of trees to housing; 4 trees in particular were very high, above the rest of the canopy. Given this, it was difficult to understand the Reporter's comment that all foreseeable concerns of future residents had been taken into account. He queried why the site plan could not be altered so that the road, not housing, was closer to the wood. If consent was granted, he asked the Council to note that these trees were the subject of a TPO. He added that, in relation to Condition 5, he had not been consulted.

The Service Manager for Planning, Iain MacFarlane, clarified, with regard to the trees, that the Planning Authority had taken into account the Reporter's view of a previously imposed buffer zone. The applicant had worked with the Council's Landscape Officer to meet the required standard, as set out by the Reporter. With regard to the longer term, the trees were protected by a TPO. If there were issues regarding proximity of trees to residential properties, this was for the developer to address.

The Convener, referring to Condition 5, asked if there was a burden on the neighbouring owner for action; Mr MacFarlane confirmed this was a matter for agreement between the owner and the developer.

Karen Payne, neighbouring resident, spoke against the application. She emphasised that this was the first opportunity for Members to consider the Dovecot development. She commented adversely on the planning process, in particular that the decision had been made by the Reporter, who could not possibly understand the needs of East Lothian residents; the decision also disregarded that this site was not in the Local Plan. A development of this type had no place at Dovecot; it represented the actions of opportunistic developers. The existing bungalow and cottage fitted the landscape; the proposed housing was not sympathetic in design. There was an existing right of servitude at the front of their property; this matter was now being dealt with through their solicitors. She urged the Committee to delay the development until all existing rights of access were resolved.

Stephen Wright spoke against the application, raising concerns primarily about traffic. Referring to recently approved developments, he stated that the majority of

construction traffic would use West Road then Clerkington Road; a narrow street, used by school children and cyclists. On completion of these developments there could potentially be hundreds of additional cars using this unsuitable street every day. It would be sensible to phase this development after the Letham Mains infrastructure was in place. He also raised concerns about the school provision and lack of consideration and protection of the wildlife that existed in the Dovecot area.

Local Member Councillor McMillan also remarked that this was the first time this application had been before the Committee. He was sympathetic to the objectors' comments; there were concerns about legal issues, access, wildlife and traffic. In relation to traffic issues, he felt the traffic survey had to an extent alleviated some of his concerns. He acknowledged Mr Stevenson's comments. He appreciated that the Reporter had made his decision however he felt there were still issues to be resolved. He would like more reassurance on several matters as there was a great deal in this application and in the objectors' comments that could lead him to refusal.

Local Member Provost Broun-Lindsay empathised with his colleague. He was aware of the risk if the Committee refused the application as the principle of development had already been established. He had sympathy with the objectors' concerns and the difficulties for individuals dealing with aggressive developers. There were issues regarding the trees and he sympathised with Mr Stevenson, as the trees remained in his ownership and management. Their height and proximity to residential properties was a matter of concern; whether this was sufficient to delay or refuse this application was uncertain.

Councillor Currie also reiterated that the principle of development had already been established. He understood the concerns of the objectors; it was evident from the site visit that this was an exceptional area of land. However the Reporter had already said there had been an unacceptable delay so further delay would not be advisable. Landscape and Biodiversity officers had raised no objections, so on that basis it was difficult to find grounds to go against the recommendation.

Councillor Innes agreed with Ms Payne's opening remarks. It was extremely unfortunate that the Committee had not been able to determine the earlier application, but unfortunately the Reporter had taken the decision and the principle of planning permission had been established. There were no grounds in the report for refusal so, reluctantly, he would be supporting the recommendation.

Councillor Grant concurred with Councillors Innes and Currie. He expressed disappointment that the developer had appealed so soon to Scottish Ministers and had not pursued matters further with the Planning Authority. This site sat in splendid isolation and was not an area for development. However, given the Reporter's decision, the Committee had no option other than to approve the application so he would, reluctantly, support the report recommendation.

Councillor McMillan asked if a condition for phasing of the development, or any other way of alleviating some of the traffic concerns, could be considered.

The Convener cautioned that as Road Services had stated that the proposed development would not result in unacceptable levels of traffic on Clerkington Road; this would not be an advisable course for the Committee. He stressed that planning permission in principle had been granted outwith this forum and, given this, refusal of this application may result in a further appeal.

The Convener moved to the vote on the report recommendation:

For: 12
Against: 0
Abstentions: 2

Decision

The Committee agreed that approval of matters specified in conditions for the proposed housing development be granted subject to the following conditions:

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

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

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

Reason:

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

- 2 Prior to the occupation of the last house or flat approved, the proposed access roads, parking spaces, and footpaths shall have been constructed on site, in accordance with the docketed drawings and the following transportation requirements:

(i) driveways shall have minimum dimensions of 6 metres by 3.0 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 m length;

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

(iii) at driveways, 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.

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

Reason:

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

- 3 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.

- 4 Notwithstanding the drawings docketed to this approval of matters specified in conditions, the proposed road serving plots 33-37 and plots 43-45 is not hereby approved. It shall instead consist of a 4.8 metres wide carriageway with a 2.0 metres wide footway on only one side of it. Prior to the commencement of development an amended site layout plan showing compliance

with the requirements of this condition shall be submitted to and approved by the Planning Authority. Development shall thereafter be carried out in strict accordance with the details so approved.

Reason:

To accord with the principles of Home Zones and with the requirements of condition 3d of planning permission in principle 13/00071/PPM.

- 5 The submitted landscape information is not hereby approved. Instead, and prior to the commencement of development, revised landscape information shall be submitted to and approved by the Planning Authority. The revised landscape information shall comply with the following requirements:

1) The Tree Protection Plan and the Tree Constraints Plan Drawing shall each have the construction exclusion zone areas clearly identified and dimensioned and a clearly identified scale. The note on them referring to the long term tree management arboricultural method statement shall correctly refer to the date of that statement. They shall also clearly show all tree numbers of the trees within Clerkington Wood. It shall also show the easement strip offset by 2 metres from the existing post and wire fence boundary to Clerkington Wood;

2) The construction method statement contained in the Tree Protection Plan shall include details of the proposed fence post foundation size;

3) The Tree Survey, long - term Tree Management, Arboricultural Method Statement shall include a requirements for tree safety inspections to be carried out annually or after major storm events;

4) The Tree Survey, long - term Tree Management, Arboricultural Method Statement shall include a requirement for ivy to be removed (cut off from the base of the trees using great care not to cut the trunk of the trees) from the base of the mature trees using appropriate herbicide. It shall also require that the area of wood is to be stocked with a combination of forestry transplants and standard trees. The new trees shall be covered in a 100mm depth of woodchips to prevent weed competition. The revised landscape information shall include confirmation of a program of inspections to be undertaken to the area of wood in order to review the need for thinning at years 5, 10, 15 and 20; and

5) The Tree Survey, long - term Tree Management, Arboricultural Method Statement shall include more specific details of the inspection intervals, which are specified in section 12 of the submitted report entitled "Duties of the appointed Arboricultural Consultant". The wording of the Statement shall be amended to read "any required realignment of any part of the construction exclusion zone shall be supervised and checked by the project Arboricultural consultant who will submit details of any changes to the agreed construction exclusion zone plan for the prior approval of the Planning Authority". The Statement shall also include a detailed tree management work specification for all trees on or adjacent to the application site before the occupation of the first house completion.

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

Reason:

To ensure the retention of trees and vegetation important to the appearance and environment of the area.

6. PLANNING APPLICATION NO. 15/00022/PM: CONSTRUCTION AND OPERATION OF A LEACHATE TREATMENT PLANT (LTP) COMPRISING A SERIES OF STORAGE AND TREATMENT TANKS WITHIN A SURFACED AND BUNDED COMPOUND, TOGETHER WITH LAGOONS, REED BEDS AND ANCILLARY PLANT AND INFRASTRUCTURE AT DUNBAR LANDFILL SITE, OXWELLMAINS, DUNBAR

A report was submitted in relation to Planning Application No.15/00022/PM. Daryth Irving, Acting Senior Planner, presented the report, summarising the key points. The report recommendation was to grant consent.

Councillor Day stated that this was an appropriate scheme and the treatment plant would be well concealed.

The Convener moved to the vote on the report recommendation:

For: 14

Against: 0

Abstentions: 0

Decision

The Committee agreed to grant planning permission subject to the following conditions:

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

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

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

Reason:

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

- 2 A schedule of materials and finishes and samples of such finishes for all components of the development, including ground surfaces and boundary enclosures shall be submitted to and approved by the Planning Authority prior to the material and finishes being used in the development. The materials and finishes used in the development shall accord with the schedule and samples of them so approved.

Reason:

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

- 3 During construction works advanced warning signs shall at all times be displayed on the public road to inform public road users of construction traffic in the vicinity. Prior to their display, details of the proposed signs and their locations shall be submitted to and approved in writing by the Planning Authority and the signs shall thereafter be displayed in accordance with the details so approved.

Reason:

In the interests of road safety.

- 4 Prior to the commencement of development of the leachate treatment plant hereby approved the lengths of DIRICK and chain link fencing also hereby approved shall be erected in their entirety and be retained in place during all construction works.

Reason:

To ensure the retention and maintenance of the trees on and adjacent to the site which are an important landscape feature of the area.

- 5 Prior to the commencement of development:

(i) the results of percolation tests required to determine if the ground conditions are suitable for infiltration shall be submitted to and approved in advance by the Planning Authority following consultation with the Scottish Environment Protection Agency; and

(ii) details of the proposed sustainable urban drainage scheme (SUDS) for surface water treatment for the application site shall be submitted to and approved in writing by the Planning Authority following consultation with the Scottish Environment Protection Agency and such detail shall be in accordance with the technical guidance contained in The SUDS Manual (C697).

The sustainable urban drainage scheme (SUDS) for the application site shall thereafter be fully implemented in accordance with the details so approved.

Reason:

To ensure the provision of a satisfactory sustainable urban drainage scheme for the application site.

7. PLANNING APPLICATION NO.15/00040/P: ERECTION OF 1 FLAT AND CARPORT AT LAND ADJACENT TO 6 FORTH STREET LANE, NORTH BERWICK

A report was submitted in relation to Planning Application No.15/0040/P. Kirsty Slater, Planner, presented the report, summarising the key points. The proposed decision set out in the report was to grant consent.

In response to a question from Councillor Day about the legal position as regards space abutting a property, Ms Ferguson advised that it depended on what was contained in the title deeds. She added that regardless of whether planning permission was granted or not, it was up to the applicant to ensure they had sufficient rights to implement their proposal.

Rick Hall of Richard Hall Architects, agent for the applicant, outlined the proposal. He drew attention to the requirements for building in a Conservation Area. He informed Members that the proposed building was of a contemporary design but would complement the variety of buildings in the area; it was designed for its place. The render finish would match that of the neighbouring building. The ground floor car port would provide parking for 3 cars.

Ian McMinn, neighbouring resident, spoke against the application; also on behalf of another neighbour, Dorothy Boyle. The main concern was the issue of building on boundary walls and onto his garage and living room roof. Regarding the new garage, he stated that 3 cars could not possibly fit into this space. The proposal would be building over, and completely remove, parking spaces.

The Convener indicated that Councillor Berry had called this application off the Scheme of Delegation list but he was unable to attend the meeting today.

Local Member Councillor Day remarked that this was a contentious application and he was glad his colleague had brought it to the Committee for determination. There were 3 elements he wished to raise; the Conservation Area, overlooking and overdevelopment. Conservation Area: the design and render would tone in well with other buildings. Overlooking: there was already a degree of overlooking between properties in this area. Overdevelopment: this area was already a densely populated back land, so was not an overdevelopment. He would support the application; he understood the legal issue but this was for the applicant and objector to address.

Councillor Innes agreed with his colleague; he felt the proposal was well designed and would blend in to the town. He also agreed that the legal issues were between the applicant and objector. In terms of planning matters the application was acceptable and he would be supporting the report recommendation.

The Convener moved to the vote on the report recommendation:

For: 14

Against: 0

Abstentions: 0

Decision

The Committee agreed to grant planning permission subject to the following conditions:

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

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

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

Reason:

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

- 2 Prior to their use on the building hereby approved, samples of the external materials and finishes of the roof and walls of the building shall be submitted to and approved in writing by the Planning Authority.

Reason:

To enable the Planning Authority to control the materials, finishes and colour to be used to achieve a development of good quality and appearance in the interest of the character and appearance of the Conservation Area.

- 3 No development shall take place until there has been submitted to and approved in writing by the Planning Authority a Construction Method Statement, which shall include mitigation measures to control construction traffic and shall include hours of construction work, all to minimise disruption to the area and pedestrian access.

Reason:

In the interests of pedestrian and road safety and of the amenity of the area.

- 4 Prior to the flat hereby approved being brought into use the parking arrangements for it and the neighbouring flat of 4 Forth Street Lane shall be laid out as shown in docketed drawing no. PL01 and thereafter the parking area shall be retained for such use and; the first two metres of the parking area measured from the back edge of the public road and for the full width of the access to it from Forth Street Lane shall be hardsurfaced.

Reason:

To ensure that sufficient off-street parking is available and to prevent vehicles encroaching onto the public highway in the interests of pedestrian and road safety.

- 5 Prior to the occupation of the flat hereby approved the glazing of the first and second floor windows to be formed in the west elevation of the building and the windows to be formed in the west elevation of the roof terrace room of the building shall be obscurely glazed in accordance

with a sample of obscure glazing to be submitted to and approved in advance by the Planning Authority. The obscure glazing of the windows shall accord with the sample so approved. Thereafter the glazing of the windows shall continue to be obscurely glazed unless otherwise approved by the Planning Authority.

Reason:

To safeguard the privacy and residential amenity of the neighbouring flatted building of 21 Forth Street to the west.

- 6 No use shall be made of the roof terrace unless and until an obscure glazed screen measuring some 1.5m in height is erected along the full extent of the north and west sides of the roof terrace, in accordance with details and a sample of the obscure glazed screens to be submitted to and approved in advance by the Planning Authority. The obscure glazed screens shall accord with the sample so approved. Thereafter the obscure glazed screens shall be retained in place unless otherwise approved by the Planning Authority.

Reason:

In order to protect the residential amenity of the neighbouring properties to the north and west.

- 7 Prior to the occupation of the flat hereby approved the louvers to be erected on the west side of the balconies of the west elevation of the flatted building shall be fully formed in accordance with detail of them on the docketed drawings. Thereafter the balconies shall continue to be enclosed by louvers on their west side unless otherwise approved by the Planning Authority.

Reason:

To safeguard the privacy and residential amenity of the neighbouring flatted building of 21 Forth Street to the west.

8. PLANNING APPLICATION NO. 15/00166/P: EXTENSION TO HOUSE WITH FIRST FLOOR BALCONY, FORMATION OF DECKING AND ERECTION OF FENCING AT 53 OLD ABBEY ROAD, NORTH BERWICK

Members were informed that item had been withdrawn.

Signed

Councillor Norman Hampshire
Convener of the Planning Committee