

PLANNING COMMITTEE

2 FEBRUARY 2016

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

TUESDAY 1 DECEMBER 2015
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON

1a

Committee Members Present:

Councillor N Hampshire (Convener)
Provost L Broun-Lindsay
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 McNeil
Councillor T Trotter
Councillor J Williamson

Council Officials Present:

Ms M Ferguson, Service Manager – Legal and Procurement
Mr I McFarlane, Service Manager – Planning
Mr D Irving, Senior Planner
Ms J Holland, Senior Solicitor
Ms K Slater, Planner
Mr M Greenshields, Transportation Planning Officer
Mr G McLeod, Transportation Planning Officer
Ms P Bristow, Communications Officer

Clerk:

Ms A Smith

Visitors Present:

Item 2 – Mr S Slater, Mrs J Clarke, Mr S Wright, Mr G Barton
Item 3 – Mr K Power

Apologies:

Councillor D Berry
Councillor S Brown
Councillor J Goodfellow

Declarations of Interest:

None

1. MINUTES FOR APPROVAL

The minutes of the meeting of the Planning Committee of 3 November 2015 were approved.

2. PLANNING APPLICATION NO. 15/00581/PPM: PLANNING PERMISSION IN PRINCIPLE FOR RESIDENTIAL DEVELOPMENT WITH ASSOCIATED INFRASTRUCTURE, LANDSCAPING AND ENGINEERING WORKS AT DOVECOT FARM, HADDINGTON

A report was submitted in relation to Planning Application No. 15/00581/PPM. Daryth Irving, Senior Planner, presented the report, summarising the key points. The report recommendation was to grant consent.

In response to a query from Councillor McMillan about the Clerkington lands, Mr Irving clarified that it was for the land owner to approach Historic Scotland regarding inclusion in the national Inventory of Gardens and Designed Landscapes.

The Convener, stating that as this site was included in the now approved draft Proposed Local Development Plan, queried the outcome if the Committee approved the application but the subsequent technical assessment indicated that the site was not suitable for housing. Iain McFarlane, Service Manager for Planning, advised that the site had been assessed in relation to the Main Issues Report and further assessed as part of the draft Proposed Plan. It was confirmed in the report that while further technical work needed to be carried out regarding the cumulative effect there was no reasonable case not to bring the application forward to Committee at this stage.

Councillor McMillan, referring to the comprehensive masterplan for Dovecot in the draft Proposed Plan, asked what all would be taken into account. Mr McFarlane clarified that masterplanning was consideration of all relevant technical matters. There was existing approval for the first part of the Dovecot development so this application linked in and could therefore be considered as part of that, rather than the wider Letham Mains site.

Councillor Trotter, referring to the recommendations from Road Services, queried the possibility of extending both the 30mph and 40mph zones. Marshall Greenshields, Transportation Planning Officer, outlined the potential issues, adding that there were also street lighting implications, a requirement in a 40mph zone.

Stuart Salter of Geddes Consulting, agent for the applicant, informed Members that this application formed phase 2 of the Dovecot Farm development. He referred to the shortfall in housing land supply in East Lothian; this application would bring a further 80 homes, including around 20 affordable homes. The site was identified in the draft Proposed Plan. The infrastructure was, or could be made, available. The applicant agreed to all the proposed conditions attached to the grant of planning permission set out in the report. All matters raised by consultees had been addressed.

Janet Clarke spoke against the application. She had 3 main areas of concern. The impact on Haddington: hundreds of houses were already planned which would have

a massive impact on the town and its residents. Work had already begun on site. Dovecot phase 2 was a field too far. If it had to go ahead then it should be delayed until completion of Letham Mains. Road safety: if this development was built beforehand, then children would be crossing this dangerous road to attend school, there would be no path on the south side. There had already been accidents. Consistency: Members had expressed their reluctance regarding approval for Dovecot phase 1; she hoped they would agree that this application was not justified.

Stephen Wright spoke against the application. He referred to the phase 1 application and to comments made by Members against applications on this site. This proposal was not acceptable. His objections were the same as for the earlier application; primarily road traffic and safety concerns, especially on Clerkington Road, and the impact on local schools. A major development was already approved at Letham Mains; more building was not needed at the west side of the town. He added that the Committee was not bound by the Reporter now, so could delay consent.

George Barton spoke against the application on behalf of Haddington and District Amenity Society. HADAS had objected to the first application at Dovecot Farm and the society's view had not changed. He referred to recent decisions regarding planning applications in Haddington and the effect on the town. HADAS believed that the scale of Dovecot Farm developments and the proximity to Letham Mains made it inappropriate in principle. This development was relying on infrastructure of the adjoining Letham Mains site which was not yet in place. It should only be considered in the light of a masterplan assessment for this area. He also raised several other concerns. This application should be refused.

Councillor Forrest asked, in relation to comments from objectors, if work had started on site. Mr McFarlane clarified that work had started on Dovecot Farm phase 1. There had been tree planting at the western boundary of this site, which was not regarded as development. He added that Enforcement and Landscape officers were monitoring the Dovecot sites.

Local Member Provost Broun-Lindsay referred to the planning history of this area. He also referred to the now approved draft Proposed Plan and the housing build requirements facing East Lothian Council. He understood the concerns put forward by the objectors about the impact of the additional housing on the town but he did not see how the Committee could hold this development back at this time. There were no logical reasons for refusal. He would be supporting the report recommendation.

Local Member Councillor Trotter echoed his colleague's comments. This was a difficult application. A number of valid concerns had been raised however he felt these were mostly taken care of in the conditions attached to the grant of planning permission. He would be supporting the report recommendation.

Local Member Councillor McMillan stated that this was a hugely difficult application to determine. He reiterated his earlier reference to the draft Proposed Plan and the commentary regarding cumulative impacts and the need for a comprehensive masterplan. He took the concerns raised by the objectors very seriously. However, he also recognised that the Council had a requirement to allocate land for houses. There needed to be a robust examination of the total impact of this site. Planning, Landscape and Road Services officers must make sure matters were addressed. He also reminded the applicant of their responsibility as regards this development.

The Convener agreed with Councillor Trotter; there should be a 40mph zone then a 30mph zone, both zones should be extended. He would recommend changing the

appropriate condition and moved an amendment to this effect. Councillor Trotter seconded this. Mr Greenshields advised that this would be contrary to the Council's Speed Limit Policy. He clarified that the current 40mph zone stopped at the western access. He added that a 40mph zone had to be within a lit area so if this was to be extended then the area of street lighting would also have to be extended.

Councillor Day remarked that the key point was that this site was now in the approved draft Proposed Plan. He expressed concern that there was no mention of a contribution to sport and leisure facilities at the Aubigny Sports Centre, which was probably already at capacity. He referred to an earlier application for Letham Mains where the conditions had been amended to allow a financial contribution to sporting provision prior to occupation of a specified number of houses. He felt this was a significant concern and may abstain from voting. Mr McFarlane clarified that no request had been made from the Sport, Countryside and Leisure Service for a contribution from the developer in relation to this site.

Councillor McMillan queried reference in the conditions to the masterplan referred to in the draft Proposed Plan for this site. Mr McFarlane advised that condition 1 set out the principles of development for the site in a series of requirements. Responding to further queries, Mr McFarlane stated that when Road Services assessed a development other developments coming forward in the area were taken into account; so whilst there may not be a presumptive masterplan all the other factors were assessed.

The Convener brought the discussion to a close. He would be supporting the recommendation to grant planning permission as set out in the report, with the amendment to condition 6. He moved to the vote on the report recommendation (to grant consent) subject to the appropriate rewording of condition 6 to be agreed between the Convener, Local Members, Roads and Planning Officers:

For: 13
Against: 0
Abstentions: 2

Post meeting

As decided, Local Members, the Convener and Officers of the Planning and Roads Services met but concluded that, on reflection, the existing wording of condition 6 was appropriate. It was agreed that Roads Services would undertake future monitoring of traffic speeds and road safety on the Pencaitland Road once houses of the development were occupied, to inform any future recommendations or speed limits on that road.

Decision

The Committee agreed to grant planning permission in principle subject to:

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:

(i) Secure from the applicant a financial contribution to the Council of £367,651 (£4,595.64 per residential unit) towards the provision of additional capacity at Haddington Infant School, King's Meadow Primary School and Knox Academy.

(ii) Secure from the applicant the provision of 25% of the final approved number of residential units within the application site as affordable residential units or if it can be demonstrated to the Council that this, or the off-site provision of 25% of the final approved number of residential units as 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 a lack of sufficient school capacity at Haddington Infant School, King's Meadow Primary School and Knox Academy and the lack of provision of affordable housing, contrary to, as applicable, Policies INF3 and H4 of the adopted East Lothian Local Plan 2008.

- 1 The submission for approval of matters specified in conditions of this grant of planning permission in principle in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended) shall include details of the siting, design and external appearance of the residential units, the means of access to them, the means of any enclosure of the boundaries of the site and the landscaping of the site. Those details shall generally comply with the Indicative Development Framework plan docketed to this planning permission in principle, but additionally shall comply with the following requirements:
 - a. The residential dwellings shall be no higher than two storeys which can include for accommodation in the roof space and the external finish to their walls shall be predominantly rendered and coloured in accordance with a co-ordinated colour scheme that respects the layout of the development;
 - b. Other than in exceptional circumstances where the layout or particular building type does not permit, the residential units shall be orientated to face the street;
 - c. There shall be no integral garages, unless it can be justified as an exceptional design feature, or where the house and garage would not be on a primary street frontage;
 - d. The detailed design of the layout shall otherwise accord with the principles set out in the Council's Design Standards for New Housing Areas and with Designing Streets;
 - e. there shall be at least a 9 metres separation distance between the windows of a proposed new building and the garden boundaries of existing or proposed neighbouring residential properties and an 18 metres separation distance between directly facing windows of the proposed new building and the windows of existing or proposed neighbouring residential properties;
 - f. the priority junction onto the A6093 Pencaitland Road shall be laid out as shown on docketed drawing number J2701-sk13 "Proposed Junction Alterations" and shall include corner radii at the junction of 10.5 metres on either side. This shall include the movement of the road drainage gully to the new kerb line channel;
 - g. an independent road safety audit shall be undertaken which shall include identification of pedestrian safeguards and locations for bus stops needed to ensure safe movement of persons and vehicles within, to and from the site and an implementation programme describing when measures identified in the audit will be provided in relation to construction of the proposed development;

h. a visibility splay of 4.5m by 215m in both directions shall be provided and maintained at the proposed site access junction with the A6093 Pencaitland Road so that no obstruction lies within it above a height of 1.05 metres measured from the adjacent carriageway surface;

i. a scheme for updating and improving operation of the existing traffic signals at the junction of Knox Place, Station Road, Hope Park and Court Street within Haddington shall be submitted for the prior approval of the Planning Authority and the scheme so approved shall be implemented prior to the occupation of any residential unit;

j. a detailed vehicle tracking (swept path) assessment shall be provided using the large design rigid vehicle for the application site showing all turning manoeuvres. For the avoidance of doubt the Design Vehicle to be used is the "Large Rigid Vehicle" as outlined in the Freight Transport Association's document "Designing for Deliveries" - this will permit access by the occasional refuse/recycle collection vehicle, deliveries, social care buses and emergency & fire fighting appliances. From the text outlined in the document the vehicle is 2.5m wide and has a 6.1m wheelbase within an overall vehicle length of 10m;

k. any access roads which form short cul-de-sacs shall include turning areas to enable all vehicles to turn or alternatively road ends shall be linked;

l. with regard to the trees on the northern boundary of the site the proposed development shall be carried out in strict accordance with British Standard BS5837_2012 "Trees in relation to design, demolition and construction ~ Recommendations" and an arboricultural survey demonstrating this shall be submitted with application(s) for approval of matters specified in conditions;

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

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

o. driveways shall have minimum dimensions of 6 metres by 3 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 metres length. Pedestrian ramps to houses may encroach by up to 300mm on the width (but not the length) provided they are no greater than 150mm in height above the adjacent driveway surface;

p. within residential private parking areas the minimum dimensions of a single parking space shall be 2.5 metres by 5.0 metres. All visitor parking spaces within these areas shall be clearly marked for visitors with the remaining private parking spaces allocated to individual dwellings;

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

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

s. a play area shall be provided as shown on the docketed Indicative Development Framework. Details of the play area, including the equipment to be provided within it and a timetable for its implementation shall be submitted to and approved in advance by the Planning Authority and the play area shall be installed in accordance with the details so approved;

t. a pedestrian/cycle route shall be provided at the southeastern side of the site to connect to the adjacent site to the east as shown on the docketed Indicative Development Framework;

u. the proposed "formal footpath" at the northern part of the site shall be provided as shown on the docketed Indicative Development Framework;

v. notwithstanding that which is shown in the Indicative Development Framework docketed to this planning permission in principle, there shall be no pedestrian connections formed from the application site to the land to the west.

Reason:

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

- 2 No more than 80 residential units are approved by this grant of planning permission in principle. Unless otherwise agreed in writing with the Planning Authority: the annual completion rates shall be those set out by the applicant i.e. 24 in year 2018/2019, 24 in year 2019/2020 and 32 in year 2020/2021; and any slippage in any single year shall revert to year 2021/2022 or beyond, and not be added to the subsequent year.

Reason:

To ensure sufficient education capacity can be provided for the pupil product of the development.

- 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 be generally based on the landscape proposals shown in principle on the docketed Indicative Development Framework and the docketed tree survey drawings nos. 09025-MPSK-P001-A and 09025-STSU-P003 and shall otherwise fully accord with requirements of Conditions 11 above.

It shall also 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 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 ten 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 A Green 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 Green Travel Plan shall have particular regard to provision for walking, cycling and public transport access to and within the site, and will include a timetable for its implementation, details of the measures to be provided, the system of management, monitoring, review, reporting and duration of the Plan.

Reason:

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

- 5 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 construction traffic and shall include hours of construction work and details of wheel washing facilities to be provided. Wheel washing facilities must be provided and maintained in working order during the period of operation of the site. All vehicles must use the wheel washing facilities to prevent deleterious materials being carried onto the public road on vehicle tyres.

Reason:

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

- 6 No development shall commence unless and until a 40 miles per hour (mph) speed limit on the A6093 Pencaitland Road has been brought into effect in a location from the existing 30 miles per hour (mph) speed limit on the A6093 Pencaitland Road westwards to the site access junction. Details of the new 40 miles per hour speed limit shall be submitted to and approved in advance by the Planning Authority and shall include the provision of street lighting over the full extent of the proposed new 40mph speed limit on Pencaitland Road from the existing lighting at the junction with Clerkington Road to a point beyond the proposed site access.

Thereafter the new 40 miles per hour speed limit and street lighting shall be implemented and installed in accordance with the details so approved.

Reason:

In the interests of road safety.

- 7 Prior to the occupation of any of the residential units hereby approved:
- a. a continuous 2.5 metre wide shared pedestrian/cycle link shall be provided on the south side of the A6093 Pencaitland Road from the site access to Dobson's Well;
 - b. two bus stops with shelters shall be provided on the A6093 Pencaitland Road, one on either side of the road for east and west bound traffic;
 - c. a 2 metre wide footway shall be provided on the north side of Pencaitland Road (A6093) which shall provide a continuous connection from the northern (east bound) bus stop shelter required by b. above to the existing footway network to the east.

Details of the new 2.5 metre wide shared pedestrian/cycle link, two bus stops with shelters and 2 metre wide footway shall be submitted to and approved in advance by the Planning Authority. Development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road safety.

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

Details of the proposed integrated sustainable urban drainage scheme (SUDS) for the application site shall be submitted to and approved in writing by the Planning Authority following consultation with the Scottish Environment Protection Agency.

The integrated 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.

- 9 A Construction Method Statement to specify the measures to be adopted to protect the amenity of neighbouring residential properties from the effects of noise and dust arising as a result of the construction phase of the proposed development shall be submitted to and approved by the Planning Authority prior to the commencement of development.

Reason:

In the interests of the amenity of the area.

- 10 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.

- 3. PLANNING APPLICATION NO. 15/00576/P: ALTERATIONS, EXTENSION AND HEIGHTENING ROOF OF JOINERS WORKSHOP TO FORM 1 HOUSE, ERECTION OF GARAGE, ALTERATIONS TO VEHICULAR ACCESS AND ASSOCIATED WORKS AT OLD YESTER SCHOOL, DUNS ROAD, GIFFORD**

A report was submitted in relation to Planning Application No. 15/00576/P. Kirsty Slater, Planner, presented the report, summarising the key points. The proposed decision set out in the report was for refusal of the application.

Kenneth Power, the applicant, informed Members he had bought the property in 2014. Since then the options regarding future use had altered and the only viable option now was as a family home. The terms of sale did allow a change of use provided that a payment was made to the Council's Estates section. He did not agree that approval would set a precedent; it was not a strategic business use site. Regarding removal of the wall, this would be very difficult due to ground levels. The wall had been in place for around 2 centuries and was a key part of the historic gateway to the village. He wanted to retain this building and convert it sympathetically. He had met with neighbours who were all supportive.

Responded to questions from Councillor Currie, Mr Power clarified that prior to purchase he had not spoken with Planning Officers regarding the change of use but had spoken with Estates Officers. In reply to further questions, he stated that initially he had planned on operating his business from the property but due to the economic situation this was not now viable.

Local Member Councillor McMillan outlined his reasons for bringing this application to Committee. This building was an integral part of the Gifford village. There seemed to be little demand for the building for business use. It was falling into disrepair. The neighbours unanimously supported a change to residential use. On balance, taking into account the economic situation and the state of the building, he would be going against the officer's recommendation and supporting the application.

Local Member Provost Broun-Lindsay agreed that it would be unfortunate if this fine old building fell into dereliction. He noted that the previous use had ended in 2008 and since then it had not been marketed for use for several years, which was disappointing. The building had stood empty for many years. Whilst he would always wish to protect business use, there had to be a cut off point. He would, regretfully, be going against the officer's recommendation and supporting the application.

Local Member Councillor Trotter agreed with his fellow local members. He understood the need to keep buildings for business use but agreed there had to be a limit to how long this could apply. He would be supporting the application.

Councillor MacKenzie remarked that this 1843 building was quite special and of an interesting design. He supported the application, which proposed imaginative reconstruction of the building.

Councillor Currie stated that the building had been marketed for business use, 4 offers had been received to retain this use; it should continue as such. He understood the issues around the condition of the building; he appreciated the amount of investment required for conversion; these were however issues for the applicant. He would be supporting the report recommendation. He also agreed that approval would set a precedent; the case had not been made for residential use.

Councillor Grant understood Councillor Currie's rationale in supporting the officer's recommendation; however, looking at the planning history, parts of the site had been sold off previously for garden use. This was a difficult application to determine but given the condition of the building he would be supporting the application.

The Convener also referred to the poor condition of the building and that the applicant was willing to carry out necessary renovation. This was a residential area. He disagreed with the proposal by Road Services to re-align the wall; this would destroy the front of the building. He felt that the change of use to residential use should be allowed and would be supporting the application.

The Convener moved to the vote on the report recommendation (for refusal):

For: 2
Against: 13
Abstentions: 0

Decision

The Committee agreed to grant planning permission subject to conditions to be determined by the Convener/local members and officers.

Post meeting

The conditions were subsequently confirmed as follows:

1. Prior to the commencement of development a site layout plan detailing arrangements for the parking of three vehicles within the site shall be submitted for the prior approval of the Planning Authority. The site layout plan shall include details of a bollard to be erected on the edge of the private access road, opposite the access to the site. Those arrangements for in-curtilage parking and bollard provision shall accord with the site layout plan so approved.

Reason:
To ensure an adequate provision of in-curtilage parking to serve the development and in the interests of pedestrian and road safety.

2. A schedule of materials and finishes, including a sample of them, shall be submitted for the prior inspection and approval in writing by the Planning Authority for the heightened roof, west boundary wall and garage. All such materials used in the construction of the development hereby approved shall conform to the details and samples so approved.

Reason:
To enable the Planning Authority to control the materials, finishes and colours to be used to achieve a development of good quality and appearance in the interest of the visual amenity of the Conservation Area.

3. The roof windows to be installed in the new roof of the building hereby approved shall be installed in a manner that ensures that their upper surface is as near flush as possible with the upper surface of the roof into which they will be installed and with minimum flashing.

Reason:
To reduce the visual impact of the roof windows in the interest of safeguarding the character and appearance of the building and the character and appearance of the Conservation Area.

Signed

Councillor Norman Hampshire
Convener of the Planning Committee



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

TUESDAY 5 JANUARY 2016
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON

1b

Committee Members Present:

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

Council Officials Present:

Ms M Ferguson, Service Manager – Legal and Procurement
Mr I McFarlane, Service Manager – Planning
Ms C Molloy, Legal Team Leader
Mr K Dingwall, Principal Planner
Mr M Greenshields, Transportation Planning Officer
Ms P Bristow, Communications Officer

Clerk:

Ms A Smith

Visitors Present:

Item 1 – Mr D Jinks
Item 2 – Mr A Seath, Mr D Davis

Apologies:

Councillor T Day
Councillor A Forrest
Councillor W Innes
Councillor T Trotter

Declarations of Interest:

None

1. PLANNING APPLICATION NO. 15/00686/PM: ERECTION OF 97 HOUSES AND ASSOCIATED WORKS AT LAND TO THE NORTH OF GATESIDE ROAD, HADDINGTON

A report was submitted in relation to Planning Application No. 15/00686/PM. Iain McFarlane, Planning Service Manger, presented the report, summarising the key points. The report recommendation was to grant consent

Mr McFarlane responded to questions from Councillor Berry about an article in the local press regarding this application. He clarified that Haddington Community Council had not commented on this application. With regard to commercial provision, in relation to application 14/00219/PM and the adjacent site with planning permission for a supermarket, he stated that the relevant assessments had concluded that these would not unduly affect the town centre.

David Jinks, Development Planner with Persimmon Homes East Scotland, the applicant, summarised the details of the proposal. He informed Members that the proposed development largely constituted a redesign of layout and house types of the residential development approved in January 2015. The main reason for the revision was the shift in market conditions; there was demand at this location for larger properties and this new proposal would offer a wider range of house types. The 25% affordable housing provision would still apply. The revision would also provide an increase in onsite open space.

Mr Jinks responded to questions from Members. He provided details of the number of houses to be built per house type/size. He advised that the type and location of units allocated for affordable housing had still to be finalised and agreed with the Council. He clarified that the affordable housing units would be provided for sale not rent. Councillor Goodfellow remarked that the built environment in each of the county's towns was different and asked whether there would be any particular characteristics to show that this development was uniquely Haddington or indeed East Lothian. Mr Jinks advised that the main influence in that regard would be external finishes; this would be discussed with the Planning Case Officer.

Local Member Councillor McMillan welcomed the report and hoped that work on this development would commence shortly, as indicated in the report. Whilst it could be challenging to retain neighbourhood identity and community, taking a positive and welcoming attitude would make sure this new development was integrated into the town. The development would provide much needed housing for Haddington; he would be supporting the application.

Local Member Provost Broun-Lindsay agreed with the comments expressed by his colleague; he would also be supporting the application.

Councillor Currie stressed that it was important to make sure that the affordable housing units came forward. Infrastructure provision was crucial. He would be supporting the report recommendation.

Councillor Berry appreciated that the type of housing provision was driven by market conditions but had concerns that the balance was not always right. Communities needed to be integrated. He shared his colleague's concern about infrastructure; an overarching policy was required. He would be supporting the application.

Councillor MacKenzie made reference to East Lothian's rural landscape and historical style of houses. It was important to reflect this in new developments to provide a sense of community. He would be supporting the application.

Councillor Goodfellow remarked that his earlier concerns had been addressed by the applicant. He would be supporting the recommendation in the report.

The Convener brought the discussion to a close. He noted concerns expressed by Members about integrating new housing developments into existing communities; he highlighted the positive integration in Dunbar. He would be supporting the recommendation to grant planning permission as set out in the report.

The Convener moved to the vote on the report recommendation (to grant consent):

For: 14

Against: 0

Abstentions: 0

Decision

The Committee agreed to grant planning permission subject to:

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:
 - (i) secure from the applicant a financial contribution to the Council of £287,766.37 (£2,966.66 per residential unit) towards the provision of additional capacity and equipment at Haddington Infant School, King's Meadow Primary School and Knox Academy;
 - (ii) secure from the applicant the provision for 24 affordable houses within the application site, or if it can be demonstrated to the Council that this, or the off-site provision for 24 affordable units is not practicable, a commuted sum payment should be made to the Council in lieu of such an on or off-site provision;
 - (iii) secure from the applicant a financial contribution to the Council of £30,000 towards the future signalisation of the site access junction with West Road;
 - (iv) secure the servicing of the land of the 14 Class 4 business/light industrial units approved by the grant of planning permission 14/00219/PM on the same terms as the Section 75 agreement to which that permission is subject, unless that servicing has already been completed;
 - (v) secure the transfer to the Council, at no cost, of ownership of the serviced land of the 14 Class 4 business/light industrial units and the associated parking area approved by the grant of planning permission 14/00219/PM on the same terms as the Section 75 agreement to which that permission is subject, unless that transfer has already been completed.
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 insufficient provision of serviced business land, a lack of sufficient school capacity at Haddington Infant School, King's Meadow Primary School and Knox Academy, a lack of provision of affordable housing and that it would be a road safety hazard, contrary to, as applicable, Policies INF3, H4 and T2 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 number of residential units to be completed on the site each year shall be as follows unless otherwise approved in writing in advance by the Planning Authority:

Year 2016/2017 - 18 residential units
Year 2017/2018 - 34 residential units
Year 2018/2019 - 34 residential units
Year 2019/2020 - 11 residential units

Should any completions be fewer per year than given above then the difference shall be added to the end of the 4 year phasing period and not to the year following on.

Reason:

To enable the Planning Authority to control the development of the site in the interests of the good planning of the site and to ensure that there is sufficient education provision.

- 3 A detailed specification of all external finishes of the houses hereby approved 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 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 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. However, some use of a contrasting wall finish (i.e. reconstituted stone or facing brick) would be acceptable providing it is limited to a distinctively complete feature of the houses and respectful of their design integrity. All such materials used in the construction of the houses 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 Details of all boundary treatments and ground surfacings for the site shall be submitted to and approved by the Planning Authority prior to their use in the development. All such materials used in the development 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.

- 5 Prior to the commencement of development full details of the finalised sustainable urban drainage scheme (SUDS) for the application site shall be submitted to and approved in writing by the Planning Authority following consultation with the Scottish Environment Protection Agency.

The integrated 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.

- 6 Prior to the occupation of the last of the residential units hereby approved, the proposed site access roads, parking spaces, footpaths and pedestrian links shall have been constructed on site, in accordance with that which is shown on the docketed site layout plan. The precise detail of the pedestrian link between the application site and the site to the east the subject of planning permission in principle 13/00800/PPM shall be submitted to and approved in advance by the Planning Authority. All those areas of land shall not thereafter be used for any other purpose than for accessing and for the parking of vehicles and as pedestrian footpaths in connection with the residential use of the houses and shall not be adapted or used for other purposes without the prior written approval of the Planning Authority.

For the avoidance of doubt single driveways shall have minimum dimensions of 6 metres by 2.5 metres and double driveways should have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 m length.

Reason:

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

- 7 Prior to the occupation of the houses to be built on plots 41 to 52 approved by the grant of planning permission 14/00219/PM that are detailed on the docketed site layout plan, the parking area for each of them as hereby approved shall be constructed on the site as shown on the docketed site layout plan and shall thereafter be used for no other purpose than for the parking of vehicles in connection with the residential use of the houses 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 off-street parking in the interests of road safety.

- 8 No trees or shrubs which are to be retained on the site, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority.

Reason:

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

- 9 No development shall take place on site until temporary protective fencing has been erected in accordance with Figure 2 of British Standard 5837_2012 "Trees in relation to design, demolition and construction". This temporary protective fencing shall be erected prior to works commencing and kept in good condition throughout the works. The fencing shall be erected in the positions shown for it as indicated by the orange lines (with circles) on the docketed site layout drawing no. HGW-02-01 Rev E.

All weather notices shall be erected on said fencing with words such as "Construction exclusion zone - Keep out" and the fencing shall remain on site and intact through to completion of the development. Within the fenced off areas the existing ground level shall neither be raised nor lowered, no materials, temporary buildings, plant, machinery or surface soil shall be placed or stored and no herbicides shall be used. Planning of site operations should take sufficient account of wide loads, tall loads and plant with booms, jibs and counterweights (including drilling rigs), in order that they can operate without coming into contact with retained trees. Any materials whose accidental spillage would cause damage to a tree should be stored and handled well away from the outer edge of its Root Protection Area. Fires on sites should be avoided if possible. Where they are unavoidable, they should not be lit in a position where heat could affect foliage or branches. The potential size of a fire and the

wind direction should be taken into account when determining its location and it should be attended at all times until safe enough to leave.

Reason:

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

- 10 All new planting as shown on docketed drawings nos. HGW-02-01 Rev E, 143.91.01b, 143.91.02b, 143.91.03b, 143.91.04b 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 and to improve the biodiversity value of the area.

- 11 Prior to the occupation of the residential units hereby approved barriers shall be installed in positions on Ugston Road (the road bounding the application site on its east side). Details of the barriers as well as their precise locations shall be submitted to and approved in advance by the Planning Authority and the barriers installed shall accord with the details so approved.

Reason:

In the interests of road safety.

- 12 All the open space recreation areas indicated on the docketed site layout plan shall be available for use prior to the occupation of the last house on the site.

The open space recreation areas, when provided, shall be used for such purposes at all times thereafter unless agreed in writing by the Planning Authority.

Reason:

To ensure the satisfactory laying out of all areas of open space in the interest of the amenity of the future occupants of the dwellings hereby approved.

- 13 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.

- 14 A Construction Traffic Method Statement designed to minimise the impact of the movements of construction traffic to and from the application site shall be submitted to and approved by the Planning Authority prior to the commencement of development on the site. It shall include hours of construction work and any recommended mitigation measures for the control of construction traffic, and shall, as may be applicable, be implemented prior to the commencement of development and during the period of development works being carried out on the application site. The method statement shall also include details of decommissioning of the development.

Reason:

To minimise the impact of construction traffic in the interests of road and pedestrian safety in the locality.

- 15 No residential unit shall be occupied unless and until details of artwork to be provided on the application site or at an alternative location away from the site have been submitted to and approved by the Planning Authority. The details shall include a timetable for the provision of the artwork. The artwork shall thereafter be provided in accordance with the details so approved.

Reason:

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

2. PLANNING APPLICATION NO. 14/00860/P: CHANGE OF USE OF AGRICULTURAL LAND FOR STORAGE AND DISTRIBUTION (CLASS 6) USE AND FOR USE AS 4 INDIVIDUAL PERMANENT GYPSY TRAVELLER PITCHES (3 CARAVANS PER PITCH), ERECTION OF AMENITY BLOCK FOR USE AS SHOWER/TOILET AND KITCHEN FACILITIES, ERECTION OF BIN STORE, FENCING, WALLS, GATES AND GATE PIERS, FORMATION OF HARDSTANDING AREAS AND INSTALLATION OF LIGHTING (PART RETROSPECTIVE) AT MUIRPARK STEADING, TRANENT

A report was submitted in relation to Planning Application No. 14/00860/P. Mr McFarlane presented the report, summarising the key points. The proposed decision set out in the report was to grant consent.

Mr McFarlane responded to questions from Members. He clarified that the retrospective part of the application formed the substantive part of the development. He advised that where someone self declared as a gypsy/traveller then, legally, they were deemed to be such. He confirmed the Council operated a gypsy/traveller site in Whitecraig, jointly with Midlothian Council. The Council was required to consider national guidance and planning policies in relation to this type of application which was reflected in the approach taken in the report. He clarified that the conditions applied to the Thurston Manor site and other touring caravan sites, to prevent them being used as permanent residences did not apply to this application, which was not for tourism/leisure use, but for permanent pitches for gypsy/traveller use.

Regarding road safety and pedestrian access, Mr McFarlane stated that Road Services had no concerns beyond those contained as conditions in the report. In relation to the business use element, the site layout plan showed clear delineation of this space. He added that if an applicant applied for Class 6 business use it was accepted as such and did not require further definition. In relation to Policy DC1, he advised that the key as regards this application was part 5, which dealt with the scale and impact of a development on the countryside. The assessment, in the report, was that the application would not have a significant visual impact. Regarding classification of usage he advised that Scottish Planning Policy referred, in its housing section, to the need of local authorities to consider gypsy/traveller sites, so in that sense it was regarded as residential use but clearly by its nature it was not a housing development so the new house considerations of Policy DC1 did not apply. He also clarified that the trees at the south west boundary of the site were not protected by a Tree Preservation Order so could potentially be removed.

Alan Seath, Planning Consultant, agent for the applicant, outlined the requirements of the gypsy/traveller population nationally and locally. There was a chronic shortage of suitable accommodation for this minority ethnic group. The situation however was changing and public bodies were now aware that greater action was needed. There were no designated sites in East Lothian apart from the site in Whitecraig. The applicant had taken positive steps to meet the needs of his extended family; he had cleared a derelict area, the site had been well constructed and was well managed. It was in close proximity to services. It met the criteria in the draft Proposed Local Development Plan and also met residency and business needs.

Councillor Grant asked why the applicant had started work without obtaining planning permission. Mr Seath, whilst not condoning the applicant's action, referred to the increased demand for sites by the gypsy/traveller community, reiterating that due to lack of action, throughout the country, some individuals had taken action themselves.

Mr Seath responded to questions from Councillor Berry. He confirmed that the applicant and his family were recognised as gypsy/travellers. Regarding alternative sites, he advised that because of the increase in gypsy/traveller numbers and the size of the applicant's extended family, many sites were not suitable. This site had become available and had been chosen because it met all the relevant criteria.

Councillor McMillan queried the process for gypsy/traveller communities to be involved in decisions about sites, as detailed in the report, noting that the applicant had decided on this site without any consultation. Mr Seath stated that the Scottish Government recognised the lack of action to date to cater for the needs of the gypsy/traveller community and was currently carrying out consultation. The aim was to create more ties with the official representative body for individual gypsy/traveller families. Work was also taking place to provide guidance to this community on the planning process and to try and encourage better engagement with local authorities.

Daniel Davis informed Members that he wished to make some general observations as the only adjacent neighbour to the site. He considered that the proposal would not have a negative visual impact; the caravans were barely visible over the walls. The site had undergone significant improvements and was well maintained. The applicant was trying to provide a safe base for his family; they were ideal, peaceable neighbours.

Local Member Councillor Grant indicated that he had brought this application forward due to the level of representations from the Tranent and Macmerry communities. Numerous constituents had also commented about lack of adherence to planning procedure. The Committee viewed retrospective applications unfavourably. He noted the fact that work had already started on site without permission did not debar the applicant from applying retrospectively but he felt however that it had been reckless to proceed without first contacting the Council and the Community Council. Given the lack of specific planning policy in the current Local Plan regarding gypsy/traveller site provision he disagreed with the report recommendation to grant consent. The site was not well connected to Tranent or Macmerry, the access to the site from the A199 and lack of footpath was also an issue. He would not be supporting this application.

Local Member Councillor Gillies indicated that he had the same concerns as those expressed by his colleague.

Local Member Councillor McLeod noted at the site visit that the site was well maintained however, the retrospective element of the application, which formed the largest part, was of concern. He would not be supporting the report recommendation.

Councillor Berry remarked that although sympathetic to the gypsy/traveller community, trying to make this development official after the event could not be condoned. The scale and impact was serious. He noted the high level of concern locally. If the application was approved a precedent could be set. This was not the right site. It had been chosen by the applicant; not the correct process according to the report. The application should be refused; it was development in the countryside and business use on the site, both contrary to Policy DC1.

Councillor Currie stated this was a significant, retrospective, application. The application should have been lodged prior to work being carried out on the site. There should have been consultation and discussion with the community and others. He took the views of Local Members and the Community Council very seriously. He did not support the application; a dangerous precedent could be set if approved.

Councillor Williamson disagreed with his colleagues. He appreciated that the application was retrospective but that in itself was not an issue as the Committee had dealt with, and approved, retrospective applications in the past. He would, on balance, be supporting the application.

Councillor MacKenzie stressed that this site was for the applicant's family only and would provide a secure place; the site was appropriate. The testimony from Mr Davis had been helpful. He would be supporting the application.

The Convener noted the investment put into the site by the applicant however the application was retrospective, which was problematic. There was a need for gypsy/traveller sites in East Lothian but there was a process to be followed; consultation was part of that process. Gypsy/traveller communities should be involved in decisions about sites, as referenced in the report, but sites should not be pre-selected. He also had concerns about safety of the A199 access given the lack of a footpath on that side of the road. He would not be supporting this application.

The Convener moved to the vote on the report recommendation (to grant consent):

For: 4
Against: 10
Abstentions: 0

Decision

The Committee agreed to refuse planning permission. Mr McFarlane outlined the proposed reasons for refusal in line with Members' comments:

- Business use of the site, contrary to Policy DC1
- Site not well connected to Tranent or Macmerry
- A199 access/crossing/pedestrian road safety concerns
- Scale and impact of the proposal
- Retrospective application
- Protection of trees

Mr McFarlane advised Members that a retrospective application was not in itself a competent reason for refusal neither was the issue of the trees as they were not protected by a TPO but could be protected by a condition of a grant of planning permission. The Committee agreed that the Convener, Local Members and Planning Service Manager would consider and confirm the reasons for refusal.

The Committee also agreed that the applicant would have 3 months from the date of decision for compliance before enforcement action would be taken, reflecting the 3 month time period for submitting an appeal to the Scottish Ministers.

Post meeting

The reasons for refusal were subsequently confirmed as follows:

1. In that the development includes gypsy/traveller residential use with no agricultural, horticultural, forestry or other established business use to justify a direct operational requirement for an on-site residential presence it is contrary to parts 1 and 4 of Policy DC1 of the adopted East Lothian Local Plan 2008.
2. In that the development includes Class 6 business use of a scale and character not appropriate to this countryside location it is contrary to Policy DC1 of the adopted East Lothian Local Plan 2008.
3. The gypsy/traveller use generates additional pedestrian traffic to and from the site, resulting in additional pedestrians requiring to cross the A199 public road to the existing footpath, with a consequent hazard to road safety.

Signed

Councillor Norman Hampshire
Convener of the Planning Committee

REPORT TO: Planning Committee
MEETING DATE: Tuesday 2 February 2016
BY: Depute Chief Executive
(Partnerships and Community Services)
SUBJECT: Application for Planning Permission for Consideration

2

Application No. **15/00774/AMM**

Proposal Approval of matters specified in conditions of planning permission in principle 13/00227/PPM - Erection of 77 houses, 28 flats and associated works

Location **Land At Mains Farm
North Berwick
East Lothian**

Applicant Cruden Homes East Ltd and North Berwick Trust

Per EMA Architecture and Design

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

Although this application is for the approval of matters specified in conditions of planning permission in principle 13/00227/PPM it has to be determined as a major development type application because the area of the application site is greater than 2 hectares and the number of dwellings detailed is greater than 50. Accordingly, the application cannot be decided through the Council's Scheme of Delegation. It is therefore brought before the Planning Committee for a decision.

In May 2014 planning permission in principle 13/00227/PPM was granted for the erection of 420 houses, community facilities, employment uses and for associated infrastructure including roads and footpaths, open space, and landscaping on some 38 hectares of agricultural land at Mains Farm, on the southern edge of North Berwick. That land is the strategic housing site of Proposal H5 of the adopted East Lothian Local Plan 2008.

The approved phasing plans of the docketed Masterplan Document splits the development of the site of 420 houses into 8 Phases of development.

Condition 1 of planning permission in principle 13/00227/PPM requires that the development of the site should generally accord with the Indicative Master Plan and Masterplan Document docketed to this planning permission in principle.

Development of the allocated housing site has commenced.

The allocated housing site is bounded to the north by Grange Road, beyond which are residential properties. To the northwest of the application site, on the other side of Grange Road, is the former northern part of Gilsland Caravan Park and, beyond that, an area of agricultural land. That land is currently being developed by CALA Management Ltd for a housing development consisting of a total of 120 residential units.

To the south and partly to the west of the allocated housing site is agricultural land. It is otherwise bounded to the west by Gilsland Caravan Park and by the residential properties of Gilsland House and 1-3 Gilsland. It is partly bounded to the east by agricultural land.

The agricultural land immediately to the northeast of the allocated housing site forms part of a larger area of agricultural land that is allocated for an expansion to the campuses of Law Primary School and North Berwick High School by Proposals ED9 and ED10 (Law Primary School, North Berwick and North Berwick High School) of the adopted East Lothian Local Plan 2008.

The allocated housing site is otherwise bounded to the east by the public road of Haddington Road (the B1347 road).

In August 2013 planning permission (Ref: 13/00505/P) was granted for the realignment of Haddington Road and for the formation of accesses to the land of Mains Farm, to Law Primary School and to North Berwick Law car park. Development of the realigned road has commenced.

In January 2015 planning permission (Ref: 14/00935/P) was granted for the formation of a shared footway/cycleway and erection of fencing on part of the northern end of the allocated housing site at Mains Farm. Development of the shared footway/cycleway and fencing has commenced.

In January 2015 planning permission (Ref: 14/00931/P) was granted for the formation of a construction access from Haddington Road to the Mains Farm housing site for a temporary period of up to 9 years. Development of the shared temporary construction access has commenced.

Also in January 2015 approval of matters specified in conditions (Ref: 14/00753/AMM) was granted for infrastructure associated with the residential development of the Mains Farm site. The approved infrastructure consists of (i) the construction of two access junctions at Grange Road; (ii) the formation of a spine road; (iii) the formation of cycle/pedestrian footpaths; (iv) the formation of a SUDS pond; (v) the creation of and landscaping of a linear park and a countryside park; (vi) the installation of a play area; (vii) the landscaping of parts of the site, including the planting of a woodland belt along much of the western edge of the site; (viii) the installation of traffic calming on Grange Road; and (ix) the erection of two electric sub stations. The site that is the subject of that approval has an area of 22 hectares, amounting to just over half of the allocated housing site at Mains Farm. Development of the approved infrastructure has commenced.

In February 2015 approval of matters specified in conditions (Ref: 14/00788/AMM) was granted for the erection of 113 houses on part of the land to which planning permission in principle 13/00227/PPM and the Masterplan docketed to that permission apply. The approved housing is to be split into two groups of houses, which are to be separated by part of the linear park approved by approval of matters specified in conditions 14/00753/AMM. Development of the approved housing has commenced.

Also in September 2015 approval of matters specified in conditions (Ref: 15/00794/AMM) was sought for the erection of 110 houses on part of the land to which planning permission in principle 13/00227/PPM and the Masterplan docketed to that permission apply. The proposed housing is split into two sites, one of which is centrally located within the allocated site. The other site is on part of the eastern edge of the allocated site. A report on application 15/00794/AMM is at this time also on this agenda of the Planning Committee.

In December 2015 approval of matters specified in conditions (Ref: 15/00988/AMC) was sought for the formation of a road on the eastern part of the land to which planning permission in principle 13/00227/PPM and the Masterplan docketed to that permission apply. That application is pending consideration and no decision has yet been taken on it.

Also in December 2015 approval of matters specified in conditions (Ref: 15/00793/AMC) was granted for the erection of 37 houses on the central part of the land to which planning permission in principle 13/00227/PPM and the Masterplan docketed to that permission apply. That site is located between the approved linear park and the approved spine road. Development of the approved housing has not yet commenced.

In January 2016 approval of matters specified in conditions (Ref: 15/00844/AMC) was granted for the erection of 33 houses on part of the western edge of the land to which planning permission in principle 13/00227/PPM and the Masterplan docketed to that permission apply. That site is located between the approved linear park and the approved woodland belt that is to be planted along much of the western edge of the site. Development of the approved housing has not yet commenced.

The approval of matters specified in conditions now sought is for the erection of 77 houses and 28 flats on part of the land to which planning permission in principle 13/00227/PPM and the Masterplan docketed to that permission apply.

The proposed housing would be split into two groups of houses. The larger group would be centrally located in the application site, immediately to the west of the approved spine road. The smaller group would be located in the northeast corner of the allocated site, immediately to the east of the approved spine road. The larger group of housing would consist of 55 residential units, with the smaller group containing 50 residential units.

Of the 105 residential units, 36 would be semi-detached, 41 would be terraced and 28 would be flatted. 16 of the proposed residential units would contain 1 bedroom, 65 would contain 2 bedrooms, and 24 would contain 3 bedrooms.

The submitted details also include for internal access roads, car parking and informal areas of open space.

Vehicular access to the southern part of the larger group of housing would be taken by way of a new access point off the approved spine road. The northern part of the larger group of housing would be accessed from the approved road that is immediately to the west of that part of the site. Vehicular access to the smaller group of housing would be taken by way of two new access points off the approved spine road. Additionally, vehicular access to 4 of the proposed houses would be taken directly off the approved spine road.

The site for the larger group of housing has a broadly L-shaped footprint. The site for the smaller group of housing has a broadly rectangular footprint. Both sites are bounded by agricultural land, most of which forms the remainder of the larger site the subject of

planning permission in principle 13/00227/PPM.

Amended plans have been submitted showing revisions to the access, parking and street layout of the proposed residential development. Amended house type plans for 'House Type 3' have also been submitted. Additionally it is now proposed to erect a terrace of 4 'House Type 3' house types, instead of 4 'House Type 4' house types, on plots 16 to 19 of the proposed development.

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

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

Relevant to the determination of the application is Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies H1 (Housing Quality and Design), DP1 (Landscape and Streetscape Character), DP2 (Design), C1 (Minimum Open Space Standard for new General Needs Housing Development), C2 (Play Space Provision in new General Needs Housing Development), T2 (General Transport Impact), DP20 (Pedestrians and Cyclists), DP22 (Private Parking) and DP24 (Home Zones) of the adopted East Lothian Local Plan 2008.

A material consideration is the supplementary planning guidance of "Design Standards for New Housing Areas" approved by the Council on 10th March 2008. This guidance requires that a more flexible approach be taken in road layout and design for proposed housing developments and sets core design requirements for the creation of new urban structures that will support Home Zone development as well as establishing design requirements for the layout of and space between buildings. Developers must provide adequate information to the satisfaction of the Council to demonstrate the merits of their design.

Also material to the determination of the application is the approved joint development framework for Mains Farm and Gilsland, North Berwick. The framework sets out the land uses expected for the allocated sites and how the Council requires the sites to be developed.

Two written representations have been received, both of which make objection to the proposed development.

A copy of both written representations is contained in a shared electronic folder to which all Members of the Committee have had access.

The main grounds of objection are:

- * The houses proposed for plots 16-19 are too high and obtrusive and would not complement the houses on the opposite side of Grange Road;
- * The land of plots 16-19 should be open space or, if not, single storey houses should be erected in their place;
- * The construction compound should be located as far away from current residents as possible to minimise further inconvenience; and
- * Works already carried out in the first phase of development at Mains Farm has been intrusive and not conducted in a safe and clean manner.

Concerns relating to the first phase of development at Mains Farm are not a material consideration in the determination of this planning application.

The Royal Burgh of North Berwick Community Council, a consultee, do not object to the proposals. They do however question whether the affordable housing should have been more incorporated into the body of the overall site, rather than being clustered together. They advise that it is a pity that garages could not be incorporated and that terraced blocks are overall unwelcome, as opposed to semi-detached houses. The Community Council further advise that the internal roads appear straightforward with the road surface being quite evident for safety and clarity from the standard main access. There should be more trees of cherry tree size and hedging to soften the banks of proposed housing.

By the grant of planning permission in principle 13/00227/PPM, approval has been given for the principle of the erection of 420 houses on the allocated land of Mains Farm. There can therefore be no objection in principle to the erection of 105 residential units on the application site.

The masterplan document docketed to planning permission in principle 13/00227/PPM shows how the affordable housing would be split into the two sites that are the subject of this planning application. There can therefore be no objection in principle to the affordable housing provision for Mains Farm being provided within the two sites now proposed.

Therefore, in the determination of this application the Council, as Planning Authority, can only concern itself with the siting, design and external appearance of the development and the landscaping of and means of access to the site. In this regard the detailed proposals have to be considered against relevant development plan policy, the Council's approved joint development framework for Mains Farm and Gilsland, North Berwick and the Masterplan and conditions attached to planning permission in principle 13/00227/PPM.

The details now submitted for approval are for a scheme of development comprising a good range of house types and sizes (6 different house types). In this regard, there would be a sufficient mix of semi-detached and terraced houses and flatted units. Moreover, the range of 6 different house types would help to add visual interest to the development and the wider area. 8 of the residential units would be single storey. The remaining 97 residential units would be two storeys in height.

The houses and flats and associated areas of ground, in their proposed groupings, orientations, and layout would mainly be consistent with the principles of 'Home Zones' as set out in the Council's Design Standards for New Housing Areas, as would be the proposed layout of roads, pathways, and parking spaces. The only significant exception relates to the proposed open plan form of most of the front gardens of the houses and flats. The Council's Design Standards for New Housing Areas states that plot frontage boundary treatments such as walls, hedges, fences or railings must be provided to define front gardens and to focus attention on the streets. This requirement can be secured by the imposition of a planning condition.

The layout proposed is generally informal and has designed into it some intrinsic interest. The proposed houses and flats, due to their positioning on the application site and by virtue of their height, size and scale would integrate with the other houses approved for the allocated Mains Farm site. The use of render as the predominant wall finish would respect the existing built form of the housing to the north of Grange Road, which features render as the predominant wall finish. The houses and flats would also feature

reconstituted stone cills and base courses. Again, this is an external finish common to other houses in the area and, with its relatively limited use, would again respect the existing built form of the local area.

The two objections primarily raise concerns regarding the four two-storey terraced houses proposed for the north-east corner of the application site. The Masterplan docketed to planning permission in principle 13/00227/PPM indicatively shows that the northeast part of the site could consist of a footpath and narrow landscaped area to the south of Grange Road. To the south of this, it shows four blocks of terraced houses, three of which are shown to run parallel to Grange Road and one which would be perpendicular, with its northern gable wall facing onto Grange Road.

Consistent with the docketed Masterplan, the detailed layout now submitted shows a footpath and narrow landscaped area to the south of Grange Road. Beyond this, it is proposed to form an area of open space, with the four two-storey terraced houses proposed to the east of that open space. The northern gable wall of the terrace would face onto Grange Road, and it would be some 13.5 metres to the south of that public road. The revised proposals for this part of the site would have less of a visual impact on the amenity of the area than the proposals for the northeast part of the site that are indicatively shown in the Masterplan docketed to planning permission in principle 13/00227/PPM. Notwithstanding this, and in the interests of the visual amenity of the area, it would be prudent to require the northern gable wall of the terrace to include a design feature(s), such as a window(s) to add visual relief to what would otherwise be a blank gable wall. This requirement can be secured by the imposition of a planning condition.

The proposed residential development would provide an attractive residential environment. The houses and flats are shown to be laid out in such a way that adheres to the normally accepted privacy and amenity criteria on overlooking and overshadowing, whilst affording the future occupants of the houses and flats an appropriate level of privacy and residential amenity.

The application site is capable of accommodating all of the development detailed for it to a pattern and of a density consistent with existing patterns and densities of housing development in the area.

The proposed positioning of the 105 residential units and other components of the development would not prejudice the form of development of the remainder of the 420 houses approved in principle by the grant of planning permission in principle 13/00227/PPM.

The Council's Landscape Project officer raises no objection to the proposed development, although he notes that a scheme of landscaping has not been submitted. The provision and implementation of a proposed scheme of landscaping can be secured by a condition imposed on the approval of matters specified in conditions for the proposed housing development.

The Council's Environmental Protection Manager raises no objection to the proposed development, although he recommends that, in order to safeguard the amenity of future residents, controls should be imposed on the recycling facility that is proposed to the south of the smaller group of affordable housing. The proposed recycling facility does not form part of this planning application. It would not therefore be reasonable to impose this recommended condition, as it would not be fairly and reasonably related to the development proposed.

The Environmental Protection Manager does not consider it necessary to impose any planning control in respect of the construction compound for the proposed development.

On all of these foregoing findings on matters of design, density, layout, landscaping and amenity the details submitted for approval are consistent with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), Policies DP1, DP2 and DP24 of the adopted East Lothian Local Plan 2008, the Council's Design Standards for New Housing Areas and generally with the approved joint development framework for Mains Farm and Gilsland, North Berwick.

The Masterplan and Masterplan Document docketed to planning permission in principle 13/00227/PPM indicate how areas of formal and informal open space could be located throughout the allocated housing site. This includes two principal areas of open space: a linear park that would be centrally located to the south of Grange Road and a countryside park that would be formed over the southern part of the site.

The site that is the subject of this approval of matters specified in conditions application does not include the land shown on the docketed Masterplan and Masterplan Document as being the locations for the two principal areas of open space. The proposed development does however include small informal areas of open space, consistent with the docketed Masterplan and Masterplan Document.

The Development Framework requires the provision of equipped play facilities for toddlers, 5-10 year olds, and teenage age groups. In response to this, the docketed Masterplan and Masterplan Document show that a Neighbourhood Area Equipped for Play could be located on the eastern part of the site and a Local Area Equipped for Play could be provided on the northern edge of the countryside park. Neither of these play areas are within the area of the site that is the subject of this approval of matters specified in conditions application. Consequently, although the proposed development does not include the provision of a play area, this is consistent with the docketed Masterplan and Masterplan Document.

Paragraph 2.6 of the "Design Standards for New Housing Areas", approved by the Council on 10th March 2008, states that new housing development must create a hierarchical, permeable and interconnected street layout that complements and should extend the surrounding street pattern. Such layouts spread vehicle traffic evenly through a site and to the surroundings, help prevent localised traffic congestion, and encourage walking and cycling. Proposed street layouts must maximise connections within the site and to surrounding streets, and ensure the movement requirements of the development strategy are met. By the design and arrangement of street types, street layouts must influence vehicle drivers preferred route choice to ensure the tertiary streets between residential blocks are less busy. In paragraph 2.9 it is stated that Home Zones must be introduced to new development as part of a hierarchical, permeable and interconnected street layout.

The principles of the means of accessing of the proposed housing are already decided by the grant of planning permission in principle 13/00227/PPM. These are that vehicular access to the housing development of 420 houses should be taken from Grange Road, by way of two new access points, one being a priority junction positioned close to the northeast corner of the site, the other a priority junction positioned opposite the existing junction of Grange Road and Green Apron Park. Additionally, vehicular access to the housing development should be taken directly from the realigned Haddington Road.

The submitted details for accessing the proposed 105 residential units are in accordance with these established principles of the means of accessing the housing development of

420 houses.

The Council's Road Services raise no objection to the submitted details. They do however make recommendations on the standards of provision.

They recommend that:

(i) a supplementary construction method statement should be provided for the site to expand on that already provided and controlled through 13/00227/PPM. This should take account of routes to the site from the main access onto Haddington Road and include potential delivery restrictions to take account of the new access to be formed to the Law Primary School, also from Haddington Road;

(ii) cycle parking should be provided at the rate of 1 space per flat. This should be provided in a secure/ undercover area;

(iii) Localised widening of the carriageway width in the vicinity of the junctions adjacent to (i) plots 34 to 38; and (ii) 68 to 69 should be undertaken to enable large vehicles to manoeuvre without encroachment into pedestrian areas (including vehicle overhang);

(iv) all footpaths and cycle paths as connections from a zone under construction to existing pedestrian/cycle routes should be constructed to an adoptable standard before the occupation of any of the residential units of the particular zone;

(v) all carriageway and footway/ footpath connections must meet with existing links to adjacent sites, both horizontally and vertically; and

(vi) wheel washing facilities are provided during the construction phase of the housing development.

Road Services are generally satisfied with the number and layout of car parking spaces proposed for the housing development. They do however recommend that:

(i) driveways should have minimum dimensions of 6 metres by 2.5 metres. Double driveways should 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 should be 2.5 metres by 5 metres. All visitor parking spaces within these areas should be clearly marked for visitors with the remaining private parking spaces allocated to individual dwellings; and

(iii) all prospectively adoptable parking bays (i.e. that will form part of the public road) should have minimum dimensions of 2.5 metres by 6 metres.

All of these requirements can reasonably be made conditions of the approval of matters specified in conditions for the proposed housing development.

On these foregoing transportation and other access considerations the proposed residential development is consistent with Policies T2, DP20 and DP22 of the adopted East Lothian Local Plan 2008.

The mechanism of a financial contribution towards additional educational provision in North Berwick for a housing development of 420 houses has already been secured through the grant of planning permission in principle 13/00227/PPM.

The mechanism of the provision within the residential development of 25% affordable housing (i.e. 105 units from the total of 420) is already secured through the grant of planning permission in principle 13/00227/PPM.

The matter of site drainage was considered through the determination of previous application 13/00227/PPM. The Masterplan and Masterplan Document docketed to planning permission in principle 13/00227/PPM indicate how a sustainable urban drainage scheme (SUDS) pond would be formed within the northern part of the site to attenuate the flow of surface water run-off. The Scottish Environment Protection Agency raise no objection to the details of the 105 residential units now proposed.

Scottish Water were consulted on the planning application but have not commented on it.

RECOMMENDATION

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 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. 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.

- 3 Prior to the commencement of development details of the position and type of all boundary enclosures to be erected on the application site and a timescale for their provision shall be submitted to and approved in advance by the Planning Authority. The submitted details shall include the provision of plot frontage boundary treatments such as walls, hedges, fences or railings to enclose the front gardens of the houses and flats hereby approved.

Development shall thereafter be carried out in full accordance with the details so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure the satisfactory appearance of the boundary enclosures in the interest of safeguarding the visual amenity of the area and to safeguard the privacy and amenity of residential properties nearby.

- 4 Notwithstanding the drawings docketed to this approval, the north gable wall of the house approved for plot 16 shall include a design feature(s), such as a window(s). Details of the design feature(s) shall be submitted to and approved by the Planning Authority prior to commencement of development of the house on plot 16.

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

Reason:

To add visual relief to what would otherwise be a blank gable wall, in the interests of the character and appearance of the area.

- 5 Prior to the occupation of the last residential unit hereby approved, the proposed access roads, parking spaces, and footpaths shall have been constructed on site, in accordance with the docketed drawings and the transportation conditions specified below. 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 shall not be adapted or used for other purposes without the prior written approval of the Planning Authority.

Reason:

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

- 6 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.

- 7 Prior to the commencement of development, details showing compliance with the following transportation requirements shall be submitted to and approved in writing in advance by the Planning Authority.

(i) a supplementary construction method statement shall be provided for the site to expand on that already provided and controlled through planning permission in principle 13/00227/PPM. This shall take account of routes to the site from the main access onto Haddington Road and include potential delivery restrictions to take account of the new access to be formed to the Law Primary School, also from Haddington Road;

(ii) cycle parking shall be provided at the rate of 1 space per flat. This shall be provided in a secure/undercover area;

(iii) localised widening of the carriageway width in the vicinity of the junctions adjacent to (i) plots 34 to 38; and (ii) 68 to 69 shall be undertaken to enable large vehicles to manoeuvre without encroachment into pedestrian areas (including vehicle overhang);

(iv) all footpaths and cycle paths from a zone under construction to their connections to existing pedestrian/cycle routes shall be constructed to an adoptable standard before the occupation of any of the residential units of the particular zone;

(v) driveways shall have minimum dimensions of 6 metres by 2.5 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 m length;

(vi) 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;

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

(viii) all carriageway and footway/ footpath connections shall meet with existing links to adjacent sites, both horizontally and vertically.

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

Reasons:

In the interests of road and pedestrian safety.

- 8 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.

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

REPORT TO: Planning Committee
MEETING DATE: Tuesday 2 February 2016
BY: Depute Chief Executive
(Partnerships and Community Services)
SUBJECT: Application for Planning Permission for Consideration

3

Application No. **15/00794/AMM**

Proposal Approval of matters specified in conditions of planning permission in principle (13/00227/PPM) - Erection of 110 houses and associated works

Location **Land At Mains Farm
North Berwick
East Lothian**

Applicant Cala Management Limited

Per EMA Architecture and Design

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

Although this application is for the approval of matters specified in conditions of planning permission in principle 13/00227/PPM it has to be determined as a major development type application because the area of the application site is greater than 2 hectares and the number of dwellings detailed is greater than 50. Accordingly the application cannot be decided through the Council's Scheme of Delegation. It is therefore brought before the Planning Committee for a decision.

In May 2014 planning permission in principle 13/00227/PPM was granted for the erection of 420 houses, community facilities, employment uses and for associated infrastructure including roads and footpaths, open space, and landscaping on some 38 hectares of agricultural land at Mains Farm, on the southern edge of North Berwick. That land is the strategic housing site of Proposal H5 of the adopted East Lothian Local Plan 2008.

The approved phasing plans of the docketed Masterplan Document splits the development of the site of 420 houses into 8 Phases of development.

Condition 1 of planning permission in principle 13/00227/PPM requires that the development of the site should generally accord with the Indicative Master Plan and Masterplan Document docketed to this planning permission in principle.

Development of the allocated housing site has commenced.

The allocated housing site is bounded to the north by Grange Road, beyond which are residential properties. To the northwest of the application site, on the other side of Grange Road, is the former northern part of Gilsland Caravan Park and, beyond that, an area of agricultural land. That land is currently being developed by CALA Management Ltd for a housing development consisting of a total of 120 residential units.

To the south and partly to the west of the allocated housing site is agricultural land. It is otherwise bounded to the west by Gilsland Caravan Park and by the residential properties of Gilsland House and 1-3 Gilsland. It is partly bounded to the east by agricultural land.

The agricultural land immediately to the northeast of the allocated housing site forms part of a larger area of agricultural land that is allocated for an expansion to the campuses of Law Primary School and North Berwick High School by Proposals ED9 and ED10 (Law Primary School, North Berwick and North Berwick High School) of the adopted East Lothian Local Plan 2008.

The allocated housing site is otherwise bounded to the east by the public road of Haddington Road (the B1347 road).

In August 2013 planning permission (Ref: 13/00505/P) was granted for the realignment of Haddington Road and for the formation of accesses to the land of Mains Farm, to Law Primary School and to North Berwick Law car park. Development of the realigned road has commenced.

In January 2015 planning permission (Ref: 14/00935/P) was granted for the formation of a shared footway/cycleway and erection of fencing on part of the northern end of the allocated housing site at Mains Farm. Development of the shared footway/cycleway and fencing has commenced.

In January 2015 planning permission (Ref: 14/00931/P) was granted for the formation of a construction access from Haddington Road to the Mains Farm housing site for a temporary period of up to 9 years. Development of the shared temporary construction access has commenced.

Also in January 2015 approval of matters specified in conditions (Ref: 14/00753/AMM) was granted for infrastructure associated with the residential development of the Mains Farm site. The approved infrastructure consists of (i) the construction of two access junctions at Grange Road; (ii) the formation of a spine road; (iii) the formation of cycle/pedestrian footpaths; (iv) the formation of a SUDS pond; (v) the creation of and landscaping of a linear park and a countryside park; (vi) the installation of a play area; (vii) the landscaping of parts of the site, including the planting of a woodland belt along much of the western edge of the site; (viii) the installation of traffic calming on Grange Road; and (ix) the erection of two electric sub stations. The site that is the subject of that approval has an area of 22 hectares, amounting to just over half of the allocated housing site at Mains Farm. Development of the approved infrastructure has commenced.

In February 2015 approval of matters specified in conditions (Ref: 14/00788/AMM) was granted for the erection of 113 houses on part of the land to which planning permission in principle 13/00227/PPM and the Masterplan docketed to that permission apply. The approved housing is to be split into two groups of houses, which are to be separated by part of the linear park approved by approval of matters specified in conditions 14/00753/AMM. Development of the approved housing has commenced.

In September 2015 approval of matters specified in conditions (Ref: 15/00774/AMM) was sought for the erection of 77 houses and 28 flats on part of the land to which planning permission in principle 13/00227/PPM and the Masterplan docketed to that permission apply. The proposed housing is split into two sites, one of which is on part of the northern edge of the allocated site. The other site is centrally located within the allocated site. A report on application 15/00774/AMM is at this time also on this agenda of the Planning Committee.

In December 2015 approval of matters specified in conditions (Ref: 15/00988/AMC) was sought for the formation of a road on the eastern part of the land to which planning permission in principle 13/00227/PPM and the Masterplan docketed to that permission apply. That application is pending consideration and no decision has yet been taken on it.

Also in December 2015 approval of matters specified in conditions (Ref: 15/00793/AMC) was granted for the erection of 37 houses on the central part of the land to which planning permission in principle 13/00227/PPM and the Masterplan docketed to that permission apply. That site is located between the approved linear park and the approved spine road. Development of the approved housing has not yet commenced.

In January 2016 approval of matters specified in conditions (Ref: 15/00844/AMC) was granted for the erection of 33 houses on part of the western edge of the land to which planning permission in principle 13/00227/PPM and the Masterplan docketed to that permission apply. That site is located between the approved linear park and the approved woodland belt that is to be planted along much of the western edge of the site. Development of the approved housing has not yet commenced.

The approval of matters specified in conditions now sought is for the erection of 110 houses on part of the land to which planning permission in principle 13/00227/PPM and the Masterplan docketed to that permission apply.

The proposed housing would be split into two groups of houses. The larger group would be located centrally located in the application site between the part of the approved linear park and part of the approved spine road. The smaller group would be located on part of the eastern edge of the allocated site, to the north and east of the approved spine road. The larger group of housing would consist of 61 houses, with the smaller group containing 49 houses.

Of the 110 houses, 58 would be detached, 36 would be semi-detached and 16 would be terraced. In terms of size, 54 of the proposed 110 houses would contain 3 bedrooms, 39 would contain 4 bedrooms, and 17 would contain 5 bedrooms.

The submitted details also include for garages, internal access roads, car parking and informal areas of open space.

Vehicular access to the larger group of housing would be taken by way of two new access points off the approved spine road, one of which would be via the housing development that is to the southeast of that part of the site. Additionally, the proposed layout allows for vehicular access between the larger group of housing and the housing that is proposed to the north, east and west of it. Vehicular access to the smaller group of housing would also be taken by way of two new access points off the approved spine road. Additionally vehicular access to 20 of the proposed houses would be taken directly off the approved spine road, 7 of which would be served by a rear parking courtyard.

The site for the larger group of housing has a broadly L-shaped footprint. The site for the

smaller group of housing has a broadly rectangular footprint. Both sites are bounded by agricultural land that forms the remainder of the larger site the subject of planning permission in principle 13/00227/PPM.

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

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

Relevant to the determination of the application is Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies H1 (Housing Quality and Design), DP1 (Landscape and Streetscape Character), DP2 (Design), C1 (Minimum Open Space Standard for new General Needs Housing Development), C2 (Play Space Provision in new General Needs Housing Development), T2 (General Transport Impact), DP20 (Pedestrians and Cyclists), DP22 (Private Parking) and DP24 (Home Zones) of the adopted East Lothian Local Plan 2008.

A material consideration is the supplementary planning guidance of "Design Standards for New Housing Areas" approved by the Council on 10th March 2008. This guidance requires that a more flexible approach be taken in road layout and design for proposed housing developments and sets core design requirements for the creation of new urban structures that will support Home Zone development as well as establishing design requirements for the layout of and space between buildings. Developers must provide adequate information to the satisfaction of the Council to demonstrate the merits of their design.

Also material to the determination of the application is the approved joint development framework for Mains Farm and Gilsland, North Berwick. The framework sets out the land uses expected for the allocated sites and how the Council requires the sites to be developed.

There is no public objection to the application.

The Royal Burgh of North Berwick Community Council, a consultee, do not object to the proposals. They noted that there was remarkably little community comment on the actual detail of the development. The Community Council are impressed by the proposed hedging, which they consider will soften the area as it grows.

By the grant of planning permission in principle 13/00227/PPM, approval has been given for the principle of the erection of 420 houses on the allocated land of Mains Farm. There can therefore be no objection in principle to the erection of 110 houses on the application site.

Therefore, in the determination of this application the Council, as Planning Authority, can only concern itself with the siting, design and external appearance of the development and the landscaping of and means of access to the site. In this regard the detailed proposals have to be considered against relevant development plan policy, the Council's approved joint development framework for Mains Farm and Gilsland, North Berwick and the Masterplan and conditions attached to planning permission in principle 13/00227/PPM.

The details now submitted for approval are for a scheme of development comprising a

good range of house types and sizes (14 different house types). In this regard, there would be a sufficient mix of detached, semi-detached and terraced houses. Moreover, the range of 14 different house types would help to provide a distinctive layout and streetscapes with identity. All of the proposed houses would be two storeys in height.

The houses and associated areas of ground, in their proposed groupings, orientations, and layout would mainly be consistent with the principles of 'Home Zones' as set out in the Council's Design Standards for New Housing Areas, as would be the proposed layout of roads, pathways, and parking spaces. The proposed provision of frontage boundary hedges would define front gardens and would focus attention on the streets. In this regard the proposed development is consistent with the Council's Design Standards for New Housing Areas.

The layout proposed is generally informal and has designed into it some intrinsic interest. The proposed houses, due to their positioning on the application site and by virtue of their height, size and scale would integrate with the other houses approved for the allocated Mains Farm site. The use of render as the predominant wall finish would respect the existing built form of the housing to the north of Grange Road, which features render as the predominant wall finish. Some of the houses would also feature limited use of reconstituted stone. Again, this is an external finish common to other houses in the area and, with its relatively limited use, would again respect the existing built form of the local area.

The proposed residential development would provide an attractive residential environment. The houses are shown to be laid out in such a way that adheres to the normally accepted privacy and amenity criteria on overlooking and overshadowing, whilst affording the future occupants of the houses an appropriate level of privacy and residential amenity.

The application site is capable of accommodating all of the development detailed for it to a pattern and of a density consistent with existing patterns and densities of housing development in the area.

The proposed positioning of the 110 houses and other components of the development would not prejudice the form of development of the remainder of the 420 houses approved in principle by the grant of planning permission in principle 13/00227/PPM.

The Council's Landscape Project officer raises no objection to the proposed development, being satisfied that the proposed scheme of landscaping is acceptable. The implementation of the proposed scheme of landscaping can be secured by a condition imposed on the approval of matters specified in conditions for the proposed housing development.

The Council's Environmental Protection Manager has no comments to make in respect of the proposed development.

On all of these foregoing findings on matters of design, density, layout, landscaping and amenity the details submitted for approval are consistent with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), Policies DP1, DP2 and DP24 of the adopted East Lothian Local Plan 2008, the Council's Design Standards for New Housing Areas and generally with the approved joint development framework for Mains Farm and Gilsland, North Berwick.

The Masterplan and Masterplan Document docketed to planning permission in principle 13/00227/PPM indicate how areas of formal and informal open space could be located

throughout the allocated housing site. This includes two principal areas of open space: a linear park that would be centrally located to the south of Grange Road and a countryside park that would be formed over the southern part of the site.

The site that is the subject of this approval of matters specified in conditions application does not include the land shown on the docketed Masterplan and Masterplan Document as being the locations for the two principal areas of open space. The proposed development does however include small informal areas of open space, consistent with the docketed Masterplan and Masterplan Document.

The Development Framework requires the provision of equipped play facilities for toddlers, 5-10 year olds, and teenage age groups. In response to this, the docketed Masterplan and Masterplan Document show that a Neighbourhood Area Equipped for Play could be located on the eastern part of the site and a Local Area Equipped for Play could be provided on the northern edge of the countryside park. Neither of these play areas are within the area of the site that is the subject of this approval of matters specified in conditions application. Consequently, although the proposed development does not include the provision of a play area, this is consistent with the docketed Masterplan and Masterplan Document.

Paragraph 2.6 of the "Design Standards for New Housing Areas", approved by the Council on 10th March 2008, states that new housing development must create a hierarchical, permeable and interconnected street layout that complements and should extend the surrounding street pattern. Such layouts spread vehicle traffic evenly through a site and to the surroundings, help prevent localised traffic congestion, and encourage walking and cycling. Proposed street layouts must maximise connections within the site and to surrounding streets, and ensure the movement requirements of the development strategy are met. By the design and arrangement of street types, street layouts must influence vehicle drivers preferred route choice to ensure the tertiary streets between residential blocks are less busy. In paragraph 2.9 it is stated that Home Zones must be introduced to new development as part of a hierarchical, permeable and interconnected street layout.

The principles of the means of accessing of the proposed housing are already decided by the grant of planning permission in principle 13/00227/PPM. These are that vehicular access to the housing development of 420 houses should be taken from Grange Road, by way of two new access points, one being a priority junction positioned close to the northeast corner of the site, the other a priority junction positioned opposite the existing junction of Grange Road and Green Apron Park. Additionally, vehicular access to the housing development should be taken directly from the realigned Haddington Road.

The submitted details for accessing the proposed 110 houses are in accordance with these established principles of the means of accessing the housing development of 420 houses.

The Council's Road Services raise no objection to the submitted details. They do however make recommendations on the standards of provision.

They recommend that:

(i) a supplementary construction method statement should be provided for the site to expand on that already provided and controlled through 13/00227/PPM. This should take account of routes to the site from the main access onto Haddington Road and include potential delivery restrictions to take account of the new access to be formed to the Law Primary School, also from Haddington Road;

(ii) access to the private parking courtyards serving plots 89 to 95 and 124 to 126 should be widened to 5 metres to enable adequate two way movement of vehicles over the access's;

(iii) Three additional visitor parking bays are required in the vicinity of plots 119 to 126;

(iv) all footpaths and cycle paths as connections from a zone under construction to existing pedestrian/cycle routes should be constructed to an adoptable standard before the occupation of any of the residential units of the particular zone;

(v) all carriageway and footway/ footpath connections must meet with existing links to adjacent sites, both horizontally and vertically; and

(vi) wheel washing facilities are provided during the construction phase of the housing development.

Road Services are generally satisfied with the number and layout of car parking spaces proposed for the housing development. They do however recommend that:

(i) driveways should have minimum dimensions of 6 metres by 2.5 metres. Double driveways should 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 should be 2.5 metres by 5 metres. All visitor parking spaces within these areas should be clearly marked for visitors with the remaining private parking spaces allocated to individual dwellings; and

(iii) all prospectively adoptable parking bays (i.e. that will form part of the public road) should have minimum dimensions of 2.5 metres by 6 metres.

All of these requirements can reasonably be made conditions of the approval of matters specified in conditions for the proposed housing development.

On these foregoing transportation and other access considerations the proposed residential development is consistent with Policies T2, DP20 and DP22 of the adopted East Lothian Local Plan 2008.

The mechanism of a financial contribution towards additional educational provision in North Berwick for a housing development of 420 houses has already been secured through the grant of planning permission in principle 13/00227/PPM.

The mechanism of the provision within the residential development of 25% affordable housing (i.e. 105 units from the total of 420) is already secured through the grant of planning permission in principle 13/00227/PPM.

The matter of site drainage was considered through the determination of previous application 13/00227/PPM. The Masterplan and Masterplan Document docketed to planning permission in principle 13/00227/PPM indicate how a sustainable urban drainage scheme (SUDS) pond would be formed within the northern part of the site to attenuate the flow of surface water run-off. The Scottish Environment Protection Agency raise no objection to the details of the 110 houses now proposed.

Scottish Water were consulted on the planning application but have not commented on it.

RECOMMENDATION

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 The external finishes of the houses 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, 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. All such materials used in the construction of the houses 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.

- 3 Prior to the commencement of development details of the timescales for the provision of all boundary enclosures to be erected on the application site shall be submitted to and approved in advance by the Planning Authority.

Development shall thereafter be carried out in full accordance with the details so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure the satisfactory provision of the boundary enclosures in the interest of safeguarding the visual amenity of the area and to safeguard the privacy and amenity of residential properties nearby.

- 4 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 and to improve the biodiversity value of the area.

- 5 Prior to the occupation of the last residential unit hereby approved, the proposed access roads, parking spaces, and footpaths shall have been constructed on site, in accordance with the docketed drawings and the transportation conditions specified below. 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 shall not be adapted or used for other purposes without the prior written approval of the Planning Authority.

Reason:

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

- 6 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.

- 7 Prior to the commencement of development, details showing compliance with the following transportation requirements shall be submitted to and approved in writing in advance by the Planning Authority.

(i) a supplementary construction method statement shall be provided for the site to expand on that already provided and controlled through planning permission in principle 13/00227/PPM. This shall take account of routes to the site from the main access onto Haddington Road and include potential delivery restrictions to take account of the new access to be formed to the Law Primary School, also from Haddington Road;

(ii) access to the private parking courtyards serving plots 89 to 95 and 124 to 126 shall be widened to 5 metres to enable adequate two way movement of vehicles over the access's;

(iii) three additional visitor parking bays shall be provided in the vicinity of plots 119 to 126;

(iv) all footpaths and cycle paths from a zone under construction to their connections to existing pedestrian/cycle routes shall be constructed to an adoptable standard before the occupation of any of the residential units of the particular zone;

(v) driveways shall have minimum dimensions of 6 metres by 2.5 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 m length;

(vi) 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;

(vii) all prospectively adoptable parking bays (i.e. that will form part of the public road) shall have minimum dimensions of 2.5 metres by 6 metres. This can be reduced to a minimum length of 5 metres on the proviso that there is adequate road space to manoeuvre in adjacent to the parking bay; and

(viii) all carriageway and footway/ footpath connections shall meet with existing links to adjacent sites, both horizontally and vertically.

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

Reasons:

In the interests of road and pedestrian safety.

REPORT TO: Planning Committee
MEETING DATE: Tuesday 2 February 2016
BY: Depute Chief Executive
(Partnerships and Community Services)
SUBJECT: Application for Planning Permission for Consideration

4

Note - this application was called off the Scheme of Delegation List by Councillor McMillan for the following reason: to allow the committee to discuss the interpretation of DC1 in terms of impact, proximity etc. as expressed in the report.

Application No. **15/00541/P**
Proposal Erection of poultry building
Location **Howden Farm
Gifford
East Lothian
EH41 4JS**
Applicant Douglas Scott
Per JTS (Construction) Ltd
RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

This application relates to a part of the agricultural land of Howden Farm, in a countryside location to the west of the village of Gifford. The application site is situated some 300m metres to the south of the existing agricultural steading and other agricultural buildings of Howden Farm and some 330 metres to the southwest of the residential properties of Howden Cottages. It is some 0.15 hectares in area.

The site is bounded to the north by other agricultural land with the B6368 public road and Howden Farm and Howden Cottages beyond, to the east by agricultural land with the residential property of Muirwood some 350 metres to the northeast, to the west by Howden Wood and to the south by agricultural land. On the agricultural land to the north is an existing agricultural building subject to planning permission REF 10/00680/P.

Planning permission is sought for the erection on the application site of a poultry shed and for associated works including the formation of an access and of a swale. The proposals would also require the erection of fencing to surround a free range roaming area. For clarity, the fence and swale as proposed are categorised as permitted development under The Town and Country Planning (General Permitted Development)

(Scotland) Amendment Order 2011, and so do not form the subject of the determination of this application. In addition, the use of the agricultural field as a free range roaming area does not constitute a change in use as it would remain in agricultural use, and as such does not form the subject of the determination of this application. The site would be accessed directly from an existing access that has been formed in the north roadside boundary to serve the agricultural building to the north of the site.

The proposed chicken shed would be rectangular in shape and would measure some 92.5 metres in length, 16.0 metres in width and some 5.34 metres in height from ground level to the ridge of its pitched roof. It would be constructed of composite panel cladding. The ridge of the roof would be punctuated by four ventilation extracts, each some 1 metres in height. These would be spaced at regular intervals on the ridge. Three ventilation fans would be installed in its north elevation and three large roller shutter doors would be formed in that elevation. Thirty air vents, three pedestrian access doors and one roller shutter door would be formed in its west elevation. A further thirty air vents, two pedestrian access doors and thirty pop vents would be formed in its east elevation. On part of the land directly adjacent to the right hand side of the west elevation, two feed storage bins would be erected. The feed storage bins would each be some 5.4 metres high.

The roof and walls of the proposed chicken shed would all be clad with composite panels, to be finished in 'Juniper' green. The feed storage bins would also be finished in 'Juniper' green. No colour has been specified for the roller shutter doors, feed bins or other openings.

A vehicular access to the road at the north of the site would be formed via a hardcore track that would join onto the existing agricultural building at the northern edge of the proposed site. The site would be enclosed by a 2.0 metres high stock proof wire and timber post fence with similar gates to allow access.

The proposed development would be used for a free range chicken egg laying operation. At any one time some 16,000 hens would be housed with the poultry shed. The production cycle for birds would last 13 months, with eggs to be collected 3 times weekly. The proposed operation would be run by the applicant, Howden Farm.

Supporting noise, dust, odour, light, and water contamination plans have been submitted subsequent to the application being registered.

Subsequent to the registration of the application, revised drawings showing amendment of the location of the proposed building in relation to Howden Wood, along with details of tree planting, swale and fencing have been submitted.

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

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

Relevant to the determination of the application are Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies DC1 (Development in the Countryside and Undeveloped Coast), DP1 (Landscape and Streetscape Character), DP2 (Design), DP14 (Trees on or Adjacent to Development Sites), T2 (General Transport Impact) and NH3 (Important Local Biodiversity Sites) of the adopted East Lothian Local Plan 2008.

Thirty written objections have been received. The grounds of objection are as follows:

- i. The setting of Bankrugg will be negatively affected due to the visual impact of the proposed development together with its elevated position
- ii. There is an insufficient specific information submitted with regards to noise levels
- iii. Concerns have been expressed over foul drainage and effluent entering the local water bodies
- iv. The description of the proposal is vague
- v. An Environmental Impact Assessment should have been carried out.
- vi. The proposal constitutes a departure from policy DP1 of the adopted East Lothian Local Plan 2008
- vii. Concerns have been expressed over light pollution to nearby houses
- viii. The information provided in management plans is not site specific and is inconsistent
- ix. The proposed screening to be planted to the east will be too low, will take a long time to become mature and will not be effective
- x. Concerns have been expressed over smell from the proposed swale
- xi. Nearby property values will decrease
- xii. Concerns have been expressed over expansion of the farm should approval be granted
- xiii. Concerns have been expressed over impact on local wildlife, including badgers and bats
- xiv. There has been no notification or neighbourhood consultation
- xv. There will be detrimental impact on road safety due to increased traffic
- xvi. Concerns have been expressed over how dead birds will be disposed of
- xvii. A separate application should be considered for the running of a poultry business
- xviii. Any manure being transported will be malodorous
- xix. Concerns have been expressed over effects upon the health of local residents due to caustic odours
- xx. There is no information submitted with regards to a complaints procedure
- xxi. The poultry shed is directly up wind of residents and therefore will exacerbate any nuisance odours
- xxii. Due to the design of the building, malodour will be directed towards neighbours
- xxiii. Concerns have been expressed over the proximity of the free range roaming area to nearby residential properties and associated noise and smell
- xxiv. No surveys or analysis of odour or air pollution have been carried out
- xxv. Concerns have been expressed over biosecurity along with no information submitted with respect to a possible outbreak of avian flu
- xxvi. The proposal contravenes the Scottish Government Code of Good Practice
- xxvii. There is no information regarding the monitoring of dust/noise/light pollution and who will be responsible for ensuring it is adhered to
- xxviii. The proposal will set a precedent for further development of a similar nature in the area
- xxix. The management plans are poorly justified in terms of 'likelihood of impact'
- xxx. A lack of supporting documents, namely 'How to comply- Intensive Farming'
- xxxi. Litter being stored in trailers outside will be malodorous
- xxxii. Management plans are not compiled by a competent authority.

Humbie, East and West Saltoun and Bolton Community Council, as a consultee, neither objects to nor supports the proposed poultry shed development.

The community council state that they are in principle, supportive of the applicants wish to diversify in order to secure an alternative source of income, and that this is essential to the long term survival of East Lothian's farming community. However, they consider that the necessary reassurance that measures will be put in place to ensure there is no

unacceptable noise or odour nuisance from the proposed development has not been provided. The community council were unable to find existing examples of egg production units within 400m of residential properties and therefore has been unable to reassure itself that the measures proposed in the supporting management plans will be sufficient to protect the adjacent residential properties from any emissions of odour and noise nuisance.

In respect of some of the points raised by objectors and the Community Council the following responses are given.

The drawings and other documentation submitted with the application subsequent to registration are an accurate and sufficient basis to enable a full planning assessment to be made of the development proposal.

The proposed development is below the threshold (60,000 hens) at which such an operation would be a form of development categorised as a Schedule 1 development by the Environmental Impact Assessment (Scotland) Regulations 2011. As the proposed development is for an Intensive Livestock Installation exceeding 500 square metres in floorspace it falls under Schedule 2 of these Regulations. East Lothian Council has issued a screening opinion for this proposed development to the effect that as a Schedule 2 development the proposal is unlikely to have such significant effects on the environment that an Environmental Impact Assessment is required. Consequently the proposed development is not the subject of an Environmental Impact Assessment. That specific screening opinion relates to a pre-application proposal put to the Council by the applicant for the siting of the chicken shed development. The details of the application registered remain the same.

The proposed development by its site area of less than 2 hectares and floor space of less than 5000 square metres is a local development type as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. There are no statutory requirements for pre-application public consultation for a local development type proposal. The application was validated, registered and subject to neighbour notification by the Council, all in accordance with statutory requirements. The application was advertised as a Bad Neighbour Development (BND) in the local press and by site notice for a period of 21 days from 18/09/2015 to 09/10/2015.

The swale would be used to collect rainwater run-off from the roof of the proposed chicken shed, and as such would not contain any effluence. The inclusion of a swale for this purpose would be in line with guidance contained in the Scottish Environment Protection Agency's (SEPA) guidance document entitled 'Prevention of Environmental Pollution from Agricultural Activity (PEPFAA) Code'. The developer would require to comply with the relevant SEPA drainage regulations and requirements. In respect of the use of the proposed poultry shed, it is below the 40,000 bird threshold requiring a SEPA permit. As such, matters of noise, dust and odour require to be regulated by the Council's Environmental Health Service.

A perceived reduction in nearby property values as a consequence of a proposed development is not a material planning consideration in the determination of this application.

Were planning permission to be granted for the proposed chicken shed development, a subsequent extension to the development would require to be the subject of an application for planning permission and thus subject to the control of the Council as Planning Authority.

The methods of managing risks of infection and avian flu, as well as disposal of dead birds are controlled by legislation other than planning legislation and are not material planning considerations in the determination of this application.

What is proposed in this planning application is an agricultural use in accordance with the definition of agriculture given in Section 277 of the Town and Country Planning (Scotland) Act 1997.

In that the proposed chicken sheds development is for agricultural use in the operation of an existing farming enterprise at Howden Farm the principle of this proposed development in the countryside at Howden Farm has an operational requirement for its proposed location. On this consideration the proposed development, in principle, complies with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan) and Policy DC1 of the adopted East Lothian Local Plan 2008.

Part 5 of Policy DC1 of the adopted East Lothian Local Plan 2008 requires that, where acceptable in principle, development should thereafter be compatible with its surroundings, minimise landscape impact, have no significant adverse impact on nearby uses, minimise the loss of prime agricultural land and suitable access and infrastructure is or can be made available.

Only some 0.15 hectares of agricultural land would be used for the development. Moreover, the application site would still be an agricultural use of the land. On this consideration the proposed development does not conflict with Part 5 of Policy DC1 of the adopted East Lothian Local Plan 2008.

The proposed chicken shed would be a new build element in the landscape of the area. The proposed feed bins, as part of this new build element would be higher than the ridges of the proposed chicken sheds by some 1.0 metres. However, the buildings and silos would be positioned adjacent to the existing modern farm building under ownership of Howden Farm, subject of planning permission (REF 10/00680/P). It would be a modern agricultural building set in the context of a local landscape of agricultural fields and buildings. It would not be unusually high for a modern agricultural building. In views of the site from the east, and long distance views from the south the proposed building would be viewed in conjunction with that existing building and against Howden Wood. From the north and west views of the building would be screened by changes in land levels and by intervening trees and woodland of Howden Wood. Due to the high hedgerows along the public roads in the locality such longer views would often be glimpsed views only. In such a setting the proposed poultry shed would not visually impose itself on its surroundings, including residential uses.

So positioned and designed the proposed poultry shed and feed bins would be an integral built form of agricultural buildings and structures functionally and positionally related to the existing farm operation and related buildings owned by Howden Farm. By this, the context of their landscape setting and by their size, height, materials and proposed colours they would not be untypical for their countryside location and would not be harmfully incongruous or obtrusive features. They would be in keeping with and would not be visually harmful to the character and appearance of this part of the East Lothian countryside.

On matters of landscape and visual impact, the Council's Landscape Projects Officer raises no objection to the proposals. It is observed that given its dark green colour and long low nature, the building will be in scale with the surrounding land use. In addition it is noted that the visual impact of the proposed building and fencing would be greatly reduced by the existing stone boundary to the east and south of the site, along with the

woodland and woodland strips to the north and west. At the request of the Landscape Projects Officer, drawings submitted subsequent to registration show the relocation of the proposed hardcore access track along the west side of the proposed building, at a minimum distance of 1.5 metres away from the strip of woodland to the west known as Howden Wood. The Landscape Projects Officer is now satisfied that the built development will not harm this important woodland strip. In response to a similar request the applicant submitted a scheme of planting within the range area of the proposed development, which would serve to provide a screening effect for the proposed building. This scheme of planting is supported by the Landscape Projects Officer and can be made the subject of conditions on the grant of planning permission.

No details are given of lighting for the site. Given its proposed countryside location and relative to houses in the area, the Council's Environmental Protection Manager states that the design and construction of any proposed artificial lighting should take account of the Guidance contained within Annex 1 to Appendix 2 of Scottish Government Guidance to Accompany the Statutory Nuisance Provisions of the Public Health etc (Scotland) Act 2008. In order to minimise the possibility of loss of amenity for occupiers of residential properties in the area from potential light pollution, the Environmental Protection Manager recommends that light trespass (into windows) of neighbouring residential properties, measured as Vertical Illuminance in Lux, (Ev), not exceed 5 between the hours of 0700-2300 and not exceed 1 between the hours of 2300-0700.

These recommendations can be made the subject of conditions on the grant of planning permission.

Subject to the above controls of planting and lighting the proposed development, on these considerations of landscape and visual impact is, as relevant, consistent with Policies DC1 (Part 5), DP1 and DP2 of the adopted East Lothian Local Plan 2008.

The Council's Roads Services raise no objection to the proposed development but recommends that the first 15 metres of the new access track be hard formed to prevent loose material from entering the road. In addition it is recommended that a Construction Method Statement to minimise the impact of construction activity be submitted to the Planning Authority, prior to commencement of development.

These recommendations can be made the subject of conditions on the grant of planning permission.

Subject to these recommendations being met through conditions of a grant of planning permission, the proposed development is consistent with Part 5 of Policy DC1 and Policy T2 of the adopted East Lothian Local Plan 2008.

The application site is not in close proximity to any predominantly residential areas defined by Policy ENV1 of the adopted East Lothian Local Plan 2008. There are, however, residential properties in the area of the site.

The proposed poultry shed building would be some 280 metres to the south west of the residential property of Muirwood, the residential property closest to the application site and 330 metres to the southwest of the residential properties of Howden Cottages. It would be some 315 metres away from the houses of Miandall and Struie. It would be some 363 metres at a minimum south west of the group of houses that consist of 2 Bankrugg Farm Cottage, Bankrugg House, Howburn House, The Storehouse, The Granary, The Old Dairy, Newhall and Bankrugg Farmhouse.

Composite panel construction would be used for the walls and roofs of the proposed poultry shed. The Noise Risk Assessment and Management Plan submitted with the application has been the subject of detailed discussions with officers of the Council's Environmental Protection service. The Environmental Protection Manager raises no objection in respect of noise from the operation of the proposed development.

In order to minimise the possibility of loss of amenity for occupiers of nearby residential properties due to operational plant or machinery noise the Environmental Protection Manager recommends that:

- (i) the noise rating level, measured as LArTr of noise associated with any plant or equipment within the proposed building, when measured 3.5 metres from the facade of any neighbouring residential property, be no more than 10 dB(A) above the background noise level LA90T, all in accordance with BS 4142:1997 Method for rating industrial noise affecting mixed residential and industrial areas; and
- (ii) any plant or equipment within the proposed building be designed and constructed so that noise emanating from there not exceed Noise Rating Curve NR20 at any octave band frequency when measured within any neighbouring residential property, assuming windows open at least 50 mm.

These recommendations and a requirement to operate in accordance with the Noise Management Plan, can be made the subject of conditions on the grant of planning permission.

In terms of nuisance odours, Paragraph 13.14 of the Scottish Government publication the Scottish Executive Code of Good Practice, Prevention of Environmental Pollution from Agricultural Activity states that; "When designing new buildings, consider their siting in relation to residential accommodation, and avoid sites within 400m of such developments. Where possible, sites downwind of residential areas should be chosen."

With regard to this Government guidance the material consideration is whether or not the siting of the proposed chicken sheds development less than 400 metres from the nearest residential properties in the locality would result in odour emissions having a harmful impact on the amenity of residents of those properties.

The Council's Environmental Protection Manager raises no objection to the proposed development in respect of potential odours from the operation of the proposed development.

In order to minimise the possibility of loss of amenity for occupiers of nearby residential properties due to associated odours, the Environmental Protection Manager recommends that an appropriate Odour Management Plan (OMP) be implemented from the time of commencement of operation of the chicken shed development. If odour issues were to arise, the Environmental Protection team would investigate. That team has existing powers under Statutory Nuisance regime to deal with any odour nuisance. The applicant has subsequently submitted an OMP which satisfies the requirements of the Environmental Protection Manager.

The Environmental Protection Manager therefore raises no objection to the proposed chicken sheds development in respect of the potential impact of odour emissions.

The operation of the development in accordance with the approved Odour Management Plan can be made the subject of conditions on the grant of planning permission.

Complaints from local residents are likely if dust becomes apparent at their homes. Visible dust on window sills, the paintwork of cars, on washing hanging out to dry, and on vegetation will be a source of annoyance.

The Environmental Protection Manager raises no objection to the proposed chicken shed development in respect of potential dust emissions. He advises that the imposition of a condition on the grant of planning permission requiring the implementation of a dust management plan, the details of which should be subject to the prior approval of the Planning Authority, would be sufficient control. The applicant has subsequently submitted a Dust Management Plan which satisfies the requirements of the Environmental Protection Manager.

The operation of the development in accordance with the approved Dust Management Plan can be made the subject of conditions on the grant of planning permission.

Subject to the above controls, the proposed development would not, through impacts of odour emissions and air quality, noise, or dust, be harmful to the amenity of the occupants of nearby residential properties it is consistent with Policies DC1 (Part 5) of the adopted East Lothian Local Plan 2008.

The application site is directly adjacent to the area of ancient woodland known as Howden Wood. Initially the Council's Biodiversity Officer raised concerns over the use of adjoining woodland as part of the free-range chicken area. He advises that the woodland contains various 'ancient woodland indicators' (plants that are known to represent long-established and so 'better quality' woodlands). He adds that chickens will progressively erode the vegetation of the woodland through scratching and pecking should they be free to enter, resulting in a significant negative impact not only on woodland ground flora but also on other wildlife communities in the wood. He therefore recommended that chickens must be actively excluded from the woodland. Subsequently the applicant submitted updated drawings showing the addition of a wire fence to be erected around the perimeter of the free range area. The details submitted satisfy the requirements of the Biodiversity Officer subject to a condition of any planning permission that the fence be erected prior to the shed being used for housing chickens, in order to protect the biodiversity of the woodland.

These recommendations can be made the subject of conditions on the grant of planning permission.

The Biodiversity Officer advises that Bats are highly likely to be present in this area, potentially roosting in the wood, but certainly roosting in nearby buildings and foraging along the woodland edge. He advises, however, that the proposal will not have any impact on the local bat population, adding that the building will not remove roosting potential and there would not be a negative impact on invertebrate (bat food) availability.

The Biodiversity Officer advises that upon inspection no badger setts were to be found nearby to the application site, and therefore the proposals are unlikely to have any impact upon badgers.

On these considerations of natural heritage and biodiversity the proposed development would not conflict with Policy NH3 of the East Lothian Local Plan 2008 or with Scottish Planning Policy.

CONDITIONS:

- 1 All planting comprised in the "Tree planting specification – Planting stock requirement" schedule docketed to this planning permission shall be carried out in the first planting and seeding season following the completion of the building 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.

- 2 No external lighting shall be installed within the application site unless in accordance with details of it submitted to and approved in advance by the Planning Authority. Any such lighting shall be positioned and designed to ensure that no light from within the site spills beyond the boundaries of the site and shall meet the following requirement:

Light Trespass (into windows) of neighbouring residential properties, measured as Vertical Illuminance in Lux, (Ev), shall not exceed 5 between the hours of 0700-2300 and shall not exceed 1 between the hours of 2300-0700.

Reason:

In order to minimise the possibility of loss of amenity for occupiers of residential properties in the area due to light pollution.

- 3 The noise rating level, measured as LArTr of noise associated with any plant or equipment within the proposed building, when measured 3.5 metres from the facade of any neighbouring residential property, shall be no more than 10 dB(A) above the background noise level LA90T, all in accordance with BS 4142:1997 Method for rating industrial noise affecting mixed residential and industrial areas; and

(ii) any plant or equipment within the proposed building shall be designed and constructed so that noise emanating from there shall not exceed Noise Rating Curve NR20 at any octave band frequency when measured within any neighbouring residential property, assuming windows open at least 50 mm.

Reason:

In order to minimise the possibility of loss of amenity for occupiers of residential properties in the area due to operational plant or machinery noise.

- 4 The poultry shed hereby approved shall be operated in strict accordance with the Noise, Odour and Dust Management Plans docketed to this planning permission, unless otherwise approved by the Planning Authority.

Reason:

In the interests of the amenity of residents of the area.

- 5 No use shall be made of the access hereby approved unless and until the first 15 metres of the access onto the public road of the B6368 has been hardsurfaced to prevent loose materials entering the public road and thereafter shall remain hard surfaced.

Reason:

In the interests of road safety.

- 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 work.

Reason:

In the interests of road safety.

- 7 Prior to the chicken shed development hereby approved being brought into operation, the 2 metres high stock proof fencing as indicated on the plans docketed to this planning permission shall be installed in accordance with those plans and thereafter will be retained for the duration of the poultry shed operation .

Reason:

In order to protect the biodiversity of the area of ancient woodland known as Howden Wood from erosion through scratching and pecking of free range chickens.

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