



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

**WEDNESDAY 29 MARCH 2017
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Committee Members Present:

Councillor N Hampshire (Convener)
Councillor J Caldwell
Councillor D Berry
Councillor S Currie
Councillor J Gillies
Councillor J Goodfellow
Councillor D Grant
Councillor W Innes
Councillor P MacKenzie
Councillor J McNeil
Councillor J Williamson
Councillor T Trotter

Other Councillors Present:

Councillor F McAllister (item 6)

Council Officials Present:

Mr I McFarlane, Service Manager – Planning
Mr D Proudfoot, Head of Service, Development
Ms E Wilson, Service Manager – Economic Development and Strategic Investment
Mr D Irving, Senior Planner
Mr K Dingwall, Team Manager, Planning Delivery
Mr C Clark, Principal Environmental Protection Officer
Mr M Greenshields, Transportation Planning Officer
Mr G Talac, Transportation Planning Officer
Ms C Molloy, Legal Team Leader
Mr E Bean, Planner
Ms A Stewart, Housing Enabler
Ms L McLean, Service Manager – Strategic Asset & Capital Plan Management

Clerk:

Ms S Birrell (items 1-4)
Ms F Currie (items 5-10)

Visitors Present:

Item 2 – Mr E Macintyre, Mr R Gill
Item 3 – Mr S Henderson, Ms S Boyle, Mr A Gibson, Mr J Swift
Item 4 – Mr D Sayers
Item 5 – Ms C Semple, Mr I Slater

Item 6 – Mr S Mackay, Councillor F McAllister
Item 10 – Mr J Parker, Ms C Dora, Mr C Stevenson, Mr P McLean

Apologies:

Provost L Broun-Lindsay
Councillor S Brown
Councillor A Forrest
Councillor K McLeod
Councillor J McMillan

Declarations of Interest:

Councillor Trotter declared an interest in Item 3 and confirmed he would be leaving the chamber for this part of the meeting

Councillor Grant declared an interest in Item 5 as a non-executive board member of NHS Lothian, but advised that he would take part in the debate for this item.

1. MINUTES FOR APPROVAL: PLANNING COMMITTEE, DATE 7 MARCH 2017

The minutes of the meeting of the Planning Committee of 7 March 2017 were approved.

2. PLANNING APPLICATION NO. 16/00552/PM: ERECTION OF 87 HOUSES, 20 FLATS AND ASSOCIATED WORKS ON LAND TO THE WEST OF ABERLADY

A report was submitted in relation to Planning Application No. 16/00552/PM. Mr McFarlane, Service Manager for Planning, presented the report, outlining that the application had been brought to Committee automatically due to its being a major application. The site forms part of the proposed Local Development Plan. He briefed Members on the design of the proposed development, emphasising that single storey housing, open areas of ground and spaces between the houses would all serve to minimise visual impact.

Councillor Currie asked about the status of this application, if the Reporter rejected this part of the Local Development Plan. Mr McFarlane assured him that consent from this Committee would be taken into account, and that given the location and scale of the proposal it would not be considered premature or prejudicial to the Examination of the Proposed LDP that the Committee were considering this application at this time.

Councillor Berry asked questions regarding the inclusion of a roundabout, to link the site with the A198, and the possibility of creating of a two lane road on Kirk Road, between Tranter Road and Glenpeffer Avenue, instead of the recommended inclusion of three additional passing places. Grant Talac, Transportation Planning Officer, confirmed that the traffic assessment's findings had been satisfied with the junction's design and road widening, as stated in the report, had been considered sufficient. He added that the Transportation team would look to managing speed restrictions in the area.

In response to a further question from Councillor Berry, Esther Wilson, Service Manager, Economic Development and Strategic Investment, reported that East Lothian Council's Housing Services were content with the location of affordable housing within the site.

Councillor Goodfellow asked several questions about the traffic assessment. Mr Talac advised that the assessment had been carried out during peak hours, with the assumption that commuter traffic would mostly move towards Edinburgh. He reiterated that existing traffic calming measures, and those outlined in the report had been deemed sufficient. Although the Council could look into further measures, further assessments would be required, and budgetary constraints would apply.

Councillor Goodfellow moved that an amendment should be added to the conditions for the grant of planning permission to insist that no affordable housing would be replaced by a commuted sum, and that this confirmation of the correct number of units would be brought back to a meeting of the Council. Councillor Berry seconded this amendment. Mr McFarlane asserted that consistency should be applied to the application of the Council's affordable housing policy which stated that housing could be provided on or off site, or replaced by a commuted sum.

Councillor McNeil asked about developer contributions outlined in the report in relation to transport infrastructure. Mr McFarlane clarified that these had been part of the ongoing work on the Local Development Plan, and were justified as cumulative impacts on transportation at both micro and macro level had been assessed.

In response to a final question from Councillor Caldwell, Mr McFarlane emphasised that the flooding risk to the site had been assessed by SEPA, and that further investigation had indicated that no additional run-off was required.

Ewan Macintyre, from EMA Architects, spoke in favour of the application. He explained that Crudens were an East Lothian Company invested in the local economy, involved in the work of East Lothian's new Construction and Technology Centre, and a sponsor of apprenticeship posts in the area. In presenting plans to community groups in Aberlady, they had been pleased with the feedback, but had modified designs to minimise the impact of the site on the locality. The heights of some of the houses had been reduced, and footpaths between the site and the surrounding area had been connected: the street elevations had been designed specifically for this site. In terms of affordable housing, the commuted sum would only apply to a fraction of a unit, which was part of the 25% required for the development. The vast majority of representations made regarding the application had therefore been addressed.

In response to a question from Councillor Goodfellow, Mr Macintyre stated that the owner of land to the West of Longniddry had agreed to speak to East Lothian Council concerning the possibility of a foot and cycle path which could link Aberlady to Longniddry, but that it had not been necessitated by this application.

Councillor Berry asked about the possibility of a two lane road at Kirk Road, and also whether land at Elcho Terrace could be utilised for access at a later date if the ownership of said land changed. Mr Macintyre agreed that if future owners would not require the land for their own access it could be retrofitted in this area.

In response to questions from Councillor MacKenzie regarding the possibility of a foot and cycle path to Longniddry Railway Station, the Convenor pointed out that East Lothian Council's Sport Countryside and Leisure Service had been asked to look into this potential project.

Mr R Gill spoke against the application, acknowledging that a great deal of work had gone into the recommendations which had mitigated the impact of the proposal. However, he still had concerns over the development. Traffic and speeding problems were exacerbated by the two bus stops in Aberlady which were utilised by children travelling to North Berwick High School: the resultant traffic situation could lead to an accident. He would recommend that a roundabout or a pelican crossing was included as part of the proposal. He agreed with reservations regarding pedestrian access along Kirk Road, which was single track with no pavement. He added that the applicant should be asked to contribute financially to a foot and cycle path linking Aberlady to Longniddry.

In response to questions from Councillor Goodfellow, Mr McFarlane reiterated that a contribution to the foot and cycle path had not been assessed as a requirement by the

Transportation team. With reference to the inclusion of a roundabout or pelican crossing, Mr Talac summarised that the transport assessment had carried out modelling on the proposed junction and had been satisfied with the proposed design, and there were plans to use the Road Safety Act to impose a 40mph limit in this area. It was confirmed that there was no requirement for further appraisal of this issue at this time.

Local Member Councillor Berry indicated that the scale of the development could be assessed as not greatly affecting the character of the village, but that he still had reservations around traffic. He expressed disappointment that the traffic assessment had only taken place during peak hours and recommended that an analysis of the full flow of traffic through the village was carried out. He moved that a second amendment should be added to the conditions for grant of planning permission, that Kirk Road between the junction of Tranter Road and Glenpeffer Avenue should be made into a two lane road with a separate pedestrian pathway. This amendment was seconded by Councillor MacKenzie.

Mr McFarlane pointed out that amendments to conditions would need to be proportionate to the development. The applicant commented that there was a cumulative effect on Kirk Road, but it was an issue they would be prepared to discuss further. In response to a question from Councillor Goodfellow, Mr McFarlane indicated that the Committee should consider whether amendments to conditions and planning obligations were reasonable and proportionate.

The Convenor agreed that there was potential to make improvements to the road but that in his view it would be the responsibility of the Council to make these improvements.

There was further discussion on the wording and proportionality of Councillor Berry's amendment.

Councillor MacKenzie moved that a third amendment should be added, to include within the conditions the completion of a foot and cycle path between Aberlady, through the Gosford Estate, to Longniddry. This amendment was seconded by Councillor Currie.

Local Member Councillor Goodfellow outlined that the application had been considered controversial but that the developer had worked hard to minimise the visual impact of the development. He agreed that Kirk Road had required improving, and that he would support the Council negotiating further with the applicant on this matter. With regard to affordable housing, he voiced his concern about the inclusion of a commuted sum, and reiterated his position that this should be brought back to a meeting of the Council.

Catherine Molloy, Legal Team Leader, provided further information on Councillor Goodfellow's proposed amendment concerning affordable housing, pointing out that the commuted sum referred to a fraction of a housing unit, and that from an operational point of view, the completion of a Section 75 agreement within a reasonable time frame could be compromised by the need to bring this item to a future meeting of East Lothian Council. She asked whether a commitment to keep Elected Members up to date with progress on this matter would be acceptable.

After further discussion on the matter, Councillor Goodfellow withdrew his amendment. The applicant was asked to confirm that the affordable housing would be built on the development site. The applicant stated that they were committed to providing 25% of the total housing as affordable housing, which amounted to 26.75 houses, and that a commuted sum had been offered in place of 0.75 units.

The Committee discussed the amendment proposed by Councillor Berry: to provide a two lane street between Tranter Road and Glenpeffer Avenue including pedestrian provision, in an agreement between the Council and the developer.

After questioning the applicant, the Convenor expressed reservations regarding the amendment. He agreed that improvements should be assessed for the area, but that it was not reasonable to do so through a planning application. Traffic issues that had been identified prior to the application were the responsibility of the Council. Councillor Innes warned that the application could be continued if this amendment was accepted.

The Convenor ruled that that the motion was out of order as there was no relevant information contained within the report which would allow for a full discussion of the amendment at this time.

The Committee discussed the amendment proposed by Councillor MacKenzie, that the conditions should include completion of a foot and cycle path through the Gosford Estate that would link Aberlady to Longniddry. The Convenor ruled that the amendment was irrelevant to the application, as there were no existing conditions relating to this point or information available to the Committee regarding the completion of said path.

The Convenor brought the discussion to a close, highlighting that the feasibility of a foot and cycle path would be assessed by East Lothian's Sport, Countryside and Leisure Department in negotiation with the relevant landowner.

The Convenor moved to the vote on the report recommendation:

For: 9

Against: 3

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 secure from the applicant:

(i) a financial contribution to the Council of £1,619,980 (£15,140 per residential unit) towards the provision of additional capacity at Aberlady Primary School and North Berwick High School.

(ii) 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.

(iii) a financial contribution to the Council for £91,319 towards the provision of required increased sports pitch capacity and play capacity

(iv) a financial contribution to the Council of £25,879 for road improvements to Salters Road Interchange and Bankton Interchange, Musselburgh town centre improvements and Tranent town centre improvements.

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 Aberlady Primary School and North Berwick High School, the lack of provision of affordable housing, lack of roads and transport infrastructure improvements and the lack of provision of play facilities, contrary to, as applicable, Policies INF3, H4 and C2 of the adopted East Lothian Local Plan 2008.

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 buildings shown in relation to the finished ground and floor levels on the site.

Reason:

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

- 2 Prior to the commencement of development a further Tree Survey and Arboricultural Constraints Assessment, including details of protection and mitigation measures shall be carried out for the trees at the junction of the A198 and The Pleasance and the junction of Elcho Terrace and Kirk Road.

The development hereby approved shall be carried out in strict accordance with a tree protection and mitigation plan that shall set out the protection and mitigation measures for the site as set out in the Tree Survey and Arboricultural Constraints Assessment docketed to this planning permission and that approved in writing by the Planning Authority as part of this condition.

Reason:

To ensure the retention of existing trees, in the interests of the visual amenity of the area.

- 3 No development shall take place until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping. The scheme shall include for:

Continuous hedge planting around the southwestern boundary of the site;

Hedge planting at the Kirk Road frontage;

Tree and hedge planting between the proposed houses to the south of existing houses at Elcho Terrace and The Pleasance;

Planting to the frontages of houses with integral garages to screen parking driveways;

Planting of native species trees of a variety of mixed species and with a sufficient number of large species;

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 accordance with a phasing plan to be submitted with the scheme of landscaping and any trees or plants which within a period of ten years from planting 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.

- 4 No development shall take place until the applicant has, through the employ of an archaeologist or archaeological organisation, secured the implementation of a programme of archaeological work (Trial Trench Evaluation (5%)) on the site of the proposed development in accordance with a written scheme of investigation which the applicant will submit to and have approved in advance by the Planning Authority.

Reason:

To facilitate an acceptable archaeological investigation of the site.

- 5 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 and thereafter shall be completed and brought into use in accordance with a phasing plan approved in writing in advance by the Planning Authority:

a) The proposed accesses onto both the A198 and Kirk Road shall be designed in accordance with the Design Manual for Roads and Bridges, Volume 6;

b) The existing footway along the A198 providing access to the bus stop on the western side of the A198 / The Pleasance junction shall be widened to 2metres;

c) The existing bus stop flag on the Edinburgh bound carriageway to the west of the A198 / The Pleasance junction shall be upgraded to include a shelter;

d) The existing bus stop flag on the North Berwick bound carriageway to the east of the A198 / The Pleasance junction shall be upgraded to include a shelter;

e) Dropped kerb crossing points shall be provided in close proximity to the A198 / The Pleasance junction to allow pedestrians to cross the road to the north side of the A198 to access walkways and bus stops;

f) A continuous 2 metre footway shall be provided along the southern side of the A198 to link in with the existing footway network from the A198 / The Pleasance junction towards Aberlady;

g) Raised Table traffic calming shall be constructed at the 2 priority junctions with Kirk Road;

h) The Section of Kirk Road on the Southern boundary of the village linking the proposed site to the A6137 Haddington Road is narrow and not suitable for the increase in 2 way traffic that shall be generated by the site. 3 vehicle passing places shall therefore be required to allow vehicles to pass one another without having to drive on the road verge;

i) The internal carriageway through the site in front of plots 11, 12, 23, 24,57 and 58 shall have a 2 metre wide footway on either side of the carriageway;

j) The remote footpath through the park area adjacent to the SUDS pond shall be constructed to an adoptable standard including street lighting;

k) The new roads junctions within the site shall have traffic calming measures to reduce vehicle speeds along the route in order to promote road safety. This shall include raised tables at junctions and crossing points with appropriate speed bumps at other locations;

l) Parking for the proposed residential elements of the development shall be provided at a rate as set out in the East Lothian Council Standards for Development Roads – Part 5 Parking Standards;

m) All access roads shall conform to ELC Standards for Development Roads in relation to roads layout and construction, footways & footpaths, parking layout and number, street lighting and traffic calming measures;

n) 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;

o) 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. 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 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) No part of the development shall be occupied until a Residential Green Travel Plan (GTP) has been submitted and approved by the planning authority in consultation with Road Services. The GTP shall have particular regard to provision for walking, cycling and public transport access to and within the site, and will identify the measures to be provided, the system of management, monitoring, review, reporting and duration of the plan;

r) 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; and

s) A detailed condition survey of the construction access route from the The Pleasance shall be jointly undertaken by the developer and East Lothian Council Road Services prior to commencement of the development. During the period of construction of the site a similar joint inspection shall be carried out to assess the condition of the route on the first anniversary of the commencement of the development and each subsequent anniversary thereafter. Any damage identified during the inspections as a result of construction activities shall be repaired or resurfaced by the applicant in compliance with the Council's specifications and requirements at no cost to the council as roads authority.

Reasons:

In the interests of road and pedestrian safety.

- 6 Prior to the commencement of development further details of the SUDS scheme shall be submitted for the approval of the Planning Authority:

demonstrating that the site has a neutral impact on runoff rates from the development site; and providing details of the SUDS Outfall Pipe Design and route.

Thereafter the SUDS system shall be constructed in accordance with the details so approved.

Reason:

In the interests of drainage and flood risk management.

- 7 Unless otherwise approved in writing by the Planning Authority, the external finishes of the development shall be as shown on the Materials Plan and elevation drawings docketed to this planning permission. Prior to the use of them on the development samples of all materials and finishes shall be submitted for the approval of the Planning Authority and thereafter the materials and finishes used on the development shall be as so approved.

Reason:

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

- 8 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 1 - 46 residential units
Year 2 - 34 residential units
Year 3 - 27 residential units

Should any completions be fewer per year than given above then the difference shall be added to the end of the 3 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.

- 9 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.

- 10 Prior to the occupation of the last house or flat hereby approved, the proposed access roads, parking spaces, and footpaths shall have been constructed on site in accordance with the docketed drawings.

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

Reason:
To ensure that adequate and satisfactory provision is made for access and parking in the interests of road safety.

- 11 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.

Before the Committee commenced item 3, there was a short discussion on the competence of amendments brought to Committee, during which Councillors were advised that amendments should be forwarded to the Clerk of the Committee and only moved at the meeting in exceptional circumstances. Councillors should consider amendments in planning terms: the reasonability and proportionality of the amendment with reference to the application. Councillors were also reminded that Planning Officers could be approached before the meeting to raise concerns without prejudicing their views on the planning application.

Sederunt: having declared an interest in Item 3, Councillor Trotter left the meeting.

3. PLANNING APPLICATION NO. 16/00328/PM: ERECTION OF 93 HOUSES, 20 FLATS, LANDSCAPING, SUDS AND ASSOCIATED WORKS ON LAND ADJACENT TO ORCHARDFIELD, EAST LINTON

A report was submitted in relation to Planning Application No. 16/00328/PM. Daryth Irving, Senior Planner presented the report, outlining the geographical nature of the application site, the variety of houses and flats which would be included, the new access road which would be created as part of the development, and that landscaping and SUDs provision had been included in the application plans.

In response to questions from Members, Mr Irving confirmed that access to the nearby railway line had been safeguarded. Mr McFarlane indicated that the assessment of health provision in the area was primarily a matter for the NHS, but also that any requirements which resulted from a need for further staff could not be considered in terms of requesting a financial contribution from the applicant, only any requirements for further infrastructure provision. The NHS raised no issues about its infrastructure provision. Mr McFarlane clarified that the application site had not been identified as having a significant enough impact on the road network to necessitate a financial contribution.

Mr Stuart Henderson, representing the applicant, Stewart Milne Homes, spoke in favour of the application. He drew the Committee's attention to 25-30 metres of planting along the western boundary which would include an integral footpath network. The application formed an interesting and engaging street scene, using with three different character areas based on East Lothian examples. The full 25% of affordable housing would be provided, and the development would make an important contribution to the shortfall in both housing and

affordable housing in East Lothian. Views from the site had been aligned with East Linton's standing stones, and incorporated open space. The houses would not break the Pencraig Hill skyline and framed views to North Berwick Law and Traprain Law. The development site was part of the Local Development Plan. The applicant had listened to feedback, ensuring that 2 and 3 bedroom homes were delivered, and had addressed concerns about potential overlooking.

In response to a question from Councillor Berry, the applicant's representative outlined the potential routes from the application site to the potential site of East Linton's Railway Station.

Noting concerns about traffic safety, the Convenor asked about the feasibility of a roundabout at the gateway to East Linton. The applicant had not been made aware of any proposals for a roundabout, and commented that the visual impact would be significant, and it was his opinion that it would be disproportionate to require this as part of the application. Councillor Currie pointed out that a roundabout had been created at the other side of East Linton specifically to minimise traffic speeds. The applicant referred to the traffic assessment and safety audit which had confirmed that proposals contained within the application would be safe. Councillor Innes noted his sympathy for the opinions of the Convenor, whilst recognising that the applicant should not be penalised for an existing traffic problem.

In response to a question from Councillor Goodfellow, the applicant confirmed that 25% of the housing would be affordable social housing. Ms Wilson confirmed that negotiations were ongoing but no commuted sum would be requested from the applicant.

In response to further questions regarding the feasibility of a roundabout at the gateway to the application site, Mr Talac related that the proposed junction had been assessed as satisfactory. However, a roundabout would have a positive impact in terms of the speed of traffic through East Linton. That said, it would incur a fundamental change to the development layout, because there were proposed houses and flats in close proximity to the junction. He confirmed that the roundabout at the east end of East Linton had been created for reasons of safety, and added that a roundabout at this location would be a good addition to the road network. Mr McFarlane reminded the Committee that it would be critical to assess whether a roundabout would be required to service the needs of the development. He emphasised that the assessment of Transportation Officers had been that it was not required.

Ms Sharon Boyle spoke against the application, representing Save East Linton from Excessive Expansion (SELEE). She voiced concerns about traffic utilising an already busy High Street, and the considerable impact on waiting times at the GP Surgery. She outlined the negative impact on tourism, remarking that East Linton's status as a conservation town had not been taken into account. She asked how an extension could be built onto East Linton Primary School, as the playground area was already smaller than recommended. She remarked that, apart from short term building work, the development would not bring employment into the area. She stated that the new access junction at the entrance to East Linton would not be safe. Generally, she felt that the development had not been well thought through, and that the community's views had not been taken into account.

Mr Alexander Gibson spoke against the application, representing the residents of Andrew Meikle Grove, which would border the proposed development. He asked whether a fence which could be damaged via use as a short cut could be screened by planting, and if the core path which would form the preferred route could be completed as soon as possible. He expressed disappointment that a play area originally included in the application plans had been removed, and recommended that it should be reinstated, or the residents of Andrew Meikle Grove should be compensated, or that East Lothian Council should take over the maintenance of the play area in that existing development. He outlined difficulties with the SUDS provision at Andrew Meikle Grove. He reported that at the current time there could be

up to a four week waiting time for a nurse's appointment at the GP Surgery in East Linton. He also voiced concerns over the proposed new junction.

In response to a question from Councillor Berry, Mr McFarlane explained that the current advice from Sport, Countryside and Leisure with regard to play areas was to ask for a commuted sum to enhance existing play areas rather than support the inclusion of a small play area within a new development of this scale. The Convenor informed Mr Gibson that the residents of Andrew Meikle Grove would be entitled to ask for removal of the play area on their site.

Mr Jonathan Swift spoke against the application, on behalf of Dunpender Community Council. The Community Council had agreed, as part of the Local Development Plan that 150 houses should be built in East Linton. Since that time, 54 houses had already been approved, in addition to building at Andrew Meikle Grove. He echoed concerns over the junction which he stated represented a significant risk. The protection of Great Crested Newts, which had the highest protection status, had fallen short of what had been required, and he had been disappointed that a further report on this matter had not been circulated. The Community Council would recommend continued monitoring, recording and reporting on the newts. He raised additional concerns over drainage, and the visual impact on East Linton. He added that modifications to the proposal had fallen far short of the Community Council's expectations.

Councillor Currie moved that this application should be continued until such time as the feasibility of including a roundabout at the entrance to East Linton between the A199 and the B1407 had been addressed. He felt that there would be a need to create a roundabout at this entrance to East Linton in the future and was concerned about the risk of a road traffic accident. Given advice previously supplied to Members regarding viability and the potential need for changes to the development's layout, he proposed continuation as a preferable option. The Convenor agreed that a significant amount of work would need to be carried out to determine if a roundabout could be included in the conditions within the application.

In seconding this motion, Councillor Innes referred to concerns raised by both Local Members and several representations from the community. He agreed that a roundabout in this area could be advantageous.

Councillor Caldwell asked if the applicant would be prepared to accept an additional condition for the inclusion of a roundabout. The Convenor pointed out that new plans would require to be prepared as it was likely that the layout of the proposals would need to be altered. Councillor Grant asked whether traffic lights and a junction would be preferable to a roundabout. The Convenor agreed that this should form part of a new traffic assessment.

Councillor Berry highlighted that, if approved, a significant amount of traffic would travel out from the new development and turn left. Elected Members believed that although the design had met the safety audit, a risk had been identified, and the possibility of a roundabout to preserve safety should be assessed.

There was no opposition to the motion to continue the application

Decision

The Committee agreed to continue the application until such time as the feasibility of including a roundabout at the entrance to East Linton between the A199 and the B1407 had been addressed.

4. PLANNING APPLICATION NO.17/00031/AMM: APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF PLANNING PERMISSION IN PRINCIPLE 15/00760/PPM – CONVERSION OF BUILDING TO FORM 3 HOUSES AND 18 FLATS, ERECTION OF 47 HOUSES, 57 FLATS AND ASSOCIATED WORKS, FORMER FIRE SERVICE TRAINING SCHOOL, GULLANE

A report was submitted in relation to Planning Application No. 17/00031/AMM. Mr Irving presented the report, outlining the history of the application, and the focus on conserving Henderson House as part of the development. He highlighted that of the 47 houses, 38 would have 5 bedrooms, 5 would have 4 bedrooms, and 4 would contain 3 bedrooms. 3 houses would be formed within Henderson House, 1 with 3 bedrooms and 2 with 3 bedrooms. Five flatted buildings would comprise a mix of 75 1, 2 and 3 bedroom flats. Access to the site would be via a new junction from Main Street or a second new junction from Muirfield Drive.

In response to questions from Members, it was confirmed that the development site was not part of a conservation area. An informal crossing point would be created by raised tables and tactile surfacing as part of the new junction. Trees planted near to existing properties would be small species varieties, in order to address concerns over potential damage to the foundations of nearby housing and loss of light. The routes that traffic would take to access and egress from the site were discussed in detail. Councillor Berry expressed concerns over the pressure on junctions accessing the A198. Mr Talac emphasised that the traffic assessment carried out as part of the application process had not assessed this as a problematic road layout.

Donald Sayers of JTP, the agent for the application, spoke in favour of the application. The historically significant Henderson House would be centralised within this housing development. He outlined the percentages of each type of house within the development, each of which had been specifically designed for this site. The Dunedin Group would be responsible for the full 25% of affordable housing included within the application. The proposals aligned with planning principles, where strong frontage would create a welcoming gateway to Gullane. Footpaths had been included to encourage people to enjoy walks through the estate on completion. A public, car free, land locked, open space would also be created. A well attended public consultation event had been held in Gullane to inform the community of these the plans. He concluded by adding that this high quality, sustainable development would utilise a brown field site for the benefit of all residents.

In response to questions from Councillor Berry, Anna Stewart, Housing Enabler, confirmed that East Lothian Council's Housing Service had been satisfied with the split between 1, 2 and 3 bedroom affordable housing. Mr McFarlane emphasised that although planning applications should be considered individually, it was reasonable to expect the Housing Service to plan strategically for the implementation of other developments in this settlement.

In response to a question from Councillor Goodfellow, Mr Sayers confirmed that an extension to the footpath to reach the hamlet at West Fenton had been considered. Councillor Goodfellow asked if time restrictions had been placed on construction traffic moving around the area at the beginning and the end of the school day. Mr Talac advised that no restrictions had been placed in this way, but that a specific route had been outlined for HGV traffic.

Councillor Goodfellow moved that an amendment should be added to the construction method statement, to restrict movement of construction traffic at the beginning and the end of the school day.

Local Member Councillor Goodfellow reported that this application had been welcomed in the main by the local community, particularly as the site in question had the potential to

become derelict. Some of the remaining concerns that had been identified included pupil safety for children living near to the development site which was near to a route to school. He welcomed the developer's provision of footpaths, and that trees which had the potential to damage nearby properties would be small species. A full debate had been entered into regarding capacity at Gullane Primary School and this had been taken into account within the report. He welcomed the inclusion of a SUDs provision to address historic flooding issues.

Local Member Councillor Berry explained that this was a major site of great importance to the people of Gullane. There had been concerns about the scale of the development, access to the A198, and the aesthetics of the frontage of Henderson House, and he recommended that the proportion of 1 and 2 bedroom affordable housing compared with 3 bedroom affordable housing could be revisited, but he intended to support approving this application, particularly as it was on brownfield site.

Councillor McNeil indicated that development on the site was supported by the community and that Henderson House was a beautiful building which would be well looked after by CALA Homes. He asked whether a section 75 agreement would be brought to a future meeting and noted his support for the proposals. Mr McFarlane confirmed that planning permission in principle had been granted by the Committee last year and that developer contributions were subject to the Section 75 agreement relating to that permission.

Mr Irving outlined Councillor Goodfellow's amendment, which was seconded by Councillor Innes:-

The construction method statement as detailed in the document drawings is not hereby approved. A revised construction method statement shall be submitted and agreed by the Planning Authority which shall include time restrictions on vehicle movements during the school travel times.

Reason: In the interests of Road Safety.

There was no opposition to this amendment.

Decision

The Committee agreed to grant the approval of matters specified in conditions for the proposed housing development subject to the following conditions and the amendment agreed above:

The construction method statement as detailed in the document drawings is not hereby approved. A revised construction method statement shall be submitted and agreed by the Planning Authority which shall include time restrictions on vehicle movements during the school travel times.

Reason: In the interests of Road Safety.

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 Notwithstanding that which is stated on the drawings docketed to this approval of matters specified in conditions, 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 occupation of the last house or flat hereby approved, the proposed access roads, parking spaces, and footpaths shall have been constructed on site in accordance with the docketed drawings.

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

Reason:

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

- 4 All of the car ports as hereby approved to be used for parking spaces for the houses and flats shall at all times remain open fronted, without any doors or any other form of enclosure on their front elevations to ensure that they are capable of use for the parking of a car and not as a secure storage area.

Reason:

To ensure a satisfactory standard of car parking provision to serve the development hereby approved and in the interests of road safety.

- 5 Prior to the occupation of any of the flats to be formed within Henderson House, details of cycle parking for future residents of them shall be submitted to and approved in advance by the Planning Authority. The cycle parking shall be in the form of 1 locker per flat or communal provisions in the form of a lockable room or shed. The cycle parking shall thereafter be provided in accordance with the details as so approved and shall be retained in place for that purpose.

Prior to the occupation of any of the other flats as hereby approved, the cycle parking for future residents of them shall be provided as shown on the docketed drawings and shall thereafter be retained in place for that purpose.

Reason:

To promote the use of a sustainable form of transport to the development.

- 6 Prior to the occupation of any of the residential units on plots 57-62 as shown on the docketed drawings the footpath link from the application to Garleton Court shall be formed and made available for use.

Also prior to the occupation of any of the residential units on plots 57-62 as shown on the docketed drawings the footpath link from the application site to Garleton Court shall be extended over the Council owned grass area within Garleton Court to connect into the existing footway network, the detail of which shall be submitted to and approved in advance by the Planning Authority. The detail shall show the construction method of the footpath to be in accordance with section 7 of BS5837: 2012 "Trees in relation to design, demolition and construction ~ Recommendations" where the path lies within any tree Root Protection Area.

The footpath link and the extended footpath link as so approved shall thereafter remain in place unless otherwise approved by the Planning Authority.

Reason:

To ensure that adequate and satisfactory provision is made for pedestrian access in the interests of pedestrian safety and to ensure the retention and protection of trees which are an important feature of the area.

- 7 A timetable for the provision of the erection of the 1.8 metre high boundary enclosures for the rear gardens of the houses hereby approved shall be submitted to and approved in advance by the Planning Authority and development shall thereafter be carried out in full accordance with the timetable 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 privacy and amenity of future residents of the development.

- 8 All the open space recreation areas indicated on the docketed drawings shall be available for use prior to the occupation of the last house or flat 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

- 9 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 prior written consent of the Planning Authority.

Reason:

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

- 10 No development shall commence until temporary protective fencing has been erected to the specification detailed in the docketed 'Arboricultural Assessment and Tree Protection Measures for Belt of trees to rear of plots 57 to 64' document and in the position shown for it on docketed drawing no. 17474/3 titled 'Tree Protection (detail south)'.

All weather notices shall be erected on said fencing with words such as "Construction exclusion zone - Keep out". 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 shall be stored and handled well away from the outer edge of its RPA. 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 trees which are an important feature of the area.

- 11 All new planting as shown on docketed drawings nos. 12-01e, 12-02c, 12-03e and as specified in the docketed documents titled 'Cala Management Limited, Fire College, Gullane, Landscape Works, Grassed and Planted Areas, Planting Schedule' and 'Cala Management Limited, Fire College, Gullane, Landscape Works, Grassed and Planted Areas, Planting Key' 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.

All the new planting shall be maintained in accordance with the maintenance programme as detailed in the docketed document titled 'Cala Management Limited, Fire College, Gullane, Landscape Works, Grassed and Planted Areas, Maintenance Specification'.

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. PLANNING APPLICATION NO. 14/00768/PPM: PLANNING PERMISSION IN PRINCIPLE FOR REMEDIATION OF SITE AND CREATION OF NEW SETTLEMENT COMPRISING RESIDENTIAL, EMPLOYMENT, EDUCATION AND COMMERCIAL USES WITH PARK AND RIDE AND RAIL HALT FACILITIES AND ASSOCIATED WORKS, BLINDWELLS, TRANENT

A report was submitted in relation to Planning Application No. 14/00768/PPM. Keith Dingwall, Team Manager, Planning Delivery, presented the report, outlining the background and detail of the application including site access, provision for a rail halt and footpaths. He confirmed that the appropriate consultations had taken place and that the proposals were compliant with the Local Development Plan. He added that following a decision taken at full Council on 28 March 2017 regarding education catchments for the site, there was one proposed amendment to the recommendation: namely the removal of heads of term (v) in favour of heads of term (vi).

Councillor MacKenzie asked a number of questions regarding traffic management and the measures to secure a safe route to school for children attending the secondary school in Prestonpans. Mr Dingwall clarified the three vehicular access points and explained that the detail of the traffic management proposals had yet to be finalised. However, it was envisaged that this would include a pedestrian crossing, traffic signals on the roundabout and a reduction in the speed limit. He also advised that following assessment officers did not consider an underpass necessary for road safety but that if Members were so minded there was an option for this in the northwest corner of the site.

Councillor MacKenzie asked about the possibility of a footbridge over the railway nearer to St Joseph's linking to the existing path and the creation of a pedestrian crossing. Mr Dingwall indicated that transportation officers had viewed this as unnecessary.

Councillor Berry posed some questions relating to the viability of a rail halt so near to Prestonpans station and measures to address the increased volume of traffic on the main roads around the site. Mr McFarlane stated that Network Rail were content that the land be safeguarded to allow a review of the options, including a four track section to permit slow trains to move off the mainline.

Mr Greenshields confirmed that the existing road layout would require significant change as a result of the development and that extensive surveys had been carried out to identify potential solutions. He was not able to provide Councillor Berry with the detail of the survey results; however he assured Members that the necessary assessments had been undertaken. Councillor Beery was not satisfied with this response and asked that his comments be noted.

Councillor Grant asked for an update on the healthcare provision. Mr Dingwall advised that the applicant had agreed to provide a suitable building to be leased at commercial rates. This would facilitate the creation and expansion of a new GP practice in Blindwells.

Mr McFarlane added that this application was covered by the 2008 Local Development Plan which required the allocation of space for the provision of GP facilities but did not specify who should fund this. The developer had agreed to build a multi-disciplinary facility. NHS Lothian advised they would accommodate demand within the existing Cockenzie GP practice until 2027. He said that negotiation of the details of this provision would be a matter for NHS Lothian and the applicant.

In response to questions from Councillor Currie, Mr McFarlane advised that the previous Development Framework did not require developer contributions for healthcare provision. However, should Members be minded to insist on this then there would need to be some understanding of what that contribution would entail before discussions could take place with

the applicant. In the meantime, he considered the applicant to have put forward a reasonable proposal for provision of suitable facilities.

Councillor Goodfellow asked about the timing for provision of affordable housing and the new primary school. Mr McFarlane indicated that the timings were still to be agreed and the details regarding the primary school would form part of the section 75 agreement. This information would be available to Members by the time the detailed planning permission was ready to come before the Committee. Mr Dingwall added that the arrangements for the provision of places within the existing primary school in Cockenzie would be discussed and agreed with colleagues in the Education Department.

Councillor Innes raised questions around the previous engineering work on the site and the remedial work undertaken to make the site safe for development. He asked for assurances that all of these issues had been adequately addressed. Mr Dingwall referred him to the details contained in the report which outlined the independent surveys carried out, consultations with other disciplines within the Council and discussions with the applicants. All agreed that there needed to be sufficiently detailed conditions attached to the consent to ensure the necessary work was carried out and the Council's Contaminated Land officer was content that the proposed conditions were sufficiently robust.

Councillor Innes also asked what measures were in place for the conservation of owl habitat and hunting ground on the site. Mr Dingwall advised that he was not aware of any and that the RSPB, Scottish Natural Heritage and the Council's Biodiversity Officer had not raised this as an issue.

Claire Semple, agent for the applicant, briefly introduced the application. Ian Slater, a representative of the applicant, Hargreaves Surface Mining Ltd, spoke in favour of the application. He stated that he had worked with planning officers over the past 3 years and was confident that matters were now at the point where everything was in place to get them through the major stages of the development. He advised that in the event that ground stability issues arose in the future then liability would rest with the developers. He referred to work on surcharging and removal of excess water on the site and advised members that work could start within 6 – 9 months and that he would hope to see the first houses completed within 12 – 18 months.

Local Member Councillor Grant recalled that the proposal for a new settlement at Blindwells had been under discussion for a considerable time and that he supported the concept as it would remove pressure from surrounding towns and villages. He noted that there were outstanding issues in relation to ground settlement which needed to be addressed and he was still unclear about the healthcare provision. However, this development would provide a large number of houses, including affordable homes and he looked forward to progress being made. He would be supporting the application.

Local Member Councillor Gillies stated that he was happy to see that progress was now being made and welcomed the much needed affordable housing. He would be supporting the application.

Local Member Councillor Innes agreed with Councillor Grant's remarks that this would not only play its part in the development of East Lothian but would also protect existing settlements. He accepted that such a site would take time to develop and get right but it contained all of the elements for a successful community. He would be supporting the application.

Local Member Councillor MacKenzie expressed grave reservations regarding transport safety and in particular the proposals to address traffic management and safe crossing for school children and other pedestrians. He was not satisfied by the responses from officers

and did not believe that the route being suggested was the one that would be used by school children in their daily journeys to and from secondary school. He felt that further consideration should be given to a pelican crossing and a new bridge over the railway line. On that basis, he moved for a continuation of the application to review the current proposals and to give further consideration to alternative measures.

The motion was seconded by Councillor Currie.

The Convener moved to the vote on the motion to continue the application:

For: 3

Against: 9

Abstentions: 0

The Convener advised that the motion had not succeeded and so the debate would resume.

Councillor Currie referred to the history of the site and the condition of the ground and emphasised the need to ensure that these issues had been addressed. He said that not imposing a developer contribution in respect of healthcare provision was a missed opportunity and he hoped this could be reviewed in future. He was also disappointed at the Council's decision not to have a secondary school on the site. He concluded that although he remained concerned about the impact on traffic at an already busy junction with the A1, he believed that the proposals should move forward and he would be supporting the application.

Councillor Berry observed that although he supported the idea of the Blindwells development he did not think the proposals were imaginative enough. He was disappointed that they did not include St Joseph's or Meadowmill and he had concerns that the proposed development was not large enough to sustain a retail centre. He shared the concerns of Councillor MacKenzie over traffic management and did not think that the proposals to address this had been properly thought through. He also expressed disappointment that there would be no secondary school and that the Council had, in his view, walked away from the opportunity to have a unique and innovative education centre on the site. With these concerns in mind, he could not support the application.

Councillor McNeil commented that this application gave the Committee a tremendous opportunity to approve the creation of a new settlement in East Lothian. He acknowledged the input of officers and noted that the Committee would have a chance to consider detailed matters in relation to education and healthcare provision at a later stage. He would be supporting the report recommendation.

The Convener brought the discussion to a close. He said that trying to establish a new town was not an easy process and the nature of the site had made things more difficult. However, he was confident that the work would be done and in a reasonable timescale. He believed that the best option for education had been agreed and he noted that NHS Lothian had been consulted over the healthcare provision and was in agreement with the proposals. The development would provide much needed affordable housing and he asked the Committee to support the report recommendation.

Ms Molloy reminded Members that the motion to support the report recommendation was subject to the amendment outlined by Mr Dingwall, namely, the removal of heads of term (v) in favour of a reliance on heads of term (vi).

The Convener moved to the vote on the report recommendation, as amended:

For: 10

Against: 1
Abstentions: 1

Decision

The Committee agreed to grant planning permission subject to:

1. A direction to substitute the period of 3 years referred to in Section 59(2)(a)(i) and (3) of the Town and Country Planning (Scotland) Act 1997 (as amended) with a period of 8 years.

2. The undernoted conditions.

3. The satisfactory conclusion of an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997, or some other legal agreement designed to secure from the applicant:

(i) the provision of three community sports pitches, a six changing room facility, 30 allotment plots with an area of 4,000 m², and a cemetery to accommodate 700 formal burial plots, each capable of accepting 3 coffin interments;

(ii) a financial contribution to the Council of £827,200 for the provision of equipped play provision within the new settlement, in lieu of the applicants providing play equipment themselves. Half of this contribution shall be paid prior to occupation of the 50th residential unit, with the other half of the contribution paid prior to occupation of the 500th residential unit;

(iii) a financial contribution to the Council of £115,500 towards the provision of additional capacity at the Meadowmill maintenance depot;

(iv) secure from the applicant the introduction and operation of a daily and frequent shuttle bus service between the new settlement and Prestonpans rail station. This service should be provided or funded by the applicant. The service shall be operated until a rail station is provided within the new settlement, or for a period of at least 12 years;

(v) the transfer of the land required for the new school site as shown in the applicant's masterplan, with the site formed to meet masterplan boundary perimeter levels;

(vi) In the event that the school catchment boundaries are changed, then instead of the financial contributions required in heads of term (v) above, the agreement shall secure from the applicant a financial contribution to the Council of £15,795,000.00 towards the provision of the new primary school, £30,000.00 towards a temporary Blindwells Primary School at Cockenzie Primary School, £125,000.00 towards the provision of additional education capacity at St Gabriels Primary School, and £6,346,688.00 towards the provision of secondary education capacity at Preston Lodge Secondary School;

(vii) the provision of 480 affordable housing units within the application site or if it can be demonstrated to the Council that this, or the off-site provision of 480 affordable housing units is not practicable, to secure from the applicants a commuted sum payment to the Council in lieu of such an on or off-site provision;

(viii) the transfer to the Council, at no cost to the Council, of ownership of an area of land for a new rail halt sufficient in size to serve the new settlement to the Council. The land should generally comprise of the land that is identified on the docketed masterplan for a rail halt.

4. That in accordance with the Council's policy on time limits for completion of planning agreements it is recommended that the decision should also be that in the event of the Section 75 Agreement not having been executed by the applicant, the landowner and any other relevant party within six months of the decision taken on this application, the application shall then be refused for the reason that without the developer contributions to be secured by the Agreement the proposed development is unacceptable due to an insufficient provision of community sports pitches, related changing facilities, allotments and cemetery, insufficient maintenance accommodation, a lack of equipped play provision, insufficient public transport provision, a lack of sufficient primary and secondary school capacity, and the lack of provision of affordable housing contrary to the Council's approved Development Framework for Blindwells and, as applicable Policies INF3, DP21, C2 and H4 of the adopted East Lothian Local Plan 2008.

CONDITIONS:

- 1 The submission for approval of matters specified in conditions of this grant of planning permission in principle shall include details of the siting, design and external appearance of all the dwellings and other buildings, the means of access to them, the means of any enclosure of the boundaries of the site and of gardens and other subdivisions of the site and the landscaping of the site and those details shall generally accord with the Indicative Master Plan drawing no. 13055(PL)100 Rev. D docketed to this planning permission in principle, and shall address the following requirements:
 - a. The provision within the application site of recycling facilities.
 - b. Other than in exceptional circumstances where the layout or particular building type does not permit, houses and flats shall be orientated to face the street.
 - c. Notwithstanding that shown in the Indicative Master Plan docketed to this planning permission in principle there shall be no integral garages, unless it can be justified as an exceptional design feature, or where the house and garage would not be on a primary street frontage;
 - d. The detailed design of the layout shall accord with the principles set out in the Council's Design Standards for New Housing Areas and with Designing Streets;
 - e. The external finishes of the residential units shall be in accordance with a coordinated scheme of materials and colours that shall respect the layout of the development and shall promote render as the predominant finish to the walls of the residential units.
 - f. Notwithstanding the details shown in the Indicative Site Master Plan referred to above, there shall be a separation distance of at least 9 metres between facing windows of a proposed new building and the garden boundaries of existing or proposed neighbouring residential properties; and a separation distance of at least 18 metres between directly facing windows of a proposed new building and the windows of existing or proposed neighbouring residential properties.
 - g. Parking for the residential, local centre and primary school components of the development hereby approved shall be provided at a rate as set out in the East Lothian Council's "Standards for Development Roads- Part 5 Parking Standards" For the local centre and school this shall include for cycle parking. Private parking spaces in the local centre and other private parking areas shall be a minimum of 2.5 metres by 5 metres and spaces on the public road shall be a minimum of 2.5 metres by 6 metres. Access to private parking areas other than driveways shall be via a reinforced footway crossing and have a minimum width of 5.5 metres over the first ten metres. Private driveways shall be a minimum of 6 metres by 2.5 metres, double driveways shall be 5 metres by 6 metres or 3 metres by 11 metres.
 - h. All access roads within the new settlement shall conform to East Lothian Council's "Standards for Development Roads" in relation to roads layout and construction, footways and footpaths, parking layout and number, street lighting and traffic calming measures.
 - i. Cycle parking shall be included at a rate of 1 space per flat. The parking shall be in the form of 1 locker per flat or communal provisions in the form of a lockable room or shed.
 - j. The provision within the local centre of a civic square, which shall be designed as a central meeting point and to provide a multifunctional space for both formal use such as community arts and theatre activities and for informal use.

k. The provision within the application site of at least 10 hectares of employment land. The buildings within the employment land shall be restricted in use to Classes 4, 5 and 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997.

l. The provision within the application site of nature based elements such as woodlands, wetlands and SUDS, public open space and boulevard planting.

m. Vehicle access's 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;

n. Details of the implementation and design of infrastructure works onto the A198, including junctions, road widening and delivery timescales shall be submitted to and approved by the Planning Authority. The submitted detail shall include full road safety audits and quality audits. Development should thereafter be carried out in accordance with the details so approved.

o. Electric vehicle charging points shall be provided around proposed community facilities such as schools and retail areas. Charging points, if considered necessary by the Planning Authority, shall also be provided for electric buses.

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

Reason:

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

- 2 The details to be submitted pursuant to condition 1 shall include a delivery schedule and phasing plans that establishes the phasing and timing programme for the proposed development. It shall include the phasing and timing for the provision of education capacity, employment land, the local centre, the transportation works, footpaths and cycleways and Safer Routes to School, external transport works such as offsite path links, Longniddry traffic signals at Coal Road (A198/B6363 Junction) and A198 works and junctions. It must also include for public road links, including paths, to local services (either existing or as these are developed for Blindwells), schools and the public road network. This shall also apply to the provision of drainage infrastructure, recreational facilities, landscaping and open space. The details to be submitted shall also include construction phasing plans.

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

Reason:

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

- 3 No more than 1600 residential units shall be erected on the site.

Reason:

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

- 4 Unless otherwise approved in writing by the Planning Authority:

(a) Housing completions in any one year (with a year being defined as being from 1st April to 31st March the following year) shall not exceed the following completion rates:

Year 2020/21	-	24 residential units
Year 2021/22	-	73 residential units
Year 2022/23 to 2030/31-	97 residential units per annum	
Year 2031/32 to 2034/35-	122 residential units per annum	
Year 2035/36	-	102 residential units
Year 2036/37	-	40 residential units

(b) If fewer than the specified number of residential units is completed in any one year then those shall be completed instead at Year 2036 or beyond and not added to the subsequent Year.

Reason:

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

- 5 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. It shall also include details of all planting and landscaping along the boundary of the site with the A1(T) trunk road.

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.

- 6 Prior to the commencement of development a long term landscape and habitat management plan shall be submitted to and approved in writing by the Planning Authority. The plan shall include details of how the overall wildlife value of the large body of water known as 'Princes Loch' can be maximised. These details for 'Princes Loch' shall include appropriate marginal and wetland planting, scalloping of edges, connections to adjacent scrub and woodland, creation of small islands, and physical connectivity to the SUDS network. The plan shall also detail measures of how to design the SUDS ponds as habitats and landscape features. The plan shall include a timetable for the implementation of the proposed works. Development shall thereafter be carried out in accordance with the details so approved.

Reason:

To maximise the ecological potential of the proposed development.

- 7 Prior to the commencement of development, a method statement for the translocation and future management of the bee orchids and their habitat within the application site shall be submitted to and approved by the Planning Authority. The method statement shall include a timetable for implementation.

The development shall thereafter be implemented in accordance with the details so approved.

Reason:

To maintain the contribution of the bee orchids to the nature conservation value of the local area.

- 8 A Construction Method Statement to minimise the impact of construction activity on the safety and 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 (including routes to/from site) and shall include hours of construction work and routing of traffic. The Construction Method Statement shall also make recommendations in respect of how pedestrians and school children can safely access the new school during construction works. It shall also provide details of utility/service drainage connections.

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

Reason:

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

- 9 The details to be submitted pursuant to condition 1 above shall include full details of all noise mitigation measures. The mitigation measures shall include, but may not be limited to, final heights and locations of any acoustic bunds and/ or barriers, upgraded glazing/ ventilation specification within specific properties and possible re-orientation of residential properties. These mitigation measures shall be such that the following design criteria shall be met:

1. Daytime garden noise levels should not exceed 55 dB (A);
2. Daytime internal noise levels should not exceed 35 dB (A) and night-time internal noise levels should not exceed 30 dB (A); and
3. The Rating Level, LArTr, of noise emanating from any proposed commercial unit (when measured 3.5m from the façade of any existing or proposed residential property shall be no more than 5 dB (A) above the background noise level, LA90T.

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

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

Reason:

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

- 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. The details shall include a timetable for the provision of the artwork.

The artwork shall thereafter be provide 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.

- 11 The supermarket hereby approved shall have a gross floor area no greater than 1,035 square metres.

Reason:

In order to retain control of the scale of the supermarket and in the interests of safeguarding the vitality and viability of existing retail provision.

- 12 To ensure that the site is clear of contamination, the following requirements shall be complied with:

o Prior to commencement of any site development, a targeted contaminated land investigation shall be carried out and a report submitted to and for approval of the Planning Authority. The investigation must also include further rounds of gas monitoring for the site. The subsequent report must include a site-specific risk assessment of all relevant pollutant linkages.

o Where the risk assessment identifies any unacceptable risk or risks, a detailed remediation strategy shall be submitted to the Planning Authority for approval. Prior to receipt of approval of the remediation strategy by the Planning Authority no works, other than investigative works, shall be carried out on the site

o Remediation of the site shall be carried out in accordance with the approved remediation plan. Any amendments to the approved remediation plan shall not be implemented unless approved by the Planning Authority.

o On completion of the remediation works and prior to the site being occupied, a validation report shall be submitted to the Planning Authority confirming that the works have been carried out in accordance with the remediation plan.

o The presence of any previously unsuspected or unforeseen contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority. At this stage, further investigations may have to be carried out to determine if any additional remedial measures are required.

Reason:

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

- 13 The open space to be provided on site shall generally accord with the Indicative Master Plan drawing no. 13055(PL)100 Rev. D docketed to this planning permission in principle. Moreover, the area of open space known as the Town Park shall include within it woodland of a significant size.

Prior to the commencement of development, a timetable for the provision of the open space within the new settlement 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:

To ensure the timely provision of an appropriate amount of open space, in the interests of the amenity of the area.

- 14 Prior to the commencement of development, details of how the areas of open space and equipped areas are to be maintained 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:

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

- 15 Prior to the commencement of development, details of a new continuous shared use (walking/cycling) path from the western side of the A198 road to Prestonpans Railway Station, including a timetable for its delivery, shall be submitted to and approved in advance by the Planning Authority. The details shall be based on the continuous shared use (walking/cycling) path that is indicatively shown on drawings docketed to this planning permission. The submitted details shall show the footpath being lit and shall include road safety audits and quality audits.

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

Reason: In the interests of road and pedestrian safety.

- 16 Prior to the commencement of development, details of a new 2 metres wide tarmac "active travel path" to be formed for walkers and cyclists on the western side of the hedge at the eastern edge of the application site, parallel to the core path, with link paths connecting from the housing areas to the tarmac path and to the core path, shall be submitted to and approved in advance by the Planning Authority. The details shall include a timetable for implementation.

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

Reason:

In the interests of road and pedestrian safety.

- 17 In the event that the catchment secondary school for the new settlement is Preston Lodge High School, a report assessing walking and cycling routes to this school from the new settlement in terms of safety and quality to include distances, controlled pedestrian/cycle crossings of the A198 and B1361 (also to include a technical assessment of the existing footbridge over the rail line north of Meadowmill Sports Centre) shall be submitted to and approved by the Planning Authority. The details shall include any mitigation measures required and a timetable for their implementation.

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

Reason:

To reduce children being driven to and from school in private cars, in the interests of road safety and sustainability.

- 18 Prior to the commencement of any ground improvement / remedial works within the application site, proposals for further ground investigations for each phase of the proposed development shall be submitted to and approved by the Planning Authority. These further ground investigations shall be designed to provide comprehensive factual information on the depth of backfill / rock head, level of the ground water table and continuous monitoring of ground gases during the period of the investigations. On completion of the further investigations the applicant shall submit a factual report presenting the findings of the investigations to the Planning Authority for their information. The ground improvement / remediation works shall thereafter be carried out in accordance with the details so approved.

Reason:

To ensure that ground improvement / remediation works are acceptable in order to enable the development to safely and satisfactorily proceed.

- 19 Prior to the commencement of any ground improvement / remedial works within the application site, detailed proposals for the proposed ground improvement / remediation works shall be submitted to and approved by the Planning Authority. The detailed proposals shall include detailed designs and supporting information for the proposed surcharging and consolidation of shallow workings beneath the base of the open cast. It shall also include the surcharge layouts, surcharge heights, surcharge periods, recovery period following removal of the surcharge, proposed monitoring instrumentation, and assessment of predicted settlement at each surcharge location. In respect of the consolidation of the shallow workings the detailed proposals shall provide full details of the proposed consolidation works required to remove the risk of future subsidence. Where appropriate the ground improvement / remedial works shall make provision for percolation / inundation testing to demonstrate that the surcharging has been effective in reducing the risks of such collapses to acceptable levels. The ground improvement / remediation works shall thereafter be carried out in accordance with the details so approved.

Reason:

To ensure that ground improvement / remediation works are acceptable in order to enable the development to safely and satisfactorily proceed.

- 20 Following completion of the ground improvement works / remedial works on each phase of the development site and prior to commencing any construction works the applicant shall prepare a completion report and submit this to the Planning Authority for their approval. This completion report shall provide a detailed account of the ground improvement / remedial works carried out together with a complete record of all monitoring carried out during ground improvement / remediation. The completion

report shall provide a detailed assessment of future risks arising from continuing creep and percolation / inundation settlement. Where the risk of future collapse settlement remains, the completion report shall provide conclusions and recommendations for further monitoring / further remedial measures required prior to works commencing. The completion report shall provide conclusions and recommendations for developers in respect of foundation design, drainage design, ground gas defensive measures and other construction related activities. With regard to the consolidation of the shallow workings the completion report shall provide full details of the works carried including the validation of the end product by post treatment probes or other appropriate measures.

Reason:

To ensure that ground improvement / remediation works are acceptable in order to enable the development to safely and satisfactorily proceed.

- 21 Prior to the commencement of development the following information shall be submitted to and approved by the Planning Authority, following consultation with the Coal Authority:

a) the submission of a layout plan which identifies appropriate zones of influence for the mine entries on site, and the definition of suitable 'no-build' zones, together with indication of the high wall; and

b) The submission of details of investigations and of treatment if necessary for the mine entries on site, shallow coal workings, ground gas, and ground stabilisation of the backfill.

Prior to the commencement of development any identified remedial works shall be fully implemented.

Reason:

To ensure that ground improvement / remediation works are acceptable in order to enable the development to safely and satisfactorily proceed.

- 22 Prior to the commencement of development, an update of the Surface Water and Flood Risk Report, which shall assess the flood risk within the northwest part of the application site from all sources during a 0.5% AP (1:200) rainfall event, and which shall include proposed mitigation measures that are required to not increase flood risk downstream of the site and to prevent flood risk of any built development in the northwest part of the application site, shall be submitted to and approved by the Planning Authority. The Report timetable for the delivery of all identified mitigation measures shall also be submitted.

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

Reason:

To ensure that built development within the northwest part of the application site is not at risk from flooding, there is no increase in flood risk elsewhere and appropriate long-term maintenance arrangements are in place.

- 23 Prior to the commencement of development, a SuDS scheme and Drainage Assessment for the whole development site to meet the vesting requirements of the Statutory Authorities shall be submitted to and approved by the Planning Authority, following consultation with SEPA. The submitted detail shall include a timetable for the delivery of all identified mitigation measures shall.

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

Reason:

To ensure that built development within the northwest part of the application site is not at risk from flooding, there is no increase in flood risk elsewhere and appropriate long-term maintenance arrangements are in place.

- 24 Prior to the commencement of development, a full engineering report detailing ground stability and structural integrity shall be submitted to and approved by the Planning Authority. The report, which shall be prepared by an adequately qualified and indemnified engineer, shall identify all necessary remediation works and a timescale for those remediation works being undertaken. Development shall thereafter be carried out in accordance with the details so approved;

Reason:

To ensure that ground improvement / remediation works are acceptable in order to enable the development to safely and satisfactorily proceed.

- 25 Prior to the commencement of development a strategy for the new speed limits within the application sites and those on the existing road network shall be submitted to and approved by the Planning Authority. The strategy shall assess how these will be developed, including road safety audits and associated infrastructure (i.e. street lighting, signage etc). The strategy shall include full detailed designs for all the works on the existing public road including full road safety audits and quality audits putting particular emphasis on walking & cycling and the safety and attractiveness of these routes (including street lighting review in these areas). This shall extend into the site to offer excellent paths and cycling facilities within the site to ensure walking and cycling are the first modes to be considered

for local trips. The strategy shall also detail controlled crossings that are necessary as well as bus stops and shelters. The strategy shall also include a timetable for implementation of any new speed limits as well as when controlled crossings and bus stops and shelters should be provided. Development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road safety.

- 26 Prior to the commencement of development, road safety audits and quality audits for external works and the links within the site shall be submitted to and approved by the Planning Authority. Development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road safety.

- 27 Prior to the commencement of development, a vehicle tracking/swept path analysis for all internal roads and changes to external roads shall be submitted to and approved by the Planning Authority. The vehicle tracking/swept path analysis shall include the large design rigid (in accordance with the FTA associations Designing for Deliveries) over all the roads within the proposal site and large HGV (arctic etc) as well as large buses on main distributor roads and employment areas (including local centre). It shall also include all vehicles types including buses for the external routes/works. Development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road safety.

- 28 Prior to the commencement of development, a general, overarching travel plan framework for the whole settlement (including school and future business/economic uses travel) shall be submitted to and approved by the Planning Authority. The framework shall include tools and mechanisms for each part of the development to use. It shall include measures to be put in place to encourage Public Transport penetration into the new settlement. It shall also include a timetable for implementation, Development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road safety.

- 29 Prior to the commencement of development, a strategy to establish how traffic regulation orders and parking restrictions will be needed, particularly in the town centre around schools, public buildings and shops as well as other areas throughout the site shall be submitted to and approved by the Planning Authority. Development should thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road safety.

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

* Prior to the occupation of any of the approved development, the proposed upgrade of the northern and southern roundabouts of the Bankton Interchange to traffic signal control, generally as illustrated in drawing no. SK0002, shall be implemented to the satisfaction of the Planning Authority, following consultation with Transport Scotland;

* Prior to the occupation of any of the approved development, the proposed upgrade of the west facing slips at Bankton Interchange to Type B parallel merge/ diverge arrangements, generally as illustrated in drawing no. SK004, shall be implemented to the satisfaction of the Planning Authority, following consultation with Transport Scotland;

* Details of the lighting within the application site shall be submitted to and approved by the Planning Authority, following consultation with Transport Scotland;

* Prior to the commencement of development, details of the frontage landscaping treatment along the trunk road boundary shall be submitted to and approved by the Planning Authority, following consultation with Transport Scotland;

* Prior to the occupation of any of the approved development, a barrier/ boundary feature shall be provided and maintained along the proposed boundary of the site with the A1 trunk road, in accordance with details to be submitted to and approved in advance of its provision by the Planning Authority, following consultation with Transport Scotland; and

* There shall be no drainage connections to the trunk road drainage system.

Reason:

In the interests of road safety.

- 31 Prior to the commencement of development details of the Longniddry Junction (junction of A198/B6363 Main Street with Coal Road - traffic signals to provide a left turn to Gladsmuir and vice-versa for return - as a deflection strategy to draw trips away from the A198 frontage at Blindwells) shall be submitted to and approved by the Planning Authority. The details shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road safety.

- 32 Prior to the commencement of development a detailed condition survey of the construction access route from the Bankton interchange shall be jointly undertaken by the developer and East Lothian Council Roads Services. During the period of construction of the development a similar joint inspection shall be carried out to assess the condition of the route on each anniversary of the commencement of development. Any damage identified as a result of construction activities shall be repaired or resurfaced by the developer in compliance with the Council's specifications and requirements at no cost to the Council as Roads Authority.

Reason:

In the interests of road safety.

Sederunt: Councillor Berry left the Chamber.

6. PLANNING APPLICATION NO. 16/00592/AMM: APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF PLANNING PERMISSION IN PRINCIPLE 15/00581/PPM – ERECTION OF 68 HOUSES, 12 FLATS AND ASSOCIATED WORKS, DOVECOTE FARM, HADDINGTON

A report was submitted in relation to Planning Application No. 16/00592/AMM. Mr Irving presented the report; outlining the key points of the application and advising Members that the proposed decision was to grant consent subject to conditions.

Local Member Councillor Trotter said that there had been few representations submitted on this application and that his concerns had been addressed in the proposed conditions. He was minded to support the report recommendation.

The Convener brought the discussion to a close and moved to the vote on the report recommendation (to grant consent):

For: 11

Against: 0

Abstentions: 0

Decision

The Committee agreed to grant approval of matters specified in conditions for the proposed housing development, 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 Notwithstanding that which is stated on the drawings docketed to this approval of matters specified in conditions, a detailed specification of all external finishes of the houses and flats of the proposed development shall be submitted to and approved by the Planning Authority prior to the use of the finishes in the development. The external finishes of the houses 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:

- 3 To ensure the development is of a satisfactory appearance in the interest of the amenity of the locality. 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 following transportation requirements:

(i) the turning head adjacent to plot 15 on the docketed site layout plan shall be extended by 3 metres in accordance with details to be submitted to and approved in advance by the Planning Authority;

(ii) 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.

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

Reason:

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

- 5 In the interests of road safety. A timetable for the provision of the erection of the 1.8 metre high boundary enclosures for the rear gardens of the houses hereby approved shall be submitted to and approved in advance by the Planning Authority and development shall thereafter be carried out in full accordance with the timetable so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

- 6 To ensure the satisfactory provision of the boundary enclosures in the interest of safeguarding the privacy and amenity of future residents of the development. 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 or flat 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:

- 7 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. A timetable for the implementation of the play area hereby approved shall be submitted to and approved in advance by the Planning Authority and the play area shall be installed in accordance with the timetable so approved.

Reason:

- 8 In the interests of the amenity of the development. No development shall commence until temporary protective fencing in accordance with both Figure 2 of British Standard 5837_2012 "Trees in relation to design, demolition and construction" and the detail

shown for it on docketed drawing no. 095.43.02f has been erected in the positions shown for it on docketed drawing no. 095.43.01f. The temporary protective fencing shall also be erected around the root protection area of the tree numbered 23 on docketed drawing no. 095.43.05f.

All weather notices shall be erected on said fencing with words such as "Construction exclusion zone - Keep out". 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 shall be stored and handled well away from the outer edge of its RPA. 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 trees and vegetation which are an important feature of the area.

- 9 No development shall commence until detail of the construction of the driveway within the root protection area of trees shown to be retained on the northwest part of the site has been submitted to and approved in writing by the Planning Authority. Any surfacing within the Root Protection Area must be carried out in strict accordance with section 7.4 of BS5837: 2012 "Trees in relation to design, demolition and construction ~ Recommendations".

Reason:

To ensure the retention and maintenance of trees and vegetation which are an important feature of the area.

- 10 The footpath to be formed to the south of the trees shown to be retained on the northwest part of the site, and the erection of any street lighting, shall be constructed in strict accordance with section 7 of BS5837: 2012 "Trees in relation to design, demolition and construction ~ Recommendations" where they lie within any tree Root Protection Area.

Reason:

To ensure the retention and maintenance of trees and vegetation which are an important feature of the area.

- 11 The existing trees to be retained on site shall be maintained in accordance with the 'Management and Maintenance of Existing Woodland' section of docketed drawing no. 095.43.02f.

Reason:

To ensure the retention and maintenance of trees and vegetation which are an important feature of the area.

- 12 All new planting as shown on docketed drawings nos. 095.43.01f, 095.43.02f, 095.43.03f, 095.43.04f and 095.43.05f 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.

All the new planting shall be maintained in accordance with the maintenance programme as detailed on docketed drawing no. 095.43.01f.

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.

Sederunt: Councillor Berry returned to the Chamber.

- 7. PLANNING APPLICATION NO. 17/00033/PM: VARIATION OF CONDITION 5 OF CONSENT 06/00769/FUL TO ALLOW FOR A SINGLE DELIVERY TO THE STORE VIA THE SERVICE YARD BETWEEN THE HOURS OF 2300 AND 0700, TESCO STORES LIMITED, OLIVEBANK ROAD, MUSSELBURGH**

A report was submitted in relation to Planning Application No. 17/00033/PM. Mr Dingwall presented the report, outlining in detail the background to the application and advising Members that the recommendation was for consent to be granted.

In response to questions from Members Colin Clark, Principal Environmental Protection Officer, stated that the assessments carried out during night-time deliveries had generally complied with regulations but that this could be affected by how staff conducted themselves. The development of flats to the west of Tesco was a concern for ongoing front-of-store deliveries but less of an issue for residents in Inveresk Road. Referring to complaints raised by residents, he confirmed that these had been followed up but, as the residents had refused to have recording equipment in their homes, no assessments could be undertaken.

Mr Dingwall assured Members that issues such as immediate entry into the delivery yard and the switching off of the lorry's refrigeration unit could be addressed within the noise management plan.

Scott Mackay of Mackay Planning, agent for the applicant, spoke in favour of the application. He stated that the reason for this application was as the outcome of the trial deliveries to the front of the store and the resulting discussion on the best option going forward. It was generally agreed that deliveries were best made to the rear service yard which met the standards for noise mitigation. He advised that access would be via Inveresk Road, a public road where the noise level of a truck passing would meet the required standards. He acknowledged that this issue had been ongoing for a number of years and assured Members that his clients wanted to find the most appropriate solution.

In response to questions from Members, Mr Mackay confirmed that refrigeration units in the lorries could be switched off before entering Musselburgh and that the driver could alert the store manager in advance of arrival to ensure immediate entry to the loading bay. He added that both of these measures could be included in the noise management plan and would be adhered to by all drivers, regardless of whether they were on or behind schedule with their deliveries.

Councillor Fraser McAllister spoke against the application as a local resident and on behalf of his neighbours. He expressed frustration that the conditions of previous planning permissions had not been adhered to and he asked the Committee to reject the application and to rescind its previous approval to deliveries being made to the front of the store. He referred to previous complaints and breaches which in his view had been ignored by Tesco. He played a brief audio recording to Members which he said was taken at the front of the store at around 1am when a delivery was being made. He said that he had reported his complaints to the store manager but that monitoring the compliance of every vehicle was difficult for both the manager and the Council. He urged refusal of the application.

Local Member Councillor Currie said that the key issue was that where a planning authority gives consent there must be enforcement of any conditions and, if there are breaches, there should be penalties. He said that he had received representations from constituents regarding noise at the front of the store which stemmed from the lack of acoustic mitigation in this area. He stated that the best place for deliveries was to the rear of the store and agreed that there needed to be measures put in place to ensure that lorries were given immediate access and switched off their refrigeration units. He concluded that there was no solution which would offer no noise at all but, as long as conditions were adhered to, he would support the report recommendation.

Local Member Councillor Caldwell accepted that there had been a number of complaints and alleged breaches of conditions and observed that, had he been present at that meeting, he would not have supported the previous application for a delivery to the front of the store. He considered that all deliveries should be to the rear of the store and that the proposed

condition 5 would address any concerns. He noted that Tesco was a big employer in Musselburgh and too many restrictions could affect trade. He would be supporting the application.

Local Member Councillor Williamson said that he hoped that the conditions would be adhered to and, if not, that appropriate action would be taken. With those caveats he was content to support the report recommendation.

Local Member Councillor McNeil agreed with the officer's recommendation to grant consent but said that full guidance should be given on two matters: that vehicles should be given immediate access to the rear loading bay and that that Tesco should ensure that there were no further breaches of the conditions of planning permission.

Councillor Gillies observed that for this type of business it was essential to have goods delivered and on the shelves as early as possible. He considered that the most suitable place for the deliveries was the rear door where suitable mitigation measures were in place.

The Convener moved to the vote on the report recommendation:

For: 12
Against: 0
Abstentions: 0

Decision

The Committee agreed to grant planning permission subject to the applied for variation to condition 5 and subject to all of those conditions from planning permission 06/00769/FUL, where it was intended these should apply. In this case, the conditions that should continue to apply were 4, 6, 7, 8, 11, 12 and 18.

- 4 The superstore hereby approved shall have a gross floor area no greater than 8,175 square metres and a net sales floor area no greater than 4,830 square metres. Of the net sales floor area no more than 2,415 square metres shall be used for the sale of comparison goods. The superstore hereby approved shall not be subdivided to form more than 1 retail unit.

Reason:

In order to retain control over the format of retail development at the site and in the interests of safeguarding the vitality and viability of the retail function of Musselburgh Town Centre.

- 5 The operation of the store shall comply with the following requirements:

a) With the exception of a single service delivery to the rear service yard of the store (accessed via Inveresk Road), no service delivery vehicle or home delivery vehicle shall either access or egress the site nor be loaded or unloaded within the site outwith the hours of 07:00 to 23:00. Notwithstanding any previous planning permission granted to allow deliveries to the front of the store, no deliveries shall be carried out to the front of the store; and

b) Notwithstanding condition a) above, there shall be no service delivery to the site outwith the hours of 07:00 to 23:00 unless and until a Delivery Noise Management Plan has been submitted to and approved by the Planning Authority. Once approved the Delivery Noise Management Plan shall be complied with at all times during deliveries within the hours of 07:00 to 23:00.

Reason:

To ensure that the amenity of the occupiers of nearby residential properties is safeguarded.

- 6 The car wash and jet wash shall only be open for trading between the hours of 08:00 to 20:00 hours.

Reason:

To ensure that the amenity of the occupiers of nearby residential properties is safeguarded.

- 7 The superstore, petrol filling station and car wash shall be designed and constructed so that noise from any associated plant and equipment shall be such that any noise emanating therefrom does not exceed

noise rating curve NR15 over the frequency range 63-8000Hz when measured in any neighbouring property with the noise measurement being taken with the window open at least 50mm. Noise measurements may be taken outside noise sensitive properties on the condition that an appropriate façade transmission loss can be applied to enable internal noise rating levels to be calculated from the external noise level.

Reason:

To ensure that noise emanating from the development is such that it will not have a harmful impact on residential amenity.

- 8 Prior to any use being made of the superstore building, the service yard of it shall be enclosed on all of its boundaries by a solid acoustic barrier, including service yard access gates at least 2.5 metres in height above ground level. Details of the height, physical form and positioning of the acoustic barrier (including service yard access gates and any retaining wall to be built in association with the acoustic barrier) shall be submitted to and approved by the Planning Authority prior to the erection of it and the acoustic barrier erected shall be in accordance with the details so approved. Details for the operational opening and closing of the gates so that they can effectively serve as part of the acoustic barrier shall also be submitted to and approved by the Planning Authority prior to the erection of them and any other part of the acoustic barrier. The operational opening and closing of the gates shall thereafter accord with the details so approved.

Reason:

To ensure that noise emanating from the service yard of the building is such that it will not have a harmful impact on residential amenity and to control the appearance of the acoustic barrier and retaining wall in the interest of safeguarding the visual amenity of the area.

- 11 The recycling point shown on the proposed site plan docketed to this planning permission shall be provided prior to the superstore opening for trade.

Detailed figures on the material collected at the recycling point shall be submitted to the Council as Waste Services Authority on a quarterly basis.

Reason:

To ensure that adequate facilities are provided to ensure compliance with the Council's policies for recycling.

- 12 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.

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

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

Reason:

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

- 8. PLANNING APPLICATION NO. 16/00393/PM: ERECTION OF 74 HOUSES, 24 FLATS AND ASSOCIATED WORKS, PINKIE MAINS, PINKIE ROAD, MUSSELBURGH**

A report was submitted in relation to Planning Application No. 16/00393/PM. Mr Dingwall presented the report, summarising the key points of the application. He advised that the application had been brought to Committee automatically due to the scale of the proposed site and that no objections had been received.

There were no questions or comments on this application.

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

For: 12

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 secure from the applicant:

(i) a financial contribution to the Council of £1,058,596 (£10,802 per unit) towards the provision of additional accommodation at Pinkie St Peters Primary and Nursery School and towards the provision of secondary education capacity in Musselburgh;

(ii) secure from the applicant 25 affordable residential units within the application site or if it can be demonstrated to the Council that this, or the off-site provision of 25 affordable residential 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; and

(iii) a financial contribution to the Council for £110,482.66 towards the provision of road improvements to Salters Road Interchange and Bankton Interchange, Musselburgh and Tranent town centre improvements and towards the development of an active travel corridor.

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 Pinkie St Peters Primary and Nursery School and Musselburgh Grammar School, the lack of provision of affordable housing, and the lack of road and transport infrastructure improvements, contrary to, as applicable, Policies INF3 and H4 of the adopted East Lothian Local Plan 2008.

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 Housing completions on the application site and on the adjacent site the subject of planning permission 16/00392/P in any one year (with a year being defined as being from 1st April to 31st March the following year) shall not exceed the following completion rates:

Year 2017/2018	-	35 residential units
Year 2018/2019	-	35 residential units
Year 2019/2020	-	35 residential units
Year 2020/2021	-	12 residential units

If less than the specified number of residential units are completed in any one year then those shall be completed instead at Year 2020/2021 or beyond and not added to the subsequent Year.

Reason:

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

- 3 A timetable for the provision of the erection of the 1.8 metre high boundary enclosures for the rear gardens of the houses hereby approved shall be submitted to and approved in advance by the Planning Authority and development shall thereafter be carried out in full accordance with the timetable 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 privacy and amenity of future residents of the development.

- 4 All the open space recreation areas indicated on the docketed drawings shall be available for use prior to the occupation of the last house or flat 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

- 5 A timetable for the installation of the play area hereby approved shall be submitted to and approved in advance by the Planning Authority and development shall thereafter be carried out in full accordance with the timetable so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure the satisfactory provision of the play area in the interest of the amenity of future residents of the development.

- 6 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.

- 7 No trees or shrubs, which are shown to be retained on the site as detailed on the drawings docketed to this planning permission, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the prior written consent of the Planning Authority.

Reason:

To ensure the retention of trees that make a positive contribution to the character and appearance of the area.

- 8 No development shall take place on site until temporary protective fencing in accordance with Figure 2 of British Standard 5837_2012 "Trees in relation to design, demolition and construction" has been installed, approved by the arboriculturist and confirmed in writing by the Planning Authority. The fencing must be fixed in to the ground to withstand accidental impact from machinery, erected prior to site start and retained on site and intact through to completion of development. The position of this fencing must be as indicated on the drawings docketed to this planning permission, should be positioned outwith the Root Protection Area (RPA) as defined by BS5837:2012 for all trees and approved in writing by the Planning Authority.

All weather notices should be erected on said fencing with words such as "Construction exclusion zone - Keep out". Within the fenced off areas creating the Construction Exclusion Zones the following prohibitions must apply:-

- _ No vehicular or plant access
- _ No raising or lowering of the existing ground level
- _ No mechanical digging or scraping
- _ No storage of temporary buildings, plant, equipment, materials or soil
- _ No hand digging
- _ No lighting of fires
- _ No handling discharge or spillage of any chemical substance, including cement washings

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.

Details of any trenches or services in the fenced off areas shall require the prior consent of the Planning Authority and all trenches shall be dug and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

Any surfacing within the Root Protection Area must be carried out in strict accordance with section 7.4 of BS5837: 2012 "Trees in relation to design, demolition and construction ~ Recommendations".

Reason

In order to form Construction Exclusion Zones around retained trees and protect retained trees from damage.

- 9 No development shall take place on site until a person who has, through relevant education, training and experience, gained recognised qualifications and expertise in the field of trees in relation to construction, been employed by the developer to monitor any works in close proximity of trees on the site including the installation of the 'Terram' cellular confinement system and the installation and maintenance of temporary protective fencing. All tree work should be carried out in accordance with BS3998: 1989 'Recommendations for Tree Work' and must be approved in writing by the Planning Authority before work is carried out.

- 10 All planting comprised on the drawings docketed to this planning permission shall be carried out in the first planting season following the occupation or completion of any part of the development hereby approved, 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 species and final size, 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 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.

- 12 The development of the site shall be carried out in accordance with the Construction Method Statement that is docketed to this planning permission.
- Reason:
To minimise the impact of construction activity in the interests of the amenity of the area.
- 13 A copy of the docketed Residential Travel Pack shall be distributed to every house and flat hereby approved.
- Reason:
In the interests of ensuring sustainable travel patterns in respect of the use of the scheme of development.
- 14 Prior to the occupation of the last house or flat hereby approved, the proposed access roads, parking spaces, and footpaths shall have been constructed on site, in accordance with the docketed drawings. Those areas of land shall not thereafter be used for any other purpose than for accessing and for the parking of vehicles in connection with the residential use of the houses and flats and shall not be adapted or used for other purposes without the prior written approval of the Planning Authority.
- Reason:
To ensure that adequate and satisfactory provision is made for access and for off-street parking in the interests of road safety.
- 15 The footpaths running through the area delineated on the docketed drawings as being Pinkie Mains Park shall include street lighting and shall be made up to an adoptable standard. These footpaths shall be constructed in accordance with the requirements of this conditions, and made available for use prior to the occupation of any dwelling to the south east of the Pinkie Mains Park, unless otherwise approved in writing by the Planning Authority.
- Reason:
In the interests of road safety.
- 16 The proposed remote footpaths, running to the external remote footpath on the southern site boundary that is known as "The Drift", and to Pinkie Terrace, shall be constructed to an adoptable standard, including street lighting. Details of the footpaths, together with a timetable for their formation, 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.
- 17 The external remote footpath on the southern site boundary that is referred to locally as "The Drift" shall be constructed to an adoptable standard including street lighting along the extent of it between Pinkie Terrace and the East Coast Main Line under bridge. Connections shall also be provided to this route from the 2 cul-de-sacs at the southern tip of the development.
- Within one month from the date of this planning permission, details of the works to "The Drift" footpath, including a timetable for their implementation, shall be submitted to and approved by the Planning Authority.
- Development shall thereafter be carried out in accordance with the details so approved.
- Reason:
In the interest of road safety.
- 18 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) the junction at Plot 568 should have some form of entry treatment as per the others within the development. This treatment should provide footway connectors to the shared surface areas;
 - ii) cycle parking shall be included at a rate of one space per flat. The parking should be in the form of 1 locker per flat or communal provision in the form of a lockable room or shed;
 - iii) the existing footways on Pinkie Terrace shall be extended around the corner into the car park at the south west corner to provide suitable crossing point for all users;

iv) driveways 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 11m 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;

v) all footpath connections from a zone under construction to the existing settlement shall be constructed to an adoptable standard before the occupation of any units in that particular zone;

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

Reason:

In the interests of road and pedestrian safety.

9. PLANNING APPLICATION NO. 16/01056/AMM: APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF PLANNING PERMISSION IN PRINCIPLE 14/00903/PPM – ERECTION OF SCHOOL ON LAND TO THE SOUTH OF WALLYFORD FARM COTTAGES, INCHVIEW ROAD, WALLYFORD

A report was submitted in relation to Planning Application No. 16/01056/AMM. Mr Dingwall presented the report, outlining that the application had been brought to Committee automatically due to the size of the site and no objections had been received.

In response to questions from Members Liz McLean, Service Manager – Strategic Asset & Capital Plan Management, advised that the school was being procured through Hub South East and the costs had been benchmarked against similar developments across Scotland. She said that it would include some unique features such as community access to the school library. It would be built in phases subject to the requirements of residential developments in the catchment area and would begin with 28 classrooms. Ms McLean stated that the target date for completion was October 2018 and that modelling had been undertaken to ensure that the current school building would not run beyond capacity in the interim. She confirmed that all of the existing pupils would transfer over to the new school and provided clarification on the catchment area boundaries.

Local Member Councillor Caldwell stated that Wallyford currently required a new school and the ongoing developments had helped to secure it. His only concern was the distance that some children may have to travel through the village; however he welcomed the application and would be supporting it.

Local Member Councillor Currie said that it had taken far longer than envisaged and it was a tribute to the teachers and children that they had made the best of the existing facilities. He mentioned the delays associated with the project and the importance of seeing it reach completion. He thought that October 2018 might be too optimistic but agreed that it would be a significant step forward for the children and the village.

The Convener brought the discussion to a close. He stated that the commitment to local residents would now be delivered and that October 2018 would hopefully see the children in their new school.

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

For: 12

Against: 0

Abstentions: 0

Decision

The Committee agreed to grant approval of matters specified in conditions for the proposed school development should 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 A Construction 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. The Construction Method Statement shall include hours of construction work and any recommended mitigation measures for the control of construction traffic, which 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.

Reason:

To minimise the impact of construction traffic in the interests of road and pedestrian safety in the locality and relative to school generated vehicle and pedestrian movements.

- 3 Prior to the commencement of use of the school hereby approved, a Green Travel Plan (GTP) shall be submitted to and approved in writing by the Planning Authority in consultation with Road Services. The Green Travel Plan (GTP) shall have particular regard to provision for walking, cycling and public transport access to and within the site, and will identify the measures to be provided, the system of management, monitoring, review, reporting and duration of the plan.

Reason:

In the interests of road safety.

- 4 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.

- 5 Prior to the commencement of development on the site a scheme of landscaping for the site shall be submitted to and approved in writing by the Planning Authority. The landscaping scheme shall provide details of: the height and slopes of any mounding on or re-contouring of, the site; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. The scheme of landscaping shall include, but not exclusively, the planting of trees along the southwest, north and east boundaries of the site.

All planting, seeding or turfing comprised in the approved details of the landscaping scheme shall be carried out in the first planting and seeding season (October - March) following the school building being brought into use or the completion of the development hereby approved, whichever is the sooner.

Any trees or plants which die, are removed or become seriously damaged or diseased within a period of 10 years 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:

To ensure the implementation of landscaping in the interests of the character, appearance and amenity of the area.

- 6 Prior to the commencement of use of any part of the school hereby approved the vehicular access, including its associated visibility splays, car park, turning area, and parking spaces, and the bus drop-off zone and accessible parking ouwith the site to the north to the south side of the distributor road, shall be laid out and constructed as shown in docketed drawing nos. 6003-JMA-00-ZZ-PL-A-0002 Rev A and ED11838-WPS-WA-DR-CS-9100 Rev A, and thereafter the vehicular access, car park, turning area, parking spaces, including the accessible parking spaces and bus drop-off zone shall be retained for such uses.

Reason:

To ensure provision of a safe access and adequate parking and turning in the interests of road safety.

- 7 Details of the photovoltaic panels to be installed on the roof of the school hereby approved shall be submitted to and approved in advance in writing by the Planning Authority prior to their installation in the development hereby approved, and thereafter the photovoltaic panels installed shall accord with the details so approved.

Reason:

In the interests of safeguarding the character and appearance of the area.

- 8 Details of any fences or boundary enclosures, including the boundaries of the courtyard areas, of the school site hereby approved shall be submitted to and approved in advance in writing by the Planning Authority prior to their installation in the development hereby approved, and thereafter the fences and boundary enclosures erected shall accord with the details so approved.

Reason:

In the interests of safeguarding the character and appearance of the area.

- 9 Noise associated with the operation of any plant and/or equipment associated with the operation of the building hereby approved shall not exceed Noise Rating Curve NR20 at any octave band frequency between the hours of 2300 and 0700 and Noise Rating Curve NR25 at any octave band frequency between the hours of 0700 and 2300 within any neighbouring residential property, assuming windows open at least 50mm.

Reason:

In the interests of protecting the amenity of neighbouring residential properties.

10. PLANNING APPLICATION NO. 16/00255/P: ERECTION OF POULTRY SHED AND ASSOCIATED WORKS AT 1 CLERKINGTON MAINS, LETHAM, HADDINGTON

A report was submitted in relation to Planning Application No. 16/00255/P. Edward Bean, Planner presented the report, outlining the background to the application. He confirmed that the proposals were consistent with planning policies.

In response to questions from Members, Mr Bean advised that the objections which were relevant in planning terms had been addressed in the report. He confirmed that concerns relating to odour and dust had been considered by environmental health officers and the proposals to mitigate these issues were viewed to meet the necessary requirements.

In reference to Councillor Berry's concerns about a similar site at Ferrygait, Mr McFarlane said that from Councillor Berry's comments it was clear that a breakdown in machinery had resulted in the release of odours at that site. He suggested that the option of including a back up in the management plan might be a solution for this application.

Councillor Goodfellow asked about the SEPA guidance on odours and Mr Clark explained the three classifications.

James Parker, the applicant and owner of Clerkington Eggs Ltd, spoke in favour of the application. He said that the proposals constituted a diversification of his existing farm business and a significant investment in the shed and new technology which would provide

new jobs and income for the local area. He explained that he had discussed the plans with officers and taken their advice on the location, colour and surrounding landscape to reduce the shed's visibility. He also referred to assessments which had concluded that the levels of dust and odour would be very low. He said that there would be a small increase in traffic each week from lorries delivering feed and collecting eggs but that this would not adversely impact surrounding residences. He added that there would be no adverse impact on the core paths network and he and his wife would be living in a cottage near to the proposed shed.

Mr Parker responded to questions from Members indicating that he had considered alternative locations for the shed, in conjunction with planning officers, and had reached a compromise as outlined in the plans. He also clarified details in relation to the collection and removal of manure, the number of jobs on site and the arrangements for flock management.

Christine Dora spoke against the application. She advised Members that her house was located 127m from the proposed poultry shed. She noted that the planning officer's report stated that there was an operational requirement to site the shed in the location proposed but she disagreed. She said that the farm was currently arable and that the proposals would constitute a completely new business. She referred to a similar planning application which was refused by the Planning Committee in 2012 and which was appealed by the applicant. The Scottish Government planning reporter duly dismissed the appeal and noted that the proposals would have a detrimental effect on nearby land uses and that it would be sited too close to residences at 60 – 160 metres distance; well within the 400 metre distance from housing which the Scottish Government code of practice states should be avoided. Ms Dora reiterated that her home was 127 metres from the proposed shed and downwind of the site in terms of the prevailing wind direction. She urged that the planning application be refused on the basis of deviation from planning guidance, specifically Policy DC1.

Charles Stevenson spoke against the application. As a resident of Clerkington Stables he stated that the amenity of these historic buildings and their accessibility to the public was at stake. He said that there were other, more suitable locations for the proposed shed and that the proposals contravened policies DC9 and Cultural Policy 6 protecting the special nature of the historic buildings and surrounding landscape. He also referred to the adverse impact on the core paths network around Clerkington which was a popular route and regularly used by local walkers. He concluded that public enjoyment of the area would be diminished if the plans were to go ahead and suggested that the shed be located on another part of the site which had less of an impact on the amenity of the surrounding area.

Phil McLean of Geddes Consulting, on behalf of Hallam Land Management, spoke against the application. He said that his clients objected to this application on the grounds of impacts on the agreed future development strategy for Haddington, and on the amenity of existing local residents, as well as residents of Haddington who enjoy the landscape and paths of the Clerkington estate. He cited the Scottish Government guidance referred to by the previous speaker and stated that the 400m buffer included not only existing homes, but also land forming part of the Council's future development strategy for Haddington as set out in the Council's Local Development Plan. The proposal would therefore prejudice the potential of this land to deliver homes in future, due to likely amenity impacts from odour, air quality, noise and dust, contrary to LDP Policy RCA1 - Residential Character and Amenity. He concluded that, as a compromise, the application should be refused, and the applicant invited to locate the poultry shed further to the southwest.

Local Member Councillor Trotter observed that this was a difficult application and due to the level of local interest it was appropriate that the Committee make this decision. He appreciated the views of the objectors and noted that increasing development around Haddington meant that careful consideration needed to be given to this application. He stated that if the building was on another part of the site he might possibly support the proposals but, as things stood, he would be opposing the application.

Councillor Currie commented that there would undoubtedly be an adverse impact on amenity and the issue was whether or not this was acceptable. He considered that building a shed 127m from a residential dwelling was incredibly close. He also noted that alternative locations were available which offered little or no impact and that these should be explored. On that basis, he would not be supporting the report recommendation.

Councillor Grant said that he recalled the application referred to by one of the speakers and that the recommendation of officers had been for consent, although the Committee took a different view. He noted that the surrounding countryside was very beautiful but that there would be a range of mitigation measures put in place to reduce the impact of the shed. He could see no reason for refusal and would be supporting the report recommendation.

Councillor Innes commented that if people live in the countryside they must accept the ups and downs of country living. However, he added that where regulations and guidance exist for proposed developments these should be followed, for example the buffer zone of 400m. If they are not followed, then there must be good reason for doing so. He concluded that as there were options for other locations within the land, he would not be supporting the report recommendation.

The Convener sought clarification on the Proposed Local Development Plan policies referred to by the speakers and Mr McFarlane advised that CB6 related to cultural heritage designations and was not material to this application. In regard to policy DC9 and special landscape areas, he confirmed that landscape officers had taken this into account. He also advised that the LDP stated that this ‘may’ be an area of potential future growth, not that it would be as implied by the representative from Geddes Consulting, and the environmental health officers had confirmed that the proposals would have no significant impact.

The Convener moved to the vote on the report recommendation:

For: 3
Against: 9
Abstentions: 0

Decision

The Committee agreed to refuse planning permission and that agreement of the reason for refusal should be delegated to the Service Manager for Planning, the Convenor, and the 3 Local Members.

Post Meeting Note:

The reason for refusal was agreed as: “The proposed poultry shed would, by its close proximity to nearby residential properties, result in significant harm to the residential amenity of those neighbouring properties. Accordingly the proposal is contrary to Policies DC1 (Part 5) and DP2 of the adopted East Lothian Local Plan 2008, which seek to safeguard nearby uses from significant adverse impact of development. It is also contrary to the guidance given in the Scottish Government’s Code of Good Practice: ‘Prevention of Environmental Pollution from Agricultural Activity’.”

Signed

Councillor Norman Hampshire
Convener of the Planning Committee