



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

**TUESDAY 7 NOVEMBER 2017
MAIN HALL (1st floor), TOWN HOUSE, HADDINGTON**

Committee Members Present:

Councillor N Hampshire (Convener)
Councillor L Bruce
Councillor S Currie
Councillor J Findlay
Councillor A Forrest
Councillor C McGinn
Councillor K McLeod
Councillor J McMillan
Councillor F O'Donnell
Councillor B Small
Councillor T Trotter

Other Councillors Present:

Councillor J Goodfellow (item 2)
Councillor J Henderson (item 2)

Council Officials Present:

Mrs A Leitch, Chief Executive (Item 2)
Mr D Proudfoot, Head of Development
Mr I McFarlane, Service Manager – Planning
Mr C Grilli, Service Manager – Legal and Procurement
Ms E Wilson, Service Manager – Economic Development and Strategic Investment
Mr E John, Service Manager – Sport, Countryside and Leisure
Ms S Smith, Team Manager – Economic Development
Mr K Dingwall, Team Manager – Planning Delivery
Mr P Forsyth, Team Manager – Assets and Regulatory
Mr D Irving, Senior Planner
Ms S McQueen, Planner
Ms E Taylor, Planner
Mr M Greenshields, Senior Roads Officer
Mr G Talac, Senior Roads Officer
Mr S Pryde, Principal Amenity Officer
Ms P Bristow, Communications Officer

Clerk:

Ms A Smith

Visitors Present/Addressing the Committee:

Item 2 – Mr N Rankin, Mr S Breslin, Mr T Brock, Ms G Martin, Ms J McMinn, Mr A Macintyre, Ms G Prince, Ms H Smith, Mr M Kummerer

Item 3 – Ms L Fraser, Mr W Main, Ms J Bell

Item 4 – Mr A Agnew

Apologies:

Councillor S Kempson

Declarations of Interest:

Councillor Trotter declared an interest in item 3 due to potential employment conflict; he would leave the room for this item.

1. MINUTES FOR APPROVAL – PLANNING COMMITTEE 3 OCTOBER 2017

The minutes of the meeting of the Planning Committee of 3 October 2017 were approved.

2. PLANNING APPLICATION NO. 17/00434/P: ALTERATIONS AND EXTENSION TO THE SCOTTISH SEABIRD CENTRE AND ADJACENT SUN LOUNGE TO FORM A NATIONAL MARINE CENTRE AND ASSOCIATED WORKS AT THE SEABIRD CENTRE, VICTORIA ROAD, NORTH BERWICK

A report was submitted in relation to Planning Application No. 17/00434/P. Stephanie McQueen, Planner, presented the report, summarising the key points and the primary material planning considerations of the impact of the proposal on this part of the North Berwick Conservation Area and other heritage interests nearby and whether or not this could be considered to be outweighed by the potential economic benefits of the proposal. The proposed decision set out in the report was for refusal of the application.

In response to questions from Councillor Goodfellow, Ms McQueen clarified that the confidential commercial documents referred to in the report had been assessed by various officers but not circulated to Members. She detailed the process for publishing information on the planning portal of the Council's website. Iain McFarlane, Planning Service Manager, stated that it was not uncommon during the course of an application for applicants to make revisions or corrections; any notification period for any new submission would be assessed regarding materiality. Ms McQueen clarified what documents would be given to the Scottish Government Reporter if this application went to appeal. Following further questions from Councillor Goodfellow, Mr McFarlane stated that commercial confidentiality had to be respected; officers had made an assessment and had provided Members with a clear picture of the situation. Mark Kummerer, of MKA Economics, the Council's external economic analyst, responded to questions about the economic impact of the proposal.

Responding to Councillor Currie's query regarding land ownership, Ms McQueen advised that the Council owned an element, as did Dalrymple Estates. Regarding queries about the confidential documents, Ms McQueen confirmed that no new documents had been submitted since the report had been published that had required the recommendation to be revisited. Responding to further questions, Mr McFarlane clarified matters in respect of the principle of development. In relation to construction access, he referred to the draft Construction Management Strategy that the Scottish Seabird Centre (SSC) had recently issued to all Committee Members.

Mr Kummerer responded to Councillor O'Donnell's questions in relation to the EKOS report, clarifying the guidance regarding displacement and deadweight calculation.

Ms McQueen responded to questions from Councillor McMillan about the report assessment in relation to loss of the visual connection between Anchor Green and the harbour area. Responding to further questions, Mr McFarlane stated that Anchor Green formed a

fundamental part of the Conservation Area hence the recommendation for refusal. He highlighted the statutory duty to preserve and enhance the Conservation Area.

Neil Rankin spoke in favour of the application. The National Marine Centre (NMC) would play a key role in providing learning, skills development and leisure facilities throughout the year. The NMC aligned with many local and national tourism and economic strategies. The economic benefits of the NMC had been downplayed and the downside overstated. Visitor attractions had to diversify to succeed. He stressed that the harbour was not under threat by this proposal. The NMC would be an outstanding asset for North Berwick and East Lothian.

Mr Rankin responded to questions on other potential locations for this national facility, the viability of the SSC, innovative measures and the educational aspect.

Steven Breslin, Chief Executive of the Glasgow Science Centre (GSC) spoke on behalf of Daniel Harries, Marine Scientist at Heriot Watt University. This proposal was of national and international significance. He outlined the crucial role the NMC would play in public engagement and learning, forming strong partnerships with academia. The SSC had been successful to date but needed to diversify. He gave examples of attractions in other areas that had successfully diversified, enhancing their area; the NMC represented this opportunity for North Berwick. It would bring significant economic benefit to the town and county.

Mr Breslin responded to questions on potential economic benefits, involvement with the academic sector, visitor numbers, Heritage lottery funding and the education/skills aspect.

Grace Martin and Tom Brock, representing the SSC, addressed the Committee. Ms Martin referred to some of the many benefits the SSC had brought to the town. Lack of space was affecting future delivery plans. Public consultation had taken place, engaging many young people and teachers. The project would deliver a new education centre for use by county schools and across Scotland. There was strong support from Visit Scotland, Scottish Natural Heritage, the Scottish Government, academic institutions and many more organisations.

Ms Martin responded to questions on internship and work experience places, school attendance numbers and refusals, locating the education delivery outwith the SSC and/or the town and resource issues. Mr Brock outlined the role of the education officer and the education experience provided to young people at the SSC.

Mr Brock informed Members that this proposal had significant merit. He outlined the economic benefits for North Berwick and East Lothian; this included a Gross Value Added (GVA) increase of some £600,000 per year. The NMC would safeguard and create jobs. The proposal was in line with Council and Scottish Government strategies. He reiterated that the harbour was not under threat. Anchor Green would become a more effective public space. The SSC was at a very important crossroads, doing nothing was a threat to the charity's viability. This was a one off opportunity to deliver an innovative project.

Mr Brock answered questions about the glass bridge, location of the education centre, the confidential NMC business plan, employment opportunities and visitor numbers. He also responded to queries on the options appraisal, economic issues/impact and lottery support.

Responding to further questions from Members, Mr Kummerer provided details on the economic impact assessment and the GVA impact.

Alastair Macintyre, representing the East Lothian Yacht Club (ELYC), spoke against the application. He outlined the history and background of the ELYC. He gave details of national championships; North Berwick was one of only three venues in Great Britain to hold these events. ELYC was held in high regard in yachting circles. The proposal would have a

detrimental impact on the running of ELYC. It would adversely affect the historic harbour and Anchor Green. The proposal was a clear overdevelopment in this Conservation Area.

In response to questions, Mr Macintyre gave details of the ELYC's membership, the cadet programmes and expanded on his access concerns.

Geraldine Prince spoke against the application. She informed Members that her background was in education so she would be focusing on this aspect. The application did not include details on the teaching and learning aspect. The scale of online and outreach education programmes were not specified. The SSC only had one education officer. There was no appraisal of how the existing space could accommodate existing learners. There were many other ways the SSC could repurpose its existing exhibition, education and office space.

Ms Prince responded to various questions in relation to developing the learning experience.

Jane McMinn spoke against the application on behalf of the North Berwick Harbour Trust (NBHT). She stated that the harbour was the tourist attraction not the SSC. The NBHT had advised the SSC that there was no right of access for construction. The SSC continued to refuse to engage with the NBHT. She stressed that the proposal would be a huge threat to the NBHT and the various other harbour operations. She remarked that no one objected to marine conservation but this building was not the right proposal.

Responding to questions from Members Ms McMinn gave details of a mediation meeting held with a Member of the Scottish Parliament.

Hilary Smith, representing North Berwick Community Council (NBCC), spoke against the application. The NBCC's reasons for objection were detailed in the report and she did not intend to re-iterate these. She wished instead to draw attention to the effect of this application on the North Berwick community; there was a very visible division now in the town. People against this proposal were not against the SSC, only this particular proposal. The NBCC would like to see this application refused and steps taken going forward to build support and trust in the local community, which had been damaged with this application.

Local Member Councillor Goodfellow, not a member of the Planning Committee, said he had called in this application, as due to significant public interest it was important that the Committee made the decision. The SSC was part of the North Berwick community; it had the support of the community, as did the NMC, but there was disagreement as to whether this proposal was the best way of delivering this facility. He stated that there was an issue over lack of access for Members to the confidential commercial documents. He noted that no other options had been considered, so it was this proposal or nothing. It all hinged on whether the economic benefit outweighed the detrimental impact. He questioned the visitor numbers. He hoped the Committee would uphold the officer's recommendation for refusal.

Local Member Councillor Findlay agreed with his colleague that Members should have seen the confidential documents. He referred to the passionate debate on both sides of the argument. He noted the SSC's contribution to North Berwick and that it was now in the unenviable position of having to diversify to survive. He did not doubt that the SSC should remain in some form but the question was whether the proposal before the Committee was the right one. He referred to concerns expressed by the ELYC and the NBHT. He referred to the visual impact of the proposal. The officers stated that the application went against ten separate policies. He suggested that the SSC should give this further thought and come up with a different proposal. He supported the officer's recommendation for refusal.

Local Member Councillor Henderson, not a member of this Committee, commented that as a ward councillor it was her duty to reflect the views of her constituents. It was vital to consider this proposal appropriately. She felt that in the application much of the information presented

raised more questions than answers. Economic benefits should not necessarily take priority and the threat of closure of the SSC was not a good base to make a decision. She considered the officer's recommendation for refusal appropriate at this time. She added that re-grouping and re-engagement in the community were required.

Councillor Currie remarked that the SSC had undoubtedly been of great benefit for North Berwick and East Lothian. However, Members had to make a decision based on material planning grounds. He felt that this proposal would have a significant, unacceptable, cumulative, impact on the area. He supported the officer's recommendation for refusal.

Councillor McMillan stated that this proposal was an opportunity to look to the future. The NMC would encourage more people to come to North Berwick. It would bring innovative collaboration, working with partners, providing invaluable education. On balance, the opportunities this application presented had swayed him; he would be supporting it.

Councillor Small remarked that people primarily came to North Berwick for the charm of a family seaside resort; anything affecting the harbour and its vista put this at risk. He felt that the SSC could make better use of its current footprint. Any new proposal had to be in keeping with the town's character. He would be supporting the officer's recommendation.

Councillor O'Donnell expressed concerns about the glass bridge; it was too intrusive. She took note of Mr McFarlane's earlier comments and subsequent consequences if approval was granted. She supported the officer's recommendation for refusal.

Councillor Trotter referred to the ten policies this application contravened; this was key. He would be supporting the officer's recommendation for refusal.

Councillor McGinn indicated that the focus on employment and education had persuaded him. He would be going against the officer's recommendation and supporting the application.

The Convener concluded the debate. He agreed that the Committee should determine this application. The SSC had been a huge asset to North Berwick. The community and the economy had both to be considered in reaching a decision. The proposed development would have an impact but the question was whether this outweighed the benefits, it would bring. There was a need to make the SSC more attractive, visitor numbers were falling. This proposal was important in terms of marine conservation and education. In his opinion, the NMC would be beneficial for North Berwick, East Lothian and Scotland to an extent that would outweigh any deterrent. He would therefore be going against the officer's recommendation and supporting the application.

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

For: 7
Against: 4
Abstentions: 0

Decision

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

- 1 The proposed development, by virtue of its height, size, scale, bulk, massing, architectural form and external finishes and its positioning, would be an overdevelopment of the site that would appear harmfully overbearing, dominant, intrusive and exposed within its landscape setting, out of keeping with its surroundings, disruptive to views of the harbour promontory and harmful to this historic part of the North Berwick Conservation Area. As an unacceptable, dominant and overbearing form of development, it would be harmful to the character of this part of the North Berwick Conservation Area, including the open setting of Anchor Green through the blocking of the vistas between that area of open space and the harbour, and

harmful to the settings of the Category B listed buildings of 38-40 Victoria Road and the Harbour, and the setting and understanding of the scheduled ancient monument of St Andrews Church. Accordingly the proposed development is contrary to Policies ENV3, ENV4, ENV7, DP2, DP6, DP8 and C3 of the adopted East Lothian Local Plan 2008, Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), and Scottish Government guidance on development within a conservation area, on development affecting the setting of a listed building, and on development affecting a scheduled ancient monument given in Scottish Planning Policy: June 2014.

Sederunt – Councillors Findlay and Forrest left the meeting. Councillor Trotter left the meeting for the next item as he had declared an interest.

3. PLANNING APPLICATION NO. 17/00020/PPM: PLANNING PERMISSION IN PRINCIPLE FOR RESIDENTIAL DEVELOPMENT AND CEMETERY, WITH ASSOCIATED ACCESS, INFRASTRUCTURE, LANDSCAPING AND OPEN SPACE AT LAND AT NEWTONLEES FARM, DUNBAR

A report was submitted in relation to Planning Application No. 17/00020/PPM. Daryth Irving, Senior Planner, presented the report, summarising the key points. The report recommendation was for refusal of the application

Mr Irving, in response to Councillor O'Donnell, advised that SEPA's position could not be prejudged; SEPA had stated that further monitoring on the groundwater was required.

Mr McFarlane, responding to Councillor Currie's questions, clarified that the key points were the principle of development and delivery of the cemetery. Officers were recommending refusal because the Council could demonstrate an effective 5-year housing land supply, which had been formally agreed by the development industry, as discussed and approved by Members at Council the previous week. There was no requirement for a housing development on this site, which was not in the adopted 2008 East Lothian Local Plan or the proposed Local Development Plan (LDP). He stressed that if the principle of development was approved and delivery of the cemetery proved problematic there would be a degree of precedent.

Lindsay Fraser of Gladman Developments, the applicant, refuted the reasons for refusal. 1. Housing land supply: she contended that the number of sites remained to be tested in the audit, in relation to the 5-year supply there was a gap that allowed for sites like this to be developed. 2. Integration: the scheme was landscape led; it was a lower density proposal and the site would be nestled in to the landscape. 3. Cemetery: referring to SEPA's objections and the requirement to fulfil 12 months groundwater monitoring this would be completed in January 2018 and could be dealt with by a suspensive condition. The proposed cemetery would provide a much needed extension to the Deerpark cemetery.

William Main, an immediate neighbour, spoke against the application. Approval of the application would result in the loss of the rural tranquil setting and would bring considerable light and noise pollution. He highlighted road traffic concerns; there had been two serious accidents at the Broxburn junction. The infrastructure would not be able to cope. Taking account of current nearby construction work and work relating to this proposed development would result in many years of disruption. He queried long-standing discussions about extending the current cemetery. There were no car park facilities for the new cemetery.

Jacque Bell, representing Dunbar Community Council, spoke against the application, expressing numerous concerns. The site was outwith both the current Local Plan and the proposed LDP. She referred to lack of public transport provision, to concerns about further pressures on schools and the Medical Centre; the infrastructure was not in place. She

highlighted sewage and drainage issues. She referred to SEPA's objection to the proposed cemetery. The development would merge the hamlet of Broxburn into greater Dunbar and impinge on the rural setting of Newtonlees Cottages. She urged Members to uphold the officer's recommendation for refusal of this application, adding that consequences of other developments approved outwith the LDP were increasingly evident.

The Convener, and local member, referred to the calculation for housing land supply and the perception of developers regarding land supply in East Lothian. He believed there was a need for some additional land over and above the LDP sites. In his view in the east of the county there was a desperate need for affordable housing; it was for that main reason he felt the proposal was acceptable. The development would form a reasonable extension to Dunbar. Regarding the cemetery, there was concern about the capacity of the existing cemetery. This new cemetery would provide an alternative; it was the only site available. He would be going against the officer's recommendation and supporting the application.

Councillor Small referred to the decision taken at Council last week regarding housing land supply; he had supported that report recommendation and would therefore be supporting the recommendation for refusal set out in the report.

Councillor Currie highlighted the section in the report that stated '*based on the up to date 2017 Housing Land Audit the Council is able to demonstrate a 6.17 years supply of effective housing land*'. He stressed that it was worthwhile defending this policy; he would be supporting the officer's recommendation for refusal.

The Convener moved to the vote on the report recommendation:

For: 4
Against: 4
Abstentions: 0

Due to the equal number of votes, and in accordance with the Council's Standing Orders, the Convener used his casting vote – for approval of the application.

Mr McFarlane outlined the process required given the Committee's decision to grant planning permission.

Decision

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

1. the conclusion of missives between the Council and the landowner for the land of the site shown for cemetery use;
2. the satisfactory conclusion of a Section 75 Agreement regarding developer contributions; and
3. conditions to the grant of planning permission in principle

Mr McFarlane advised that the Heads of Terms for the Section 75 Agreement and the conditions should be agreed between officers, the Convenor and local members.

He added that in accordance with the Council's policy on time limits for completion of planning agreements it was 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 was unacceptable due to a lack of sufficient capacity at Dunbar Nursery, Primary and Grammar Schools and a lack of provision

of affordable housing contrary to, as applicable, Policies INF3 and H4 of the adopted East Lothian Local Plan 2008.

Councillor Currie questioned the status of the report approved at Council last week, given the Committee's decision, stating he would seek further clarification outwith the meeting. Mr McFarlane advised that the Council at its meeting on 31 October had taken the decision to support the officer recommendation in respect of housing land supply as agreed by the development industry and there had been clear advice from officers to refuse this application.

Sederunt – Councillor Trotter re-joined the meeting.

4. PLANNING APPLICATION NO. 17/00432/AMM: APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF PLANNING PERMISSION IN PRINCIPLE 14/00903/PPM – ERECTION OF 245 HOUSES AND ASSOCIATED WORKS AT LAND TO WEST OF SALTERS ROAD AND NORTH OF A1 AT WALLYFORD

A report was submitted in relation to Planning Application No. 17/00432/AMM. Emma Taylor, Planner, presented the report. She referred to issues raised by Members at the site visit in relation to the use of Fa'side Avenue South for construction traffic and the footpath link to the south side of Salters Road. She indicated that if Members were inclined two further conditions could be added to the grant of planning permission to address these concerns:

- Condition 11: Construction traffic shall neither access nor egress the application site to or from Fa'side Avenue South, unless otherwise approved by the Planning Authority. Reason: To safeguard the amenity of the occupants of the houses of Fa'side Avenue South and in the interests of road safety.
- Condition 12: None of the houses hereby approved shall be occupied unless and until a 2 metres wide footway has been provided on the southeast side of the A6094 road between the northwestern end of the existing footpath link that runs between Fa'side Crescent/ Fa'side Avenue South and the A6094 road, over the full extent of the new 30 mph speed limit to the southern side of the western part of the distributor road approved by planning permission in principle 14/00903/PPM and approval of matters specified in conditions 15/00136/AMM. Reason: In the interests of road safety.

Ms Taylor then summarised the key points of the application. The report recommendation was to grant consent.

Responding to questions from Councillor O'Donnell. Ms Taylor advised that the wider Wallyford masterplan detailed the provision for green spaces and play areas; in this particular site no such provision was specified. In response to further queries, Mr McFarlane reiterated the advice adding that this application responded to that masterplan. Regarding the timescale for delivery of the play facilities, he stated there was a phasing plan for the development as a whole, which included timescales for play provision.

Councillor McGinn asked when the distributor road would be adopted as it was evident at the site visit that access into the site could not continue via Fa'side Avenue South. Peter Forsyth, Assets and Regulatory Team Manager, stated that discussions were ongoing regarding timing of that adoption but he hoped it would be in the next couple of months.

Responding to Councillor Trotter's note of caution as once the road was adopted the Council would become liable for repairs, the Convener stated that a decision had been taken to adopt the road early on in the development stage to enable all traffic use of the road. Councillor Currie referred to the minute of the 3 March 2015 Planning Committee and to the conditions approved regarding the distributor road, expressing concern that a previous

Committee decision had been overturned. He asked when this new decision regarding the distributor road had been made and when local members had been advised. The Convener stated it had been changed during negotiations with the applicant. Mr McFarlane advised that the initial condition had been worded to require finish at base course level, at a minimum. Adopting the road at an earlier stage would serve some of the sites coming on stream. Councillor Currie stated he would pursue this outwith the meeting.

In response to Councillor Small's points, Ms Taylor confirmed that once adopted the distributor road could be used as the Council wished and that site traffic could also use the other road.

Mr Forsyth clarified that the Council was looking to adopt the road to allow construction of the primary school, this was the main focus of the adoption; further works would be carried out on a staged basis.

Responding to Councillor McLeod's queries about the classification of the access road off Fa'side Avenue South, Mr McFarlane stated it was a public non-classified road; Roads Services had agreed it was acceptable for use. Regarding access point queries, Ms Taylor referred to the additional condition 11.

Andrew Agnew, representing Wallyford Community Council, addressed the Committee. He raised a number of issues regarding access to the construction site. He stressed that the Fa'side area was the only part of Wallyford embattled as a route into the construction site. He highlighted the considerable disruption to residents.

Local Member Councillor McGinn indicated he would be supporting the application.

Local Member Councillor McLeod said he would be supporting the application dependent on approval of the additional conditions. He added that the residents of Wallyford had tolerated considerable disruption.

Councillor Currie noted that the additional conditions proposed would deal with issues raised at the site visit and also satisfied the concerns of Wallyford Community Council. It was important to minimise any disruption where possible. He asked that the Committee's thanks be passed to the community for their forbearance. He supported the application.

Councillor McMillan, referring to comments from the Community Council, urged the developer to have dialogue with Mr Agnew. He would be supporting the application.

Councillor O'Donnell also commented on the tolerance of the local community. She hoped the developer would take note of comments made regarding play areas, outdoor areas and the provision of non-grass pavements. She would be supporting the application.

The Convener acknowledged that local members should have been kept informed of all the details; he apologised if that had not been the case. He would be supporting the recommendation to grant planning permission as set out in the report. He moved to the vote on the report recommendation (to grant consent) with the two additional conditions as set out earlier by Ms Taylor:

For: 9

Against 0:

Abstentions: 0

Decision

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

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

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

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

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

Reason:

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

- 4 Notwithstanding that shown on the drawings docketed to this approval of matters, all semi private and defensible spaces in front of or to the side of dwellings and to the side of parking courtyards shall be enclosed by walls/hedges/fences/ or railings to define areas of private space from public space.

Details of the form and appearance of all boundary treatments, including the 1.8m high fences within the rear gardens of the houses, shall be submitted to and approved by the Planning Authority prior to the occupation of the first house. A timetable for the provision of those boundary treatments shall be submitted to and approved in advance by the Planning Authority and 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 appropriate boundary enclosures and in the interest of safeguarding the privacy and amenity of future residents of the development.

- 5 Notwithstanding the landscaping details hereby approved, no development shall take place until there has been submitted to and approved in writing by the Planning Authority a

comprehensive scheme of landscaping which 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 detailed programme of planting to include the future management and maintenance shall be submitted. The scheme shall include indications of all existing trees and hedgerows on and/or within 10 metres of the application site, details of any to be retained, measures for their protection in the course of development and proposals for additional planting of native or naturalised species in informal clusters. It shall include for some large species of trees to provide for large scale landscape feature trees planted at strategic locations throughout the development site with sufficient space to allow the trees to fully establish their crowns and root plates.

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 10 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 detailed maintenance and management plan for the new planting as required by Condition 5 above shall be submitted to and approved in writing by the Planning Authority. The maintenance and management plan shall include a scaled coloured plan with the plot numbers shown and a key that clearly shows all communal landscape areas, including; woodland, native mixed hedgerows, amenity hedgerows, street trees, shrubs, meadows and lawns. All tree tag numbers shall be shown on this plan. The new planting shall thereafter be maintained and managed in accordance with the detail so approved unless otherwise agreed in writing by the Planning Authority.

Reason:

In order to ensure the maintenance and management of the landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area.

- 7 No houses hereby approved shall be occupied unless and until the SUDS scheme that has been submitted to the Planning Authority has been approved by the planning authority, in consultation with the Scottish Environment Protection Agency, and all work shall be carried out in accordance with the approved scheme. The details to be submitted shall include the timescale for the delivery of the SUDS scheme. Unless otherwise approved in writing, the delivery of the SUDS scheme will accord with the timescale so approved.

Reason:

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

- 8 The residential scheme of development shall comply with the following transportation requirements:
- (i) all adoptable footpaths shall be 2m wide;
 - (ii) driveways shall have minimum dimensions of 6 metres by 3 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 m length;
 - (iii) within private parking areas, the minimum dimensions of a single parking space shall be 2.5 metres by 5 metres. All visitor parking spaces within these areas shall be clearly marked for visitors with the remaining private parking spaces allocated to individual dwellings;
 - (iv) all prospectively adoptable parking bays (i.e. that will form part of the public road) shall have minimum dimensions of 2.5 metres by 6 metres. This can be reduced to a minimum

length of 5 metres on the proviso that there is adequate road space to manoeuvre in adjacent to the parking bay;

(v) Vehicle access to private parking areas shall be via a reinforced footway crossing and have a minimum width of 5.5m over the first 10m to enable adequate two movement of vehicles;

(vi) Notwithstanding that shown on site layout drawing ref: 17052(PL)001Z an additional length of footway shall be provided at the corner of plot 211 to enable crossing to the footway to be provided adjacent to plots 204-209 and also at the corner of plot 214 to enable crossing to footway to be provided adjacent to plots 227/228.

Reason:

In the interests of road safety.

- 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 interest of road safety.

- 10 Prior to the occupation of any of the residential units hereby approved a timetable for the implementation of all the open space recreation areas indicated on the docketed site layout plan shall be submitted to and approved in advance by the Planning Authority and the open space recreation areas shall be formed and made available for use in accordance with the timetable so approved.

The open space recreation areas shall thereafter 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.

- 11 Construction traffic shall neither access nor egress the application site to or from Fa'side Avenue South, unless otherwise approved by the Planning Authority.

Reason:

To safeguard the amenity of the occupants of the houses of Fa'side Avenue South and in the interests of road safety.

- 12 None of the houses hereby approved shall be occupied unless and until a 2 metres wide footway has been provided on the southeast side of the A6094 road between the northwestern end of the existing footpath link that runs between Fa'side Crescent/ Fa'side Avenue South and the A6094 road, over the full extent of the new 30 mph speed limit to the southern side of the western part of the distributor road approved by planning permission in principle 14/00903/PPM and approval of matters specified in conditions 15/00136/AMM.

Reason

In the interests of road safety.

- 5. PLANNING APPLICATION NO. 17/00849/PCL: VARIATION OF CONDITION 1C OF OUTLINE PLANNING PERMISSION 06/00770/OUT TO EXTEND THE TIME PERIOD FOR A FURTHER 3 YEARS AT TESCO STORES LIMITED, INVERESK ROAD, MUSSELBURGH**

A report was submitted in relation to Planning Application No. 17/00849/PCL. Keith Dingwall, Planning Delivery Team Manager, presented the report summarising the key points. The report recommendation was to grant consent.

In response to questions from Councillor Small about the care facility, the Convener clarified that it was the Council's responsibility to ensure this provision and that discussions were ongoing at the Integration Joint Board.

Local Member Councillor Currie stated that the 3-year period would give maximum flexibility, which was important. He referred to initial concerns when the detailed permission had been granted in relation to the access road, but noted that the Council had control in how this would be taken forward. He also commented on the location and percentage allocation of the affordable housing element. He would be supporting the recommendation.

Councillor O'Donnell remarked that the affordable housing element and the care facility were both important. She would be supporting the report recommendation.

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

For: 9

Against 0:

Abstentions: 0

Decision

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

- 1 Condition 1
 - (a) Before development commences written approval from the planning authority must be obtained for the details of the siting, design and external appearance of any building(s), means of access and the landscaping (collectively these are termed "reserved matters").
 - (b) Plans and particulars of the reserved matters referred to in (a) above shall be submitted for consideration by the planning authority and no work shall begin until the written approval of the authority has been given.
 - (c) Application for the approval of reserved matters shall be made to the planning authority within 12 years from the date of planning permission in principle 06/00770/OUT (i.e. on or before the 25 September 2020).

Reason:

Pursuant to Section 59 of the Town and Country Planning (Scotland) Act 1997.

- 2 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.

- 3 Each of the uses that are hereby approved shall be restricted to the area of the application site designated for it on the masterplan docketed to planning permission in principle 06/00770/OUT.

Reason:

To secure an acceptable mixed use development in the interests of the good planning of the area.

- 4 No more than 140 residential units shall be erected on the application site.

Reason:

To ensure that the site is not over developed relative to education provision in Musselburgh.

- 5 There shall be no development within any part of the application site that forms part of the Inveresk Roman Fort scheduled ancient monument. Instead that land shall be landscaped in accordance with details that shall be submitted to and approved in writing in advance by the Planning Authority.

Reason:

To safeguard the character, appearance and setting of the scheduled ancient monument and the Inveresk Conservation Area.

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

Reason:

To facilitate an acceptable archaeological investigation of the site.

- 8 The details to be submitted pursuant to condition 1 above shall include details of any road or footpath improvement works on or off the application site that are required to facilitate the development of the designated areas of land use within the application site as these designated areas are shown on the docketed masterplan. The road or footpath improvement works so approved shall thereafter be fully undertaken prior to the use of any part of the mixed use development that is hereby approved.

Reason:

In the interests of road safety.

- 10 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.

- 12 Development shall not commence unless and until an acoustic report has been submitted to and approved in writing by the Planning Authority. The report shall assess the impact of neighbouring land uses (including the operation of the existing bus depot, and the operation of the future retail store within the land designated for retail use by the docketed masterplan) on residential properties and the sheltered housing that are to be erected on the application site. The report shall identify any mitigation measures that are considered necessary to ensure that future residential properties have a satisfactory amount of amenity. Any noise mitigation measures recommended by the findings of the noise consultants report shall be put in place and made operational prior to any use being made of the residential and sheltered housing components of the development hereby approved.

Reason:

To ensure that the future residential properties have a satisfactory amount of amenity.

- 13 Development shall not begin until a scheme to deal with contamination on the site has been submitted to and approved in writing by the Planning Authority. The scheme shall contain details of the proposals to deal with contamination to include:

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

No use shall be made of any of the components of development hereby approved unless and until the measures to decontaminate the site have been fully implemented as approved by the Planning Authority.

Reason:

To ensure that the site is clear of contamination prior to the commencement of use of any of the components of development.

- 14 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.

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.

- 15 No lighting units shall be installed within the application site unless with the prior approval of the Planning Authority.

Reason:

To safeguard the amenity of surrounding residential properties.

Signed

Councillor Norman Hampshire
Convener of the Planning Committee