



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

**TUESDAY 21 AUGUST 2018
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Committee Members Present:

Councillor N Hampshire (Convener)
Councillor L Bruce
Councillor J Findlay
Councillor A Forrest
Councillor N Gilbert
Councillor S Kempson
Councillor C McGinn
Councillor K McLeod
Councillor J McMillan
Councillor F O'Donnell
Councillor B Small

Council Officials Present:

Mr K Dingwall, Team Manager – Planning Delivery
Ms S Smith, Team Manager – Economic Development
Ms E Taylor, Planner
Mr K Graham, Solicitor
Ms M Haddow, Transportation Planning Officer
Mr G McLeod, Transportation Planning Officer
Ms P Bristow, Communications Officer
Mr J Allan, Planning Technician

Clerk:

Ms A Smith

Visitors Present/Addressing the Committee:

Item 2 – Mr J Watt
Item 3 – Mr C Church, Ms S Wilson
Item 5 – Mr F Sheerin, Mrs J Jemmett

Apologies:

Councillor S Currie

Declarations of Interest:

None

1. MINUTES FOR APPROVAL – PLANNING COMMITTEE 26 JUNE 2018

The minutes of the meeting of the Planning Committee of 26 June 2018 were approved.

2. PLANNING APPLICATION NO.16/00671/PPM: PLANNING PERMISSION IN PRINCIPLE FOR MIXED USE OF DEVELOPMENT CONSISTING OF RESIDENTIAL AND COMMERCIAL USE WITH ASSOCIATED DRAINAGE INFRASTRUCTURE, ROADS AND LANDSCAPING WORKS AT LAND TO NORTH OF HADDINGTON ROAD, KINGSLAW, TRANENT

A report was submitted in relation to Planning Application No. 16/00671/PPM. Keith Dingwall, Team Manager – Planning Delivery, presented the report, summarising the key points. The report recommendation was for refusal of the application.

Mr Dingwall, along with Graeme McLeod, Transportation Planning Officer and Susan Smith, Team Manager – Economic Development, responded to questions from Members. Mr McLeod confirmed that a transport assessment of the local road network had been done with the conclusion that the road should perform adequately in relation to traffic likely to be generated by the proposed development.

Ms Smith responded to questions about the market demand for business units in East Lothian, outlining the requirements depending on the size of the units. In relation to the District Valuer's comments about phased development potential, she advised that in the longer term this could take over ten years approximately.

Mr Dingwall responded to several queries. He confirmed that the last houses built for rent had been in Balfour Square, around ten years ago; since then council housing had been provided at Steading View and there would likely be a considerable number of affordable houses within the large-scale allocation at Windygoul South. He clarified the proposed access/egress to the development site. In relation to the lack of response from Scottish Water Mr Dingwall said that many local authorities had a lack of response and this issue had been taken forward. The Convener added that local authority representatives had met with Scottish Water; their position was that they were duty bound to facilitate a development that was going forward, to find an appropriate solution. As regards the applicant's lack of sight of the Council's consultation responses, Mr Dingwall stated that applicants were generally informed of the financial position outlined in these responses, as agreement was sought from the applicant; occasionally this may not happen due to certain circumstances. He also confirmed that the Council was able to demonstrate a 6.17 years supply of effective housing land, adding that the Reporter had supported this supply figure.

Jason Watt of Barratt Homes, the applicant, informed Members that at the outset of the planning process they had been encouraged by the Council to submit a mixed-use development application. The Development Viability Report submitted contained an in depth analysis, which concluded that the site was not best placed for business use; it was unsustainable. He refuted the Council's argument on 'abnormal' costs, outlining the cost of the various works required. He took issue with the approach taken by the District Valuer. The site was not suitable for business use in its entirety; a mixed-use development was more appropriate and more practical. He outlined the timeline should the application be approved.

Mr Watt responded to questions from Councillors McMillan and Small. He gave further details of the problems in developing the site in a 'piecemeal' fashion. He confirmed that discussions had been ongoing with the vendor since early 2016. He stated that the Planning Authority, at pre-application meetings, had encouraged the mixed-use application.

Local Member Councillor McGinn expressed concerns about the increased traffic that would be generated by this proposal and also concerns about access to the site. There was an ongoing issue regarding traffic in that area. As a local member, he had a responsibility to the Tranent community to increase employment opportunities for young people. He would be supporting the officer's recommendation for refusal of the application.

Local Member Councillor McLeod stated that this proposed development was an opportunity to build a local connection; it would be close enough to the town centre for residents to walk to the shops and the other facilities. He expressed concerns about losing a local connection in relation to new developments at the other side of Tranent. He would be going against the officer's recommendation and supporting the application.

Councillor Small stated that Members should be cognisant of comments by the Council's Economic Development and Strategic Investment (EDSI) service; employment generation needed to be given the opportunity to develop. He also agreed with the District Valuer's assessment. He would be supporting the officer's recommendation for refusal.

Councillor McMillan also supported the comments expressed by EDSI. He referred to the need for wider economic growth; there were major developments across the county, there would be a greater emerging need for business units. The average number of jobs in the county had to be increased. He would be supporting the officer's recommendation.

The Convener acknowledged the points put forward by the applicant. He felt however, that it would be wrong at present to allow this site to be approved for residential use; he also referred to EDSI's comments. He would be supporting the officer's recommendation.

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

For: 9
Against: 2
Abstentions: 0

Decision

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

- 1 The proposed housing development would result in the loss of employment land that is part of the established employment land supply of Tranent, to the detriment of East Lothian's economy, contrary to Policy 2 of the approved South East Scotland Strategic Development Plan (SESplan), Proposal BUS11 and Policy BUS1 of the adopted East Lothian Local Plan 2008, Proposal TT6 and Policy EMP1 of the proposed East Lothian Local Development Plan and Scottish Planning Policy: June 2014.
- 2 If approved the proposed housing development would set an undesirable precedent for the development of new housing on land elsewhere in East Lothian that is allocated for employment use, the cumulative effect of which would be the depletion of Council's supply of established land for employment use to the detriment of the economy of East Lothian.
3. **PLANNING APPLICATION NO.18/00218/PM: ERECTION OF 82 RESIDENTIAL UNITS, WITH ASSOCIATED ROADS, INFRASTRUCTURE AND OPEN SPACE AS CHANGES TO THE SCHEME OF DEVELOPMENT 13/00519/PM AT LAND AT LETHAM MAINS, HADDINGTON**

A report was submitted in relation to Planning Application No. 18/00218/PM. Emma Taylor, Planner, presented the report, summarising the key points. The report recommendation was to grant consent.

Councillor McMillan referred to Condition 6 (Construction Management Plan) and Condition 7 (Travel Plan) asking how these plans would be taken forward to ensure that constituents'

concerns were taken on board; issues had been raised with local members about dust caused by construction traffic. Mr Dingwall advised that if there were breaches to the recommendations of the Construction Method Statement then these should be brought forward for investigation. The Travel Plan, which had to be approved by the Planning Authority prior to any occupation of the residential units, would be implemented in accordance with the details so approved.

Charles Church, of Mactaggart and Mickel Homes Ltd., the applicant, outlined the nature of the proposal, clarifying that the number of houses would not change but rather the positioning and orientation. He stated that in respect of the 22 affordable houses discussions had commenced with the Council's Housing Service. In response to comments about dust issues he stated that a third party contractor had carried out the earth works; the dust had not been properly managed and the three site developers had taken action against this contractor to ensure that this would not happen again.

Susan Wilson, also representing the applicant, gave Members further information on the design elements of the proposal, detailing the number and type of units.

In response to Councillor Small's question, Ms Wilson said there would be 4 cottage flats and 1 bungalow with wheelchair access within the affordable housing units. Mr Church, responding to a query from Councillor McMillan about possible financial benefit to the local community from the penalty applied to the third party contractor, indicated that this would be given consideration.

Local Member Councillor Small was supportive of Councillor McMillan's comments. He welcomed the type of housing proposed and would be supporting the report recommendation.

The Convener welcomed the proposal. He moved to the vote on the report recommendation (to grant consent):

For: 11
Against: 0
Abstentions: 0

Decision

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

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

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

- a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings;
- b. finished ground and floor levels of the development relative to existing ground levels of the site and of adjoining land and building(s). The levels shall be shown in relation to an Ordnance Bench Mark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing; and
- c. the ridge height of the proposed 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 Notwithstanding that which is stated on the drawings docketed to this planning permission, a detailed specification of all external finishes of the houses and flats of the proposed development shall be submitted to and approved by the Planning Authority prior to the use of the finishes in the development.

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

Reason:

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

- 3 Housing completions on the application site and otherwise on the site of planning permissions 13/00519/PM and 14/00089/PM in any one year (with a year being defined as being from 1st April to 31st March the following year) shall not cumulatively exceed the following completion rates, unless otherwise approved in writing by the Planning Authority:

Year 1 (2017/18) - 0 houses
Year 2 (2018/19) - 52 houses
Year 3 (2019/20) - 98 houses
Year 4 (2020/21) - 107 houses
Year 5 (2021/22) - 84 houses
Year 6 (2022/23) - 82 houses
Year 7 (2023/24) - 10 houses

If less than the specified number of residential units are completed in any one year then those shall be completed instead at Year 8 or beyond and not added to the subsequent Year.

Reason:

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

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

Reason:

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

- 5 Landscaping of the site shall be carried out in accordance with that shown on the site plan drawing ref 18-102(PL)01E.docketed to this planning permission.

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 interest

- 6 A Construction Management Plan to minimise the impact of construction activity on the amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Management Plan shall recommend mitigation measures to control noise, dust, construction traffic and shall include hours of construction work and delivery routes. It shall confirm that construction access to the site shall not be permitted via the Knox Place junction via West Road. All construction access shall instead be taken directly from West Road. The Management Plan shall also include the phasing of the development and restrictions that may be required, particularly for those

travelling to existing and/or proposed schools. It shall also include details of how the habitat of the Letham Burn will be protected during the construction phase of the development. The recommendations of the Construction Method Statement shall be implemented prior to the commencement of development. Development shall thereafter be undertaken in accordance with the details so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

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

- 7 A Travel Plan shall be submitted to and approved by the Planning Authority prior to the occupation of any of the residential units hereby approved. The Travel Plan shall have particular regard to provision for walking, cycling and public transport access to and within the site, and will include a timetable for its implementation, details of the measures to be provided, the system of management, monitoring, review, reporting and duration of the Plan.

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

Reason:

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

- 8 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.

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

Reason:

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

- 10 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.

- 11 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.

4. PLANNING APPLICATION NO.18/00431/PM: RENEWAL OF PLANNING PERMISSION 15/00022/PM - CONSTRUCTION AND OPERATION OF A LEACHATE TREATMENT PLANT (LTP) COMPRISING A SERIES OF STORAGE AND TREATMENT TANKS WITHIN A SURFACED AND BUNDED COMPOUND, TOGETHER WITH LAGOONS, REED BEDS AND ANCILLARY PLANT AND INFRASTRUCTURE AT DUNBAR LANDFILL SITE, INNERWICK, DUNBAR

A report was submitted in relation to Planning Application No. 18/00431/PM. Mr Dingwall presented the report, summarising the key points. The report recommendation was to grant consent.

The Convener, a local member, stated that this was a major landfill site and the proposal would mean that the leachate could be treated on site, which would be a huge improvement to the process. He would be supporting the report recommendation.

Local Member Councillor Kempson agreed with those comments. She would also be supporting the report recommendation to grant consent.

Councillor McMillan also agreed; he too would be supporting the report recommendation.

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

For: 11

Against: 0

Abstentions: 0

Decision

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

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

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

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

Reason:

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

- 2 The capacity of the leachate treatment plant hereby approved shall not exceed 36,500 tonnes per annum.

Reason:

To restrict the capacity of the plant to that applied for, in the interests of the amenity of the area and road safety.

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

Reason:

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

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

Reason:

In the interests of road safety.

- 5 Prior to the commencement of the development of the leachate treatment plant hereby approved tree protection fencing shall be erected and retained in place until such time as the DIRICKX and chain link fencing also hereby approved are erected. Prior to the installation of tree protection fencing, details of the proposed tree protection fencing and its location shall be submitted and approved in writing by the

Planning Authority and the tree protection fencing shall thereafter be installed in accordance with the details so approved.

Reason:

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

5. PLANNING APPLICATION NO.18/00636/P: ERECTION OF HOUSE AND GARAGE AND ASSOCIATED WORKS AT GARDEN GROUND OF KILORAN, ORMISTON

A report was submitted in relation to Planning Application No. 18/00636/P. Mr Dingwall presented the report, summarising the key points. The proposed decision set out in the report was for refusal of the application. He informed Members that the Planning Authority would be keen to work with the applicant to try to find an appropriate solution.

In response to questions from Councillor Small about an extension to the current property instead, as mentioned, Mr Dingwall advised that this would normally be within the domestic curtilage of the property. He outlined several possibilities.

Responding to Councillor Gilbert's query, Mr Dingwall clarified that the formation of an access to the road needed planning permission in its own right so could not be a condition of this application.

Fraser Sheerin, of Architectural Building & Design Consultants Ltd., agent for the applicant, outlined the nature of the proposal. He stated that the proposal represented an opportunity for infill development within a plot of a size to accommodate such a development. He stressed that given the unique set of circumstances in relation to the care required for Mr Jemmett approval of the application was requested.

Janet Jemmett, the applicant, provided further information regarding the reasons for the application. She informed Members that they had lived at the property for many years and her husband wished to stay in his home. She added that the road was not private; it belonged to the Council.

In response to a question from Councillor Bruce, Mr Sheerin said that in hindsight a Coal Mining Risk Assessment report should have been requested. Mrs Jemmett stated that a full structural survey had been requested at the time of purchase and they had been told that there was no underlying mining activity.

Local Member Councillor McMillan stated that this application highlighted an issue regarding policy, demographics and the particular problems associated with rural living. Both the Council and NHS had policies designed to help people stay at home, as they aged. He referred to page 44 of the report, which said the proposal would set an undesirable precedent; in his view supporting a family and creating a residence for the purpose outlined was not setting an undesirable precedent. There were questions regarding policies in relation to these issues. He was pleased to note that Mr Dingwall would be keen to work with the family. He was still undecided; there were wider issues to be considered.

Local Member Councillor Small agreed with many of Councillor McMillan's comments; there was a wider policy issue here that needed looking at. However, the Committee had to operate within current policies. He had a great deal of sympathy for the family and their situation. The neighbour also needed to be taken into consideration. He was also pleased that Mr Dingwall would be working with the family to try to find an appropriate solution. He would be supporting the report recommendation for refusal.

Councillor McLeod supported comments expressed by Councillor McMillan. He would be opposing the officer’s recommendation and supporting the application.

Councillor O’Donnell referred to the officer’s report, which clearly stated that the health condition of the applicant was not a material planning consideration. She did have considerable sympathy for the family’s situation and there may, as indicated by Councillor McMillan, be a need to have a further look at this policy. She would be supporting the officer’s recommendation for refusal.

The Convener stressed that Policy DC1 protected the countryside; if a decision were taken to go against this policy it would pose a risk to future applications as such a decision would weaken the policy. He supported the officer’s recommendation.

He 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 reasons:

- 1 No case has been made for the proposed house to meet an agriculture, horticulture or forestry need. Without such a justification the proposal is contrary to Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan), Policy DC1 (Development in the Countryside and Undeveloped Coast) of the adopted East Lothian Local Plan 2008 and Government policy guidance regarding the control of new housing development in the countryside expounded in Scottish Planning Policy: June 2014.
- 2 If approved the proposal would set an undesirable precedent for the development of new houses in the countryside, the cumulative effect of which would result in a detrimental impact on the rural character of the open countryside in East Lothian.
- 3 The proposed vehicle access to serve the proposed house from the private road onto the A6093 is not suitable for increased traffic and would be to the detriment of road safety contrary to Policy T2 of the adopted East Lothian Local Plan 2008.
- 4 The site is within a Coal Authority Development High Risk Area and a Coal Mining Risk Assessment Report has not been submitted by the applicant. Consequently the applicant has failed to demonstrate that the proposed house could be safely developed in what is a Coal Authority Development High Risk Area.

Signed

Councillor Norman Hampshire
Convener of the Planning Committee