



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

**WEDNESDAY 3 OCTOBER 2018  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

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**Committee Members Present:**

Councillor N Hampshire (Convener)  
Councillor L Bruce  
Councillor J Findlay  
Councillor N Gilbert  
Councillor W Innes  
Councillor S Kempson  
Councillor K McLeod  
Councillor J McMillan  
Councillor B Small

**Council Officials Present:**

Mr K Dingwall, Team Manager – Planning Delivery  
Mr K Graham, Solicitor  
Ms L Ritchie, Senior Planner  
Ms E Clelland, Planner  
Ms M Haddow, Transportation Planning Officer  
Ms J Allen, Communications Adviser  
Mr J Allan, Planning Technician

**Clerk:**

Ms A Smith

**Visitors Present/Addressing the Committee:**

Item 2 – Ms J Bell  
Item 3 – Mr G Young, Mr A Kemp

**Apologies:**

Councillor S Currie  
Councillor C McGinn  
Councillor F O'Donnell

**Declarations of Interest:**

None

Prior to commencement of business Keith Dingwall, Team Manager – Planning Delivery gave Members an update regarding the East Lothian Local Development Plan (ELLDP). He advised that on 27 September the Scottish Government had indicated that they did not propose to issue a direction therefore the Council could proceed and adopt this Plan, which would then supersede the 2008 Local Development Plan.

## **1. MINUTES FOR APPROVAL – PLANNING COMMITTEE 4 SEPTEMBER 2018**

The minutes of the meeting of the Planning Committee of 4 September 2018 were approved subject to the following changes:

- Item 2, page 3 – line 1 – delete *a local resident*, line 5 – change *southern to northern*

## **2. PLANNING APPLICATION NO.17/00488/PM: ERECTION OF 68 HOUSES AND ASSOCIATED WORKS AT LAND TO SOUTH OF BRODIE ROAD, DUNBAR**

A report was submitted in relation to Planning Application No.17/00488/PM. Esme Clelland, Planner, presented the report, summarising the key points. The report recommendation was to grant consent.

Jacquie Bell, representing Dunbar Community Council (DCC) stated that DCC was generally supportive of the application appreciating that the site was included within the ELLDP but had some issues for further consideration. These included the type of housing, with a preference for some bungalows, dispersal rather than zoning together of the affordable housing units, play equipment provision and safe routes to school and the town centre. She also raised issues regarding the SUDS system, the bus service, which was lacking for developments south of the railway line, contributions to improve the town centre and construction related concerns in relation to noise and dust.

Local Member Councillor Kempson welcomed the more imaginative design of the development, the reduction in the number of houses and the addition of green spaces. She would be supporting the application.

Councillor Innes requested, in respect of future developments, that Planning Officers, during negotiations with developers, highlight the need for more bungalow style properties; there was a lack of this type of property across the county. He would be supporting the report recommendation.

Councillor Small echoed those comments; he was supportive generally of single storey bungalow type housing and felt there was a market for this type of property, which could enable people wishing to downsize to stay in East Lothian. As regards this application, he would be supporting the recommendation in the report.

The Convener, a local member, responded to some of the issues raised by Ms Bell on behalf of DCC. Regarding play parks he referred to the Council's policy change to the provision now of larger play parks outlining the reasons behind this and stating that a play park would be provided at the end of this site. As regards public transport, lack of buses along Brodie Road was an issue; officers within Roads Services were working with the developer to try to address this. He would be supporting the application.

The Convener then 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:

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 £152,864 towards the provision of additional capacity and facilities at Dunbar Primary Lower School

(ii) a financial contribution to the Council of £294,916 towards the provision of additional capacity and facilities at Dunbar Primary Upper School;

(iii) a financial contribution to the Council of £219,300 towards the provision of additional capacity and facilities at Dunbar Grammar School

(iv) 17 affordable residential units within the application site

(v) a financial contribution to the Council of £64,289 towards the off site provision of sporting provision in Dunbar

(iv) secure a financial contribution to the Council of £1,864 for transport improvements. (Comprised of £221 for road improvements to Old Cragihall Junction, £227 for Salters Road Interchange, £1,027 for Bankton Interchange, £131 for Musselburgh town centre improvements and £258 for Tranent Town Centre improvements).

(v) secure a financial contribution to the Council of £33,456 towards a Segregated 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 Macmerry Primary and Ross High School, a lack of provision of affordable housing, sports provision, a lack of roads and transport infrastructure improvements contrary to, as applicable, Policies INF3, H4 and C2 of the adopted East Lothian Local Plan 2008 and ED4, DEL1, HOU3, OS4, T3 and T32 of the East Lothian Local Development Plan.

1 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:

\* Years 19/20 - 24 dwellings completed

\* Years 20/21 - 30 dwellings completed

\* Years 21/22 - 14 dwellings completed

(b) If fewer than the specified number of residential units is completed in any one year then those shall be completed instead at Year 22/23 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.

- 2 Prior to the commencement of development, final site setting out details shall be submitted to and approved in writing 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 the position of adjoining roads, land and buildings;

b. finished ground levels and finished floor levels of the development relative to existing ground levels of the site and existing ground and road levels of adjoining land. 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 hereby approved, shown in relation to the finished ground and finished 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 Prior to commencement of development on site, full details of the proposed Sustainable Drainage System (SuDS) shall be submitted to and approved in writing by the Planning Authority.

The details shall include confirmation of Scottish Water's technical approval of the SuDS proposals.

Thereafter, the approved details shall be implemented as approved.

Reason:

To ensure that the final SuDS design complies with Sewers for Scotland 3 and can be vested by Scottish Water in the interest of flood prevention, environmental protection and the long term amenity of the area.

- 4 Prior to the commencement of development, a Construction Method Statement which sets out how the impact of construction activity on the safety and amenity of the area will be mitigated shall be submitted to and approved by the Planning Authority.

The Construction Method Statement shall include details of:

\* Mitigation measures to control noise, dust, construction traffic (including routes to/from site).

\* Hours of construction work

\* Temporary measures to be put in place to control surface water drainage during the construction works

\* Routes for construction traffic

\* Wheel washing facilities.

Thereafter, the Construction Method Statement shall be implemented and complied with in accordance with the approved details for the period of construction of the development hereby approved.

Reason:

To retain control of the operation of construction in the interest of environmental and residential amenity.

- 5 Prior to the commencement of development, a scheme of landscaping shall be submitted to and approved in writing by the Planning Authority. The scheme shall provide details of: the height and slopes of any mounding on or re-contouring of the site including SuDS basin/ponds details; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting.

The scheme shall take account of the positioning of street lighting columns and 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. The scheme shall include a hedge along the northern boundary of the SuDS basin with appropriate complimentary tree planting.

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 completion of the development or occupation of any house hereby approved, whichever is the sooner.

Any trees or plants which 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. No trees or shrubs, detailed in the approved landscaping plans to be retained on the site, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority.

Reason:

To allow the consideration of details yet to be submitted and in the interest of residential and environmental amenity.

- 6 Prior to the commencement of development on site full details of the proposed bin collection point within the application site shall be submitted to and approved in writing by the Planning Authority. These details shall include ground finishes, boundary treatments and the design and position of signage to identify which dwellings are to use each area.

Thereafter, the details shall be implemented as approved.

Reason:

To allow the consideration of details yet to be submitted and in the interests of residential amenity.

- 7 The existing stone walling along the south and south eastern boundary of the application site shall be repaired and retained, other than where demolition is required to facilitate the formation of new accesses to the site as shown on the approved site plan DR4-02-01 R docketed to this permission.

Prior to the commencement of development, details of the repairs to the stone wall, including a timetable for repairs to be undertaken, shall be submitted to and approved by the Planning Authority. The repair of the stone walling shall thereafter be carried out in accordance with the details so approved.

Reason:

To ensure the repair and retention of an existing feature that contributes positively to the visual amenity of the area.

- 8 The glazing and ventilation specification of any habitable rooms (living rooms or bedrooms) on dwellings shall be as shown in Figure 4 'Committed mitigation' of Appendix A of ITP Energised's updated Report Ref EDI\_904 dated 26th February 2018.

Reason:

To mitigate the effects of predicted noise from the A1 road on the internal rooms of neighbouring dwelling houses in the interest of residential amenity.

- 9 Prior to the occupation of any dwelling hereby approved, an acoustic barrier comprised of a 1.8m acoustic fence on top of a 2m high earth bund shall be erected in compliance with the requirements of Figure 4 'Committed Mitigation' of Appendix A of ITP Energised's updated Report Ref EDI\_904 of 26th February 2018. The fence shall have a mass of 10kg/m<sup>2</sup> or greater. The barrier shall have no holes or gaps either between individual panels or between the base of the fence and the top of the bund.

Thereafter, the fence and bund shall be retained in perpetuity.

Reason:

To mitigate the predicated impact of noise associated with road traffic on the A1 on residents and ensure compliance with guideline for daytime garden noise levels in the interest of residential amenity.

- 10 Prior to the occupation of the last house on the application site, the proposed access roads, parking spaces, and footpaths shall be constructed on site in accordance with the approved drawings docketed to this permission.

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. 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.

Vehicle accesses to private parking areas (i.e. other than driveways) shall be via a reinforced footway crossing. Within private parking areas, the minimum dimensions of a single parking space shall be 2.5 metres by 5 metres.

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.

Reason:

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

- 11 Prior to the occupation of any house on site:
- i) Details, including a timetable for implementation, of traffic calming on Brodie Road in the vicinity of the double driveway from proposed houses 1 and 2 as shown on the approved drawings docketed to this permission, shall be submitted to an approved in writing by the Planning Authority. Thereafter, the traffic calming shall be implemented as approved
  - ii) Details, including a timetable for implementation, for a bus stop with appropriate hardstanding on either side of Brodie Road next to the application site shall be submitted to an approved in writing by the Planning Authority. Thereafter, the bus stops shall be implemented as approved.
  - iii) A factoring plan clearly showing the responsibilities for long term maintenance including of all roads and parking areas shall be submitted to and approved in writing by the Planning Authority.

Reason:

To allow the consideration of details yet to be submitted in the interests of road safety.

- 12 Prior to the occupation of any dwelling hereby approved, details of a Green Travel Plan shall be submitted to and approved in writing by the Planning Authority. This should seek to encourage the minimisation of private car trips and increased use of active means of travel and the use of public transport.

The Green Travel Plan shall have particular regard to provision for walking, cycling and public transport access to and within the site, and will include a timetable for its implementation, details of the measures to be provided, the system of management, monitoring, review, reporting and duration of the Plan. Thereafter, the Green Travel Plan shall be implemented in accordance with the approved details.

Reason:

To encourage sustainable and active travel in the interests of environmental and residential amenity.

- 13 The boundary treatments for each dwelling shall be implemented as shown on approved 'Site Layout Plan DR4-02-01 R' docketed to this permission, prior to the occupation of that house, unless otherwise agreed in writing with the Planning Authority.

Reason:

To ensure fencing and walls are implemented as detailed in the application in the interests of privacy and amenity.

- 14 The communal landscape areas as defined on the drawing titled Open Space Layout DR4-02-02 shall be maintained by a factor, residents association or other suitable organisation.

Prior to the occupation of any residential unit hereby approved, details of the maintenance arrangements shall be submitted to and approved in writing by the Planning Authority.

Thereafter, these maintenance arrangements shall be implemented as approved, unless otherwise agreed in writing by the Planning Authority.

Reason:

To ensure the retention and maintenance of landscaping on the site in the interest of amenity.

- 15 No residential unit shall be occupied unless and until details of artwork to be provided on the site or at an alternative location away from the site have been submitted to and approved by the Planning Authority and the artwork as approved shall be provided prior to the occupation of the final residential unit approved for erection on the site.

Reason:

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

**3. PLANNING APPLICATION NO.18/00388/PM: RESTORATION OF ASH LAGOONS NO.6 AND NO.8, REGRADING WORKS TO ASH LAGOON NO.7 AND ASSOCIATED WORKS AT SITE AT LEVENHALL LINKS, MUSSELBURGH**

A report was submitted in relation to Planning Application No.18/00388/PM. Linda Ritchie, Senior Planner, presented the report, summarising the key points. The report recommendation was to grant consent.

Ms Ritchie, along with Grant Young of Young Planning and Energy Consenting, agent for the applicant, and Alan Kemp, of Scottish Power Generation, the applicant, responded to questions.

Ms Ritchie clarified, that as far as she was aware, there had been no problems with the other lagoons now looked after by the Council. Regarding questions about possible contamination on site and leachate disposal Ms Ritchie advised that the lagoons were the subject of a Pollution Prevention and Control (PPC) Permit; SEPA was the key agency. Until restoration work was completed, monitoring was being carried out; following completion Scottish Power would seek the agreement of SEPA regarding the PPC Permit and the Council would take over the site. Mr Young clarified that the leachate was discharged into the sea. He reiterated that SEPA was the responsible party so results were relayed to SEPA and only once they were satisfied would the PPC Permit be surrendered. SEPA would usually inform the Council's Environmental Protection Service of the results. Mr Kemp added that if anything were detected SEPA would query the cause of the contamination. He stressed that the lagoons were in a stable state and monitored regularly.

Councillor Innes, regarding points raised, stressed that regular monitoring took place; SEPA as the responsible party, had to be trusted to act appropriately. Development of these lagoons over many years had been successful; they were a great asset to Musselburgh with their huge diversity of wildlife. He would be supporting the application.

Councillor McLeod agreed with those comments; he would be supporting the application.

Councillor Small echoed the comments from Councillor Innes. He stated that once finished this would be beneficial for the people of Musselburgh and beyond. He was supportive of the proposal.

Councillor McMillan agreed with his colleagues. He referred to the report noting that the various agencies were satisfied that the proposal would contribute positively to the landscape. He welcomed the report and supported the recommendation.

The Convener welcomed the proposal, stating this would be a very attractive site and would attract many visitors to Musselburgh and the East Lothian coastline. He did have some concerns about vulnerability to the sea, stating that the Council would have responsibility for ongoing maintenance for many years to come; long-term viability of the site was important.

He 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 Details of the phasing of the restoration of the site, including the landscaping of it, shall be submitted to and approved by the Planning Authority. The restoration and landscaping of the site shall thereafter be

carried out in accordance with the details so approved unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure the timely phasing of the restoration in the interests of the amenity of the area.

- 2 Prior to the commencement of site restoration, a Water and Drainage Assessment covering operation details for all surface water and drainage systems, including pumps, pipes and automated water control for lagoon 8, the boating pond, wader scrapes (lagoon 5) and lagoon 6 shall be submitted to and approved by the Planning Authority. The submitted detail shall include a timetable for the delivery of all identified mitigation measures.

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

Reason:

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

- 3 Prior to the commencement of site restoration a Construction Management Plan, including a Vehicle Management Plan and Dust Suppression Plan, shall be submitted to and approved an advance in writing by the Planning Authority following consultation with SNH.

The Construction Management Plan shall include the following mitigation measures:

- Work shall be planned and scheduled to limit damage to the Firth of Forth SPA and its qualifying features and to the Firth of Forth SSSI and its protected species, habitats and geodiversity features;
- The timing of works shall avoid the breeding season where possible;
- The timing of works shall avoid dawn and dusk where possible as these are usually the times of day when birds are most active, and any reduction in potential disturbance is welcomed;
- All site staff shall be provided with information regarding the sites' ecological sensitivities as part of the Health and Safety Induction;
- All site staff shall be aware of the need for careful working practices to avoid environmental damage;
- An Ecological Clerk of Works (ECoW) shall be employed during construction to advise on the timing and/or duration of operations, monitor bird activity and undertake nest checks, bird counts, and offer advice to the general public, and the contractors regarding notable species, sensitive areas and legal obligations;

It shall also include the following details:

- Mitigation measures to control noise, dust, construction traffic (including routes to/from site and delivery times);
- Hours of construction work;
- Routes for construction traffic;
- Wheel washing facilities; and
- Measures to address public access and active travel during construction, particularly relating to the Core Path network around the site, and other paths through the site and detailing any alternate temporary provision measures.

Thereafter all construction works associated with the site restoration hereby approved shall accord with the approved Construction Management Plan, unless otherwise approved in writing by the Planning Authority following consultation with SNH.

Reason:

To protect the Firth of Forth Special Protection Area and Site of Scientific Interest from significant disturbance arising from the site restoration works hereby approved, and in the interests of the amenity of the area.



- 4 No restoration works shall take place until there has been submitted to and approved in writing by the Planning Authority a Landscape Management Plan covering all of the application site and shall include details of:

- The height and slopes of any mounding on or recontouring of, the site;
- Tree and shrub sizes, seed mixes, species, habitat, siting, planting distances and a programme of planting and aftercare;
- Details of soil depths within lagoons 6 and 8;
- Landscape treatment of the current wash plant adjacent to lagoon 6;
- The detailed design of the sand martin bank to be formed in lagoon 8;
- A ditch to be re-established along the north and western sides of lagoon 8

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. These details shall include a description of woodland management to be carried out in woodland on the south side of lagoon 6.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with the phasing plan approved in respect of Condition 1 above.

Any trees or plants which within a period of five years from the completed restoration of the site, 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.

- 5 Site restoration shall be carried out in strict accordance with the mitigation measures set out in Table 8-1 of the Habitat Regulations Appraisal docketed to this planning permission.

Reason:

In the interests of ecology.

- 6 Notwithstanding that which is detailed in the docketed drawings, a total of 5 bird hides shall be provided around lagoon 8. Details of the bird hides, including their positioning, finishing and form shall be submitted to and approved by the Planning Authority. The submitted details shall also include a timetable for their provision. Provision of the bird hides shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of the amenity of the area.

- 7 Prior to their erection on the site, details of the fencing, gates and other means of enclosure to be erected on the site shall be submitted to and approved in advance by the Planning Authority. Unless otherwise approved by the Planning Authority fencing around the lagoons shall be three wire with netting/mesh to prevent dogs and foxes accessing the lagoons. The submitted details shall also include a timetable for their provision.

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

Reason:

In the interest of the amenity of the area.

- 8 Prior to their erection on the site, details of seating areas along the sea wall perimeter of the site shall be submitted to and approved in advance by the Planning Authority. The submitted details shall also include a timetable for their provision.

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

Reason:

In the interest of the amenity of the area.

- 9 Unless otherwise agreed in writing by the Planning Authority, the existing shared use path to the west and north of Lagoon 8 shall be hardsurfaced over its entire length and to a width of 2.5 metres. Prior to the commencement of development details of the hardsurfacing of the shared use path shall be submitted to and approved in writing by the Planning Authority. following consultation with Scottish Natural Heritage Those details shall include a timescale for the hard surfacing of the shared used path. The hardsurfacing of the shared use path shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of the amenity of the area and recreational access.

- 10 Unless otherwise agreed in writing by the Planning Authority, all of the new and altered paths shall have a bound surface and a width of 2.5 metres.

Reason:

In the interests of the amenity of the area and recreational access.

- 11 Prior to the commencement of site restoration details of the depths of water and material specification for lagoons 6 and 8 shall be submitted to and approved by the Planning Authority. The details shall include the specification of any artificail liners and details of any inert material to be used. It shall also show the use of puddle clay for the lining of the lagoons. Site restoration shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interest of the ecological value of the site.

Signed .....

Councillor Norman Hampshire  
Convener of the Planning Committee