

REPORT TO: Planning Committee

MEETING DATE: Wednesday 26 June 2019

BY: Depute Chief Executive
(Partnerships and Community Services)

SUBJECT: Application for Planning Permission for Consideration

Note - this application was called off the Scheme of Delegation List by Councillor Akhtar for the following reason: concerns about the safety of the junction and would like the Planning Committee to look at this matter further.

Application No. **19/00265/P**

Proposal Erection of sales cabin, formation of vehicular access, hardstanding area, car parking and erection of fencing for a temporary period of 1 year

Location **Limeylands Road
Ormiston
Tranent
East Lothian
EH35 5JF**

Applicant Barratt East Scotland

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

In March 2017 approval of matters specified in conditions of planning permission in principle 14/00431/PPM (Ref: 17/00047/AMM) was granted for the erection of 120 houses and associated works on some 7.6 hectares of agricultural land located at Limeylands Road, to the west of Ormiston.

Planning permission is now sought for the siting of a sales cabin for a temporary period of three years on the approved housing site. Planning permission is additionally sought for the formation of a vehicular access, hardstanding area, car parking and for the erection of fencing, all in conjunction with the proposed sales cabin.

The flat roofed sales cabin would be some 2.53 metres in height, 3.05 metres wide, and some 9.76 metres long. The cabin would be aluminium clad and in a white colour (RAL 9010). Windows and doors would be aluminium framed and in a silver grey to match. Two windows and a door would be inserted within the south west elevation, one window and door within the north west elevation and two high level windows within the south east

elevation.

Vehicular access would be taken to the site office from Limeylands Road, as a point in the southwest corner of the approved housing site. An area of monoblock would provide access from Limeylands Road to four car parking spaces, which would be formed to the southwest of the sales cabin. A 1.8 metre high fence would also enclose a small service yard to the north west corner of the sales cabin.

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

The development plan is the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Development Plan 2018.

There are no relevant policies of the approved South East Scotland Strategic Development Plan (SESplan). Policies DP2 (Design), NH8 (Trees and Development), T1 (Development Location and Accessibility) and T2 (General Transport Impact) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of the application.

Two objections have been received to the application. Objections relate to concern with regards to highway safety from the creation of the new access on to Limeylands Road given its angle, poor visibility and proximity to a pedestrian path. Objection has also been raised that the new access deviates from the approved layout for the site.

Whether or not there is already an access, and whether or not this deviates from the approved housing development, does not preclude the applicant from seeking planning permission for it. Whether or not the proposed means of access would result in a risk to road safety is addressed below.

The concerns raised by objectors have also been raised by Ormiston Community Council, who have recommended that the application be viewed unfavourably and rejected. They also express concern given the retrospective nature of the application as the sales cabin has already been installed on site.

The fact that the sales cabin has already been erected on site is not a material consideration in the determination of the planning application.

The purpose of the proposed temporary sales cabin is to promote the sale of the houses to be built on the housing development site the subject of approval 17/00047/AMM.

In its position the cabin would be readily visible from public views, within the Limeylands Road site. However, due to the relatively short period of time in which the proposed sales cabin would be in situ and because it would be in close juxtaposition with a housing construction site they would not have any significant harmful impact on the visual amenity of the area. By its box like temporary form the proposed sales cabin would not be suitable for permanent siting at this location. Therefore, a condition should be imposed on a grant of planning permission for the sales cabin to restrict the period of its existence. The applicant has stated within their correspondence that the sales cabin would only be required for a period of 6/7 months and would be removed once the permanent sales area at plot 1 is ready to open. As such, a condition shall be added to require that the sales cabin be removed within 12 months of the date of the decision or once it is no longer require for its proposed use, whichever comes sooner.

The Council's Environmental Health Manager raises no objection to the application, being satisfied that noise generated by the development of the sales cabin would not have a harmful impact on the privacy and amenity of any neighbouring residential property.

The proposed sales cabin would also be sited sufficiently far from residential properties such that there would be no loss of residential amenity to these properties with regards to loss of daylight or sunlight, or loss of privacy. Use of the proposed sales cabin would not harmfully impact on the amenity of the occupants of those nearby properties.

The Council's Road Services has reviewed the objections submitted as part of this application. They raise no road safety objection to the proposal, being satisfied that the site can be safely accessed and that sufficient parking is provided. They have also stated that the carriageway at this location has a width of 5.5 metres which is sufficient to allow safe turning with minimal lane cross over. In addition vehicle numbers and speeds are low. The plans have also been amended to show details of a visibility splay providing clear views for vehicles when exiting the site. As such, the proposal is acceptable in this regards and complies with Policies T1 and T2 of the East Lothian Local development Plan 2018.

Given the potential impact of the new access and hardstanding on trees surrounding the entrance to the site, the Council's Landscape Policy Officer has been consulted on the application. They had responded to request further information of a tree protection plan, showing the position of the temporary protective fencing (TPF) and a specification and drawing for the TPF. The tree tag numbers of protected trees shall be shown on the tree protection plan. They also requested this be accompanied by an arboricultural method statement for the construction of the proposed road that goes through the root protection area of two protected trees (tagged 709 and 708).

As such, revised details have been submitted including a Tree Protection and Arboricultural Method Statement Report. The Landscape Policy Officer has reviewed this document and is satisfied with the detail contained within it regarding the manner in which the works would be undertaken. As such, they have recommended that should planning permission be approved, a condition should be attached to any consent requiring the works to be undertaken in strict compliance with the Tree Protection and Arboricultural Method Statement, written by Langton Tree Specialist, dated May 2019. Subject to this planning control, the proposed development would not harmfully impact on any trees that are of significant amenity value. The proposal would comply with Policy NH8 of the East Lothian Local Development Plan 2018.

In view of its short term purpose and existence the proposed development does not conflict with Policies DP2, NH8, T1 and T2 of the adopted East Lothian Local Development Plan 2018.

CONDITIONS:

- 1 Use of the temporary sales cabin hereby approved shall cease and the temporary sales cabin, vehicular access, hardstanding area, car parking and fencing shall all be removed in their entirety from the application site within 12 months of the date of this planning permission or once the sales cabin is no longer required for its proposed use, whichever is sooner.

Reason:

To limit the period of use of the temporary sales cabin in the interests of safeguarding the visual amenity of the area.

- 2 The proposed development hereby approved shall be undertaken in strict compliance with the details set out within the Tree Protection and Arboricultural Method Statement, written by Langton Tree Specialist, dated May 2019.

Reason:

In the interests of protecting the health and viability of existing trees within the site.

- 3 Other than the existing adjacent tree, no obstruction shall lie within the visibility splay, which is shown on the docketed site plan drawing, above a height of 1.05 metres measured from the adjacent carriageway surface.

Reason:

In the interests of road safety.