



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

**TUESDAY 3 SEPTEMBER 2019  
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 Mackie  
Councillor C McGinn  
Councillor K McLeod  
Councillor J McMillan  
Councillor F O'Donnell  
Councillor J Williamson

**Other Councillors Present:**

Councillor J Goodfellow  
Councillor J Henderson

**Council Officials Present:**

Mr K Dingwall, Team Manager – Planning Delivery  
Mr K Graham, Solicitor  
Ms E Taylor, Senior Planner  
Ms M Haddow, Transportation Planning Officer  
Mr N Morgan, Outdoor Access Officer  
Mr D Taylor, Planning Officer  
Ms P Bristow, Communications Adviser  
Ms B Crichton, Committees Officer

**Clerk:**

Ms A Smith

**Visitors Present/Addressing the Committee:**

Item 2 – Mr T Thomas, Mr D Lawson, Mr M White

**Apologies:**

None

**Declarations of Interest:**

None

**1. MINUTES FOR APPROVAL – PLANNING COMMITTEE 26 JUNE 2019**

The minutes of the meeting of the Planning Committee of 26 June 2019 were approved.

**2. PLANNING APPLICATION NO. 18/01366/AMM: APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF PLANNING PERMISSION IN PRINCIPLE 16/00594/PPM - ERECTION OF 122 HOUSES, 28 FLATS AND ASSOCIATED WORKS AT LAND AT SALTCOATS FIELD, GULLANE**

A report was submitted in relation to Planning Application No. 18/01366/AMM. Emma Taylor, Senior Planner, presented the report, summarising the key points. She drew attention to matters raised at the site visit and outlined the wording for two new conditions (15 and 16) should Members be inclined to support the application. The report recommendation was to grant consent.

Ms Taylor and other officers responded to questions from Local Members. Regarding Condition 16 (Construction Method Statement (CMS)), and whether *encourage* could be changed to *enforce* Keith Dingwall, Team Manager – Planning Delivery, indicated this had been looked at but it was very difficult to ensure people did not to park on a public road; the wording had to remain as *encourage*. Regarding suitability of the C111 road for construction traffic, Morag Haddow, Transportation Planning Officer, stated that this was the only road that could be used at present but the CMS would restrict movement times and there would also be temporary widening of the road. Mr Dingwall replied to questions about the delay in completion rates, how this affected the education capacity, clarifying the view of the Education Service. Ms Taylor confirmed that SEPA had not submitted an objection. She clarified that the developer would negotiate with Scottish Water as regards timescales. In respect of how an assurance could be given on the direction of construction traffic elsewhere, Ms Haddow advised that traffic would be directed south but the only access would be from the north. Ms Taylor clarified that the CMS would apply to the whole site. Regarding safe routes to school, Mr Dingwall advised that normally there would never be a requirement for a safe route to school through a construction site; there was a requirement through earlier conditions relating to the C111 road to update the path.

Tony Thomas of APT Planning and Development Limited, agent for the applicant, informed Members that CALA had worked collaboratively with the Council to ensure the best possible solution for this site. The principle of development had been established and the application reflected the strategy of the adopted East Lothian Local Development Plan 2018 (ELLDP). This detailed application set out the design and layout of the application; he gave details of the mix and number of units. He addressed some of the points raised. Regarding pedestrian access CALA had explored this with Muirfield Grove residents but they would not agree to a link being formed, however it was possible that the Council could use its statutory powers to deliver a path here. CALA would facilitate the offsite path to the northwest corner of the site to the recreation park. This would be delivered at no cost to the Council and would be adopted and lit. As regards volume and management of construction traffic, he advised that it had been agreed previously to use the C111 road to minimise traffic elsewhere. He informed Members that the CMS would be issued to all suppliers.

Derek Lawson, representing CALA, the applicant, responded to questions. Regarding construction traffic adhering to the CMS Mr Lawson confirmed that the CMS was issued to all contractors and suppliers and if there were complaints about non-adherence this would be taken on board. In relation to on-site construction vehicle parking this would be located in the southwest compound, furthest away from the village. Replying to further points he provided more details about measures being taken to minimise the impact to residents during the construction phase. He clarified that the footpath would be open and usable on the C111 road prior to occupation of the first house. In respect of queries about negotiations

regarding this site and other sites along the coast with Scottish Water, he referred to Scottish Water's report (December 2018) which stated there would be no impact on water treatment works of the Gullane applications. As to whether there had been a conversation/outcome in relation to Scottish Water's comments in the report Mr Lawson indicated that at this stage of the process the technical approval had not yet been lodged as planning permission was needed first. Questions were asked about the developer's footprint reduction as the Council had just approved a climate change emergency motion with the aim to be a carbon neutral county. Mr Lawson stated that developers working sustainably were doing this and that house build would comply with energy efficient aspects of building regulations. He clarified that where feasible there would be provision of renewable technology for residential units and infrastructure for car charging points. He reiterated that there was an open invitation to Muirfield Grove residents for dialogue with CALA regarding pedestrian access.

Martin White, representing Gullane Area Community Council spoke against the application. The Community Council had considerable concerns about the weak connectivity of the site to the rest of Gullane. The Indicative Master Plan (16/00594/PPM) had more options than the new layout. Condition 1 of that Plan stated that the layout should generally comply with the earlier Master Plan. He referred to connectivity/legal issues in respect of the Fenton Gait East site. Regarding pedestrian access, he stated that using a path beside a wood, even if lit, was not a safe route. Much of the connectivity seemed dependent upon the delivery of Council paths and access; it was not acceptable for officers to say this was available and would be investigated; this was private land. The Travel Plan significantly underestimated the walking times; as a result, people would use their cars so there would be an increase in traffic volumes to/from the centre of the village. This application should be refused until better connectivity could be delivered.

Mr White responded to questions. Regarding the Travel Plan, he confirmed that in the Community Council's opinion the walking times were underestimated by 50%. He reiterated that the path beside the wood was not a safe route to school but responding to further points, acknowledged that it would be a different matter if a parent accompanied a child.

At the request of the Convener, prior to commencement of the debate, Mr Dingwall clarified the additional conditions.

*15. Prior to the commencement of development details of a footpath link between the approved footpath network within the site and the northern edge of the application site, to the south of the play area and open space on the southern side of Muirfield Grove, shall be submitted to and approved in writing by the Planning Authority. The details shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the details so approved.*

*Reason: In the interests of road safety.*

*16. 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 construction traffic and shall include hours of construction work and details of wheel washing facilities to be provided. The Statement shall detail measures to encourage parking on site by the applicant and their subcontractors and shall provide details of the on site compound, which shall be large enough to accommodate the vehicles of the applicant and their sub-contractors. Wheel washing facilities must be provided and maintained in working order during the period of operation of the site. All vehicles must use the wheel washing facilities to prevent deleterious materials being carried onto the public road on vehicle tyres. Construction activity shall thereafter be carried out in accordance with the Construction Method Statement so approved.*

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

*17. Prior to the commencement of development, a report on the actions to be taken to reduce the Carbon Emissions from the build and from the completed development shall be submitted to and approved in writing by the Planning Authority. This shall include the provision of renewable technology for new residential units, where feasible, and infrastructure for new car charging points within residential curtilages, where feasible. The details shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the report so approved.*

*Reason: To minimise the environmental impact of the development.*

Mr Dingwall answered further questions from Local Members. Regarding Condition 15 he clarified that this referred to access outwith the land owned by residents of Muirfield Grove. He stated that this condition would secure a footpath up to the boundary; it would then be for the Council to investigate a footpath link. He clarified that CALA had indicated they would be amendable to discussions with the Council regarding this. In relation to the CMS, he confirmed that it would be possible to formalise the direction of traffic.

Local Member Councillor Goodfellow, not a member of the Planning Committee, asked that CALA continue negotiations with Muirfield Grove residents and pursue the matter of ownership of the play area and surrounding land.

Local Member Councillor Findlay stated that his primary concern was lack of communication with the local community. He quoted from Policy T1, stating that this development failed this test. The only pedestrian/cycle path was a narrow strip of grass owned by residents of Muirfield Grove, who did not wish this to be used, or to have a route through Millenium Wood. He agreed with Mr White that this was not the shortest or safest route to school, so this was not a viable alternative. He referred to Right to Roam legislation stating this was not designed to make people give up a piece of land on the curtilage of their area. Residents of this new development would use their cars to access the shops, as it was a 30-minute return walk, which would cause more traffic congestion on the High Street. He would not be supporting the application as it went against Policy T1 of the ELLDP.

Local Member Councillor Henderson, not a member of the Planning Committee, said she was comforted by work that had been done, there were matters to be resolved but she hoped that in the end there would be a good situation. Regarding wastewater, she wished to highlight issues across Scotland where Planning Committees were being forced into negotiation with Scottish Water. This was an issue that should be taken forward to a higher level as it could not be ignored.

Councillor Findlay proposed that the application be delayed until access had been sorted out. There was no seconder for this proposal, which then fell.

The Convener stated that the additional conditions would improve connectivity, which was necessary and deliverable. He referred to the Council's duty to provide safe routes to school; he did not agree that walking through a small section of lit woodland would be especially hazardous. In relation to his colleague's points about the climate change emergency, he stressed that the Council had a duty now to take actions to deliver to avert this climate emergency. The Council needed to ensure that all applicants from now on would have to report on actions delivered to minimise this impact on developments. He welcomed the provision for renewable technology. He would be supporting the report recommendation.

The Convener moved to the vote on the report recommendation (to grant consent) subject to the addition of the new conditions as outlined:

For: 11  
Against 1:  
Abstentions: 0

### **Decision**

The Committee agreed that approval of matters specified in conditions 1(a-k) and 3 of planning permission in principle 16/00594/PPM for the proposed housing 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 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 approval of matters specified in conditions, the external finishes of the houses and flats shall be in accordance with a co-ordinated scheme of materials and colours that shall be submitted to and approved in advance by the Planning Authority. This co-ordinated scheme shall in detail promote render as the predominant finish to the walls of the houses and flats, with a use of more than one render colour and with a strongly contrasting difference in the colours such that they will not each be of a light colour. All such materials used in the construction of the houses and flats shall conform to the details so approved.

Reason:

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

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

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

Reason:

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

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

Reason:

To ensure the satisfactory provision of the boundary enclosures in the interest of safeguarding the privacy and amenity of future residents of the development.

- 5 All the open space recreation areas indicated on the docketed drawings shall be available for use prior to the occupation of the last house or flat on the site. The open space recreation areas, when provided, shall be used for such purposes at all times thereafter unless agreed in writing by the Planning Authority.

Reason:

To ensure the satisfactory laying out of all areas of open space in the interest of the amenity of the future occupants of the dwellings hereby approved

- 6 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 re-contouring of the site including SUDS basin/ponds details; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. Non-thorn shrub species should be located adjacent to pedestrian areas. The scheme shall include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development.

It shall be based on the drawing titled 'Soft landscape layout' numbered SF-RF-AA-XX-DR-L-0002 and specifically include a mixed native species hedgerow along the full length of the southern boundary of the site, a native mixed woodland of a minimum of 20m wide along the full length of the western boundary of the site, groups of mixed sized species trees on the southerly located areas of open space,

large species trees within open spaces throughout the site, and feature trees and landscaping on the eastern road frontage of the site. Large species trees should be spread throughout the site. Additional pine and oak trees should be included to the southern boundary areas. Holm oak should also be introduced to the mix. Feature pines, oaks and horse chestnuts should be placed within the centre of the large open spaces such as the linear park from plots 86 and 93 to 41 and 42; also within the park between plots 72 and 57 with root barriers to protect the underground services. Care should be taken in locating the large pine and beech trees close to property gables, no large species tree shall be located closer than 12m to any building. These should be substituted with hornbeams at plots 23, 30, 01 and 38. No shrub planted or hedged area shall be narrower than 1.5m to enable successful establishment of the landscaping to ensure successful amenity for the development. All hedging to rear of boundary wall shall be maintained at a height of between 1.75 and 2m in height.

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:

In the interests of achieving an appropriate landscaped setting for the housing development.

- 7 No development shall take place on site until temporary protective fencing in accordance with Figure 2 of British Standard 5837\_2012 "Trees in relation to design, demolition and construction" has been installed, and confirmed in writing by the Planning Authority. The fencing must be fixed in to the ground to withstand accidental impact from machinery, erected prior to site start and retained on site and intact through to completion of development. The position of this fencing must be as indicated on the drawing titled 'Tree retention and removal' numbered SF-RF-AA-XX-DR-L-0003 rev B, shall be positioned outwith the Root Protection Area (RPA) as defined by BS5837:2012 for all trees and approved in writing by the Planning Authority.

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

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

Planning of site operations should take sufficient account of wide loads, tall loads and plant with booms, jibs and counterweights (including drilling rigs), in order that they can operate without coming into contact with retained trees.

Reason

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

- 8 Prior to commencement of development on site, full details of the proposed Sustainable Drainage System shall be submitted to and approved in writing by the Planning Authority. Thereafter, the approved details shall be implemented as approved for the lifetime of the development.

Reason:

To ensure that the final Sustainable Drainage System design complies with 'Sewers for Scotland 3' and in the interest of flood prevention and the long term amenity of the site.

- 9 No work shall be carried out on the site unless and until an effective vehicle wheel washing facility has been installed in accordance with details to be submitted to and approved by the Planning Authority prior to its installation. Such facility shall be retained in working order and used such that no vehicle shall leave the site carrying earth and mud in their wheels in such a quantity which causes a nuisance or hazard on the road system in the locality.

Reason:

In the interests of road safety.

- 10 Prior to the commencement of development, details showing compliance with the following transportation requirements shall be submitted to and approved in writing in advance by the Planning Authority.

(i) a supplementary construction method statement shall be provided for the site to expand on that already provided and controlled through planning permission in principle 16/00594/PPM. This shall take account of routes to the site from the A198;

(ii) cycle parking shall be provided at the rate of 1 space per flat. This shall be provided in a secure/undercover area;

(iii) all footpaths and cycle paths from a zone under construction to their connections to existing pedestrian/cycle routes shall be constructed to an adoptable standard before the occupation of any of the residential units of the particular zone;

(iv) 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;

Reason:

In the interests of road safety.

- 11 Prior to the commencement of development confirmation from Scottish Water shall be provided that demonstrates that there is an available connection to the public sewer and that Scottish Water will accept waste from this development. If Scottish Water cannot accept foul drainage from this site, proposals for alternative arrangements should be provided, prior to the commencement of development and SEPA should be re-consulted.

Reason:

In the interests of ensuring that foul drainage from the site can be accommodated.

- 12 The roof lights on the east facing roof slopes of the houses to be built on Plots 08,101 & 108, on the west facing roof slopes of the houses to be built on Plots 70, 94 & 111, on the north facing roof slope of the house to be built on Plot 20 and on the south facing roof slope of the house to be built on Plot 21 shall be obscurely glazed, prior to the occupation of those houses. Thereafter those roof windows shall continue to be obscurely glazed unless otherwise agreed in writing by the Planning Authority.

Reason:

To safeguard the privacy and amenity of the occupants of neighbouring houses.

- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as amended by The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 or by any other statutory instrument amending, revoking or re-enacting the 1992 Order, no windows or other glazed openings shall be formed on the first floor or within the roof slope of the east elevation of the houses to be built on Plots 08,101 & 108, the west elevation of the houses to be built on Plots 70, 94 & 111, north elevation of the house to be built on Plot 20 and on the south elevation of the house to be built on Plot 21 without the prior permission of the Planning Authority.

Reason:

In the interests of safeguarding the privacy and amenity of the occupants of neighbouring residential properties.

- 14 Notwithstanding that shown on drawings docketed to this Approval of Matters the car ports on plots 31-37 and 46-52 inclusive shall not have vehicular access doors installed within them but shall instead remain open fronted. Thereafter those car ports shall remain open fronted with no vehicular access doors unless otherwise approved in writing by the Planning Authority.

Reason

To meet the Council's Road Services parking standards for new housing.

15. Prior to the commencement of development details of a footpath link between the approved footpath network within the site and the northern edge of the application site, to the south of the play area and open space on the southern side of Muirfield Grove, shall be submitted to and approved in writing by the Planning Authority. The details shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the details so approved.

Reason

In the interests of road safety.

16. 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 construction traffic and shall include hours of construction work and details of wheel washing facilities to be provided. The Statement shall detail measures to encourage parking on site by the applicant and their subcontractors and shall provide details of the on site compound, which shall be large enough to accommodate the vehicles of the applicant and their sub-contractors. Wheel washing facilities must be provided and maintained in working order during the period of operation of the site. All vehicles must use the wheel washing facilities to prevent deleterious materials being carried onto the public road on vehicle tyres. Construction activity shall thereafter be carried out in accordance with the Construction Method Statement so approved.

Reason

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

17. Prior to the commencement of development, a report on the actions to be taken to reduce the Carbon Emissions from the build and from the completed development shall be submitted to and approved in writing by the Planning Authority. This shall include the provision of renewable technology for new residential units, where feasible, and infrastructure for new car charging points within residential curtilages, where feasible. The details shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the report so approved.

Reason

To minimise the environmental impact of the development.

Signed .....

Councillor Norman Hampshire  
Convener of the Planning Committee