

PLANNING COMMITTEE

4 FEBRUARY 2020

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

**WEDNESDAY 18 DECEMBER 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 K Mackie
Councillor J McMillan
Councillor F O'Donnell
Councillor J Williamson

Council Officials Present:

Mr K Dingwall, Service Manager – Planning
Mr K Graham, Solicitor
Ms M Haddow, Transportation Planning Officer
Ms J McLair, Planner
Mr C Kiely, Planner
Ms L Ritchie, Senior Planner
Mr G McLeod, Transportation Planning Officer
Mr R Montgomery, Project Manager
Ms S Grant, Team Manager – Public Health & Environmental Protection
Ms J Allen, Communications Adviser

Clerk:

Ms F Currie

Visitors Present/Addressing the Committee:

Item 2 – Mr R Slipper, Mr D Harris, Mr B Hall, Mr C Brown, Mr B Hickman, Mr C Miller
Item 4 – Mr A Mitchell, Mrs H Fraser

Apologies:

Councillor W Innes
Councillor S Kempson
Councillor C McGinn
Councillor K McLeod

Declarations of Interest:

None

1. MINUTES FOR APPROVAL – PLANNING COMMITTEE 5 NOVEMBER 2019

The minutes of the meeting of the Planning Committee of 5 November 2019 were approved.

2. PLANNING APPLICATION NO. 19/00588/P: ERECTION OF EQUIPMENT TESTING FACILITY, ANCILLARY OFFICE, STORAGE STRUCTURES (CLASS 5) AND ASSOCIATED WORKS FOR A TEMPORARY PERIOD OF 5 YEARS AT THE FORMER COKCENZIE POWER STATION SITE, PRESTONPANS

A report was submitted in relation to Planning Application No. 19/00588/P. Julie McLair, Planner, presented the report advising Members that the planning permission sought was for a temporary period of 5 years and that currently there were no other proposals for the site under discussion. She summarised the key points of the application and indicated that the number of tests per month had been reduced from the original proposal of 70 per month to 5 per month. She confirmed that an Air Quality Assessment had been completed and accepted by officers, that no objections had been received from statutory consultees and that the proposals were not contrary to the relevant planning policies. The proposed decision set out in the report was to grant consent.

Ms McLair responded to a number of questions from Members. She explained that after considering appropriate screening criteria it had been agreed that an Environmental Impact Assessment (EIA) was not required. She also confirmed that any request from the applicant to increase the frequency or number of tests would require a fresh planning application; fuels would only be stored on site immediately before a test and testing would take place between 10am and 3pm.

Ms McLair confirmed that neighbour notifications had been issued to relevant properties. Keith Dingwall, Service Manager – Planning, added that the distance from the site used to identify properties to be notified was set out in the legislation and to extend this boundary could result in disagreements between parties about determining where any new boundary should fall.

In reply to further questions, Ms McLair advised that the open side of the testing facility would face towards the coastline and that while the application would not provide any permanent jobs on site it was hoped it would attract other businesses. She explained that there were no specific off-set measures in place in relation to the Council's climate change policy; confirmed that the Ministry of Defence had been consulted but had raised no concerns; and that SEPA had confirmed that the levels of fuels to be stored on site were within safe limits. She also confirmed that the applicants had a procedure in place to notify local residents in advance of each test.

Shona Grant, Team Manager – Public Health & Environmental Protection, also responded to questions from Members. She explained that the sound of a test would be a low-pitched, white noise rather than high pitched and that vibration was not considered to be an issue. She outlined the process for assessing noise impact adding that weather conditions would be a significant factor and that the conditions of any approval would include compliance testing in difficult weather conditions. She confirmed that while the level of carbon monoxide was significant it was below the safe limit and would disperse relatively quickly on release. She also responded to questions about the Council's emergency planning response, outlined the air quality modelling which had been undertaken and confirmed that the properties nearest to the site would hear some noise from the tests but that the level would depend on external factors.

Derek Harris and Richard Slipper (Agent/Applicant) outlined the proposals. Mr Harris summarised the importance of the space industry in the Scottish economy and in supporting

the achievement of sustainable environmental goals. He said that Skyrora had grown from 25 to 150 staff in 10 years and that engine testing was an important short-term requirement to facilitate its longer term plans. He confirmed that there would be rigorous safety regulation and noise mitigation on site and that should the application be approved and testing successful, the company would consider future opportunities to scale up its operations.

Mr Slipper confirmed that detailed consultations had taken place including meetings with local community representatives, open door sessions, a workshop with local High School pupils and follow-up sessions with both Community Councils. He said that the company had listened to the comments and had amended their proposals to reduce the number of tests per month from 70 to 5. They had assessed safety to ensure there were no risks to or impact on the amenity of local communities and they had accepted a range of conditions and mitigation measures. He added that these would be kept under review and could be increased if necessary.

Mr Slipper, Mr Harris and colleagues from Skyrora responded to questions from Members. They outlined the types of chemicals to be stored on site and the length of time they might be present; the type of noise generated by the engine test and the mitigation measures to be put in place. They explained the reasons for the reduction in the number of tests per month; arrangements for notifying local residents of forthcoming tests; security and access to the site and transportation of fuels. They also summarised the five day timeframe for each test; the locations of other test sites and the types of engines being tested. Lastly, they explained that should an adverse event occur during testing it would most likely result in engine failure and stoppage rather than any form of explosion.

Brian Hall spoke against the application. He criticised the level of information circulated in leaflets by Skyrora stating that the areas targeted were those that would be least affected. On the issue of noise, he asked why officers deemed 60 decibels to have no impact when British Standards classed background levels to be 42 decibels and 60 decibels as high impact. He also questioned the absence of an EIA when one had been requested by Fife Council following a similar application by Skyrora. He went on to raise concerns about the potential for toxic emissions and the level of vibration. He claimed that the open side of the testing facility would face towards local residential areas. He also pointed to the character of the site and the likelihood of residual coal deposits being at risk of ignition should testing result in a fire. Lastly, he raised the risk to children and adults using the footpaths during the testing period and the risk to local wildlife.

In reply to questions, Mr Dingwall explained that it was up to each individual planning authority to determine whether an EIA was required. He reiterated that officers had undertaken a thorough screening process and as a result had determined that an EIA was not required. On the issue of the leafleting of local residences, he understood the concerns expressed by Mr Hall but added that this was separate to the Council's neighbour notification which had been undertaken in line with legal requirements.

Responding to questions from Members, Mr Hall outlined the types of gases given off by the burning of kerosene such as carbon monoxide and carbon dioxide. He added that this information had not been contained in this application but had been disclosed to Fife Council. He confirmed that hydrogen peroxide and kerosene could be safely stored in separate tanks but that the risk would increase if either were to be manufactured on site.

Christopher Brown spoke against the application. He said that many of his comments overlapped with those of Mr Hall, particularly in relation to toxic gas emissions from the engine testing and their potential impact on local residents and especially children. He said that emissions from the testing could be distributed across a wide area depending on the weather conditions and this may result in pollution being centred on the local school. Referring to research undertaken in the US, he stated that the amount of kerosene burned in

one test would be equivalent to 560 cars on the road between Cockenzie and Prestonpans and that a lower frequency sound would carry further and be disrupted less by buildings.

Brian Hickman, of Cockenzie & Port Seton Community Council, spoke against the application. He said that the Community Council had no objection to Skyrora or what they were trying to achieve but they did not think the proposals were suitable for this area. Testing rocket engines raised a number of potential problems and grey areas and without a sample test to use as a comparison it was not possible to adequately assess the impact. One public meeting had attracted 300 – 400 attendees and the general feeling was that the community did not want this to go ahead. He stated that an EIA should have been undertaken and its absence was detrimental to both sides. He pointed out that the nearest houses to the site were within 300 metres and there was also a school and a nursery. The bund was not consistent around the site and there were real concerns about noise pollution. Vibration and the potential for air pollution from emissions were also serious issues for the community as was the impact on local wildlife. He questioned the choice of access route to the site and the safety of storing fuel and other chemicals on site. In his view, the proposals would bring negligible economic benefits and jobs but would cause noise and air pollution.

Following a question from Mr Hickman, the Chair advised that the quorum for the Planning Committee was seven and, as eight Members were present, it was appropriate for the meeting to proceed.

Calum Miller, of Prestonpans Community Council, spoke in favour the application. He said that they welcomed the employment opportunities offered by this application and wanted to encourage the associated educational benefits of having new science/technology companies investing in the local area. He stated that it had been 6 years since Cockenzie Power Station closed and there had been no plans put forward to replace the 600 jobs lost on the site. He believed that this application would offer jobs on site and in the local supply chain and may encourage other companies to follow; there may also be benefits for local schools in the areas of science, maths and technology. He pointed out that the noise of 5 tests per month each lasting less than a minute would no more intrusive than heavy traffic, aircraft or trains. He claimed that any CO₂ emissions would less than those from a family car over 1 year and added that every household stored some toxic chemicals. While he recognised the positives and negatives he encouraged the Committee to approve the application.

In response to a question from Councillor Findlay, Mr Miller confirmed that the nearest houses to the site fell within the boundary of Prestonpans Community Council.

The Chair asked officers if they were content with the quantity and quality of information provided by the applicant. Ms McLair said she was satisfied with the information provided and that this had been reviewed in detail.

Councillor McMillan sought further assurances from officers regarding potential air pollution and whether SEPA had commented on this specifically. Ms Grant explained that an Air Quality Assessment had been requested and prepared and that officers were satisfied with its content and conclusions. Ms McLair confirmed that SEPA had seen this documentation but that its comments had related to fuels rather than gases.

Councillor O'Donnell expressed concern that the applicants had had no opportunity to respond to the issues raised by the speakers.

The Chair reminded Members that having heard from officers, the applicant and the speakers it was now for the Committee to weigh up the evidence and determine the application.

Councillor Bruce asked if it would be possible to add a condition requesting that an EIA be completed. Mr Dingwall explained that, where required, an EIA was completed in the early stages and was used to guide the application process.

Local Member Councillor O'Donnell said she had called in the application due to the level of public concern about the proposals and suggestions of bias in the decision-making process. She hoped that it was clear from these proceedings that Members were part of a rigorous, quasi-judicial process which was both diligent and challenging. She noted that transparency had been an issue throughout this application's progress and that Skyrora had lessons to learn about public engagement exercises. On the proposals, she said that she too wanted to see new employment in the local area and she was not against new industries or technologies. However, she on the basis of the potential for an unacceptable impact on the amenity of the surrounding area and given the site's proximity to local residents she would not be supporting the officer's recommendation.

Local Member Councillor Gilbert agreed with many of his colleague's remarks. He said he had major doubts about the effect that tests could have on the local community and concerns about noise levels and how these might be affected by varying environmental conditions. Referring to the report, he said he was not satisfied that mitigation measures would be sufficient. Given the level of objections from the local communities he could not support the officer's recommendation.

Councillor Bruce indicated that should Members be minded to grant consent, it would be his intention to propose an amendment to the site access arrangements. However, he agreed with his colleagues remarks regarding the impact of the proposals on the amenity of neighbouring residents.

Councillor McMillan said it was important that all sides had been heard and that the Committee's decision was evidence-based. He noted that information on air quality and noise levels had been considered by officers and had been accepted; that these issues would be monitored and could be subject to mitigation measures. In his view the proposals could offer economic development benefits for the local area but he acknowledged the concerns raised by some of the speakers and Members. On balance, given the temporary nature of the application and the short duration and low frequency of testing, he was minded to support the officer's recommendation.

The Convener brought the discussion to a close noting that Cockenzie was the most important economic development site in East Lothian but was limited in development by the National Planning Framework. However, in his view, this application was not a good neighbour and could detract other investors from the site. He felt that it was not appropriate in such close proximity to a residential area and he would not be supporting the officer's recommendation.

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

For: 2
Against: 6
Abstentions: 0

Decision

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

1. The noise impact from equipment testing would have an unacceptable impact on the amenity of nearby residential properties.

2. The emissions released during equipment testing could have a harmful impact on the health and wellbeing of the local community.

3. PLANNING APPLICATION NO. 16/00970/PM: ERECTION OF 76 HOUSES, 4 FLATS AND ASSOCIATED WORKS AT LAND TO THE NORTH OF CASTLEHILL, MAIN STREET, ELPHINSTONE

A report was submitted in relation to Planning Application No. 16/00970/PM. Linda Ritchie, Senior Planner, presented the report, summarising the key points. The proposed decision set out in the report was to grant consent.

Ms Ritchie and Mr Dingwall responded to questions from Members providing details on the make-up of the affordable housing and confirming that the remainder of site would continue to be part of the Local Development Plan (LDP). Mr Dingwall noted concerns regarding the increased traffic and demand for a bypass for the Tranent area.

Replying to further questions, the agent, James Fraser, advised that discussions were taking place with East Lothian Housing Association regarding the operation of the affordable housing; and he outlined some of the arrangements, such as solar panels and energy efficient boilers, which would be included as part of the build.

Members discussed the nature of the NHS Lothian/East Lothian Health & Social Care Partnership (H&SCP) response and whether no reply could be accepted as a “no comment” response. Members asked for this to be raised with both bodies and that they were reminded of the importance of providing a response even if this was ‘no comment’. Both the Chair and Mr Dingwall agreed to take this forward and Councillor O’Donnell said she would raise this in her capacity as chair of the East Lothian Integration Joint Board.

Councillor O’Donnell hoped that the housing would make a positive contribution to the community; helping to boost local businesses, the school and community events. She welcomed the development and said she would be supporting the officer’s recommendation.

Councillor McMillan concurred with his colleague’s remarks regarding the potential for benefits to the local community and thanked the planning officer for a very comprehensive report.

Councillor Findlay said he would be supporting the recommendation but had concerns that the number of housing units stated in the application covered only half the site and, if a further application was received, it may lead to overdevelopment of the site.

Mr Dingwall acknowledged the concerns and that the application sought permission for more houses than were allocated within the adopted Local Development Plan 2018. However, he was satisfied that the proposals would not lead to an overdevelopment of the site.

The Convener brought the discussion to a close and moved to the vote on the report recommendation (for consent):

For: 8
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 £848,240 towards the provision of additional accommodation at Elphinstone Primary School and Ross High School, Tranent;

(ii) the provision of 20 affordable housing units within the application site;

(iii) a financial contribution to the Council of £24,548 towards the refurbishment of the existing changing pavilion at the Elphinstone Playing Field;

(iv) a financial contribution to the Council of £43,920 towards the provision of equipped play provision and/or some other enhancement of the Elphinstone Playing Field.

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 Elphinstone Primary School and at Ross High School, Tranent, a lack of provision of affordable housing, a lack of formal play provision and a lack of sports infrastructure improvements contrary to, as applicable, Policies DEL1, OS4, HOU3, HOU4 and Proposals ED4 and CF1 of the adopted East Lothian Local Development Plan.

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 No development shall take place on the proposed site until the applicant has, through the employ of an archaeologist or archaeological organisation, undertaken and reported upon a programme of archaeological work (Evaluation by trial trenching) in accordance with a written scheme of investigation which the application will submit to and have approved in advance by the Planning Authority.

Reason:

To facilitate an acceptable archaeological investigation of the site.

3 Prior to the commencement of development a delivery schedule and phasing plans that establishes the phasing and timing programme for the proposed development shall be submitted to and approved in advance by the Planning Authority. It shall include the phasing and timing for the provision of footpaths/cycleways and external works such as offsite path links. These path links shall include:

(i) Three path connections from the west boundary of the site to connect to the core path to the west of the site;

(ii) Two path connections from the east boundary of the site to connect to the woodland strip to the east of the site;

(iii) A 2 metres wide, hard-surfaced, lit (street lighting) footpath suitable for walking and cycling to be formed from the southeast corner of the application site through the existing park to the south of it and connecting on to Main Street;

It must also include for public road links, including paths, to local services, schools and the public road network. It shall further include the provision of the 15 car parking spaces and associated electric vehicle charging point to serve the playing field, drainage infrastructure, landscaping and open space. The details to be submitted shall also include construction phasing plans.

The phasing of the development of the site shall be carried out in strict accordance with the phasing plan so approved, unless otherwise approved in writing in advance by the Planning Authority.

Reason:

To enable the Planning Authority to control the development of the site in the interests of the good planning of the site.

- 4 Prior to the commencement of development a Remediation Strategy detailing the exact gas prevention measures (gas & radon) and detailing and quantifying any works to be undertaken in order to reduce the risks to acceptable levels shall be submitted to and approved by the Planning Authority.. Any identified remediation measures shall thereafter be carried out.

Should remedial works be required then, prior to any residential units being occupied, a Validation Report shall be submitted to and be approved by the Planning Authority confirming that the works have been carried out in accordance with the Remediation Strategy.

The presence of any previously unsuspected or unforeseen contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority. At this stage, further investigations may have to be carried out to determine if any additional remedial measures are required.

Reason:

To ensure that the site is clear of contamination and that remediation works are acceptable prior to the occupation of any of the residential units.

- 5 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:

Year 2020/21 - 20 residential units

Year 2021/22 - 30 residential units

Year 2022/23 - 30 residential units

(b) If fewer than the specified number of residential units is completed in any one year then those shall be completed instead at Year 2023/24 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.

- 6 Prior to the commencement of development, a scheme of remedial works to treat past shallow coal mine workings shall be submitted to and approved in writing by the Planning Authority and thereafter shall be fully implemented as so approved.

Reason:

To ensure that the site is clear of coal mining features and hazards prior to the occupation of any of the buildings.

- 7 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 4' and can be vested by Scottish Water in the interest of flood prevention, environmental protection and the long term amenity of the area.

- 8 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 all new buildings, where feasible and appropriate in design terms, and new car charging points and infrastructure for them, where feasible and appropriate in design terms. 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.

- 9 Prior to their erection, details, including their size, form, position, appearance and colour(s), of all substations and gas governors to serve the development hereby approved shall be submitted to and approved in advance in writing by the Planning Authority, and thereafter any substations and gas governors shall accord with the details so approved.

Reason:

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

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

(i) No residential unit hereby approved shall be occupied unless and until (i) a gateway feature is installed at the western end of the south boundary of the site, (ii) a raised table is incorporated at the site entrance, (iii) a 3 metres wide, lit (street lighting) shared use path is provided on the north side of the B6414 along the full length of this site boundary to tie into the existing footway and (iv) a suitable crossing of the B6414 is provided in the vicinity of the primary school. Details of the proposed gateway feature, the raised table, the shared use path and the crossing shall be submitted for approval by the planning authority along with a Road Safety Audit of the proposals. These measures shall be implemented in accordance with the details as approved by the planning Authority.

(ii) Driveways shall have minimum dimensions of 6 metres by 3 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 m length. 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.

(iii) 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.

(iv) all prospectively adoptable parking bays (i.e. that will form part of the public road) shall have minimum dimensions of 2.5 metres by 6 metres;

All roads and paths shall conform to the Councils Standards for Development Roads.

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

Reason:

In the interests of road and pedestrian safety.

- 11 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.

- 12 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.

- 13 Notwithstanding that detailed on the drawings docketed to this planning permission at least one electric vehicle charging point shall be provided at the parking area which is to serve the playing field adjacent

to the site. Prior to the commencement of development details of the electric vehicle charging point(s) shall be submitted to and approved in writing by the Planning Authority. The details to be submitted shall include a timetable for provision. Development shall thereafter be carried out in accordance with the details approved and shall be retained unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of sustainability.

- 14 Prior to the occupation of any of the residential units hereby approved a Green 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 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 and details of how it will be distributed to residents.

Thereafter, the Green Travel Plan shall be implemented in accordance with the details so approved.

Reason:

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

- 15 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 and delivery times).
- * Hours of construction work
- * 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:

- 16 To retain control of the operation of construction in the interest of environmental and residential amenity. Prior to the occupation of any of the flats hereby approved bin storage facilities and cycle storage facilities shall have been formed and made available for use. The cycle parking shall be in the form of 1 locker per flat or communal provisions in the form of a lockable room or shed in accordance with details to be submitted to and approved in writing by the Planning Authority. Thereafter, the storage facilities shall be retained in use as bin and cycle storage areas.

Reason:

To ensure the provision of adequate bin and cycle storage in the interest of the residential amenity of the future occupants of the flats hereby approved and the visual amenity of the locality.

- 17 Notwithstanding that which is stated on the drawings docketed to this planning permission a detailed specification and samples of all external finishes of the houses, flats, garages and boundary treatments hereby approved shall be submitted to and approved by the Planning Authority prior to the use of the finishes in the development.

Notwithstanding that which is detailed on boundary treatment drawings docketed to this planning permission the southernmost boundary treatment of the rear gardens of plots 67-80 shall be a 1.8 metres high reconstituted stone boundary wall and not a 1.8 metres high timber fence as detailed in the drawings.

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, flats, garages and boundary treatments 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.

- 18 A timetable for the provision of the erection of the boundary enclosures for the gardens of the houses and flats 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 and residential properties nearby.

- 19 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. Specific planting details shall include hedges to front gardens. The scheme shall include a timetable for implementation of landscaping, and this scheme shall show that the structural landscape planting (proposed woodland planting on east and west boundaries) shall be implemented within 1 year of the commencement of development and shall include a tree protection and maintenance plan to safeguard new structural tree planting during the course of development.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with the details so approved, including the timetable for implementation. 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. All existing and new planting comprised in the scheme of landscaping shall be retained and maintained unless the Planning Authority gives written consent to any variation.

The structural woodland planting to be provided along the east and west boundaries of the site shall be managed in accordance with a long term woodland management plan to be submitted to and approved by the Planning Authority prior to the commencement of development. The woodland management plan shall include both short and long term management objectives and shall include a program of thinning.

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.

- 20 Prior to the commencement of development, a communal landscape plan clearly identifying all landscape factored areas shall be submitted to and approved by the Planning Authority. The plan shall be scaled (minimum 1:250) and shall include a colour coded key clearly identifying the boundaries of house plots, all landscape features such as woodland, meadows, trees and tree tag numbers, hedges, lawns, shrubs and SUDs.

Thereafter the maintenance of all communal landscape areas, and hedges to private front gardens, shall be adopted and maintained by a Factor or a Residents Association in accordance with details to be submitted to and approved by the Planning Authority prior to the occupation of any residential units hereby approved.

Reason:

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

- 21 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, approved 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 a tree protection plan to be submitted to and approved by the Planning Authority in advance of the erection of the fencing. The fencing as approved shall be positioned out with the Root Protection Area (RPA) as defined by BS5837:2012 for all trees and approved in writing by the Planning Authority.

All weather notices shall 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 protect retained hedgerows and trees from damage.

- 22 No development shall take place on site until a person who, through relevant education, training and experience, has gained recognised qualifications and expertise in the field of trees in relation to construction, has been employed by the developer to monitor any works in close proximity of trees on the site including the installation of the 'Terram' cellular confinement system and the installation of the tree protection fencing. All tree work should be carried out in accordance with BS3998: 1989 'Recommendations for Tree Work' and must be approved in writing by the Planning Authority before work is carried out.

Reason:

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

4. PLANNING APPLICATION NO. 19/00145/PM: ERECTION OF 3 RETAIL UNITS (CLASS 1), 2 RESTAURANT/CAFÉ WITH EXTERNAL SEATING AND 1 WITH ASSOCIATED DRIVE-THROUGH/TAKEAWAY AND ASSOCIATED WORKS AT GATESIDE WEST, HADDINGTON

A report was submitted in relation to Planning Application No. 19/00145/PM. Ciaran Kiely, Planner, presented the report, summarising the key points. He drew Members' attention to one amendment relating to proposals for access to the site by a signal junction. This would now be a priority junction and he outlined the timetable for the stages of the road safety audit to be included in the conditions. The proposed decision set out in the report was to grant consent.

Mr Kiely responded to questions explaining the change to the access junction and confirming that Roads Services had been consulted. Graeme McLeod, Transportation Planning Officer, advised that Transport Scotland would not usually comment on a give-way junction on this road.

Mr Kiely and Mr Dingwall responded to further questions regarding consultations with the local Community Council and Network Rail; the impact of the proposals on the town centre transport hub consultation; the retailers who might occupy units; restrictions on the floor space devoted to sales of comparison goods; and the number of parking spaces and electric car charging points.

Alex Mitchell, the agent for the applicant, also responded to questions from Members. He stated that in East Lothian there was no standard number of electric car charging points specified for car parking. He informed Members that in Glasgow the standard would be 8 spaces for a car park of this size and he confirmed that, if requested, he could increase the number allocated for this site. He also outlined proposals to maximise the accessibility of the site and its connectivity with the town centre; and he agreed that discussion could take place with the Community Council over signage.

Mrs Helen Fraser, a resident of Gateside, spoke against the application. She stated that the retail units were not needed and that the impact of increased traffic and pollution would be detrimental to the surrounding residents. She also raised concerns about the impact on Haddington town centre; that many businesses would not be able to support the expected loss of trade; and that the cheap food available in Home Bargains could be matched by shops elsewhere in the town. While she was not against retail jobs she maintained that such employment should be meaningful. She added that many residents were concerned about the despoiling of the west side of Haddington and she cited the increased house-building

and unattractive affordable housing as examples of this. She believed that it was the wrong place and wrong time for this application.

Local Member Councillor McMillan acknowledged the concerns expressed by Mrs Fraser although he disagreed with some of her statements. He also noted the views from the wider community regarding the potential impact of a retail park and the debate generated by proposals for a transport hub within the town. While he felt that this proposal would add a great deal to Gateside and could bring more visitors to Haddington, he was concerned that it was not consistent with a 'town centre first' policy and that its potential impact was unknown. He was also concerned about the timing while consultations on transport proposals for the town centre were still ongoing. He felt that this was not the right time to grant permission for this application and, with regret, he would not be supporting the officer's recommendation.

Councillor O'Donnell said it was important to ensure that residents, and particularly those without access to a car, could find affordable places to shop within their own community. She believed that the proposals would offer this advantage, as well as meaningful, flexible employment opportunities in the retail sector. While she valued the High Street in Haddington she felt that the town needed a variety of retail options and that these new units would be of particular advantage to those on low incomes.

Councillor Williamson agreed with Councillor O'Donnell but noted that Aldi's move out of the town centre would mean that it was no longer within easy walking distance for some residents. He agreed that people needed places to buy goods at reasonable prices and that this development would be to the advantage of those on limited incomes. He would be supporting the officer's recommendation.

Councillor Mackie asked if it would be possible to include a condition which prevented food operations within the retail park. She suggested that this might encourage shoppers to find places to eat in Haddington town centre.

Mr Dingwall acknowledged concerns about taking footfall away from the town centre but he reminded Members that the 2 restaurant/cafe units were a key component of the application. He said these should only be refused if there was a justifiable planning reason for doing so.

Councillor Bruce agreed with Councillor O'Donnell's remarks regarding employment opportunities. He expressed surprise that there was no minimum standard for the number of electric car charging points within retail applications and he asked officers to consider this for future applications.

Mr Dingwall said that the Council did have a policy but that it did not specify numbers and he acknowledged that this may require review. He suggested that if Members felt strongly they could propose an amendment to the conditions to specify the number of charging points.

Councillor Bruce proposed an amendment to Condition 23 stipulating that 6 charging point spaces be included in the car parking provision. This amendment was seconded by Councillor Findlay and approved by the Committee.

The Convener brought the discussion to a close. He acknowledged the concerns expressed about the impact on trade in the town centre. He said that similar concerns had emerged regarding a supermarket development in Dunbar but that it had not adversely affected town centre businesses. He stated that retail units needed to be built where people live and that businesses would continue to thrive in Haddington.

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

For: 7
Against: 1
Abstentions: 0

Decision

The Committee agreed to grant planning permission subject to the following amended 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 A schedule of materials and finishes and samples of such finishes for all components of the development, including buildings, 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.

- 3 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, approved by the arboriculturist 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 'Detailed Planting Plan (Sheet 1 of 13)' numbered 1206 / 03 rev I [to be revised], shall be positioned out with 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.

- 4 All planting, seeding or turfing comprised in the approved details of landscaping on the drawing series titled 'Detailed Planting Plan' sheets 1 to 13 (drawing numbers 1206/ 03 Rev K ,1206/ 04 Rev H, 1206/ 05 Rev H, 1206/ 06 Rev I, 1206/ 07 Rev F, 1206/ 08 Rev J, 1206/ 09 Rev K, 1206/ 10 Rev F, 1206/ 11 Rev H, 1206/ 12 Rev I, 1206/ 13 Rev F, 1206/ 14 Rev F and 1206/ 15 Rev H) shall be carried out in the first planting and seeding season following the occupation or completion of any part of the development

hereby approved, whichever is the sooner and in accordance with the approved 'Planting notes and Maintenance & Management Proposals'. 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 interest of the visual amenity of the surrounding area.

- 5 The Rating Level, LArTr, of noise emanating from the proposed development shall be no more than 5dB (A) above the background noise level, LA90T. All measurements to be made in accordance with BS 4142: 2014 "Methods for rating and assessing industrial and commercial sound".

Reason:

In the interest of the residential amenity of surrounding occupiers.

- 6 Noise associated with the operation of any associated plant and equipment shall not exceed Noise Rating curve NR20 at any octave band frequency between the hours of 2300-0700 and Noise Rating curve NR25 at any octave band frequency between the hours of 0700-2300 within any neighbouring residential property. All measurements to be made with windows open at least 50mm.

Reason:

In the interest of the residential amenity of surrounding occupiers.

- 7 Prior to any use being made of the service delivery yard hereby approved, a 2m high acoustic barrier shall be constructed along the eastern boundary of the proposed service delivery yard. The fence shall be close boarded with no holes or gaps and be constructed prior to operation of the service yard. The acoustic barrier shall thereafter retained, unless otherwise approved in writing by the Planning Authority.

Reason:

In the interest of the residential amenity of surrounding occupiers.

- 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 during the construction period 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 development shall take place until there has been submitted to and approved in writing by the Planning Authority a litter management plan. The litter management plan shall thereafter be implemented in full accordance with the details so approved.

Reason:

In the interests of the character and appearance of the area.

- 10 No less than 25%, and no more than 30%, of the total sales floor space area of the overall Class 1 uses hereby approved shall be available for the sale of comparison goods.

Reason:

In order to retain control over the format of retail development at the site and in the interests of safeguarding the vitality and viability of the retail function of Haddington Town Centre.

- 11 The maximum Class 1 gross internal retail area hereby approved shall be restricted to a total of 4,350 square metres including any upper or mezzanine floors. Unless otherwise approved in writing by the Planning Authority, the retail units shall be retained in perpetuity in the use, format and internal floor area allocation as shown on the docketed drawings, namely:

Unit 1- 1,754 square metres gross internal floor area;
Unit 2- 1,393 square metres gross internal floor area; and
Unit 3- 1,203 square metres gross internal floor area.

Reason:

To ensure that the development does not unacceptably harm the vitality and viability of Haddington Town Centre.

- 12 Prior to the site opening for trade, the proposed site access roads, parking spaces, footpaths and bus stops and lay-bys shall have been constructed on site, in accordance with that which is shown on the docketed plans. Those areas of land shall not thereafter be used for any other purpose than for accessing and for the parking of vehicles and shall not be adapted or used for other purposes without the prior written approval of the Planning Authority.
- Reason:
In the interest of highway safety in the area.
- 13 The proposed roads, parking spaces, footpaths, footways, cycleways, bus stops & lay-bys shall be laid out as shown in drawing numbers G2741 AL(0)003 Rev.24 received December 2019.
- Reason:
In the interest of highway safety in the area.
- 14 The access junction with the B6471 road shall incorporate a visibility splay of 4.5 metres by 70 metres, which shall be provided and maintained so that no obstruction lies within it above a height of 1.05 metres measured from the adjacent carriageway surface.
- Reason:
In the interest of highway safety in the area.
- 15 Prior to the use of any of the retail or Class 3 units hereby approved, a shared use pedestrian and cycle 'Toucan' type crossing of the B6471 shall be provided, in accordance with details to be submitted to and approved in writing by the Planning Authority in advance of its provision. The 'Toucan' crossing shall thereafter be retained fully in compliance with the approved details unless otherwise approved by the Local Planning Authority.
- Reason:
In the interest of pedestrian safety in the area.
- 16 Prior to the use of any of the retail or Class 3 units hereby approved, the footpaths and footways shown on drawing no. G2741 AL(0)003 Rev.24 received December 2019 B6471 shall be formed, in accordance with details to be submitted to and approved in writing by the Planning Authority in advance of formation. The footpaths and footways shall thereafter be retained in accordance with the approved details unless otherwise approved by the Planning Authority.
- Reason:
In the interest of pedestrian safety in the area.
- 17 A visibility splay of 4.5 metres by 70 metres shall be provided and maintained at the junction of the existing un-adopted service road immediately to the east of the application site, with the B6471, so that no obstruction lies within it above a height of 1.05 metres measured from the adjacent carriageway surface.
- Reason:
In the interest of highway safety in the area.
- 18 Prior to the commencement of development a detailed condition survey of the construction access route from the Oaktree roundabout to the construction access to the application site shall be jointly undertaken by the developer and East Lothian Council Roads Services. During the period of construction of the development a similar joint inspection shall be carried out to assess the condition of the route on each anniversary of the commencement of development. Any damage identified as a result of construction activities shall be repaired or resurfaced by the developer in compliance with the Council's specifications and requirements at no cost to the Council as Roads Authority.
- Reason:
In the interests of road safety.
- 19 Bus Shelters shall be provided at the existing east and westbound bus stops on the B6471, which are located to the east of the application site. Details shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site and the bus stops shall thereafter be installed prior to the use of the site commencing. The bus stops shall thereafter be retained in accordance with the approved details unless otherwise approved by the Local Planning Authority.
- Reason:
In the interest of public transport improvements in the area.
- 20 Prior to the commencement of development, a timetable for the submission of Stage 2, 3 & 4 Road Safety Audits shall be submitted to and approved in writing by the Local Planning Authority. The processes to be completed through Stages 2, 3 & 4 are Completion of Detailed Design, Completion of Construction & Post Opening Monitoring using 12 months of validated post scheme opening road traffic collision data - all in accordance with GG119 Road Safety Audit Rev1. The Road Safety Audit is to include; the proposed retail park access junction, existing service road junction, new footways, uncontrolled and signal controlled pedestrian crossings and double 'D' islands where provided. The Road Safety Audits shall thereafter be submitted in accordance with the timetable so approved.

Reason:

In the interest of highway safety in the area.

- 21 A Construction Method Statement to minimise the impact of construction activity on the amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic and shall include hours of construction work. Temporary measures shall be put in place to control surface water drainage during the construction works.

The construction of the development shall thereafter be carried out in strict accordance with the Construction Method Statement so approved.

Reason:

In the interest of residential amenity of nearby occupiers during the construction work associated with the development hereby approved.

- 22 No part of the development shall be occupied until a Green Travel Plan (GTP) has been submitted and approved by the planning authority in consultation with the Road Services. The GTP shall have particular regard to provision for walking, cycling and public transport access to and within the site, and will identify the measures to be provided, the system of management, monitoring, review, reporting and duration of the plan.

The recommended measures shall thereafter be fully undertaken in accordance with the GTP so approved.

Reason:

In the interest of the promotion of green travel associated with the development hereby approved.

- 23 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 all new buildings, where feasible and appropriate in design terms, and 6 new car charging points and infrastructure for them, where feasible and appropriate in design terms. 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.

- 24 Prior to the commencement of development, details of measures to ensure that shopping trolleys cannot access the Haddington-Longniddry railway walk shall be submitted to and approved in writing by the Planning Authority. The measures so approved shall thereafter be fully undertaken prior to any of the retail units being open to trade.

Reason:

In the interests of pedestrian safety and the environment.

- 25 Prior to the commencement of development, a SUDS scheme shall be submitted to and approved by the Planning Authority, following consultation with SEPA, and all work shall be carried out in accordance with the details so approved.

Reason:

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

5. PLANNING APPLICATION NO. 19/00933/P: INSTALLATION OF BT CABINET AT THE GRASS AREA OPPOSITE 5 ESKSIDE WEST, MUSSELBURGH

A report was submitted in relation to Planning Application No. 19/00933/P. Mr Kiely, presented the report, summarising the key points. The proposed decision set out in the report was to grant consent.

Mr Kiely and Mr Dingwall responded to questions from Members on the number of boxes already on the site, the possibility of combining them, the issue of installing boxes in inappropriate locations and in doing so without the required planning permission.

Mr Dingwall indicated that officers would remind telecoms companies of the need to seek appropriate planning permissions; to engage with planners in pre-application work to identify suitable locations; and to take account of community concerns over visual impact.

There were no speakers on this application and the Convener moved directly to the debate.

Local Member Councillor Williamson observed that several years ago a smaller cabinet had been installed, sited away from adjacent properties, and since then 2 other cabinets had been installed nearby. He noted that these had been installed without planning permission and that the current application was retrospective. He urged Members to consider the visual impact of a further cabinet on this site and the wider impact on the conservation area. Reading from the planning officer’s report, he noted that there was no suggestion of an alternative location having been considered. He concluded that telecoms companies should be reminded of their responsibilities and also required to remove redundant cabinets.

Members discussed the size, proximity and siting of telecoms cabinets more generally and whether conditions could be imposed to reduce harmful impacts on the amenity of local areas. Mr Dingwall confirmed that there were technical and access issues which regulated the distance between cabinets. However, he agreed to discuss future policy with his colleagues and the Chair offered to write to the telecoms companies to make clear the Committee’s concerns.

Mr Dingwall said that if Members were minded to grant planning permission, they could add a condition stipulating that cabinets be removed when they were no longer in use.

Councillor Williamson proposed this as an amendment to the report recommendation. This was seconded by Councillor McMillan and agreed by the Committee.

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

For: 8
Against: 0
Abstentions: 0

Decision

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

- 1. In the event that the telecommunications cabinet within the site becomes redundant it must be removed to the satisfaction of the Planning Authority within two months of it becoming redundant.

Reason:
To minimise the level of visual intrusion, in the interests of the character and appearance of the Musselburgh Conservation Area.

Signed

Councillor Norman Hampshire
Convener of the Planning Committee



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

**TUESDAY 14 JANUARY 2020
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

1b

Committee Members Present:

Councillor N Hampshire (Convener)
Councillor L Bruce
Councillor J Findlay
Councillor N Gilbert
Councillor S Kempson
Councillor K Mackie
Councillor K McLeod
Councillor J McMillan
Councillor F O'Donnell
Councillor J Williamson

Other Councillors Present:

Councillor S Akhtar
Councillor C Hoy

Council Officials Present:

Mr K Dingwall, Service Manager – Planning
Ms E Taylor, Senior Planner
Mr C Clark, Senior Environmental Health Officer
Mr G McLeod, Transportation Planning Officer
Ms L Hunter, Transportation Planner
Mr D Irving, Planner
Ms J Mackay, Senior Communications Adviser

Clerk:

Ms A Smith

Visitors Present/Addressing the Committee:

Item 1 – Mr P Cooper
Item 2 – Ms S Hobbs, Mr T Penrose, Mr J Lancaster, Ms H Fraser

Apologies:

Councillor W Innes
Councillor C McGinn

Declarations of Interest:

None

Prior to commencement of business Emma Taylor, Senior Planner, referred Members to her email about an additional condition for both applications in relation to the climate emergency.

1. PLANNING APPLICATION NO. 19/00926/AMM: APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF PLANNING PERMISSION IN PRINCIPLE 14/00903/PPM - ERECTION OF 69 HOUSES AND ASSOCIATED WORKS - LAND TO SOUTH, EAST AND WEST, WALLYFORD

A report was submitted in relation to Planning Application No. 19/00926/AMM. Ms Taylor presented the report, summarising the key points. The report recommendation was to grant consent.

In response to questions from Members, Ms Taylor advised that a future submission from the applicant would deal with landscaping; this would not be contained within a planning permission in principle application. Graeme McLeod, Transportation Planning Officer, clarified that the spine road was partially adopted, from the roundabout to the school.

Philip Cooper of Iain Gaul Architects, agent for the applicant, responded to questions, clarifying that if this application was approved there would be a site presence from June/July. Keith Dingwall, Service Manager – Planning, clarified, in respect of questions about recreational space that this would be dealt with in future applications; this application related to planning permission in principle so that detail would not be included at this stage.

Local Member Councillor McLeod expressed support for the application and hoped that the timescale for commencement of work would be as indicated by the agent.

The Convener indicated his support for the application; this site was within the adopted East Lothian Local Development Plan 2018 (ELLDP). He did raise however, in relation to larger developments, the need for developers to ensure that open space, landscaping and road surfaces were of a decent quality from occupation of the first house and not something that was left until the last house within a development was occupied.

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

For: 10
Against: 0
Abstentions: 0

Decision

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

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

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

- a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings;
- b. finished ground and floor levels of the development relative to existing ground levels of the site and of adjoining land and building(s). The levels shall be shown in relation to an Ordnance Bench Mark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing; and
- c. the ridge height of the proposed 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, a detailed specification of all external finishes of the houses of the proposed development shall be submitted to and approved by the Planning Authority prior to the use of the finishes in the development. The external finishes of the houses shall be in accordance with a co-ordinated scheme of materials and colours that shall be submitted to and approved in advance by the Planning Authority. This co-ordinated scheme shall in detail promote render as the predominant finish to the walls of the houses, with a use of more than one render colour and with a strongly contrasting difference in the colours such that they will not each be of a light colour. All such materials used in the construction of the houses shall conform to the details so approved.

Reason:

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

- 3 Other than in exceptional circumstances where the layout or particular building type does not permit, the residential units shall be orientated to face the street. Notwithstanding that shown on the docketed site plan the houses denoted with an asterix shall have dual frontages. Otherwise where a building is located on a corner of more than one street, it shall have enhanced gable(s) to ensure it has an active elevation to each street it faces.

Reason:

In the interests of safeguarding the character and appearance of the development.

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

Details of the form and appearance of all boundary treatments, including the 1.8m high fences within the rear gardens of the houses, shall be submitted to and approved by the Planning Authority prior to the occupation of the first house.

A timetable for the provision of those boundary treatments shall be submitted to and approved in advance by the Planning Authority and shall thereafter be carried out in full accordance with the timetable so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

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

- 5 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. Specific planting details shall include hedges to front gardens. The scheme shall include a timetable for implementation of landscaping, and this scheme shall show that the structural landscape planting (proposed woodland planting on east and west boundaries) shall be implemented within 1 year of the commencement of development and shall include a tree protection and maintenance plan to safeguard new structural tree planting during the course of development.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with the details so approved, including the timetable for implementation. 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. All existing and new planting comprised in the scheme of landscaping shall be retained and maintained unless the Planning Authority gives written consent to any variation.

Reason:

In order to ensure the implementation of a landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area.

- 6 A Construction Method Statement to specify the measures to be adopted to protect the amenity of neighbouring residential properties from the effects of noise and dust arising as a result of the construction phase of the proposed development shall be submitted to and approved by the Planning Authority prior to the commencement of development.

The recommendations of the Construction Method Statement shall be implemented prior to the commencement of development. Development shall thereafter be undertaken until the build out of the site is complete in accordance with the details so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of the amenity of the area.

- 7 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. 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.

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 of the area.

- 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 interest of road safety.

- 9 Prior to the occupation of the last residential unit hereby approved, the proposed access roads, parking spaces and footpaths shall have been constructed on site, in accordance with the docketed drawings and those areas of land shall not thereafter be used for any other purpose than for accessing and for the parking of vehicles in connection with the residential use of the houses and shall not be adapted or used for other purposes without the prior written approval of the Planning Authority. Thereafter:

(ii) all adoptable footpaths shall be 2m wide;

(iii) 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 11m length;

(iv) within private parking areas, the minimum dimensions of a single parking space shall be 2.5 metres by 5 metres. All visitor parking spaces within these areas shall be clearly marked for visitors with the remaining private parking spaces allocated to individual dwellings;

(v) all prospectively adoptable parking bays (i.e. that will form part of the public road) shall have minimum dimensions of 2.5 metres by 6 metres. This can be reduced to a minimum length of 5 metres on the proviso that there is adequate road space to manoeuvre in adjacent to the parking bay;

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

(vii) where there is no footway provision and the road will act as a shared surface, road design should emphasise this e.g. change of level and surface treatment and should be augmented by traffic calming or signage as appropriate. This could include differential surface treatment to indicate to drivers and pedestrians where pedestrians will be located. Details of this should be submitted to and approved by the Planning Authority;

Reason:

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

- 10 Prior to the occupation of any of the houses hereby approved a plan showing a footpath link, to be provided from the footpath to be formed along the northern boundary of the site into the road/footpath network within the site shall be submitted to and approved by the Planning Authority. That footpath link, which should be to an adoptable standard shall be provided in accordance with a timetable for its implementation to be submitted to and approved by the Planning Authority. Thereafter that footpath link shall be implemented as so approved unless otherwise agreed in writing.

Reason:

To ensure appropriate pedestrian and cycle links to and from the site.

- 11 Prior to the commencement of development a swept path assessment should be submitted to and approved by the Planning Authority to demonstrate that a 10.0 metre refuse collection vehicle can negotiate the bend of the road adjacent to plot 34 without overrun of footways or landscaped areas.

Reason:

In the interests of road safety.

- 12 A visibility splay of 4.5 metres by 70 metres shall be provided and maintained on each side of each of the proposed main access junctions from the application site such that there shall be no obstruction to visibility above a height of 1.05 metres measured from the adjacent carriageway level within the area defined below. A visibility splay of 2.5 metres by 70 metres shall be provided and maintained on each side of each of the proposed driveway access junctions from the application site such that there shall be no obstruction to visibility above a height of 1.05 metres measured from the adjacent carriageway level within the area defined below or 2.5) :-

- a) A line 4.5 (or 2.5) metres long measured along the access road from the nearside edge of the main road carriageway.
- b) A line 70 metres long measured along the nearside edge of the main road carriageway from the centre of the access road in both directions.
- c) A straight line joining the termination of the above two lines.

Reason:

In the interests of road safety.

- 13 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 all new buildings, where feasible and appropriate in design terms, and new car charging points and infrastructure for them, where feasible and appropriate in design terms. 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.

2. PLANNING APPLICATION NO. 19/00293/P: ERECTION OF BUILDERS MERCHANT AND ASSOCIATED WORKS AT LAND WEST OF GATESIDE ROAD, HADDINGTON

A report was submitted in relation to Planning Application No. 19/00293/P. Ms Taylor referred to points raised at the site visit regarding timings of deliveries advising that an amendment to condition 8 was therefore proposed to limit deliveries to between 7am to 6pm Monday to Friday and 7am to 4pm on Saturdays. She then presented the report, summarising the key points. The proposed decision set out in the report was to grant consent.

Ms Taylor and other officers responded to questions. Responding to a query that if this application was approved there would be three planning consents in force, Ms Taylor advised that only one application could be implemented at one time so practically it meant first come first served. She provided a breakdown of vehicles as requested stating this would comprise two articulated lorries, two rigid lorries and three to six light vans per day.

Liz Hunter, Transportation Planner, responded to questions about the Traffic Assessment. She clarified that this had been updated and officers were satisfied that the application had been determined appropriately; it was a robust traffic assessment. She gave details of the benchmarking carried out advising that twelve comparable sites had been looked at by the applicant. She clarified that movements quoted included private customers. Regarding HGV movements, she advised that the traffic signals junction had been designed to ensure vehicles would be able to make their turn into Gateside Road without straying onto the other side of the carriageway. In relation to the possibility of restricting parking on Gateside Road Ms Hunter advised that the situation would be monitored once the traffic lights were operational.

Colin Clark, Senior Environmental Health Officer, dealt with questions about the Noise Assessment and related matters. He gave details of how assessments were carried out, referring to British Standard averages and to noise receptors and rating levels. He clarified that noise would be mitigated by the acoustic fence. Ms Taylor stated that noise and light pollution concerns raised by objectors were addressed in the conditions. She confirmed that the floodlights would be operational only when the building was operational.

Regarding the number of conditions, Ms Taylor clarified that there were more conditions attached to this application than the previous two applications for this site but this was more to do with the nature of the application, many were standard conditions.

Sheila Hobbs of Scott Hobbs Planning, agent for the applicant, outlined the planning history of the site, referring to the extant planning permissions. She stated that if the application was granted all efforts would be made into developing the site at the earliest opportunity. She stressed that this proposal would provide viable employment opportunities. She drew Members' attention to several display boards showing various illustrations of the site and the proposed development. Regarding landscaping, there would be the loss of some trees on the eastern boundary but additional landscaping would be provided. Ms Hobbs added that the change to the timing of deliveries was acceptable.

Tom Penrose of PPH Commercial which represented the Builder's Merchants MKM, responded to questions and provided background to MKM and its operating method. He said that if the application was granted the company would be on site this year and hoped to be trading by the end of the year. He indicated that staff would be recruited locally. Regarding security, there would be an acoustic fence and the site would be fully alarmed. Floodlighting conditions would be adhered to. He gave details of delivery numbers in and out of the site. He confirmed that loading would be done the previous night, before the end of the business day, so vehicles would be ready to depart the next morning.

John Lancaster, an immediate neighbour, spoke against the application. He stressed that a residential development was an unsuitable location for a metal clad warehouse and builder's yard; it should be situated within an industrial estate. The building would tower over Gateside Road, it would impact on the existing trees. Gateside Road was a secluded approach to a number of housing developments. This application did not comply with the ELLDP, specifically Policy RCA1, which referred to protection and enhancement. He had concerns about HGV's accessing the site; this was a residential access road only. He also had concerns about floodlights, noise and delivery operation times. He hoped Members would take objections into consideration and urged rejection of this application.

In response to questions, Mr Lancaster stated that a nursing home was far more compatible to a residential development. He clarified he had objected to the business units application.

Helen Fraser spoke against the application. She stated she had no concerns about MKM Builders Merchants but this was not the right location for their business. They had many UK sites but none within a residential area. This application fell into the bad neighbour category

in terms of planning policy. She raised issues regarding the access, damage to the road surface and proximity to a children's play area. She referred to inaccuracies in the Transport Statement. She took issue with several statements within the report regarding noise, dust and security lighting; all of these would have an impact. She stressed that despite what the agent had previously stated this proposal would have an unacceptable impact on local residents. On safety and environmental issues this application should be declined.

Local Member Councillor McMillan indicated he had brought this application forward to Committee not just because of the number of objections but also for concerns regarding the number of conditions attached to the grant of consent. He drew attention to several of these. He raised traffic concerns. He queried the rationale of the application given that so many conditions were needed to try and preserve the amenity for residents. In his view, taking into account the character and appearance of the area, this application was not congruent with this area. He would not be supporting the report recommendation.

Local Member Councillor Akhtar, not a member of the Planning Committee, agreed with her colleague that this proposal was not suitable for this area. She acknowledged all the concerns expressed by the objectors.

Local Member Councillor Hoy, also not a member of the Planning Committee, supported Councillor McMillan's comments. He referred to the importance of place making and promoting residents' health and wellbeing.

Councillor Kempson also expressed support for Councillor McMillan's comments. She stressed that an industrial estate was an appropriate location for such a business, within a housing development was inappropriate. She would not be supporting the application.

Councillor Findlay agreed with comments expressed by colleagues; he would not be supporting the report recommendation to grant consent for this application.

Councillor McLeod felt that all objections were valid; he would not be supporting the recommendation in the report to grant consent.

The Convener closed the discussion. He reminded Members that this site was allocated for business use in the ELLDP and highlighted the scenario if the application was refused and then went to appeal. He appreciated residents' concerns but the application had been assessed by officers and conditions were in place to mitigate any concerns. There would be employment opportunities for the area. He would be supporting the recommendation in the report to grant planning permission.

For: 5
Against: 5
Abstentions: 0

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

The Convener asked Mr Dingwall to clarify the amended conditions, which were subsequently approved:

8. The builder's merchant hereby approved shall only operate between the hours of 0700-1800 hours on Mondays to Friday and between the hours of 0700-1600 on Saturdays. No inward or outward deliveries to and from the site shall be undertaken outwith those hours.

Reason: To safeguard the amenity of the occupants of neighbouring residential properties.

10. Prior to its use in the development the details of all external lighting shall be submitted to and approved by the Planning Authority and the lighting erected shall thereafter accord with the details so approved unless otherwise agreed by the Planning Authority.

The approved lighting shall thereafter be operated in strict accordance with the following requirements:

a) Unless otherwise approved in writing by the Planning Authority, there shall be no illumination from any external lighting outwith the hours of the operation of the builder's merchant business (i.e. outwith the hours of 0700-1800 hours on Mondays to Friday and outwith the hours of 0700-1600 on Saturdays; and

b) Light Trespass (onto windows) of neighbouring residential properties, measured as Vertical Illuminance in Lux, (Ev), shall not exceed 10.

Reason: To protect the amenity of the occupants of neighbouring residential properties from light trespass.

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 Prior to its use on the building a sample of each of the external finishes of the warehouse building hereby approved shall be submitted to and approved by the Planning Authority. Thereafter the cladding used shall accord with the sample so approved unless otherwise agreed in writing by the Planning Authority.

Reason

To safeguard the character and appearance of the building and of the area.

3 The use hereby approved shall be restricted to a Builder's Merchants only.

Reason:

To limit the use to that applied for and in the interests of the amenity of the area.

4 Prior to the operation of the builder's merchants hereby approved a 2.5m high acoustic fence shall be erected along the Western and Northern boundary of the site as shown in Figure 1 of ITP Energised's Noise Assessment Ref EDI_1956 of 14 October 2019. The fence shall have a minimum density of 12kg/m², be continuous and have no holes or gaps either between panels or at the base between it and the ground. Thereafter the fence shall be retained in place unless otherwise approved by the Planning Authority.

Reason

To safeguard the amenity of the occupants of neighbouring residential properties from noise.

5 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" and as detailed on page 14 of the Tree Survey and Arboricultural Implication Assessment dated November 2019 by Donald Rodger Associates has been installed, approved by the arboriculturist 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 'Tree Survey and Proposals' numbered 19473/1 of the Tree Survey and Arboricultural Implication Assessment dated November 2019 by Donald Rodger Associates, 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 into the interests of safeguarding the character of the area.

- 6 Prior to 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 include planting to the retaining wall to the south and east of the site, tree planting to the southeast corner and at the entrance to the site, shrub and small species tree planting to the north boundary and shrub and tree planting to the west boundary. 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. Thereafter the approved scheme of landscaping shall be implemented unless otherwise agreed by the Planning Authority.

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 safeguarding the landscape character and appearance of the area.

Reason

To ensure implementation and retention of landscaping important to the amenity of the wider area.

- 7 Prior to the commencement of development a woodland management plan detailing how the trees and woodland on the site shall be managed and maintained shall be submitted to and approved by the Planning Authority. This shall include for the annual inspection of the trees and woodland by a qualified and experienced arboriculturist identifying any trees requiring work and thinning and / or new planting works to allow development of a balanced woodland structure. The annual tree inspection report shall be submitted to the Council within one month of undertaking and any tree works identified as required at the annual inspections shall be submitted to and approved in writing by the Planning Authority. Thereafter the details within the woodland management plan docketed to this planning application for all trees and woodlands on the site shall be complied with unless otherwise agreed by the Planning Authority.

Reason

To safeguard the trees and woodland on the boundaries of the site in the interests of safeguarding the landscape character of the area.

- 8 The builder's merchant hereby approved shall only operate between the hours of 0700-1800 hours on Mondays to Friday and between the hours of 0700-1600 on Saturdays. No inward or outward deliveries to and from the site shall be undertaken outwith those hours.

Reason

To safeguard the amenity of the occupants of neighbouring residential properties.

- 9 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 all new buildings, where feasible and appropriate in design terms, and new car charging points and infrastructure for them, where feasible and appropriate in design terms. 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.

- 10 Prior to its use in the development the details of all external lighting shall be submitted to and approved by the Planning Authority and the lighting erected shall thereafter accord with the details so approved unless otherwise agreed by the Planning Authority.

The approved lighting shall thereafter be operated in strict accordance with the following requirements:

- a) Unless otherwise approved in writing by the Planning Authority, there shall be no illumination from any external lighting outwith the hours of the operation of the builder's merchant business (i.e. outwith the hours of 0700-1800 hours on Mondays to Friday and outwith the hours of 0700-1600 on Saturdays; and
b) Light Trespass (onto windows) of neighbouring residential properties, measured as Vertical Illuminance in Lux, (Ev), shall not exceed 10.

Reason

To protect the amenity of the occupants of neighbouring residential properties from light trespass.

- 11 A Construction Method Statement to minimise the impact of construction activity on the safety and amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control noise, dust, hours of construction works and control of construction traffic including routing of vehicles and delivery time restrictions and include details of temporary parking arrangements during the full construction period for all vehicles associated with the building works. This shall also include a prestart dilapidation survey over roads affected by construction vehicles, particularly along Gateside Road.

The recommendations of the Construction Method Statement shall be implemented prior to the commencement of development and shall be implemented until the development of the site is complete unless otherwise agreed by the Planning Authority.

Reason:

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

- 12 Prior to the commencement of development detail of how 24 access to the SUDs basin located to the south of the application site shall be submitted to and agreed with the Planning Authority and unless otherwise approved shall be formed in the manner so agreed. Thereafter the access to the SUDs shall remain in place unless otherwise agreed by the Planning Authority.

Reason:

To safeguard emergency access to the SUDs basin.

- 13 Prior to the commencement of development details of the retaining walls to be erected on the east and south boundaries of the site shall be submitted to and approved by the Planning Authority. Thereafter the retaining walls shall be erected in accordance with the details so approved.

Reason:

To safeguard the character and appearance of the area.

- 14 There shall be no commencement of development unless and until an effective 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 during the construction phase of the development 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

- 15 A Travel Plan to minimise private car trips and to encourage the use of alternative modes of transport such as buses, cycling and walking shall be submitted to and approved by the planning authority prior to

the operation of the Builders Merchants. The Travel Plan shall include details of the measures to be provided, the methods of management, monitoring, review and reporting and duration of the Plan.

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

Reason:

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

- 16 Prior to the commencement of development details of the 2 proposed Sheffield cycle stands shall be submitted to and approved by the Planning Authority.

The cycle stands shall be formed and made available for use in accordance with the details so approved and thereafter retained in place unless otherwise agreed by the Planning Authority.

Reason:

To ensure the provision of adequate bin and cycle storage on the site.

- 17 Prior to the commencement of development, details of all fences to be erected on the site shall be submitted to and approved in advance by the Planning Authority. Those details shall include details of the heights, positioning, materials, colours and design of all fences to be erected on the site. Thereafter the fencing erected shall accord with the details so approved unless otherwise agreed by the Planning Authority.

Reason:

To safeguard the character and appearance of the area.

- 18 The proposed access junction and pedestrian provision between the footway on the west side of Gateside Road and the protected pedestrian strip within the site as indicated in Proposed Site Layout 5889(3)SP004 Rev H and Swept Path Analysis 19033-MTS-00-XX-DR-TP-06010 Rev 02 are not hereby approved. Instead and prior to commencement of development, a revised site layout and swept path analysis shall be submitted to and approved by the Planning Authority. The submitted detail shall show:

o a visibility splay of 2.5 metres by 70 metres in both direction at the proposed site access junction with Gateside Road. There shall be no visual obstruction within these visibility splays above a height of 1.05 metres. The visibility splays shall be retained as such thereafter unless otherwise approved in writing by the planning authority.

o a kerbed pedestrian footway connecting the existing footway on the west side of Gateside Road and the proposed protected pedestrian strip within the site.

o a dropped kerb pedestrian crossing point to include tactile paving over the proposed site access junction.

o that large vehicles turning left into the site do not encroach onto the pedestrian footway or protected pedestrian when undertaking the manoeuvre.

The road and footway works shall thereafter be provided in accordance with the details so approved.

Reason:

In the interests of road safety

- 19 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 all new buildings, where feasible and appropriate in design terms, and new car charging points and infrastructure for them, where feasible and appropriate in design terms. 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

REPORT TO: Planning Committee
MEETING DATE: Tuesday 4 February 2020
BY: Depute Chief Executive
(Partnerships and Community Services)
SUBJECT: Application for Planning Permission for Consideration

2

Application No. **19/01134/PM**
Proposal Removal of condition 17 of planning permission 16/00393/PM
Location **Pinkie Mains
Pinkie Road
Musselburgh
East Lothian
EH21 7TY**
Applicant Taylor Wimpey East Scotland
Per Burness Paull LLP

RECOMMENDATION Application Refused

REPORT OF HANDLING

PROPOSAL

As the area of the application site is greater than 2 hectares, the development proposed in this application is, under the provisions of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, defined as a major development and thus it cannot be decided through the Council's Scheme of Delegation. The application is therefore brought before the Planning Committee for a decision.

In March 2017 planning permission (Ref: 16/00393/PM) was granted for the erection of 74 houses, 24 flats and associated works on the southern part of the 23.9 hectares Pinkie Mains housing site.

Planning permission was granted subject to the imposition of 18 conditions. Condition 17 of that planning permission states:

"The external remote footpath on the southern site boundary that is referred to locally as "The Drift" shall be constructed to an adoptable standard including street lighting along the extent of it between Pinkie Terrace and the East Coast Main Line under bridge. Connections shall also be provided to this route from the 2 cul-de-sacs at the southern tip of the development.

Within one month from the date of this planning permission, details of the works to "The Drift" footpath, including a timetable for their implementation, shall be submitted to and approved by the Planning Authority. Development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interest of road safety".

Planning permission is now sought for the deletion of condition 17 to remove the requirement to undertake the required footpath construction works relating to "The Drift Footpath".

DEVELOPMENT PLAN

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 policies of the approved South East Scotland Strategic Development Plan (SESplan) relevant to the determination of this application.

Within the adopted East Lothian Local Development Plan 2018 Policies T1 (Development Location and Accessibility), T2 (General Transport Impact) and T4 (Active Travel Routes and Core Paths as part of the Green Network Strategy) are relevant to the determination of this application.

Also relevant to the determination of this application is Scottish Planning Policy: June 2014, Scottish Government Planning Advice Note 67: Housing Quality and Scottish Government Planning Circular 4/1998 (the use of conditions in planning permissions).

REPRESENTATIONS

A total of 58 written representations to the application have been received, all of which raise objections to the proposals. Copies of the written representations are contained in a shared electronic folder to which all Members of the Committee have access.

The main grounds of objection in respect of the proposed development are summarised below:

- * Applicants contradict themselves, arguing it is not clear where "The Drift" path is located, despite being able to identify Route 170 on the Core Paths Plan;
- * Applicants should have submitted their plans to meet Condition 17 or any objections/applications for removal within a month of the date the Decision Notice for planning permission (Ref: 16/00393/PM) being issued, rather than at this late stage of development;
- * Applicants argue that they can only work on land that they own which is not the case;
- * Applicants misled customers prior to purchase of houses, as well as East Lothian Council as planning authority;
- * New homes were priced on a number of factors, one of them being ease of the commute and proximity to public transport;
- * Applicants argue that Condition 17 "not necessary". For residents, the Planning Authority,

and the Local Community, Condition 17 is a matter of critical importance in providing quick and safe access to the new Primary School and future Secondary School in Wallyford as part of East Lothian's Core Path Network;

reducing the number of children and young people using traffic heavy zones in the vicinity, increasing road safety and minimising preventable accidents;

providing excellent and safe public transport connectivity to residents in Almond Park and adjacent areas, reducing the time it takes to reach Wallyford station from the top of Clark Avenue by about two thirds;

encouragement for people to reduce car use, decreasing associated carbon footprint and alleviating impact on adjacent roads, increasing resident's wellbeing and air pollution;

provision of traffic free connectivity between Almond Park and Wallace Crescent/Wallace Avenue development in Wallyford, creating a safe corridor for people to visit Wallyford high street and services without the need to use car;

increased amenity value of the area;

increased general safety of the area and deter any illegal activity, as currently the pathway ends abruptly at the East Coast Main Line under the bridge; and

support for Scottish Governments green policy.

* Applicants have not requested clarification on any point of the Condition, nor presented a viable alternative to it, prior to requesting its removal;

* Reference to no requirement for upgrade of the Drift Path within masterplan or original planning application back in 2011 irrelevant in the context of Planning Application 16/00393/PM and Condition 17;

* meeting requirements of Condition 17 is not a complex or expensive job for applicant;

* path known as 'The Drift' will be an essential artery to walk or cycle to and from Wallyford Station, and indeed the new High School when it is complete; and

* provision of upgraded footpath is fundamental to achieving a development that is aligned with East Lothian's Strategic Plan.

COMMUNITY COUNCIL COMMENTS

Musselburgh and Inveresk Community Council have not provided any comments on this application.

PLANNING ASSESSMENT

The 74 houses and 24 flats approved by planning permission 16/00393/PM are being built on the southern part of the 23.9 hectares Pinkie Mains housing site. The Pinkie Mains site is allocated for a total of 580 residential units by Proposals MH6 and MH7 of the adopted East Lothian Local Development Plan 2018. Planning permission (Refs: 08/1090/OUT, 11/00974/AMM, 12/00559/AMC, 13/00636/AMC, 16/00392/P and 16/00393/PM) has already been granted for the erection of a total of 571 residential units on that allocated site, and most of those residential units are built and occupied.

Condition 17 of planning permission 16/00393/PM relates to an informal footpath, referred to locally as "The Drift", which is on the southern boundary of the site the subject of that planning

permission, and which runs between Pinkie Terrace, Musselburgh and a point which crosses under the East Coast Main Rail Line. It states:

“The external remote footpath on the southern site boundary that is referred to locally as "The Drift" shall be constructed to an adoptable standard including street lighting along the extent of it between Pinkie Terrace and the East Coast Main Line under bridge. Connections shall also be provided to this route from the 2 cul-de-sacs at the southern tip of the development.

Within one month from the date of this planning permission, details of the works to "The Drift" footpath, including a timetable for their implementation, shall be submitted to and approved by the Planning Authority. Development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interest of road safety”.

No such detail or timetable for implementation has been submitted to the Planning Authority for approval.

This application follows on from investigations by the Councils Planning Enforcement Officer into an alleged breach of condition 17.

The applicant's agent has submitted a statement in support of the application, in which they advise that they are not able to comply with condition 17. They state that condition 17 of planning permission (Ref: 16/00393/PM) fails the tests set out in Scottish Government Planning Policy (Circular 4/1998).

Circular 4/1998 states that planning conditions should only be imposed where they are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise, and reasonable in all other respects.

The submitted statement in support of the application states that condition 17 is unenforceable as the land in question is outwith the red line boundary of the site consented within planning permission 16/00393/PM and is not in the ownership of the applicant who therefore has no powers to implement the requirements of condition 17.

The submitted statement further states that condition 17 is unreasonable as a consequence of it being unenforceable.

The submitted statement in support of the application states that the requirement within condition 17 to construct the external remote footpath is not necessary as the footpath in question has not been identified as infrastructure necessary to make development at this site acceptable within either East Lothian Councils Local Development Plan or within previous grants of planning permission relating to the site at Pinkie Mains.

The submitted statement also states that condition 17 is not precise in identifying either the location of the external remote footpath on the southern boundary of the site at Pinkie Mains referred to locally as "The Drift", or in substantiating how the upgrading of the path will serve the interests of road safety.

It is necessary to determine this application in accordance with the development plan, unless material considerations indicate otherwise. It is also necessary to consider whether the condition in question meets the 6 tests in Circular 4/1998.

Policy T1 of the adopted East Lothian Local Plan 2018 requires that new developments be

located on sites that are capable of being conveniently and safely accessed on foot and by cycle, by public transport as well as by private vehicle.

Policy T2 states that new development must have no significant adverse impact on:

- * Road safety;
- * The convenience, safety and attractiveness of walking and cycling in the surrounding area;
- * Public transport operations in the surrounding area, both existing and planned, including convenience of access to these and their travel times;
- * The capacity of the surrounding road network to deal with traffic unrelated to the proposed development; and
- * Residential amenity as a consequence of an increase in motorised traffic.

Where the impact of development on the transport network requires mitigation this will be provided by the developer and secured by the Council by planning condition and / or legal agreement where appropriate.

Policy T4 states that the Council will protect its existing core path and active travel networks and ensure that new development does not undermine them, including the convenience, safety and enjoyment of their use.

One of the main 'Outcomes' of Scottish Planning Policy is to create successful, sustainable places by supporting sustainable economic growth and regeneration, and the creation of well-designed, sustainable places.

Scottish Planning Policy highlights that new housing developments should be integrated with public and active travel networks, such as footpaths and cycle routes, rather than encouraging dependence on the car. There should be connectivity between new and existing streets with walking and cycling networks, and allow for links into future areas of development. In paragraph 228 it is also stated that local development plans should safeguard access rights and core paths, and encourage new and enhanced opportunities for access linked to wider networks.

Planning Advice Note 67 (PAN 67) explains how Designing Places should be applied to new housing. In PAN 67 it is stated that the planning process has an essential role to play in ensuring that, amongst other things, new housing is integrated into the movement and settlement patterns of the wider area.

PAN 67 further advises that the creation of good places requires careful attention to detailed aspects of layout and movement and that developers should think about the qualities and the characteristics of places and not consider sites in isolation. New housing should take account of the wider context and be integrated into its wider neighbourhood.

“The Drift” footpath is located immediately to the south of the housing site approved by planning permission 16/00393/PM. It currently provides informal pedestrian access between Pinkie Terrace, to the west of the application site and the East Coast main railway line underbridge that is located to the southeast of the housing site. A hard surfaced footpath, which is some 2.0 metres in width and which is lit, provides a convenient route for pedestrians and cyclists between the underpass and Wallyford Train Station and recreation Ground. There are also pedestrian links to other parts of the village of Wallyford.

It is clearly the applicant’s intention that the “Drift” footpath will be used by residents of the new housing, as footpath links have been formed between the housing site and the footpath. It is likely to be well used by new residents, both for recreation and as a convenient and safe means of accessing the village of Wallyford, including its train station and recreation ground

that can both be accessed by pedestrians in less than fifteen minutes. In time, it would also form a potential new route to the proposed High School in Wallyford. The Council's School Estates Planning Officer confirms that the new housing is in the Pinkie catchment area which will feed into the new Wallyford secondary school once it is built.

In all of this, condition 17 is seeking to deliver the policy ambitions of Policies T1, T2, T4, Scottish Planning Policy and PAN67 in relation to the convenience, safety and attractiveness of walking in the area, encouraging new and enhanced opportunities for access linked to wider networks, and integrating new housing into its wider neighbourhood.

Both the Council's Access Officer and the Council's Road Services recommend refusal of this application, as they consider that the upgrading of the footpath is essential in order to facilitate enhanced opportunities for access linked to wider networks. In this regard, and in terms of Circular 4/1998, it is necessary to impose condition 17. Condition 17 is also necessary to ensure that development approved within that planning permission does not undermine an existing core path, including the convenience, safety and enjoyment of its use.

Circular 4/1998 also states that, amongst other things, conditions should only be imposed where they are precise. In this case condition 17 is precise, as the framing of it ensures that the condition is enforceable. In this, the condition clearly defines the extent of footpath that requires to be upgraded (i.e. the external remote footpath on the southern site boundary that is referred to locally as "The Drift" between Pinkie Terrace and the East Coast Main Line under bridge) as well as what the upgrading requires to consist of (i.e. constructed to an adoptable standard including street lighting, with connections to be provided to this route from the 2 cul-de-sacs at the southern tip of the development). Moreover the framing of it sets out a mechanism for requiring when the works will be carried out (i.e. within one month from the date of this planning permission, details of the works to "The Drift" footpath, including a timetable for their implementation, shall be submitted to and approved by the Planning Authority. Development shall thereafter be carried out in accordance with the details so approved).

Circular 4/1998 also states that, amongst other things, conditions should only be imposed where they are enforceable. The applicant argues that they do not own the land on which "The Drift" is constructed and therefore has no power to ensure compliance with the second paragraph of Condition 17.

However it is common for planning authorities to impose conditions requiring new or upgraded footpath links on land outwith an application site and, on occasion, on land outwith the ownership of the applicant.

This approach is endorsed by Circular 4/1998, which states that it is the case that a planning authority may impose conditions regulating the development or use of land even if it is outside the site which is the subject of the application. Indeed Circular 4/1998 advises that the Courts have held that the question whether land is under the control of an applicant is a matter to be determined according to the facts of the particular case. It is only necessary to have such control over the land as is required to enable the developer to comply with the condition. In this case, the applicant would have been in no doubt that before development commenced there was a requirement to submit details of the works to "The Drift" footpath, including a timetable for their implementation. Those works were then to be implemented in accordance with the timetable so approved.

Condition 17 is necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise, and reasonable in all other respects. There is therefore no justification for the removal of condition 17.

RECOMMENDATION:

It is recommended that planning permission be refused for the following reason:

- 1 The construction works to the external remote footpath on the southern site boundary that is referred to locally as "The Drift" are necessary to ensure a convenient and safe means for new residents to access the village of Wallyford, including its train station and recreation ground, and, in time, the proposed High School in Wallyford.

Please note that the remainder of pages relating to this item have been removed as they contain personal information (for example - names and addresses of people that have made representation)

REPORT TO: Planning Committee
MEETING DATE: Tuesday 4 February 2020
BY: Depute Chief Executive
(Partnerships and Community Services)
SUBJECT: Application for Planning Permission for Consideration

3

Application No. **19/00692/PM**

Proposal Erection of building for visitor's centre/exhibition/cafe/shop and associated works

Location **Museum Of Flight
East Fortune
Athelstaneford
North Berwick
East Lothian
EH39 5LF**

Applicant National Museums of Scotland

Per Hoskins Architects

RECOMMENDATION Consent Granted

REPORT OF HANDLING

PROPOSAL

As the area of the application site is greater than 2 hectares, the development proposed in this application is, under the provisions of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, defined as a major development and thus it cannot be decided through the Council's Scheme of Delegation. The application is therefore brought before the Planning Committee for a decision.

This planning application relates to a 2.51 hectare area of land located within the East Lothian Countryside as defined by Policy DC1 of the adopted East Lothian Local development Plan 2018 to the south of the existing National Museum of Flight.

The application site is bound to the north by an area of woodland, Big Wood, with the access road and National Museum of Flight site beyond, to the west by an area of woodland and to the east and south by agricultural land. The northern woodland strip G02 and Big Wood G26 are both recorded in the Ancient Woodland Inventory Scotland as Long Established (of plantation origin) woodland. Big Wood (G26) is also protected by Tree Preservation Order Number 22 – Gilmerton Estate, Woodland W1.

The National Museum of Flight is located within the south east corner of the former East Fortune Airfield which is a Scheduled Ancient Monument (SM4804). The application site abuts the south boundary of the Scheduled Ancient Monument and thus is outwith its boundary.

The application site is located within the Gilmerton House Local Garden and Designed Landscape with the northern part of the site comprising part of the ancient woodland within Sunnyside Strip and the southern part of the site comprising part of an arable field.

Planning permission is sought through this application for the erection of a large portal building to serve as a new visitor's centre/exhibition/café/shop and associated works including a large car park as an extension to the existing facilities and exhibition space of the Museum of Flight.

The proposed building would be a large hangar type building located on the eastern part of the application site with the western part of the site hard surfaced to provide parking and access to serve the proposed building.

The proposed building would have a largely rectangular footprint and would measure some 150 metres by some 43 metres and would have a flat roof. The application site slopes gently to the south. The building has been designed using the site topography to allow for the formation of a lower ground area for the exhibition area space for the aircraft to be provided. However, when viewed from the north that lower ground floor of the building would not be visible. Therefore the northern component of the building would be some 13 metres in height above ground level but the southern part of the building would at its tallest point be some 17.5m in height above ground level.

The proposed building would largely be finished in dark grey/black profiled and flat metal cladding. However, the main entrance which would be in the north elevation of the building would comprise a large glazed curtain wall with a glazed revolving door entrance within it. Above the curtain wall would be a section of translucent polycarbonate cladding panel above. The south elevation of the building would also contain a glazed curtain wall at ground floor level with a glazed revolving door entrance within it. It would also have a section of translucent polycarbonate cladding panel above. The east elevation of the proposed building would contain 7 aluminium fire escape doors at various points within the building, along with 2 fire escape stairs which would be enclosed with metal mesh weather protection screens, a large aluminium framed window is proposed within the southern part of the east elevation of the building along with 4 ventilation louvres. The south elevation of the building would contain a maintenance access door, 2 ventilation louvres and a fire escape stair enclosed with a metal mesh weather protection screen.

The proposed building would be accessed from the existing access road which currently serves the existing National Museum of Flight site which runs to the immediate north of the application site. A new access off this existing access road would be formed in the north western corner of the application site to serve the proposed building and new visitor car park.

In September 2018 a proposal of application Notice (Ref: 18/00006/PAN) was submitted on behalf of the National Museum of Scotland.

The PAN was agreed with East Lothian Council and The National Museum of Scotland undertook two pre-application consultation events to disseminate information about the proposed application to the local community. These events took place on 18 September and 24 October 2018 with the events attended by some 25 and 20 people respectively.

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 the proposed development falls under the development description Schedule 2, Part 10 (Infrastructure Projects) of the EIA (Scotland) Regulations

2017, in that it is for the erection of an approx. 5,700 sqm building to create a new visitor's centre, aircraft storage space and associated facilities, together with car parking for around 140 vehicles along with coach parking and additional overspill parking, being a development which may require the submission of an Environmental Impact Assessment (EIA). Schedule 3 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 sets out the selection criteria for screening whether a Schedule 2 development requires an EIA.

On 9th September 2019 the Council issued a formal screening opinion to the applicant. The screening opinion concluded that it is East Lothian Council's view that the proposed development by virtue of its characteristics, location and characteristics of the potential impact, is unlikely to have a significant environmental effect to the extent that an expert and detailed study through EIA is needed to properly assess any effect. Whilst it is considered that the development would require robust assessments and possible mitigation in respect of a number of issues, it is the opinion of East Lothian Council as planning authority that the proposed development does not constitute 'EIA development' under the terms of the EIA regulations. As such it is therefore the opinion of East Lothian Council as Planning Authority that there is no requirement for the proposed development to be the subject of an EIA.

The applicant's agent has submitted a number of documents in support of the planning application including a Design and access Statement, a Planning Statement, Travel Plan Framework, Heritage Impact Assessment, Ecological Appraisal, Archaeology Report, Tree Survey, Arboricultural Impact Assessment, Bat Survey, and Landscape Strategy Report.

The Design and Access Statement advises that:

'the proposed development will create a purpose built display space with associated visitor facilities. The project aims to conserve aircraft currently on external display and to meet the aspirations of National Museum of Scotland to improve upon the visitor experience and create a new gateway to the National Museum of Flight and Scheduled Monument airfield.

In addition to rescuing historically important aircraft, and showcasing the Museum's unseen collections and the fascinating stories behind them, it will:

- O Relocate key visitor facilities such as the public entrance, car parking, shop and café from the Scheduled Ancient Monument to the new development.
- O Enable anachronistic temporary buildings and car-parking to be removed from the Second World War airfield
- O Enable the reimagining of the Second World War airfield, bringing its historic significance to life for visitors and enhancing their experience.
- O Encourage a wide range of people to become involved in the heritage that has shaped their lives and communities, through learning, training and volunteering opportunities both on the site and throughout Scotland. The designs will be shaped by their involvement.'

The Planning Statement submitted in support of the application concludes: 'that there is an operational requirement for the proposed hangar, in order to accommodate the existing aircraft which are currently in a bad state of repair, due to being located outdoors. The proposed new building is located next to the existing Museum of Flight which has been an established existing use in the Countryside since 1975. The Planning Statement concludes that the proposed development is considered to be in accordance with relevant policies of the ELC Local Development Plan.'

DEVELOPMENT PLAN

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.

Relevant to the determination of the application are Policies DC1 (Rural Diversification), CH4 (Scheduled Monuments and Archaeological Sites), CH6 (Gardens and Designed Landscapes), DP1 (Landscape Character), DP2 (Design), NH5 (Biodiversity and Geodiversity Interests, including Nationally Protected Species), NH7 (Protecting Soils), NH8 (Trees and Development), T1 (Development Location and Accessibility), T2 (General Transport Impact) and SEH2 (Low and Zero Carbon Generating Technologies).

Also material to the determination is The Scottish Government's Policy on "Control of Woodland Removal: February 2009."

The Scottish Government's Policy on Control of Woodland Removal states:

- There is a strong presumption in favour of protecting Scotland's woodland resources;
- Woodland removal should be allowed only where it would achieve significant and clearly defined additional public benefits;

It states that these public benefits include where the proposals are required to support Scotland as a tourist destination. In those instances compensatory planting may be required.

REPRESENTATIONS

A total of 13 written representations have been received to this application. All 13 of these written representations make objections to the proposed development. The main grounds of objection are:

- i) Destruction and loss of ancient woodland contrary to both local and national planning policy;
- ii) Loss/Blocking of public footpath;
- iii) Loss of prime farmland;
- iv) Scale of the building imposing on the skyline;
- v) No detailed plan of re-plantation;
- vi) Loss of environmental habitat;
- vii) The building is proposed for a café, shop etc, there is already a café and shop located at the Museum of Flight and there are also cafes, coffee shops etc located close to this area and therefore it is unnecessary for another coffee shop;
- viii) There is substantial ample ground within the existing Museum of Flight to accommodate this development and as such there is no necessity to destroy ancient woodland;
- ix) Increase of vehicular traffic on the roads associated within the area. These roads are already struggling to cope with traffic volume at present without further increases;
- x) Statement that the proposed use is an existing use within the countryside is blatant nonsense, the fact that the proposed site may be in the same ownership as the museum is wholly irrelevant in terms of land use;
- xi) Serious omission of the proposal in not evaluating the impacts on a very significant route for walking and off-road cycling;
- xii) Building would be set back a considerable distance from the site entrance and as such in no way could it form a gateway feature;
- xiii) Proposed compensatory planting along the eastern edge of the development however this is not specified and will take 20+ years to develop biodiversity and visual screening and hence it will be largely ineffective for an extended period of time;
- xiv) Not a great deal of detail provided about the sustainability of the development from an

- economic perspective. The estimates of additional visitor numbers seem extremely optimistic;
- xv) Visual and landscape impact assessments are not adequately detailed for a building of this scale;
 - xvi) Building would be a dominant feature in the landscape;
 - xvii) Removal of mature trees would not result in significant public benefits and although replacement trees are to be planted they would take many years to become as efficient as the older trees in mitigating climate change through absorption of CO₂. In the light of East Lothian Council's acknowledgement of the challenge of Climate Change in its recently issued draft Climate Change Strategy, and the Scottish Government's undertakings to combat the Climate Emergency, this aspect of the plan appears weak and out of date
 - xviii) Proposal does not sufficiently favour active travel and public transport rather than cars as a form of movement. Application says that the proposed development will increase visitor numbers by an estimated 16%, but it does nothing to positively encourage more visitors to make the journey by train or bus;
 - xix) it makes no sense at all, to encourage folk to travel out to a centre which by its construction and the destruction of the plants and trees around it, will contribute to increased emissions and add to the emissions these aircraft have already been responsible for.

The matter of the need for another café and shop is not a material planning consideration in the determination of this planning application.

COMMUNITY COUNCIL COMMENTS

There have been no Community Council Comments received to the planning application.

PLANNING ASSESSMENT

The application site is part of a larger area designated as countryside by Policy DC1 of the adopted East Lothian Local Development Plan 2018 (ELLDP 2018). Policy DC1 amongst other things states that development in the countryside will be supported in principle where it is for businesses that have an operational requirement for a countryside location, including tourism and leisure uses.

The National Museum of Flight is a long established tourism use. It has been operating from its existing countryside location within the East Fortune Airfield Scheduled Monument for a considerable number of years. It is one of East Lothian's leading visitor attractions.

The Council's Economic Development and Strategic Investment Manager is supportive of the application as it pertains to the redevelopment of the existing successful National Museum of Flight in order to save historically important aircraft; to bring the historic Second World War airfield to life for visitors; to help support creative community engagement and volunteering projects; to enable the most significant collection of Jet Age commercial passenger material to be put on display and provide a permanent home for Scotland's Concorde; to create a Scotland-wide National Programme to develop partners' skills and capacity; to drive additional employment opportunities and further tourism development. In so doing economic development will be improved, visitors attracted and retained, and jobs created and safeguarded, especially in tourism, a significant sector of the East Lothian economy. The National Museum of Flight is one of the county's leading attractions and supports a number of national and local economic development initiatives.

The adopted East Lothian Local Development Plan 2018 states that all leisure and tourism related development proposals, including visitor attractions, hotels and holiday accommodation, will be assessed against all relevant Local Development Plan policies. The proposed scheme of development would facilitate the erection of a new display and visitor centre building to serve the National Museum of Flight which is an established tourist attraction within the East Lothian Countryside attracting considerable numbers of visitors and tourists to East Lothian. The proposed building would enable the National Museum of Flight to

upgrade the existing facilities and overall visitor experience of the attraction. Additionally it would enable the long term protection and maintenance of a number of historically important aircraft which would as a result of the proposed scheme of development be able to be relocated and exhibited indoors for the public to view. The tourism, financial and economic benefits that the proposed scheme of development would bring to the National Museum of Flight and in turn the surrounding East Lothian towns and county as a whole should be taken into consideration.

Therefore, and subject to the proposal being acceptable on other relevant planning policies and in considering other material considerations, the proposed use of the site as part of the exhibits and facilities comprising the National Museum of Flight, would not be contrary to Policy DC1 of the adopted East Lothian Local Development Plan 2018.

The proposed scheme of development would facilitate the upgrading of the existing Museum of Flight facilities. The proposed new building would allow for aircraft currently stored outdoors to be housed and exhibited in a new purpose built building. It would also be used to exhibit Concorde which would be moved from its existing hangar building within the existing National Museum of site to the new proposed building. The existing hangar building which currently exhibits Concorde would be reused to house other aircraft which are currently displayed outdoors. The proposed building would be located outwith, but immediately adjacent to the existing National Museum of Flight site within the East Fortune Airfield Scheduled Monument. As such the new purpose built display and visitor centre building would in its proposed position expand the footprint of the Museum of Fight boundary and allow for its continued operation and expansion.

The floor plans submitted with the application indicate that the basement level of the proposed building would provide the main exhibition hall and would accommodate Concorde, and 3 other important historical aircraft a Viscount, BAC 1-11 and Comet. The ground floor, entrance level, of the building would provide the entrance foyer, shop, a Story of Flight display, Male and Female toilets, an accessible toilet, an Office, a cleaners cupboard, lift, stair and a visitor viewing platform/walkway for the aircraft. The first floor of the building would accommodate a visitor café with servery, Male and Female toilets, Staff/Tea preparation area/room, accessible toilet, lift, stair and void over the foyer in which a further aircraft would be displayed.

The proposed display and visitor centre building would be a large hangar type building that due to its size, scale and positioning would be impossible to screen completely. However, the trees located to the west of the application site in Big Wood would provide a degree of screening from the west and would provide a backdrop to the building in views from the east. A number of trees along the eastern boundary of the application site are proposed to be retained. Therefore and with additional supplementary planting proposed to be undertaken this would provide some visual relief of the building in views of it from the east. The southern part of the site is to be planted with a wooded area to compensate for the trees which are to be felled along the northern boundary. This planting, while taking a number of years to reach maturity would provide some visual relief in views from the south.

The National Museum of Flight is located to the north of the application site and contains a number of buildings and aircraft hangars of varying sizes and heights. The proposed new display and visitor centre building would be larger and higher and would have a greater massing than those existing buildings. However, it is a building designed for its function to house and display aircraft as part of the National Museum of Flight and thus is a building that is required to be of a large size and scale. Furthermore, it would be finished externally in a subtle and appropriate palette of materials in keeping with the colours and finishes of the existing buildings of the Museum of Flight. When seen in its context, as part of the Museum of Flight, it would be a building appropriate for its setting. Therefore, with the screening provided by the existing woodland and also with the visual relief provided by the proposed compensatory

planting, then on balance the building would not appear as such an unacceptably large, isolated or incongruous feature in its landscape setting. As a building appropriate to its setting it would not be contrary to Policy DP1 or DP2 of the ELLDP 2018.

The proposed car park would be well contained between the west side of the proposed new building and to the east side of woodland of Big Wood that is to be retained. Thus whilst a large expanse of hardsurfacing, given its position and with appropriate compensatory planting and landscaping the proposed car park would not appear unduly prominent in its landscape setting. It would not be contrary to Policies DP1 or DP2 of the adopted ELLDP 20108.

In their visual relationship with and as part of the Museum of Flight and with the screening provided by the retained woodland and compensatory planting the proposals would not be seen to significantly harm the elements justifying the designation of the Gilmerton House Local Garden and Designed Landscape. Thus the proposals are not contrary to Policy CH6 of the ELLDP 2018.

The application site is located to the immediate south of the access road that serves the existing National Museum of Flight. The southern part of the site is currently in use as arable farmland with the northern part of the site comprising part of the ancient woodland within Sunnyside Strip. A number of trees are also dispersed along the eastern boundary of the application site.

To facilitate the development an area of existing arable farmland which comprises the southern part of the application site would be developed.

Policy NH7 presumes against the loss of prime agricultural land unless a number of criteria are met. This includes if the land is required for an appropriate development in the countryside, including that which is directly linked to a rural business. In this instance the loss of prime agricultural land is required to facilitate the upgrading of the visitor and exhibition facilities at the National Museum of Flight an established tourist and business attraction within the East Lothian countryside. Furthermore as the Museum of Flight is itself located within the south-eastern corner of the East Fortune Airfield, Scheduled Monument (SM4804), then if the proposed building were to be located within the existing National Museum of Flight site boundary such development would harm the East Fortune Airfield, Scheduled Monument (SM4804). Therefore, as the proposal is directly linked to an existing rural business and as no other suitable site is available within the existing Museum of Flight site boundary the proposed scheme of development is not contrary to Policy NH7 of the adopted ELLDP 2018.

A Tree Survey and Arboricultural Impact Assessment and Arboricultural Method Statement Report has been submitted in support of the application. It concludes that the erection of the new building and associated car park would require the felling of an area of some 0.64 ha (299 trees) of woodland. The majority of these trees would be located within the northern part of the site within an area of the Sunnyside Strip measuring some by 115 metres by 46 metres and comprising a number of different species of varying age composition. This would include the removal of some of the Ancient Woodland of Sunnyside Strip.

The Arboricultural Impact Assessment and Arboricultural Method Statement Report proposes an area of compensatory tree planting to compensate for the loss of woodland. A minimum replanting area of some 0.7 ha (113 metres by 66 metres) with circa 780 trees planted would be undertaken within the southern part of the application site to compensate for the felled trees in Sunnyside Strip.

The development has been amended to be sufficiently far away from the trees of Big Wood to ensure they would not be affected by the development.

Part b (i) of Policy NH8 of the ELLDP 2018 does not support the removal of Ancient Woodland. However the same part of that Policy states that “Development affecting trees or groups of trees or areas of woodland will be permitted where its loss is essential to facilitate development that would achieve significant and clearly defined additional public benefits in line with the Scottish Governments Policy on Control of Woodland Removal”. The proposed loss of woodland would, in this instance, be to facilitate the expansion of an important tourist facility within East Lothian. This in turn would support Scotland as a tourist destination. Therefore and as an area of compensatory planting is proposed that would be of a size similar to the area of felled woodland, the proposal is not contrary to the guidance within The Scottish Government’s Policy on Control of Woodland or Policy NH8 of the ELLDP 2018.

The Council's Landscape Project Officer has appraised the Tree Survey and The Arboricultural Impact Assessment and Arboricultural Method Statement Report. He has advised that the submitted landscape plans have been amended during the determination process of the application to address previous concerns raised by him. The Council's Landscape Officer has advised that whilst the proposed scheme of development cannot be supported on landscape grounds he acknowledges that the loss of trees and the impact of the building on the landscape has to be weighed against other relevant planning considerations, including those that would ensure the development and continued operation of the Museum of Flight as a major tourist attraction in East Lothian. He advises that the proposed compensatory planting would go some way to replacing the felled woodland, and potentially would improve the mix and condition, and thus could enhance the condition of the woodland in the area.

In addition to the compensatory tree planting it is also proposed that detailed landscaping would be undertaken around the application site. This would include around the proposed car park where new shrubs and hedge planting would be undertaken. It is also proposed to form a mounded landscaping features along the northern boundary of the application site. This landscaping would provide visual relief and soften the visual impact of the proposal on the landscape.

The Council's Landscape Project Officer advises that if planning permission is to be granted for the proposal that conditions should be attached to any grant of planning permission requiring the submission of detailed landscape planting plans and maintenance plans plus timescales for planting to be submitted for the planning authorities approval. This matter could be controlled through a condition of a grant of planning permission.

Section 2.3 of the Arboricultural Impact Assessment has also taken account of the matter of carbon sequestration which is the long term removal, capture or sequestration of CO₂ from the atmosphere to mitigate or reverse global warming. As the proposed compensatory planting would, in the long term, enhance the woodland in the area, such replanting would balance the loss of carbon sequestration caused by the woodland removal. Thus the proposals, provided there is compensatory planting, would not conflict with the council's declaration of a Climate Change Emergency.

Scottish Natural Heritage have advised that they have no comment to make on the application as the proposal would not present any natural heritage implications.

The Council's Biodiversity Officer has assessed the Ecological Appraisal report submitted with the application. She advises that much of the development site is arable fields which have limited biodiversity value. Some woodland habitat however will be lost during construction. She further advises that the Council has no records for the development site, and the development is not within or adjacent to any designated sites. She notes that the Ecological Appraisal was submitted with the application and which was based on extended phase 1 habitat survey, and undertaken by a suitably qualified ecologist and using an appropriate methodology as recommended by CIEEM found no evidence of protected species during the

survey. However she notes that the report identified 15 trees as having potential to support roosting bats and furthermore considered the impact of the loss of woodland habitat on site. She agrees with the conclusions in the report that further investigations will be required before work commences, including (but not limited to):

- * A site walkover undertaken by a suitably qualified ecologist prior to works starting to ensure the absence of badgers.

- * A Phase 1 bat survey undertaken by a licenced bat worker to investigate potential roosting features. Where an aerial survey is not possible, emergence surveys will be required to identify potential bat roosts. If bats are found to be roosting on site, a species protection plan must be submitted to demonstrate the impact of the development and identify appropriate mitigation measures. Additionally a licence may be required from SNH prior to works starting.

- * If it is not possible to schedule works to take place outwith the bird nesting season (April to August inclusive), a nesting bird check should be undertaken by a suitably qualified ecologist.

*

Therefore provided a condition is attached to any grant of planning permission that would secure those further investigations prior to works commencing that the Council's Biodiversity Officer does not object to the and the proposal is not contrary to Policy NH5 of the ELLDP 2018.

Access to the proposed new building and visitor centre would be taken off the existing access road which currently serves the existing National Museum of Flight site which runs to the immediate north of the application site. It is proposed that a new access off this existing access road would be formed in the north western corner of the application site to serve a proposed new visitor car park which would be located to the immediate west of the proposed new display building and visitor centre. The proposed car park would provide some 140 car parking spaces including 7 accessible car parking spaces along with a coach drop off bay, cycle parking/storage area and a new public bus stop which is to be relocated from the existing National Museum of Flight site where it is currently located within the Scheduled Ancient Monument.

The Council's Road Services have also appraised the application. They, are satisfied that the existing road network will not be adversely impacted by the proposals nor would the proposal would have an adverse impact on pedestrian or road safety. Therefore subject to conditions being attached to any grant of planning permission requiring the submission of: (i) a Construction Method Statement to control works during the construction process and (ii) a Green Travel Plan to encourage sustainable means of travel, the Councils Road Services raise no objection to the application. Accordingly and subject to the imposition of those conditions the proposals are consistent with Policies T1 and T2 of the adopted ELLDP 2018.

The Councils Access Officer has appraised the application. He notes that the application site has an existing footpath running across it. He advises that the proposed building will be built upon this path and will also truncate the shelterbelt of woodland that currently runs along the southern boundary of the Museum of Flight. However, provided the new footpath which is shown to be formed on the southern boundary of the site is provided which can reasonably be made a condition of planning permission then the Councils Access Officer does not object to the proposals.

Scottish Water raise no objection to this planning application.

Historic Environment Scotland (HES) have assessed the proposal and have no comment to make. However, during the determination of the planning application Historic Environment Scotland have since granted scheduled monument consent for works to be undertaken on the East Fortune Airfield Scheduled Monument associated with the scheme of development the subject of this planning application.

The Council's Archaeology Officer advises that there is the potential for buried structural remains and features relating to East Fortune Airfield and dating to WWII to survive within the proposed development area. Given this the Council's Archaeology Officer has advised that a condition be attached to any grant of planning permission requiring that a programme of works to mitigate the impacts of the proposed development upon the Historic Environment be required. This matter could be controlled through a condition of a grant of planning permission. Therefore the proposals are not contrary to Policy CH4 of the ELLDP 2018.

The Council's Environmental Protection Manager has no comment to make on the application, being satisfied that the development would not have an adverse impact on any neighbouring land uses.

At its meeting on Tuesday 27th August 2019 the Council approved a motion declaring a Climate Emergency. Thereafter, at its meeting on Tuesday 3rd September 2019 the Council's Planning Committee decided that a condition requiring a developer to submit for the approval of the Planning Authority a report on the actions to be taken to reduce the carbon emissions from the building and from the completed development should be imposed on relevant all applications for planning permission. Such a condition should be imposed on a grant of planning permission for this proposed development.

RECOMMENDATION:

It is recommended that planning permission be granted subject to the undernoted 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 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 Prior to its use on the building a sample of each of the external finishes of the building hereby approved shall be submitted to and approved by the Planning Authority. Thereafter the cladding used shall accord with the sample so approved unless otherwise agreed in writing by the Planning Authority.

Reason

To safeguard the character and appearance of the building and of the area.

- 3 Other than the trees identified to be removed in the Tree Survey and Arboricultural Impact Assessment and Arboricultural Method Statement Report dated December 2019 by Ecus Environmental Consultants no other trees shall be felled unless otherwise agreed by the Planning Authority.

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" and as detailed on Figure 3.1 of the Arboricultural Impact Assessment and Arboricultural Method Statement dated December 2019 by Ecus Environmental Consultants has been installed, approved by the arboriculturist 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 'Tree Protection Plan' Drg. No. 10676-ARB-03 of the Arboricultural Impact Assessment and Arboricultural Method Statement dated December 2019 by Ecus Environmental Consultants, 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.

- 4 Prior to 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, tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. The scheme shall include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development. The scheme shall include details of planting along the eastern boundary of the site along with details of the replanting area within the southern part of the site which should accord with the minimum replanting area as shown on Figure 2.1 Arboricultural Impact Assessment Drg. No. 10676-ARB-02 of the Arboricultural Impact Assessment and Arboricultural Method Statement dated December 2019 by Ecus Environmental Consultants. Thereafter the approved scheme of landscaping shall be implemented unless otherwise agreed by the Planning Authority.

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 ensure implementation and retention of landscaping important to the amenity of the wider area.

- 5 Prior to the commencement of development a woodland management plan detailing how the trees and woodland on the site shall be managed and maintained shall be submitted to and approved by the Planning Authority. This shall include for the annual inspection of the trees and woodland by a qualified and experience arboriculturist identifying any trees requiring work and thinning and / or new planting works to allow development of a balanced woodland structure. The annual tree inspection report shall be submitted to the Council within one month of undertaking and any tree works identified as required at the annual inspections shall be submitted to and approved in writing by the Planning Authority. Thereafter the details within the woodland management plan docketed to this planning application for all trees and woodlands on the site shall be complied with unless otherwise agreed by the Planning Authority.

Reason

To safeguard the trees and woodland on the boundaries of the site in the interests of safeguarding the landscape character of the area.

- 6 Prior to the commencement of development a long term habitat management plan shall be submitted to and approved in writing by the Planning Authority. The plan shall include details of the proposed planting to be undertaken within the southern part of the application site and along the eastern boundary and should demonstrate the habitat connectivity between Big Wood and Sunnyside Strip and its maintenance. Thereafter the details within the habitat management plan docketed to this planning application site shall be complied with unless otherwise agreed by the Planning Authority.

Reason:

To maximise the ecological connectivity of the proposed scheme of development.

- 7 Prior to the commencement of development an Ecological Report detailing the undertaking and findings of a site walkover by a suitably qualified ecologist to ensure the absence of badgers on the application site shall be submitted to and approved by the Planning Authority.

Prior to the commencement of development a Bat Survey Report detailing the undertaking of a Phase 1 Bat survey by a licenced Bat worker to investigate potential Bat roosting features on the application site shall be submitted to and approved by the Planning Authority. If Bats are found to be roosting on site, a species protection plan must be submitted to demonstrate the impact of the development and identify appropriate mitigation measures. In such circumstances a licence may be required from Scottish Natural heritage prior to site works commencing.

Thereafter an Ecological Clerk of Work (ECoW) shall be employed during the works to monitor the impact of the development on any ecological interests on site.

Reason:

In the interests of safeguarding the ecological interests of the site.

- 8 A Construction Method Statement to minimise the impact of construction activity on the safety and amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic (including parking, routes to/from site and delivery times) and shall include hours of construction work.

The recommendations of the Construction Method Statement shall be implemented prior to the commencement of development and shall be implemented until the development of the site is complete unless otherwise agreed by the Planning Authority.

Reason:

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

- 9 No part of the development hereby approved shall be occupied until a Green Travel Plan (GTP) has been submitted and approved by the planning authority in consultation with the Road Services. The GTP shall have particular regard to provision for walking, cycling public transport access to and within the site, and will identify the measures to be provided, the system of management, monitoring, review, reporting and duration of the plan.

The recommended measures shall thereafter be fully undertaken in accordance with the GTP so approved.

Reason:

In the interest of the promotion of green travel associated with the development hereby approved.

- 10 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 all new buildings, where feasible and appropriate in design terms, and new car charging points and infrastructure for them, where feasible and appropriate in design terms. 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.

- 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.

- 12 Prior to the commencement of development a schedule of boundary enclosures shall be submitted to and approved by the Planning Authority. Thereafter the boundary enclosures shall be in accordance with the details so approved unless otherwise agreed by the Planning Authority.

Reason:

In the interests of safeguarding the character and appearance of the area.

- 13 Prior to the commencement of development details of the new footpath to be formed across the southern part of the site in accordance with drawing ref: P17-013 - AL(00)021 REV: E docketed to this planning permission, including a timetable for its provision shall be submitted to and approved by the Planning Authority. Thereafter the footpath shall be provided in accordance with the details so approved unless otherwise agreed by the Planning Authority.

Reason:

To ensure the provision of footpath connections in the interests of the amenity of the area.

Please note that the remainder of pages relating to this item have been removed as they contain personal information (for example - names and addresses of people that have made representation)