



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

**TUESDAY 18 AUGUST 2020  
VIA VIDEO CONFERENCE FACILITIES**

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**Committee Members Present:**

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

**Other Councillors Present:**

Councillor S Currie  
Councillor A Forrest  
Councillor J Goodfellow  
Councillor J Henderson

**Council Officials Present:**

Mr K Dingwall, Service Manager – Planning  
Ms E Taylor, Manager Planning Delivery  
Mr G Grilli, Service Manager – Legal  
Mr P Currie, Interim General Manager – Strategic Integration  
Mr D Irving, Planning Officer  
Mr C Clark, Senior Environmental Health Officer  
Ms M Haddow, Transportation Planning Officer  
Ms F Currie, Committees Officer  
Ms P Gray, Communications Adviser

**Clerk:**

Ms A Smith

**Visitors Present/Addressing the Committee:**

Item 2 – Mr S Tolson, Mr R Matthew, Mr J Smith, Dr C Doldon, Ms J Lockhart  
Item 3 – Ms P Reed-Smith, Ms L Baird, Ms K Leask, Mr I Clark, Mr R Leask, Mr B Harkins  
Item 4 – Mr G Johnston

**Apologies:**

None

**Declarations of Interest:**

None

**1. MINUTES FOR APPROVAL – PLANNING COMMITTEE 24 JUNE 2020**

The minutes of the meeting of the Planning Committee of 24 June 2020 were approved.

**2. PRE-DETERMINATION HEARING FOLLOWED BY DETERMINATION BY THE COMMITTEE**

**PLANNING APPLICATION NO. 19/01292/PM: ERECTION OF 152 RESIDENTIAL ACCOMMODATION AND CARE UNITS TO PEOPLE IN NEED OF CARE (CLASS 8), A COMMUNITY HUB AND ASSOCIATED WORKS AT LAND AT CASTLETON FARM, NORTH BERWICK**

The Convener informed Members of the process to be followed.

***Pre-Determination Hearing***

Daryth Irving, Planning Officer, and Keith Dingwall, Service Manager for Planning, presented the report in relation to Planning Application No. 19/01292/PM, providing an outline of the development proposal and summaries of the development plan policies and other material considerations, consultation responses and public representations. The full planning assessment would be provided to Members at the determination stage of the meeting.

Mr Irving and other officers responded to questions. Regarding the local surgery data, he clarified that the paragraph referred to formed part of North Berwick Community Council's response to the applicant's Health Assessment and corrected the data provided. On the possibility of eviction if one half of a couple developed care needs or passed away, he said it would be unreasonable to evict an elderly resident in these circumstances. He clarified that there was no key worker housing provision on site. Regarding the basement independent living units, these would all have windows. Paul Currie, NHS Interim General Manager for Strategic Integration, responded to further queries. He advised that a GP practice could hold its list open for a year in the event of a closure; if a practice had to close, support would be directed elsewhere; he provided Members with further details. On the number of unoccupied care home beds, as at 13 August there were 102 vacancies across 19 homes. A care home would be opening soon in Musselburgh which would bring the total to 132 vacancies.

Responding to more queries Mr Irving confirmed that as all units would come under class 8 use, neither the educational contribution nor affordable housing requirements applied. Referring to a previous assessment in relation to Inveresk Village, Mr Dingwall advised it had been agreed that no educational contribution was needed. Mr Irving clarified, if this application was granted then due to a change of circumstances the intention was to change to mainstream housing, that there would have to be a further application for a change of use.

Steven Tolson, representing the applicant, Goldcrest Communities Ltd., informed Members that this was a positive plan to deliver what was needed for older people. Better ways to allow older people to live well were needed. North Berwick had 50% more older people than the Scottish average. An assessment of housing needs and demand had been done. A combined approach regarding health, housing and wellbeing was recognised as beneficial and cited in several public policy statements. The proposal's benefits would be longevity, a reduction in cost and demand on care and public services and the sociability aspect. Care villages were very popular in many parts of the world, Scotland was behind the curve.

Robin Matthew of PPCA Ltd., agent for the applicant, cited certain issues in relation to the development plan. North Berwick had been chosen after considerable review by the applicant. The proposed development had also changed significantly as regards location and by the removal of one storey. Support had been expressed through the pre-application development process. There would be a change in the landscape but the good design would allow views to North Berwick Law. The development had to be the size stated due to operational necessity. He added that no brownfield sites had been available.

Mr Tolson and Mr Matthew responded to questions. Regarding the incorrect data on the local surgery Mr Tolson said this had been assessed by BUPA. On Policy HOU6, Mr Matthew stated the site was outwith the designated settlement of North Berwick, so it was not covered by this policy; there were no sites of the size required within towns in East Lothian. Regarding evidence that alternative sites in North Berwick or East Lothian had been explored, he said that a site search around North Berwick had been done; land was either unavailable or marked for other developments. On lack of contact with North Berwick Trust, a major land owner, he confirmed that no approach had been made. On whether Bindwells had been considered, he accepted it was on a brownfield site and could potentially accommodate the proposal, but confirmed it had not been considered as a potential site.

Highlighting the number of objections, questions were asked if any support had been expressed. Mr Matthew accepted that the proposal had received a mixed response, stating that whilst it had generated a number of objections there had been some support from statutory bodies. The GP Practice had expressed concerns but in principle support had been received from the Integration Joint Board (IJB). Mr Currie remarked that he was not aware of any approach by the applicant to either the IJB or the East Lothian Health and Social Care Partnership (H&SCP). Responding to further points Mr Tolson said it was not possible to predict the percentage of existing county residents that may move to the facility but research suggested less demand for care services. Responding to a challenge, he stated that until it was built the demand on services was unknown. Regarding lack of key worker accommodation, given the challenges in recruiting staff, particularly in North Berwick, he said this had been discussed with the operator and could be looked at as land was available.

Responding to further points Mr Mathew acknowledged that the site in question had not been promoted through the East Lothian Local Development Plan 2018 (LDP) but remarked this was a timing issue rather than anything else. Regarding site selection he stated there were a number of criteria set out in the search site document, it was not a case of no other sites, but sites to the west and south of North Berwick had their own issues so east of the town was the preferred option. On why Blindwells had not been considered he clarified that a county wide search had not been undertaken; North Berwick had been identified as the preferred location, he outlined the reasons why this was the case. On the 120 jobs that would be created he indicated that as an estimate 90 of these would be full time posts.

Jay Smith, a local resident, spoke against the application. He stated that this was a commercial development, for a compound on the periphery of North Berwick. His contribution would focus on safety and health issues. On safety, the entry/egress at Dunbar Road was dangerous and unsafe. The increased volume of traffic would exacerbate an already busy roundabout. Parking in the town would also increase. On health, the site was not close to health or care services. The population of East Lothian was projected to rise by 18%, disproportionately in the 65/75 plus age groups, and disproportionately in North Berwick. This would have an impact on the already overstretched GP surgery. He urged refusal.

Claire Doldon, a GP at the North Berwick Group Practice, spoke against the application, highlighting the impact of forming such a community. Social isolation had a well-established detriment to the physical and mental wellbeing of the elderly. This proposal had the potential to ghettoise this community as it would be too far to walk into the town. The alternative was to drive but parking was wholly inadequate. The Practice was already working under severe

pressure. All new residents would be entitled to register here which would have a significant impact due to the volume of high need patients. The statement by the applicant that the Practice had capacity was erroneous. The Practice strongly opposed this application.

Judy Lockhart, representing North Berwick Community Council, spoke against the application. The community council had voted unanimously to object to this proposal on numerous grounds as highlighted in the report. The application lacked both a needs and site assessment. The LDP did not foresee development on this site. There had been no engagement with the community other than one open meeting. The character of the site would be destroyed. It was on the A198 and in a prominent location; the proposed buildings would destroy these views. She raised several other concerns regarding walking distances and the infrequent bus service. The removal of the care unit from the proposal had eliminated one of the only positive benefits the development had as people would have to move again if their health deteriorated. She urged Members to reject this application.

The Convener stated that the Pre-determination Hearing had closed. The Committee would now move to determination of the application.

### ***Determination***

Mr Irving outlined the planning assessment. The report recommendation was for refusal.

Local Member Councillor Findlay, highlighting the significant local resistance to this application, queried why the applicant had pursued this proposal. The site was not in the LDP. The proposal was contrary to numerous policies, especially Policies DC1 and DC8. It would have a serious impact on tourism, which was a vital part of the local economy. The GP surgery did not have the additional capacity required. The H&SCP did not support the application. The county's prime agricultural land was already reducing alarmingly. No-one disagreed that more provision was needed for an ageing population but this was not the right application or the right place. He would be supporting the recommendation for refusal.

Local Member Councillor Goodfellow, not a member of the Planning Committee, stated that this was a straightforward application to determine. There had been 509 objections. The officer's report was excellent and covered all aspects of the proposal. This was a speculative application which should be refused for the reasons outlined in the report. The proposal contravened the Countryside Around Towns objective and was contrary to many policies.

Local Member Councillor Henderson, also not a member of the Planning Committee, stated that she agreed with the report recommendation for refusal.

Councillor Bruce remarked that this was an interesting application which brought forward more care options but this had to be weighed up with protecting planning policies. He would therefore be supporting the report recommendation for refusal.

Councillor Currie, not a member of the Planning Committee, remarked that this application contravened the most number of policies he had ever seen in his 13 years as a councillor. This was the wrong application in the wrong place.

Councillor O'Donnell stressed the importance of keeping East Lothian's prime agricultural land. She agreed with local members. This was the wrong time for this application; the H&SCP and the IJB were currently looking at re-provision of services for the elderly. She agreed with the reasons for refusal and would be supporting the officer's recommendation.

Councillor McMillan stated that he was also not convinced this was the right place or time for this application. The objectors had argued very well. This was not a sustainable

development. This was a distinctive landscape which would be damaged by this proposal. Integration with, and within, communities was important. He supported the recommendation.

Councillor McGinn also expressed support for the officer's recommendation. Many good points had been raised during the presentations, questions and debate. He made reference to why Blindwells had not been considered as a potential site for this proposal.

The Convener brought the discussion to a close. The officer's report was very detailed and had considered all points of the proposal. This had been an informative debate. He would be supporting the recommendation as set out in the report.

He moved to the vote on the report recommendation (for refusal), taken by roll call:

For: 12

Against: 0

Abstentions: 0

### **Decision**

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

- 1 The proposed 152 residential accommodation and care units to people in need of care (Class 8) has no operational requirement for a countryside location. Rather it would be a significant, sporadic development that would harm the objectives of the North Berwick Countryside Around Town area. As such the proposal is contrary to Policies DC1 and DC8 of the adopted East Lothian Local Development Plan 2018.
- 2 The proposed development cannot successfully integrate into its landscape setting and would appear harmfully prominent, incongruous and intrusive, and grossly out of character within the surrounding rural landscape. It would be harmful to the landscape character of the Coastal Plain, the distinctive landscape setting of the North Berwick Countryside Around Towns area and would harmfully affect the special character of the North Berwick Law, Tantallon Coast and North Berwick to Seton Sands Coast Special Landscape Areas, contrary to Policies DC8, DC9, DP1 and DP2 of the adopted East Lothian Local Development Plan 2018, the Council's approved Countryside and Coast and Special Landscape Areas Supplementary Planning Guidance and Scottish Planning Policy: June 2014.
- 3 The proposed development would have an adverse effect on the integrity of the setting of the North Berwick Law and Tantallon Castle Scheduled Monuments and would detrimentally impact on the setting of North Berwick Conservation Area, contrary to Policies CH2 and CH4 of the adopted East Lothian Local Development Plan 2018, Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and Scottish Planning Policy: June 2014.
- 4 The proposed development would lead to an unacceptable loss of prime agricultural land, contrary to Policy NH7 of the adopted East Lothian Local Development Plan and Scottish Planning Policy: June 2014.

### **3. PLANNING APPLICATION NO. 20/00044/P: ERECTION OF DRIVE-THRU RESTAURANT (FAST FOOD) (CLASS 3) AND ASSOCIATED WORKS AT LAND EAST OF INVERAVON TERRACE, OLIVEBANK ROAD, MUSSELBURGH**

A report was submitted in relation to Planning Application No. 20/00044/P. Mr Irving presented the report, summarising the key points. The proposed decision set out in the report was to grant consent.

Mr Irving and other officers responded to questions. Morag Haddow, Transportation Planning Officer, clarified that the traffic network modelling exercise had used 2015 data cast forward to 2024, 2 scenarios had been run. Regarding figure comparisons, the 2024 data looked at the worst case scenario and took into account all new developments within the LDP. On the parking standards, these were maximum numbers and set by the Scottish Government; the Council's own policy guidelines were also taken into account. The

observations were taken over 2 days last summer. The car park was very rarely full so there were no concerns about parking capacity. Responding to further queries about Road Services' view that there would be no adverse impact on the road network Ms Haddow said there were issues with congestion on the network at specific times of the day but not per the subject of this application. McDonald's did not predict a particularly large increase of traffic at peak times. Their peak did not coincide with the network peak therefore traffic to/from McDonald's would not make a significant increase to traffic congestion. She clarified that the morning peak was defined as between 8am and 9am. On whether this application would have an impact on an agreement in 2017 that 70 spaces in the car park would be utilised by new flats, she reiterated that there were no concerns regarding parking capacity.

Regarding queries about the initial operation of 24 hours a day for the first year, then a reduction after 1 year, Mr Irving stated this was on the advice of Environmental Health so the impact could be monitored. On whether anti-social behaviour issues had been considered as regards 24 hour opening, noting that McDonald's at Fork Kinnaird closed at 10pm due to this, Mr Irving stated that this was not a planning matter. Colin Clark, Senior Environmental Health Officer, clarified that the assessment had been carried out pre COVID-19. Regarding any other outlets operating 24 hours and close to housing, he stated that the existing Tesco store, when granted planning permission, operated on a 24 hour basis, but chose to reduce their hours in 2016. On background noise levels, the background noise assessment was done to show the existing noise climate over a 24 hour period, it had been carried out during the quietest period for an appropriate comparison. He gave further details on the figures in the environmental noise report. On potential additional pollution he reiterated that officers were satisfied that the levels would not breach air quality levels. Officers responded to further queries regarding hours of operation and licensing restrictions.

Paula Reed-Smith, representing McDonald's, the applicant, informed Members that they had listened closely to the objections and addressed these in their final proposal. She acknowledged the concerns in relation to the proximity of the secondary school but stated that the location had been chosen because of Tesco, not the school. All concerns regarding traffic had been assessed, the application was robust. The proposal would create 65 full and part time jobs. McDonald's was passionate about looking after its locations and did frequent litter pick-ups. As regards public health, McDonald's served good quality food and provided an increasing number of healthy options. She gave Members with some statistics in relation to the food provided. She hoped this application would be supported.

Ms Reed-Smith responded to questions. On the statistics quoted she clarified that the 72% was of menu items for a Happy Meal. Regarding litter, which given a drive-thru may not always be contained at the site, she stated there would be daily litter patrols, over a more widespread area, adding that the McDonald's franchises worked with, and gave assistance to, local communities. Regarding the proximity to the secondary school, she reiterated that the location was not chosen because of the school but because of the Tesco store.

Lynda Reid spoke in support of the application. As a local resident and mother of 4 teenagers a McDonald's in Musselburgh would be welcomed, particularly by people that did not have a car. The bus fare to Fort Kinnaird was £2.75 each way. As an ex-employee of McDonald's she knew they took care of their staff, provided a good range of top quality food, had good hygiene and cleanliness standards. As regards litter the responsibility was with the individual not the company; other outlets did not take as much care over their area as McDonald's did. She hoped that the Committee would support the application.

Kirsten Leask, a local resident, spoke against the application. This proposal would have an adverse impact socially and economically to Musselburgh. She highlighted a number of health and nutritional concerns. The health and wellbeing of children was at the heart of Council policy. This site was close not only to the secondary school but also to 3 primary schools. Approving this would undermine the award winning Council's school meals service.

People were being urged to shop locally; supporting a national chain that did not use a local supply chain should not be promoted. She urged Members of the Committee to refuse this.

Iain Clark, representing Musselburgh Area Partnership, spoke against the application. He stated that 14 organisations had made representation regarding the location of this proposal. He raised several concerns; air quality, increase in traffic and associated emissions and traffic capacity constraints. The proposal was completely in conflict with the Council's LDP. There were 3 McDonald's drive-thru's near Musselburgh, none of these in a town centre; there was no reason why Musselburgh should be the exception. Musselburgh Town Centre Strategy stated that future traffic growth deterred people from using a town centre. He drew attention to a Coventry University study on the effects of air pollution. He urged refusal.

Ranald Leask, a local resident, spoke against the application. He stated that 1,300 local residents had signed a petition against this proposal. He highlighted numerous issues including traffic concerns, vehicle emissions, air pollution, air quality and litter. The proposal was contrary to the Council's Climate Change Strategy. The site was near 4 schools. He referred to the number of expected vehicles journeys per day. He highlighted the increase in noise pollution due to the 24 hour opening and disturbance to nearby residents including the sheltered housing complex. There were other more appropriate sites. Given the huge public objection to this application he hoped it would be refused by the Committee.

Bernard Harkins, representing Musselburgh and Inveresk Community Council, spoke against the application. He highlighted traffic concerns; Olivebank Road and Mall Avenue were currently congested. The west side of Musselburgh already had many food outlets. The AQMA had been introduced due to concerns about high levels of nitrogen dioxide; during the lockdown pollution levels had reduced significantly and ways of keeping these low should be looked at, not increasing them by having a drive-thru facility. He also raised issues regarding health, litter and the effect on the environment. This site was in very close proximity to the secondary school. This proposal was not supported by the people of Musselburgh.

Local Member Councillor Currie, not a member of the Planning Committee, raised several issues. He referred to an agreement in 2017 that 70 spaces in the car park would be utilised by those new flats, the Council as Planning Authority had insisted on this. He questioned the logic of using spaces in a food store car park for a drive-thru facility. There was a record of anti-social behaviour issues in this location. As regards traffic, there were huge issues and this proposal would only exacerbate the situation. There had been cross party support for declaring a Climate Emergency, an aspect of this was finding alternatives to car use. Secondary school pupils would go to McDonald's at lunchtime. He referred to the site's history, specifically the numerous complaints regarding Tesco deliveries, discussed by Committee many times. There was a McDonald's nearby at Fort Kinnaird. He urged refusal of this application; it was not required and was not wanted by the people of Musselburgh.

Local Member Councillor Forrest, also not a member of the Planning Committee, agreed with all of his colleague's comments. He felt that traffic modelling needed to be done in person and not by computer modelling; there was no peak time in Musselburgh, the town centre was constantly busy. He drew attention to the nearby bus garage. He also highlighted litter issues. He added that it would only take 180 seconds for pupils from the secondary school to get to McDonald's. He also urged the Committee to refuse this application.

Local Member Councillor Mackie stated that she had received more correspondence on this application than any other issue since she had been elected in 2017. She referred to traffic issues, traffic was constantly backed up around this location. She queried the traffic modelling stating it had taken her 5 minutes to drive along the length of road that would be used for the drive-thru. She agreed there was no peak time in Musselburgh. She highlighted other concerns including crowds gathering, anti-social behaviour, noise and litter; it would be



intolerable for local residents. Jobs were important but she felt the detrimental impact of this proposal undermined that benefit. She would not support the report recommendation.

Local Member Councillor Williamson thanked all those who had submitted representations; there had been a massive negative response to this application. Many serious concerns had been raised around traffic issues, congestion, environmental factors, air quality and health concerns. There were many other issues that also had to be taken into account including noise, litter, anti-social behaviour, 24 hour opening and proximity to the secondary school and 3 primary schools. He noted that the petition now had 1,420 signatures. He pointed out that McDonald's had lodged an application for the old Raceland site. He would not be supporting the officer's recommendation to grant consent.

Councillor McGinn highlighted the serious traffic congestion problems in Musselburgh. If this application was granted people would drive there, thereby increasing the amount of traffic coming into the town from many different directions; roads were already gridlocked. This was not a good location. It was also near 4 schools. He would not support the recommendation.

Councillor Bruce referred to the anti-social behaviour aspect stating that people would gather regardless of efforts against this. This was a concern given the proximity to housing. There were serious traffic concerns, these roads were constantly busy; he questioned the data used for the traffic modelling. He would not be supporting the report recommendation.

The Convener brought the discussion to a close. He agreed with comments expressed by colleagues. There were a number of issues that had to be taken into account and the subsequent adverse impact on the town centre. He would not be supporting this application.

He moved to the vote on the report recommendation (to grant consent), taken by roll call:

For: 0  
Against: 12  
Abstentions: 0

Mr Dingwall outlined a number of proposed reasons for refusal based on the debate by Members. The Committee agreed with all the reasons for refusal outlined.

### **Decision**

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

- 1 The proposal would result in increased congestion, threatening the safe and effective operation of the local road network, contrary to Policy T2 of the adopted East Lothian Local Development Plan 2018.
- 2 The proposal would have an unacceptable impact on air quality, contrary to Policy NH12 of the adopted East Lothian Local Development Plan 2018.
- 3 The proposed development would result in unacceptable noise and disturbance which would be harmful to the amenity of nearby residential properties and the amenity of the area, contrary to Policies DP2 and NH13 of the adopted East Lothian Local Development Plan 2018
- 4 The development would result in an unacceptable loss of car parking, to the potential detriment of road safety.
- 5 The proposal could result in an unacceptable increase in levels of litter in the area, to the detriment of the local environment.

*Sederunt – Councillor O'Donnell left the meeting*



**4. PLANNING APPLICATION NO. 19/00869/AMM: APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF PLANNING IN PRINCIPLE 17/00917/PPM – ERECTION OF 230 HOUSES, 20 FLATS AND ASSOCIATED WORKS AT EAST OF COWPITS ROAD, WHITECRAIG**

A report was submitted in relation to Planning Application No. 20/00044/P. Emma Taylor, Manager for Planning Delivery presented the report, summarising the key points. The report recommendation was to grant consent.

Ms Taylor responded to questions. She confirmed that the broadband infrastructure for this development would be enabled for occupancy of the houses. Regarding the SuDS basin, she advised that this would be designed as part of the green space, therefore useable and attractive. On the time frame for landscaping she referred to the conditions which set out details for the phasing plan and infrastructure needed for drainage capacity.

Gordon Johnston, representing Persimmon Homes, the applicant, outlined the background to this application. He informed Members that they had worked closely with officers to ensure the design met the key principles of the design brief. This would be an attractive development providing a range of units. Persimmon Homes was invested in East Lothian and these new homes would be a positive addition to the county. There would be 63 new affordable properties for social and mid-market rent. The financial contribution towards education, roads and other provisions would bring benefit to new and existing residents.

Mr Johnston responded to questions. On factoring arrangements he clarified that Persimmon Homes used a few, long standing companies. The factor for this development had not yet been selected. He added that residents did have the opportunity to change factor if desired. Regarding arrangements for the affordable housing units, the Housing Association would be responsible for maintenance for any private areas. In relation to the cycle path this would be a standalone cycle path throughout the development. As regards the SuDS basin he outlined the relationship with Scottish Water in delivering flood prevention and water protection measures. The SuDS basin was designed to be an open space and would have a standard clay lining but an agreement was still needed with Scottish Water.

Local Member Councillor McLeod welcomed the detailed plans for this development; he was delighted there would be affordable housing for rent. He did have some concerns about the infrastructure but would be supporting the report recommendation.

Local Member Councillor McGinn shared his colleague's concerns about some aspects of the infrastructure, particularly health provision. He welcomed the cycle path. He liked the format of the affordable housing units, particularly the single flats, which he hoped would keep the local connection for young people. He would be supporting the application.

The Convener indicated he would also be supporting the recommendation to grant planning permission as set out in the report.

He moved to the vote on the report recommendation (to grant consent), taken by roll call:

For: 11  
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 Prior to the commencement of development, final site setting out details shall be submitted to and approved in writing by the Planning Authority.

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

a. the position within the application site of all elements of the proposed development and the position of adjoining roads, land and buildings;

b. finished ground levels and finished floor levels of the development relative to existing ground levels of the site and existing ground and road levels of adjoining land. The levels shall be shown in relation to an Ordnance Bench Mark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing; and

c. the ridge height of the proposed buildings hereby approved, shown in relation to the finished ground and finished floor levels on the site.

Thereafter, the details shall be implemented as approved.

Reason:

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

- 2 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 asterisk 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 ensuring active frontages and to enhance character and appearance of the area.

- 3 Notwithstanding that which is stated on the drawings docketed to this planning permission, 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. However, some use of a contrasting wall finish (i.e. reconstituted stone or facing brick) would be acceptable providing it is limited to a distinctively complete feature of the houses and flats and respectful of their design integrity. All such materials used in the construction of the houses 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.

- 4 Notwithstanding that shown on the drawings docketed to this approval of matters, and unless otherwise agreed by the Planning Authority, 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.

Notwithstanding that shown on the drawings docketed to this planning permission, the boundary enclosures shown on those drawings are not hereby approved. Instead, and prior to the commencement of development, revised details of all boundary enclosures to be erected on the application site, and the timescales for their provision, shall be submitted to and approved in advance by the Planning Authority. Those details shall show 1.8 metre high solid enclosures around rear gardens of the houses hereby approved except where those boundaries are adjacent to a road or pathway where they shall be some other form of enclosure such as feature walls or hedges to heights and finishes to be approved in advance by the Planning Authority.

Details submitted shall also include the design, construction and materials of the entrance feature walls at the main accesses to the site.

Development shall thereafter be carried out in full accordance with the details 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 visual amenity of the area and to safeguard the privacy and amenity of residential properties nearby.

- 5 The landscaping scheme as shown on docketed landscape drawings( ref: 143 121 01G -143 121 11G) shall be carried out in accordance with the details so approved unless otherwise approved by the Planning Authority. A timetable for the implementation of the landscaping scheme shall be submitted to and approved by the Planning Authority prior to the commencement of development. Thereafter the landscaping of the site shall be carried out in accordance with the approved timetable, unless otherwise agreed by the Planning Authority.

Reason:

To ensure the implementation and maintenance of a landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area.

- 6 Unless otherwise agreed in writing by the Planning Authority all new planting as approved in terms of the detailed scheme of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings in the phases of the site, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

All the new planting shall be maintained in accordance with the maintenance programme of the approved revised detailed scheme of landscaping.

No trees or shrubs which are 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 order to ensure the implementation and maintenance of a landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area.

- 7 A play area with equipment suitable for children aged 0 - 15 years shall be provided on the area of open space in the northwest part of the application site to the west of plot 233 as shown on docketed site layout drawing no. 18167(PL)001-Z . Prior to the commencement of the development hereby approved the details of the play equipment and surfacing materials to be installed in the play area shall be submitted to and approved in advance by the Planning Authority. The details to be submitted shall include a timetable for its installation.

The play equipment and surfacing materials shall thereafter be installed in accordance with the details so approved.

The equipped play area, when provided, shall be maintained and used for such purposes at all times thereafter unless agreed in writing by the Planning Authority.

Reason:

To ensure the satisfactory laying out of all play areas in the interest of the amenity of the future occupants of the residential units hereby approved.

- 8 Prior to the commencement of development a plan showing all areas of factored open space shall be submitted to and approved by the Planning Authority, Thereafter all the open space areas indicated on the docketed site layout plan and on the factoring plan shall be available for use prior to the occupation of the last house on the site.

Other than to provide the play area as required by Condition 7 above, the open space recreation areas, when provided, shall be used for such purposes at all times thereafter unless agreed in writing by the Planning Authority.

Reason:

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

- 9 Prior to commencement of development on site, full details of the proposed Sustainable Drainage System (SuDS) shall be submitted to and approved in writing by the Planning Authority.

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

Thereafter, the approved details shall be implemented as approved.

Reason:

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

- 10 Prior to the occupation of the last of the residential units hereby approved, the proposed site access roads, parking spaces and footpaths shall have been constructed on site, in accordance with that which is shown on the docketed drawings, otherwise the layout shall be subject to the following requirements:

1) Parking for the residential elements of the development shall be provided at a rate as set out in the East Lothian Council Standards for Development Roads – Part 5 Parking Standards.

2) All access roads shall conform to ELC Standards for Development Roads in relation to road layout and construction, footways & footpaths, parking layout and number, street lighting and traffic calming measures. This shall also comply with ELC Design Standards for New Housing Areas. NB the minimal level of treatment on home zone roads for streets with a single access.

3) Vehicle access's to private parking areas (i.e. other than driveways) shall be via a reinforced footway crossing and have a minimum width of 5.5 metres over the first 10 metres to enable adequate two way movement of vehicles.

4) 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.

5) Within residential 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.

Thereafter those access, parking and footpath provisions shall not be used for any other purpose than for accessing and for parking 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.

Reason:

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

- 11 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.

Reason:

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

- 12 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.

Thereafter, unless otherwise agreed in writing, the measures identified within the CMS must be implemented on site for the duration of construction works.

Reason:

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

- 13 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.

Thereafter the measures identified in the report shall be implemented on site until the build out of the site is complete unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of the amenity of the area.

- 14 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 wheelwash 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 for the duration of constructions works on site unless otherwise agreed by the Planning Authority.

Reason:

In the interests of road safety.

- 15 Prior to the commencement of development the following offsite works shall be completed to the satisfaction of the Planning Authority:

- 1) the provision of a controlled pedestrian/cycle crossing of the A6094 near NCR1 at a location to be agreed with East Lothian Council;
- 2) a scheme of works and associated measures on Cowpits Road to the north of the proposed new junction to control vehicle speeds. The proposed measures shall be submitted to the Council for approval and shall include a reduced speed limit with the relocation of the existing 30 miles per hour speed limit some 700m north of the proposed new junction onto Cowpits Road, the provision of a pedestrian footway/footway widening, traffic calming and street lighting;
- 3) Provision of a 2.0m wide footpath on the east side of Cowpits Road from the proposed site access, southwards to the existing pedestrian footway. Where the existing footway on Cowpits Road is less than 2.0m wide, the footway shall be increased to 2.0m in width;
- 4) Provision of a footpath link of not less than 2.0m width on the north side of Whitecraig Road between the proposed site access junction and the existing residential properties (no 2 Whitecraig Road) and the footpath shall have adequate width for cyclists and bus shelters.
- 5) If provision (of) a footpath link from the site to Whitecraig Road that adjoins the south side of the site is possible, the said footpath link shall be included in the scheme of landscaping. If such provision is not possible, the scheme shall nevertheless be designed so as to facilitate provision of such a link at a future date should circumstances change.
- 6) Street lighting shall be provided over the full extent of the proposed 30 mph speed limit on the A6094 and Cowpits Road from the existing lighting on both roads to a point beyond both proposed site access junctions.

Reason:

In the interests of road safety.

- 16 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.

- 17 All roadworks including the cycle path shall be subject to Road Safety Audit, completed through Stages 1, 2, 3 and 4 (Preliminary Design, Detailed Design, Post Opening Audit and finally Post Opening Audit + 12 months and a Stage 2 Quality Audit. The Road Safety Audit process shall be undertaken in accordance with DMRB Volume 5, Section 2, HD 19/3 or as amended by latest version. Thereafter, all roads and footpaths shall be constructed in accordance with the Road Safety Audit and Stage 2 Quality Audit details so approved.

Reason:

In the interests of road and pedestrian safety.

- 18 Prior to the commencement of development, a programme for monitoring the condition of the section of the public road (i) between the roundabout at the junction of Carberry Road/Whitecraig Road and the new site access to be formed on Whitecraig Road, and (ii) between the A6094 (Whitecraig Road) and the new site access to be created on Cowpits Road, prior to and immediately following the completion of the housing development, shall be submitted to and approved in writing by the Planning Authority. Thereafter the approved programme of monitoring shall be implemented. Any remedial works shown by the monitoring as arising from the construction of the development, shall be undertaken by the applicant within 3 months of the completion of the final monitoring undertaken, unless an alternative means of securing the works is approved in writing by the Planning Authority.

Reason:

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

- 19 Prior to the commencement of development a phasing plan detailing the number of housing completions on this site in any one year shall be submitted to and approved by the Planning Authority. Thereafter the build out of the site will be in accordance with the agreed phasing plan, unless otherwise agreed by the Planning Authority.

Reason:

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

- 20 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.

Signed .....

Councillor Norman Hampshire  
Convener of the Planning Committee