



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

**TUESDAY 1 JUNE 2021
VIA A DIGITAL MEETING FACILITY**

Committee Members Present:

Councillor N Hampshire (Convener)
Councillor L Bruce
Councillor J Findlay
Councillor A Forrest
Councillor N Gilbert
Councillor S Kempson
Councillor K Mackie
Councillor C McGinn
Councillor J McMillan
Councillor J Williamson

Other Councillors Present:

Councillor S Akhtar

Council Officials Present:

Mr K Dingwall, Service Manager – Planning
Mr C Grilli, Service Manager – Legal
Ms E Taylor, Manager, Planning Delivery
Ms L Ritchie, Senior Planner
Mr N Millar, Planner
Mr D Taylor, Planning Officer
Mr M Greenshields, Senior Roads Officer
Mr R Yates, Transportation Planning Officer
Ms P Gray, Communications Adviser
Ms F Currie, Committees Officer

Clerk:

Ms A Smith

Visitors Present/Addressing the Committee:

Item 3 – Ms A Jess
Item 4 – Mr K Ross, Mr R McNee
Item 5 – Mr C McKinlay

Apologies:

Councillor W Innes
Councillor K McLeod

Declarations of Interest:

None

1. PLANNING APPLICATION NO. 20/01224/P: PAPPLE STEADING – FOLLOW UP

A report was submitted in relation to Planning Application No. 20/01224/P. Neil Millar, Planner, presented the report. He reminded Members that the application had been approved at the previous Planning Committee on 30 March 2021. This follow-up report was before the Committee as a variation to condition 23 had subsequently been requested; he outlined the change. The report recommendation was to grant consent.

Mr Millar clarified, in response to questions that the applicant had to inform the Planning Authority before first use of the auditorium. He added that only then, when the auditorium was in operation, could the noise be monitored. Members queried why the applicant got 21 days to make this notification. Keith Dingwall, Service Manager for Planning, suggested, given these comments, that the wording of the second sentence in the report recommendation could be altered slightly **from** *The applicant shall confirm in writing to the Planning Authority the first use of the auditorium within 21 days of that first use* **to** *The applicant shall confirm in writing to the Planning Authority the first use of the auditorium prior to the date of that first use.*

The Convener moved to the vote on the report recommendation, with the amendment to the variation as outlined by Mr Dingwall – taken by roll call:

For: 9

Against: 0

Abstentions: 0

Decision

The Committee agreed to grant planning permission 20/01224/P subject to the conditions previously approved by the Planning Committee at the meeting of the 30 March 2021 and subject to condition 23 being varied, as outlined above, to read:

'Planning permission for the use of the auditorium for amplified music is granted for a temporary period of one year from the date of the first use of the auditorium. The applicant shall confirm in writing to the Planning Authority the first use of the auditorium prior to the date of that first use. At the end of this temporary period, no use shall be made of the auditorium for amplified music, unless planning permission is otherwise granted.

Reason:

To enable the Planning Authority to monitor the noise impact of the auditorium, in the interests of the amenity of nearby residential properties'.

2. MINUTES FOR APPROVAL – PLANNING COMMITTEE 30 March 2021

The minutes of the meeting of the Planning Committee of 30 March 2021 were approved.

Sederunt – Cllr Bruce joined the meeting

3. PLANNING APPLICATION NO. 21/00070/PM: ERECTION OF LEARNING CAMPUS AND ASSOCIATED WORKS, SITE WEST OF MASONS WAY, WALLYFORD

A report was submitted in relation to Planning Application No. 21/00070/P. Linda Ritchie, Senior Planner, presented the report, summarising the key points. The report recommendation was to grant consent.

Ms Ritchie and Robbie Yates, Transportation Planning Officer, responded to questions. Ms Ritchie clarified that 92 car park spaces would be provided, which included 3 accessible spaces; there would also be a drop off zone. Regarding a comparison with spaces provided at Musselburgh Grammar School Mr Yates indicated he did not have a direct comparison but advised that the proposed number was in accordance with the Council's Parking Standards of at least 1 space per 2 school staff. Responding to further points raised, the Convener referred to the Council's Climate Change Strategy which sought to encourage walking/cycling and discourage car use. Regarding the possibility of future bus routes, he stated that discussions were ongoing with various bus operators. On questions about a Travel Plan Ms Ritchie indicated that the Transportation Statement included a framework for a Travel Plan that set out how the applicant would take this forward. The applicant had to submit this to the Council; this would be a live document updated and adjusted as required. Mr Yates added that ongoing monitoring of the Travel Plan would be key; targets would be set, monitored and reviewed.

Regarding vehicle access and why there was not a separate service access, Ms Ritchie said this had not been considered necessary, the applicant had demonstrated that it was safe to use the main access for service vehicles. Mr Yates confirmed that the Roads Authority was content with the shared access. Ms Ritchie added that the service area was at the northern part of the site which was not an area where pupils would be accessing the site. In relation to whether there would be sufficient parking spaces for the Severe and Complex Needs Centre the Convener said he understood that these pupils were usually transported to/from the school by taxi or dropped off by other vehicles. Regarding community space, particularly sufficient provision for pupils to have their packed lunch, Ms Ritchie said this had not been an issue that had arisen during the planning application. This would however have been considered by the applicant and minimal requirements regarding dining space met.

On electric vehicle charging points and other queries, Ms Ritchie clarified that 6 spaces would be equipped for this purpose; the whole car park would be future proofed to allow for further demand. The applicant had submitted an Energy Statement which laid out all their green energy proposals. Regarding cycle rack provision she clarified that this would be included in the Travel Plan, all cycle provision required would be covered. Mr Yates indicated there would be around 200 spaces; the actual number would be confirmed to Members. On a safe walking route for pupils Ms Ritchie confirmed that this had been installed, it was in the south/west corner of the site and led directly to the primary school.

There were no questions from Members for the agent.

Councillor Mackie commented that this had taken a while to come forward but it was good to see that progress was now being made and this was welcomed by pupils and parents.

Councillor McGinn welcomed this application. He referred to the huge investment by the Council and thanked all involved over the many years it had taken to get to this point.

Councillor Forrest also welcomed the application. It had been a long time coming but was worth the wait; the learning campus would benefit current and future generations.

The Convener also acknowledged all the work carried out by officers, across many different departments of the Council. He stated that the brand new primary and secondary schools were welcomed; Wallyford would be a fantastic new community.

The Convener moved to the vote on the report recommendation (to grant consent) – taken by roll call:

For: 10

Against: 0

Abstentions: 0

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 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 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 or alternative facilities to prevent deleterious materials being carried onto the public road on vehicle tyres.

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 and the wheel washing facilities or any alternative facility so approved shall be provided and maintained in working order during the period of construction operations at the site .

Reason:

To minimise the impact of construction traffic in the interests of road and pedestrian safety in the locality and relative to school generated vehicle and pedestrian movements.

- 3 Prior to commencement of development full details of the proposed Sustainable Drainage System scheme including a Surface Water Management Plan for the site, which both must meet the vesting requirements of Scottish Water and be in accordance with the Council's Supplementary Planning Guidance 'Sustainable Drainage Systems (SuDS)', shall be submitted to and approved by the Planning Authority. The development shall thereafter be carried out in strict accordance with the details and Surface Water Management Plan so approved, unless otherwise agreed in writing with the Planning Authority.

Reason:

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

- 4 Prior to the commencement of the development hereby approved, gas monitoring is to be carried out both during the grouting process and after it has finished and an updated risk assessment report shall be submitted to and be approved by the Planning Authority on completion of the monitoring and prior to the commencement of the development hereby approved.

Details of the source and nature of any topsoil or subsoil to be used in the development shall be submitted to and be approved by the Planning Authority in advance of its use on the site. The details to be submitted shall contain details of any testing carried out to confirm that the imported material is free of contamination.

The presence of any previously unsuspected or unforeseen contamination that becomes evident during the development of the site shall immediately be brought to the attention of the Planning Authority to investigate whether further works, which may include a further Site Investigation and subsequent Risk Assessment, shall be required to be carried out to determine if any additional remedial measures are required. Any such remedial measures shall be fully implemented prior to any use being made of the building, unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure that the site is clear of contamination.

- 5 Prior to the commencement of the development hereby approved the scheme of remedial works detailed in the Site Investigation Report docketed to this planning permission and any further remedial works/mitigation measures identified shall be undertaken in accordance with the details so approved.

Reason:

To ensure that the site is clear of coal mining features and hazards prior to any use being made of the learning campus.

- 6 Prior to any use being made of the learning campus hereby approved, a signed statement or declaration prepared by a suitably qualified person, whose qualifications shall be provided, confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to and approved in writing by the Planning Authority. The document shall confirm the completion of the remedial works and/or mitigation necessary to address the risks posed by past coal mining activity, as required by Condition 5 of this planning permission.

Reason:

To ensure that the site is clear of coal mining features and hazards prior to any use being made of the learning campus hereby approved.

- 7 All planting, seeding or turfing comprised in the approved details of landscaping on the drawings titled 'Landscape Site Plan' with drawing number WHS-RF-02-ZZ-DR-L-001 rev P10, 'Tree Planting Plan' with drawing number WHS-RF-02-ZZ-DR-L-008 rev P04 and 'Soft Landscape Layout' with drawing number WHS-RF-02-ZZ-DR-L-009 rev P03 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. 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 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 and to improve the biodiversity value of the area.

- 8 The project Landscape Architect, or other to be approved by the planning authority, shall be employed to monitor installation of the soft landscaping works. Dated photographs shall be submitted to the planning authority within one week of undertaking each section of the works, showing the correct installation of the soft landscaping works to include subsoil preparation, topsoil preparation, tree pit preparation, storage of plants and trees on site, planting of trees with underground guys, planting of shrubs and whips, grass seeding and temporary fencing to planted and seeded areas. The applicant or their appointed agent shall contact the Amenity Services Department of East Lothian Council one month before the end of the defects liability period to arrange a site meeting to inspect and handover the soft landscape works.

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 and to improve the biodiversity value of the area.

- 9 Prior to their installation, full details of the lighting proposed to serve the sports pitches hereby approved shall be submitted to and approved by the Planning Authority. The details to be submitted shall demonstrate compliance with the following requirement:

(i) Light Trespass (onto windows) of neighbouring residential properties, measured as Vertical Illuminance in Lux, (Ev), shall not exceed 10 between the hours of 0700-2300 and shall not exceed 2 between the hours of 2300-0700.

A Light Spill iso contour plot shall be provided to ensure the above requirement can be met.

The lighting shall thereafter be maintained as approved unless the Planning Authority given written consent to any variation.

Reason:

To prevent lighting from spilling onto neighbouring land, in the interests of safeguarding the amenity of neighbouring properties.

- 10 Prior to the commencement of development, a programme for monitoring the condition of the construction access route from the A199 to the construction access to the application site, prior to, during the period of construction on each anniversary of the commencement of the development, and immediately following the completion of the development hereby approved, 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 adjoining road network resulting from the construction of the learning campus development is rectified.

- 11 Prior to any use being made of the learning campus hereby approved, 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) A controlled crossing of the new spine road of Masons Way shall be provided in close proximity to the main pedestrian access to the site and between it and the residential developments on the east side of the spine road;

(ii) Informal crossing points shall be provided on the new spine road of Masons Way between the learning campus site and the residential developments to the east of it. These shall take the form of drop kerbs on both sides of the road with a surfaced area crossing the grass verge on the western side of the road;

(iii) Details of vehicle routing and embarking/disembarking arrangements within the site;

(iv) Details of proposed servicing and emergency access strategies.

(v) Way finding signage to be provided around the site and externally within Wallyford to show active travel routes to the site as well as for those driving (i.e. delivery vehicles).

These transportation requirements shall thereafter be carried out in accordance with the details and timetable so approved.

Reason:

In the interests of road and pedestrian safety.

- 12 Prior to any use being made of the learning campus building hereby approved, the proposed access roads, parking spaces, drop off areas 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 learning campus use 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.

- 13 Prior to any use being made of the learning campus building hereby approved, an adoptable and lit 3 metres wide shared use path facility shall be provided between the campus grounds and the existing footpath network of Wemyss Gardens. This shall follow a route along the northern edge of the existing grassed area directly adjacent (and to the south of) the apron to the existing garages linking it to the established pedestrian network at Wemyss Gardens in accordance with details to be submitted to and approved by the Planning Authority in advance of its construction.

Reason:

In the interests of the safety and amenity of pedestrians and cyclists.

- 14 Prior to any use being made of the learning campus building hereby approved, an adoptable and lit 2 metres wide footpath link shall be provided between the campus grounds and the existing footpath network of Inchview Crescent in accordance with details to be submitted to and approved by the Planning Authority in advance of its construction. Such details shall include details of tree protection measures to be taken to protect the existing tree belt adjacent to the application site boundary, details of any trees to be removed and provision for replacement tree planting including a timetable for such replacement planting. Thereafter the tree protection measures, tree removal and replacement details shall be implemented in accordance with the details so approved unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of the safety and amenity of pedestrians and to ensure retention and maintenance of trees which are an important landscape feature of the area.

- 15 Prior to any use being made of the learning campus building hereby approved the waste storage facilities and the covered cycle storage facilities detailed on drawings docketed to this planning permission shall have been formed and made available for use. Thereafter, the storage facilities shall be retained in use as waste and cycle storage areas.

Reason:

To ensure the provision of adequate waste and cycle storage in the interest of the amenity of the users of the learning campus hereby approved and the visual amenity of the locality.

- 16 Prior to the commencement of the development hereby approved a Stage 1 Road Safety Audit shall be undertaken for the preliminary design of all roadworks, footways and cycle paths to be formed. This process shall be completed through Stages 2, 3 & 4 which 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 to include; the proposed roads, junctions, footways, cyclepaths, pedestrian crossings and double 'D' islands where provided. The findings of the Road Safety Audit shall be submitted for the approval of the Planning Authority prior to the implementation of any outcomes arising from them.

The outcomes of the initial Quality and Safety Audits shall be implemented (including the designers response) through the detailed design stages and the full audit processes (i.e. Safety Audit and Quality Audit) completed through the design and implementation stages – including post construction/opening in accordance with a timetable to be agreed with the Planning Authority in advance of the opening of the learning campus.

Reason:

In the interests of road and pedestrian safety.

- 17 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.

- 18 The actions to be taken to reduce the carbon emissions from the building as detailed in the Energy Statement Summary docketed to this planning permission and the proposals for Electric Vehicle Charging provision as detailed on drawing number WHS-RYB-02-ZZ-DR-E-9511 docketed to this planning permission shall be fully implemented on site prior to any use being made of the learning campus and thereafter shall be retained unless otherwise approved in writing by the Planning Authority.

Reason:

To minimise the environmental impact of the development.

- 19 Noise associated with the operation of any plant and/or equipment associated with the operation of the building hereby approved shall not exceed Noise Rating Curve NR20 at any octave band frequency between the hours of 2300 and 0700 and Noise Rating Curve NR25 at any octave band frequency between the hours of 0700 and 2300 within any neighbouring residential property, assuming windows open at least 50mm.

Reason:

In the interests of protecting the amenity of neighbouring residential properties.

- 20 Prior to any use being made of the learning campus building, the Changing Places Toilet Facilities as detailed on drawings docketed to this planning permission shall be available for use and thereafter shall be retained unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure the provision of Changing Places Toilet Facilities in the interests of inclusivity and accessibility.

- 21 Prior to the commencement of use of the learning campus hereby approved, a Travel Plan shall be submitted to and approved in writing by the Planning Authority in consultation with Road Services. The Travel Plan shall have particular regard to provision for walking, cycling and public transport access to and within the site, including the identification of appropriate Safer Routes to School, and will identify the measures to be provided, the system of management, monitoring, review, reporting and duration of the plan.

Reasons:

In the interest of road safety.

- 22 A schedule of materials and finishes to be used on the exterior of the learning campus building, which shall include samples of the brick and profiled metal cladding to be used on the building, and a schedule of all other materials and finishes to be used on the other components of the development, including ground surfaces and boundary enclosures shall be submitted to and approved by the Planning Authority prior to the materials 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.

4. PLANNING APPLICATION NO. 21/00069/AMM: APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF PLANNING PERMISSION IN PRINCIPLE 14/00903/PPM – ERECTION OF 105 HOUSES AND ASSOCIATED WORKS, LAND WEST OF 33 FA'SIDE TERRACE, MASONS WAY, WALLYFORD

A report was submitted in relation to Planning Application No. 21/00069/AMM. David Taylor, Planning Officer, presented the report, summarising the key points. The report recommendation was to grant consent.

Marshall Greenshields, Senior Roads Officer, responded to transportation related questions. Regarding plans to open up the spine road he advised that negotiations were ongoing; the Council was nearly at the stage of adopting the main spine road which should hopefully be within the next couple of months, maybe earlier. The Convener stressed the importance, given the number of units now on the site, of the need to get the spine road open as soon as possible. On the issue of communication with schools/parents regarding opening of this road Mr Greenshields confirmed that the Head Teacher would be informed of the anticipated timescale. In relation to a query about the industrial site Mr Dingwall advised that there were no firm dates as yet but he would take this off line and get back to Members.

There were no questions from Members for the applicant or agent.

Councillor McGinn welcomed and supported this application. He appreciated the comments from the Roads Officer regarding the spine road; this was key to the development.

The Convener also welcomed this application. Creating a new community aligned with the existing community was crucial and the pedestrian and cycle routes would help with this. He supported the report recommendation.

The Convener moved to the vote on the report recommendation (to grant consent) – taken by roll call:

For: 10

Against: 0

Abstentions: 0

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 houses 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 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.

- 4 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. 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.

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.

- 5 The development shall comply with the following transportation requirements:

(i) all roads and paths shall conform to East Lothian Council Standards for Development Roads;

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) 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;

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. 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;

v) vehicle accesses to private parking areas (i.e. other than driveways) 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;

vi) all path and footway connections from a zone under construction to the existing settlement shall be constructed to an adoptable standard before the occupation of any units in that particular zone;

vii) a Road User Safety Audit to independently assess walking, cycling, access and road safety aspects within and around the development should be submitted and approved by the planning authority prior to construction commencing. This will be reviewed after construction is substantially complete and the developer required to make good any issues;

viii) a Travel Information Pack with information for residents to encourage use of sustainable modes of transport such as trains, buses, cycling and walking shall be submitted to and approved by the Planning Authority prior to construction commencing. The Travel Information Pack will include local bus and train timetables, local cycling and walking maps, information on bike hire / car sharing, and shall include details of how it will be distributed to residents;

ix) a swept path, or vehicle track assessment, of the road layout must be submitted demonstrating how the site can accommodate a large vehicle. The Design Vehicle to be used is the "Large Rigid Vehicle" as outlined in the Freight Transport Association's document "Designing for Deliveries" - the vehicle being 2.5m wide with a 6.1m wheelbase and an overall vehicle length of 10m; and

x) prior to commencement of development, a Quality Audit to independently assess walking, cycling, access and road safety aspects within and around the development should be submitted and approved by the planning authority. This will be reviewed after construction is substantially complete and the developer required to make good any issues.

Reason

In the interests of pedestrian and road safety

- 6 Prior to the commencement of development, a scheme of landscaping shall be submitted to and approved in writing by the Planning Authority which shall include full details of all new tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting within the application site. Thereafter the scheme of landscaping shall be carried out in accordance with that approved landscaping scheme 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.

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.

- 7 All of the approved landscaping as detailed in the landscape drawings docketed to this approval of matters and required by condition 5 above shall be implemented, maintained and managed in accordance with the management details approved by the landscaping scheme unless otherwise agreed in writing by the Planning Authority.

Reason:

In order to ensure the maintenance and management of the landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area.

- 8 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 those enclosing 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.

- 9 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 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.

- 10 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.

- 11 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.

- 12 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.

- 13 Prior to commencement of development, a Factoring Plan shall be submitted clearly indicating the different responsibilities for long term maintenance including: private and shared private areas, factored areas, and prospectively adoptable roads.

Reason

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

- 14 In the event of the presence of any previously unsuspected or unforeseen contamination of the land on the application site being found, development shall not begin, or shall cease to continue, until a scheme to deal with contamination on the site has been submitted to and approved in writing by the Planning Authority. The scheme shall contain details of the proposals to deal with contamination to include:

- 1 the nature, extent and type(s) of contamination on the site,
- 2 measures to treat/remove contamination to ensure the site is fit for the use proposed,
- 3 measures to deal with contamination during construction works,
- 4 condition of the site on completion of decontamination measures.

Thereafter any mitigation measures required shall be implemented as so approved.

Before any of the houses hereby approved are occupied the measures to decontaminate the site shall be fully implemented as approved by the Planning Authority.

Reason:

To ensure that the site is clear of contamination prior to the occupation of the houses.

Sederunt – Cllr Bruce left the meeting

5. PLANNING APPLICATION NO. 21/00305/PM: SUBSTITUTION OF HOUSE TYPES ON PLOTS 72-119, 134-137 AND 147-150 AS CHANGES TO THE SCHEME OF DEVELOPMENT THE SUBJECT OF PLANNING PERMISSION 17/01120/PM, LETHAM MAINS, HADDINGTON, EAST LoTHIAN

A report was submitted in relation to Planning Application No. 21/00305/PM. Neil Millar, Planner presented the report, summarising the key points. The report recommendation was to grant consent.

Mr Millar responded to questions from Members. He clarified that there were no planning grounds for refusal; the development proposal was compliant with relevant policies and there were no issues as regards house types, sizes, etc. Responding to further questions he outlined the reasons provided for the substitution of house types. He stated that the impact of these changes on neighbouring properties would be minimal.

Craig McKinlay, agent for Stewart Milne Homes Scotland, outlined the background to this proposal, explaining how the Covid-19 pandemic had made his company re-assess their product range. He drew attention to the Design Statement, commenting that the enhanced elevations would have generous glazed areas to increase natural daylight and had been designed to help shape the environment. Internal accommodation proportions would ensure that flexible work and living spaces could be offered. This would consist of internal office working space together with easily adaptive ground floor layouts that could incorporate a multi-generational household. This proposal provided more flexible layouts in keeping with the requirements of a post Covid-19 community.

Responding to questions from Councillor McMillan, Mr McKinlay drew attention to specific drawings which detailed shadowing in context of the proposal on neighbouring properties, taking Members through the modelling process.

Councillor McMillan indicated that he had felt some apprehension initially regarding the amenity concerns raised by one of the objectors. However he now felt, after listening to the presentations and after giving this matter due consideration that on balance he would be supporting the report recommendation.

The Convener remarked that the application site had been previously approved; the only difference in the proposal before Members today were changes to house types for a slightly increased ridge height. The impact on the neighbouring gardens would be minimal. There were no solid planning reasons why this application should not be supported.

The Convener moved to the vote on the report recommendation (to grant consent) – taken by roll call:

For: 9
Against: 0
Abstentions: 0

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 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 the details of finishes submitted with the application, the houses hereby approved shall be finished externally in accordance with the co-ordinated scheme of external materials and colours for houses approved by the Planning Authority under the terms of condition 2 of planning permission 17/01120/PM.

Reason:

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

- 3 Housing completions on the application site and on the site of planning permissions 13/00519/PM and 14/00089/PM 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, unless otherwise approved in writing by the Planning Authority:

Year 1 (2017/18) - 05 residential units
Year 2 (2018/19) - 60 residential units
Year 3 (2019/20) - 75 residential units
Year 4 (2020/21) - 74 residential units
Year 5 (2021/22) - 75 residential units
Year 6 (2022/23) - 75 residential units
Year 7 (2023/24) - 69 residential units

If less than the specified number of residential units are completed in any one year then those shall be completed instead at Year 8 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.

- 4 No more than 300 residential units shall be occupied within the allocated Letham Mains site unless and until the school approved by the grant of planning permission 14/00534/PCL has been completed and is made available for use.

Reason:

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

- 5 Prior to the commencement of development, details of the provision of new car charging points and infrastructure for them shall be submitted to and approved in writing by the Planning Authority. The details shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the report so approved.

Reason:

To minimise the environmental impact of the development.

- 6 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 occupation of the buildings or the completion of the development, whichever is the sooner, 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 planting comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of the development 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. 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 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.

- 7 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. 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