

PLANNING COMMITTEE
TUESDAY 2 NOVEMBER 2021

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MINUTES OF THE MEETING OF THE PLANNING COMMITTEE

TUESDAY 5 OCTOBER 2021
VIA A DIGITAL MEETING FACILITY

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Committee Members Present:

Councillor N Hampshire (Convener)
Councillor L Bruce
Councillor J Findlay
Councillor A Forrest
Councillor N Gilbert
Councillor W Innes
Councillor C McGinn
Councillor K McLeod
Councillor J McMillan
Councillor J Williamson

Council Officials Present:

Mr K Dingwall, Service Manager – Planning
Mr C Grilli, Service Manager – Legal
Ms E Taylor, Manager Planning Delivery
Mr D Irving, Senior Planner
Ms L Ritchie, Senior Planner
Mr D Taylor, Planner
Ms M Haddow, Transportation Planning Officer
Mr G McLeod, Transportation Planning Officer
Mr R Yates, Transportation Planning Officer
Ms P Gray, Communications Adviser
Ms R Crichton, Committees Officer

Clerk:

Ms A Smith

Visitors Present:

Item 2 – Mr R Holder, Mr E Aldridge,
Item 3 – Mr P Cooper, Mr I Gaul, Mr J Brindle
Item 4 – Mr D Reid, Mr A McArthur, Ms E Cunningham
Item 5 – Mr M Lean, Ms J Bell

Apologies:

Councillor S Kempson
Councillor K Mackie

Declarations of Interest:

None

1. MINUTES FOR APPROVAL – PLANNING COMMITTEE 7 SEPTEMBER 2021

The minutes of the meeting of the Planning Committee of 7 September 2021 were approved.

2. PLANNING APPLICATION NO. 21/00528/PM: ERECTION OF CREMATORIUM BUILDING AND ASSOCIATED WORKS AT LAND AT OLD CRAIGHALL, MUSSELBURGH

A report was submitted in relation to Planning Application No. 21/00528/PM. Daryth Irving, Senior Planner, presented the report, summarising the key points. The report recommendation was to grant consent.

Mr Irving and Graeme McLeod, Transportation Planning Officer, responded to questions. On queries about various traffic issues Mr Irving referred to the applicant's Transport Statement which covered matters raised. Mr McLeod stated that a 20mph speed limit would be in place on the B6415, visibility splays were sufficient and the number of parking spaces provided (112) was also sufficient. Traffic levels/speeds would continue to be monitored and measures taken if required. In relation to amplified music being broadcast externally, Mr Irving said this would likely only be on very rare occasions for large services; he drew attention to recommendations from the Environmental Protection Officer. On control of noise emissions he clarified that SEPA controlled this aspect; the facility would be licensed by them. An Air Quality Assessment had been submitted and accepted by the Council and SEPA. He stated that it would not be competent for the Council to duplicate monitoring control of another body. In relation to height comparisons of the 10 metre high chimney to other buildings he advised that the building's height was just under 8 metres. The 2 nearest properties were bungalows, the new Old Craighall development would all be 2 storey buildings. On issues raised around notification letters to objectors he confirmed this had been rectified and measures taken to ensure this did not happen again.

Ed Aldridge, of Westerleigh Group, the applicant, informed Members that this would be the first crematorium in East Lothian; residents would no longer have to travel outwith the county for cremation services. His company operated 35 crematoria in the UK, 3 in Scotland and dealt with around 45,000 services a year. This proposed site would be the closest for 88% of East Lothian residents and would dramatically reduce the distances people had to travel. This site would give around 446,000 people the choice of a new modern crematorium within a 30 minute funeral cortege drive time, providing a more sustainable local crematorium. The site would be sensitively designed with landscaped gardens. This proposal met a vital societal need and he hoped Members would support the application.

Mr Aldridge responded to questions. Regarding the population increase over the past decades he did not have actual figures but it had been fairly significant; on population growth he gave the government predictions for East Lothian, Midlothian and Edinburgh. He provided further details of practical capacity explaining that every crematorium had a finite amount of slots typically between 10am to 3pm; it was reasonable to say that only 80% of those core hours would be used. Regarding the location and why a more central East Lothian location had not been chosen he stated that a thorough site investigation had been undertaken, the main centres of population looked at and this site was deemed the most suitable. In relation to consultation he confirmed that public consultation had taken place and meetings held with the local Tenants and Residents Association. Regarding the bus service (Prentice service 111) he said that no consultation had been done. He added that family/friends tended to car pool to attend funeral services, bus services were very infrequently used. In relation to traffic and potential parking overspill he said that on average there were 40 mourners per service, referring to his previous response he advised that this usually meant around 20/23 cars; the car parking provision was made for the exceptionally large service. If there was a large service then the slots on either side would be blocked out to assist with traffic management.

Regarding the potential increase in traffic to this new facility from across the county, Midlothian and Edinburgh he said that a full analysis had not yet been done but the catchment was within the 30 minute cortege drive time. It was the intention for this to be a cross border facility. On further points raised he acknowledged that different communities had different needs and stated that his company knew how to run/vary a service as required.

On queries about future proofing he made reference to bio gas and also electric cremators. A cremator had a life span and would be replaced when needed. In relation to carbon capture, as mentioned in the report, he said this was given as a crude example. The company looked at sustainability very seriously. Emissions would be monitored and data provided to SEPA. If there were any breaches then the licence would be removed; this was strictly policed by SEPA. He clarified that in addition to the waiting room, which was sized based on industry knowledge, there was also a covered area where people could shelter. As regards the entrance/exit he confirmed that mourners would leave from a side exit thus ensuring no cross over; all of their new crematoria were now designed this way.

Local Member Councillor Williamson acknowledged the need for a crematorium in East Lothian. He noted the opposing views from the applicant and Edinburgh crematoria operators. He felt this location, at the very edge of the county, was not the best; if the intention was to serve East Lothian then a different location in the county would be better. It was the right proposal but in the wrong location; he would not be supporting the application.

Local Member Councillor Forrest referred to the growth of East Lothian over the years, along with neighbouring areas of Midlothian and Edinburgh. It was stressful travelling out of East Lothian through congested traffic to attend funerals. Having such a facility in the county had been spoken about for a considerable time. He also felt that having the crematorium located more centrally within the county would have been better. He would however be supporting the recommendation in the report.

Councillor McMillan remarked that this was a difficult application to determine; he appreciated the need for this service but stressed that the Committee had to take into account all the county's community needs. He agreed with Councillor Williamson; it was the right idea but in the wrong place. He felt that the site could be better used for wider economic development needs. He would not therefore be supporting this application.

Councillor Bruce stressed the need for a crematorium in East Lothian; he would be supporting the application. The applicant had researched the area and chosen this site.

Councillor Innes expressed surprise that some colleagues were against this proposal; burial/cremation provision in the county had been an issue for a long time, there were particular problems in the Musselburgh area. The applicant had carried out research and had chosen this location. He would be supporting this application, there were no planning reasons not to and this facility was desperately needed in East Lothian.

Councillor Findlay remarked that it seemed that the objections from other crematoria operators were in relation to protecting their business. He supported the application.

Councillor McGinn said he would be supporting this proposal. Having this facility in this location would reduce travel from the county to crematoria in Edinburgh; this would be beneficial for the environment.

The Convener felt this would be a quality site, with a modern building and good landscaping features. Regarding transport issues he remarked that it was very stressful travelling from the eastern end of the county into Edinburgh; this new facility would assist greatly. He would be supporting the recommendation to grant planning permission as set out in the report.

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

For: 8

Against: 2 (*Cllrs McMillan and Williamson*)

Abstentions: 0

Decision

The Committee agreed to grant planning permission subject to:

1. The undernoted conditions.

2. The satisfactory conclusion of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997, or by some other appropriate agreement, designed to secure a financial contribution to the Council of £1,038.20 for transport improvements (comprised of £141.50 for road improvements to Old Craighall Junction, £159.20 for Musselburgh town centre improvements and £737.50 for Segregated Active Travel).

3. That in accordance with the Council's policy on time limits for completion of planning agreements it is recommended that the decision should also be that in the event of a Section 75 Agreement or other agreement not having been executed by the applicant, the landowner and any other relevant party within six months of the decision taken on this application, the application shall then be refused for the reason that without the developer contributions to be secured by an agreement the proposed development is unacceptable due to a lack of roads and transport infrastructure improvements, contrary to Policies DEL1 and T32 of the adopted East Lothian Local Development Plan 2018.

- 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 The finished ground floor level of the crematorium building hereby approved shall be no lower than 25.90 metres above ordnance datum.

Reason:

In order to mitigate against flooding.

- 3 A schedule of materials and finishes and, where necessary, samples of such finishes for all components of the development, including ground surfaces shall be submitted to and approved by the Planning Authority prior to the material and finishes being used in the development. The materials and finishes used in the development shall accord with the schedule and samples of them so approved.

Reason:

To enable the Planning Authority to control the materials, finishes and colour to be used to achieve a development of good quality and appearance in the interest of the character and appearance of the area.

- 4 Prior to the occupation of the crematorium building 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 crematorium use of the site 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 parking in the interests of road safety.

- 5 No development shall take place on the site until the applicant has undertaken and reported upon a programme of archaeological work (Evaluation) which has been submitted by the applicant (or their agent) and approved by the Planning Authority.

Reason:

In the interests of archaeological and natural heritage.

- 6 No site clearance shall be undertaken during the breeding bird season (March to August inclusive), unless in strict compliance with a species protection plan for breeding birds, including provision for a nesting bird check, which shall be submitted to and approved in writing in advance by the Planning Authority.

Reason:

In the interests of the ecology of the area.

- 7 Noise emanating from the cremator flue, air blast vent, cremator room walls and roofs and louvres of the crematoria facility hereby approved shall at all times meet the Performance Requirements in Table 8 - Summary of Mitigation Measures in the Environmental Noise Impact Assessment - Proposed Crematorium at Old Craighall report dated 23 April 2021 by The Airshed which is docketed to this planning permission.

Reason:

To ensure the crematorium use of does not harm the amenity of nearby residential properties.

- 8 Amplified music and/or amplified speech arising from services broadcast externally from the chapel shall be inaudible at the boundary of any neighbouring residential property.

Reason:

In the interests of safeguarding the amenity of the occupiers of nearby residential properties.

- 9 The design and construction of any artificial lighting within the application site shall take account of the guidance contained within Annex 1 to Appendix 2 of Scottish Government Guidance to Accompany the Statutory Nuisance Provisions of the Public Health etc (Scotland) Act 2008. Accordingly, within an E3 Zone, i.e. Medium district brightness area such as small town centres or urban locations, the following criteria shall be met prior to any external lighting units becoming operational and thereafter shall be maintained:

(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 to 2300 and shall not exceed 2 between the hours of 2300 to 0700.

Reason:

In the interests of safeguarding the amenity of the occupiers of nearby residential properties.

- 10 In the event that unexpected ground conditions (contamination) are encountered at any time when carrying out the permitted development, work on site shall cease and the issue shall be reported to the Planning Authority immediately. At this stage a Site Investigation and subsequent Risk Assessment may have to be carried out, if requested by the Planning Authority. It may also be necessary to submit a Remediation Strategy should the reporting determine that remedial measures are required.

Reason:

To ensure that the site is clear of contamination.

- 11 No development shall take place until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping. The scheme shall provide details of: the height and slopes of any mounding on or re-contouring of the site including SuDS basin/ponds details; tree and shrub

sizes, species, habitat, siting, planting distances and a programme of planting. The scheme shall include indications of all existing trees and hedgerows on and adjacent to the application site, details of any to be retained, and measures for their protection in the course of development. The scheme shall also include a maintenance and management plan for the landscaping.

The scheme of landscaping shall be based on the 'Indicative Landscape Masterplan' drawing no. 965-MP-01 Revision A that is docketed to this planning permission and shall include a programme of planting to establish grass and herbaceous species for meadowland creation, and woodland planting which shall include a mix of whips and standard trees of native species of a range of sizes to include, but not limited to, common oak, yew, lime, hornbeam, rowan, birch, Scots pine, field maple, cherry, aspen, hazel, and hawthorn. Non-thorn shrub species should be located adjacent to pedestrian areas.

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 the building hereby approved, whichever is the sooner, and any trees which within a period of ten 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 existing and new planting comprised in the scheme of landscaping shall be retained and maintained unless the Planning Authority gives written consent to any variation. No trees 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.

- 12 Prior to the crematorium building hereby approved coming into use a continuous 2 metre wide shared footway shall be provided on the east side of the B6415 Old Craighall Road along the application site frontage to connect to the existing footway network and shall include dropped kerbs and tactile paving on both sides of the junction with the road that bounds the southern side of the application site (that crosses over the A720). Details of the new 2 metre wide footway shall be submitted to and approved in advance by the Planning Authority and development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road and pedestrian safety.

- 13 Prior to the crematorium building hereby approved coming into use a pedestrian crossing shall be provided across the B6415 Old Craighall Road at the application site frontage. Details of the new pedestrian crossing shall be submitted to and approved in advance by the Planning Authority and development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road and pedestrian safety.

- 14 Prior to the commencement of development a Stage 2 Road Safety Audit shall be submitted to and approved by the Planning Authority, which shall be undertaken for the detailed design of all roadworks, accesses, footways and crossings where provided and shall include an implementation programme describing when measures identified in the audits will be provided in relation to construction of the proposed development.

Immediately following completion of the development, the date of which shall be provided in writing to the Planning Authority, a Stage 3 Road Safety Audit - Post Opening shall be submitted to and approved by the Planning Authority.

12 months following approval of the Stage 3 Road Safety Audit a Stage 4 Road Safety Audit shall be submitted to and approved by the Planning Authority.

All the Road Safety Audits shall be carried out in accordance with GG119 Road Safety Audit Rev 1. The Road Safety Audits shall include the proposed roads, junctions, footways, cycle ways, pedestrian crossings and double 'D' islands where applicable.

Reason:

In the interests of road and pedestrian safety.

- 15 A visibility splay of 2.4 metres by 45 metres to the southwest and 2.4 metres by 60 metres to the northeast shall be provided and maintained on each side of the proposed site access junction with the

B6415 Old Craighall Road so that no obstruction lies within it above a height of 1.05 metres measured from the adjacent carriageway surface.

Reason:

To ensure that adequate visibility is provided at the access in the interest of highway safety.

- 16 Prior to the crematorium building hereby approved coming into use, the west roadside stone boundary wall on the east side of the B6415 Old Craighall Road shall be repaired/rebuilt along the application site frontage, other than where demolition/realignment is required to facilitate the formation of new access to the site and required visibility splays and new footpath as required by the conditions above. Details of the exact position, height, materials and construction of the repair and rebuild of the stone boundary wall shall be submitted to and approved in advance by the Planning Authority and the repair and rebuild carried out shall accord with the detail so approved.

Reason:

To enhance the appearance of the development in the interests of the amenity of the area.

- 17 Prior to the crematorium building hereby approved coming into use, the remedial measures as detailed in Section 5 and as shown on drawing no. 8259OD06 in Appendix 1 of the Mine Entry Risk Assessment Letter Report dated 12 August 2021 by FWS Consultants Ltd docketed to this planning permission shall be carried out on the application site in accordance with detail to be submitted to and approved by the Planning Authority. The details submitted shall include the precise positioning and form of the geogrid membranes and the height, positioning and construction material of the fencing.

Reason:

In the interests of ground stability and public safety.

- 18 Prior to the commencement of development, details of the provision of new electric vehicle 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 details so approved.

Reason:

To minimise the environmental impact of the development.

3. PLANNING APPLICATION NO. 21/00468/AMM: APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF PLANNING PERMISSION IN PRINCIPLE 14/00903/PPM - ERECTION OF 149 HOUSES AND ASSOCIATED WORKS AT LAND TO SOUTH, EAST AND WEST OF WALLYFORD

A report was submitted in relation to Planning Application No. 21/00468/AMM. David Taylor, Planner, presented the report, summarising the key points. The report recommendation was to grant consent.

Mr Taylor and Mr McLeod responded to questions. In relation to connectivity with other parts of the area within the master site, specifically in relation to cycling and walking, Mr Irving said that connectivity would be established through footpaths which would link to the spine road. Mr McLeod added that these would be shared use paths; the site was permeable, there would be 3 access points as well as footpaths. On play areas Mr Taylor clarified that there were none as such on this particular site but the site was bounded to the east and west by open space which included provision of play areas. It was also near community woodland which would also provide opportunities for outdoor play. Regarding queries about lack of specific provision, especially important for a child's development, he said there were informal open areas where younger children could play. In respect of medical provision and consultation with NHS Lothian Mr Taylor clarified that there had been no specific consultation as regards this application as it was an approval of matters application. Consultation had been carried out as part of the wider application site. On queries about the spine road and the importance of getting this adopted as soon as possible Mr McLeod confirmed that this would be adopted very soon.

Jonathan Brindle, landowner and Phil Cooper of Taylor Wimpey, the applicant, responded to questions. Regarding adoption of the spine road Mr Brindle clarified that the road was now available for adoption and Council officers were processing the necessary paperwork. In relation to wording in the report about how the quality of a development could be spoilt by poor attention to detail and points made about this in respect of other Taylor Wimpey developments, Mr Cooper stressed that this site was looking good. He would take on board the points made about the other sites in East Lothian. Several queries were raised about factor arrangements. Mr Cooper clarified that the factor would be appointed for the wider site. Mr Brindle added that discussions were taking place currently with a company called Greenbelt. On evaluating a factor's effectiveness Mr Brindle said it was important that work was done to a required standard; a high level of reporting was carried out. Mr Cooper added that factors were used on all their developments; poor performing factors would not be used. He clarified that feedback was reviewed. Mr Brindle advised, in relation to the play areas on either side of this site, that the western end one between areas 9 and 12 would be ready in the last quarter of this year.

Local Member Councillor McGinn stated he had concerns about factor arrangements and had raised this earlier because of the experience of constituents in the Tranent area who were not getting the service they should be. He felt that developers needed to be more vigilant regarding both appointing factors and monitoring thereafter. He welcomed the news about the spine road and encouraged officers to progress this swiftly. He expressed serious concerns about medical facilities for this area. He, along with Councillors Forrest and Dugdale, had been lobbying NHS Lothian and the Scottish Government to ensure adequate provision for new and existing residents. He called on these bodies to conduct a full needs appraisal. Despite all these concerns however he would be supporting the application.

Local Member Councillor McLeod agreed with points made about factor arrangements. He was keen to ensure play areas and landscaping were in place as soon as possible. He would be supporting the report recommendation.

Councillor Forrest acknowledged that this application was part of the wider masterplan for this area. He reiterated the importance of play for a child's future development. Adoption of the spine road was also essential. In relation to his earlier points about other Taylor Wimpey developments he stressed the need for conditions attached to a grant of planning permission to be adhered to. He would be supporting the application.

The Convener welcomed progression of the spine road. He would be supporting the recommendation to grant planning permission as set out in the report.

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 approval of matters consent 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 Notwithstanding that shown on drawings docketed to this approval of matters specified in conditions, a scheme of landscaping shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development 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

- 6 All of the approved landscaping as required by condition 6 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.

- 7 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.

- 8 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.

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

i) 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;

ii) Visibility splays of 4.5 metres by 70 metres shall be provided and maintained on each side of each of the proposed access junctions from the application site to the Spine Road such that there shall be no obstruction to visibility above a height of 1.05 metres measured from the adjacent carriageway level within the area defined below:-

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

iii) 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;

iv) 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;

v) 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;

vi) 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;

vii) Cycle parking shall be included at a rate of 1 space per flat. The parking shall be in the form of 1 locker per flat or communal provisions in the form of a lockable room or shed;

viii) Wheel washing facilities must be provided and maintained in working order during the period of construction of the site. All vehicles must use the wheel washing facilities to prevent deleterious materials being carried onto the public road on vehicle tyres;

ix) A Construction Method Statement to minimise the impact of construction activity on the safety and amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic (including routes to/from site) and shall include hours of construction work. Temporary measures shall be put in place to control surface water drainage during the construction works. Routes for construction traffic and provision of wheel washing facility for construction vehicles shall also be included. The applicant shall then comply with measures required by the approved Construction Method Statement;

x) A Green Travel Plan to minimise private car trips and to encourage use of alternative modes of transport such as trains, buses, cycling and walking shall be submitted to and approved by the Planning Authority prior to the housing being occupied and /or the business units coming into operation;

xi) A Quality Audit including swept path assessments for refuse collection and fire appliance access, shall be submitted;

xii) All internal and external roadworks, including proposed access junctions, and off-site works shall be subject to Road Safety Audit. This process must be completed through Stages 1, 2, 3 & 4 (Preliminary Design, Detailed Design, Post Opening Audit & finally Post Opening Audit + 12 months) The audit process shall be undertaken in accordance with GG119 Road Safety Audit Rev0, or as amended by latest version, and the recommendations of the Road Safety Audit shall be fully complied with through all stages of the development.;

xii) A joint dilapidation survey of the affected roads - Masons way - carriageway and footways - shall be undertaken. Roads and footways affected by construction vehicle access, shall be resurfaced/repaired to accommodate the increased use and works associated with construction traffic taking place over the frontage of the site;

xiii) traffic calming measures shall be installed on roads within the development including (i) between plots 602-603 and plots 617-620, (ii) between plots 629-630 and the access to parking courts serving plots 651-653 and (iii) between plot 650 and plot 659 with the details of those traffic calming measures which shall include a timetable for their installation being submitted to and approved by the Planning Authority prior to them being installed.

Reason

In the interests of pedestrian and road safety

- 10 Notwithstanding that shown on the docketed drawings the details of the vehicular access junctions from the spine road into the housing development nor the tapered sections of road adjacent to (i) plot 601 and (ii) at the central access road adjacent to plots 610 and 749 are not approved.

Prior to the commencement of development the applicant shall submit for approval by the Planning Authority details demonstrating that a refuse collection Vehicle (RCV) can fully negotiate the road layout including the access junctions from the spine road into the housing development without over-running or overhanging the adjacent public footway . Thereafter the access junctions shall be formed in accordance with the details so approved prior to the occupation of any of the houses hereby approved unless otherwise agreed by the Planning Authority.

Reason

To ensure that the development can be safely accessed in the interests of pedestrian and road safety

- 11 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.

- 12 Development shall not commence until the findings of a site specific report to determine if any part of the site falls within areas requiring Radon protection have been submitted to and approved by the Planning Authority. The report shall further provide details and quantify any remedial works to be undertaken in order to reduce risks to acceptable levels.

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

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

Reason:

In the interests of the safety of future occupants of the site.

Sederunt – Councillor McMillan left the meeting

4. PLANNING APPLICATION NO. 21/00551/AMM: APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF PLANNING PERMISSION IN PRINCIPLE 18/00937/PPM - ERECTION OF 99 HOUSES AND ASSOCIATED WORKS AT LAND AT WINDYGOUL SOUTH, TRANENT

A report was submitted in relation to Planning Application No. 21/00551/AMM. Linda Ritchie, Senior Planner, presented the report, summarising the key points. The report recommendation was to grant consent.

Ms Ritchie and Morag Haddow, Transportation Planning Officer, responded to questions. Ms Ritchie advised, in relation to a query about a bypass for Tranent, that strategic transport matters had been considered as part of the planning in principle application. Ms Haddow added that a Tranent bypass was being considered as part of a wider strategy; this was out for consultation at present, the consultation closed on 22 October. More queries were raised about the potential increase in the volume of traffic. Ms Haddow referred to the masterplan for the planning in principle application stating that all various routes had been assessed through this with the conclusion that provision was adequate. In relation to potentially increased pollution levels from the additional traffic Ms Haddow clarified that this had also been assessed previously.

Local Member Councillor McGinn stressed that further exploration of a bypass for Tranent should be carried out, officers needed to look again at the feasibility of this; it was very important. He acknowledged the Council's responsibility to build houses but stated there was also a responsibility to ensure people could move around safely. He would be supporting the application but had traffic concerns.

Local Member Councillor McLeod remarked that the consultation referred to needed wider circulation and promotion. He would be supporting the application. The Convener agreed with comments made and shared concerns about the volume of traffic in Tranent town centre; this needed looked at. He would be supporting the recommendation.

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 approval of matters consent 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 The actions to be taken to reduce the carbon emissions from the building and the provisions for electric vehicle charging all as detailed in the Energy Statement and on drawing titled 'Sketch Layout' with drawing number TRA-(SK)-001 Rev S docketed to this approval of matters consent shall be fully implemented on site prior to the occupation of the last house hereby approved and thereafter shall be retained unless otherwise approved in writing by the Planning Authority.

Reason:

To minimise the environmental impact of the development.

- 3 Prior to the commencement of development, the remediation of the site shall be carried out in strict accordance with the Remediation Statement docketed to this approval of matters consent, unless otherwise approved in writing in advance by the Planning Authority.

On completion of the implementation of the measures identified in the Remediation Statement so approved, a Verification Report demonstrating the effectiveness of the remediation carried out, shall be submitted to and approved by the Planning Authority prior to the occupation of any of the houses hereby approved.

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.

- 4 All planting, seeding or turfing comprised in the details of landscaping on the drawings titled 'Landscape Proposals' with drawing numbers 109-108-01 rev C, 109-108-02 rev C, 109-108-03 rev C and 109-108-04 rev C docketed to this approval of matters consent 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, hedges 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 detailed in the approved landscaping plans to be retained on the site, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority.

All the new planting shall be maintained in accordance with the maintenance programme as detailed on docketed drawing number 109-108-01 rev C titled 'Landscape Proposals'.

Reason

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

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

Reason:

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

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

Reason:

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

- 7 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 15021/mm in height above the adjacent driveway surface.;
 - (iii) Vehicle accesses to private parking areas (i.e. other than driveways) shall be via a reinforced footway crossing. Within private parking areas, the minimum dimensions of a single parking space shall be 2.5 metres by 5 metres;
 - (iv) All prospectively adoptable parking bays (i.e. that will form part of the public road) shall have minimum dimensions of 2.5 metres by 6 metres.
 - (v) Parking for the development shall be provided at a rate as set out in the East Lothian Council Standards for Development Roads – Part 5 Parking Standards. Visitor parking bays should be clearly identifiable.

Reason:

In the interests of road and pedestrian safety.

- 8 A Travel Information Pack shall be submitted to and approved by the Planning Authority prior to the occupation of any of the residential units hereby approved. The Travel Information Pack shall have particular regard to provision for walking, cycling and public transport access to and within the site, shall include local bus and train timetables, local cycling and walking maps, information on bike hire/car sharing, and will include a timetable for its implementation, details of the measures to be provided, the system of management, monitoring, review, reporting and duration of the Plan, and details of how and when it will be distributed to all residents.

The Travel Information Pack shall thereafter be provided to residents in accordance with the details approved.

Reason:

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

- 9 Prior to the occupation of the last house 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 in the interests of road safety.

- 10 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.

Sederunt – Councillor Innes left the meeting

5. PLANNING APPLICATION NO. 20/00939/P: ERECTION OF 27 FLATS AND ASSOCIATED WORKS AT LAND TO SOUTH OF ST ANDREWS CENTRE, BAYSWELL ROAD, DUNBAR

A report was submitted in relation to Planning Application No. 20/00939/P. Mr Taylor presented the report, summarising the key points. The proposed decision set out in the report was to grant consent.

Mr Taylor responded to questions. On waste storage Mr Taylor clarified that as part of the revised layout the waste and recycling storage would now be provided within the site to the east of the flatted block. He drew attention to the Waste Management Strategy. Regarding management of this storage area, he advised that this was the responsibility of individual tenants however any issues would be addressed by the registered social landlord. Responding to related queries he advised that the applicant had said that 2 visitor parking spaces would be given over on collection days. Waste Services had not objected to this. He clarified that this would be ensured through signage and formed part of the Waste Management Strategy. He confirmed that pedestrians would have clear access to the site. On traffic calming measures he clarified that the proposed measures would also limit movements out of the site as well as into the site. Ms Haddow added that it was a relatively narrow road but there were no additional concerns from a Roads perspective.

Responding to a query from the Convener, Keith Dingwall, Service Manager for Planning, clarified that there was no policy for replanting trees outwith the site and it would not be competent to impose such a condition. He added however that the applicant could be contacted separately afterwards regarding this.

Jacquie Bell, representing Dunbar Community Council said they were generally supportive but wished to highlight several points and had concerns about the cumulative impact of the development. Bins: careful management of waste storage was needed. Pavement: there were now some safety measures but still no clear pavement for pedestrians. Planting/landscaping: loss of so many mature trees was unfortunate. Ongoing and long term landscaping maintenance was essential. Drainage: local residents regularly experienced problems and it was important from the outset that this was looked at. Dunbar needed housing to rent and the East Lothian Housing Association (ELHA) was a good social landlord. A smaller development here however may have been more appropriate.

The Convener, and Local Member, said that as Ms Bell mentioned the site was larger than perhaps desirable but ELHA said they needed this number of flats to be viable. He made several comments regarding the revised proposal. Waste storage: the revised proposal was better but would still be difficult to manage; a Management Plan needed to be in place and enforced. Traffic/pedestrian access: he welcomed the raised table at the entrance and the area now created for pedestrians to existing houses and to the new development, this was a big improvement. Trees: he accepted why these had to be removed but hoped that as many new trees as possible could be planted. As mentioned earlier ELHA would be contacted regarding replacing lost trees elsewhere in Dunbar. He would be supporting the application.

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

For: 8
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 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 that which is stated on the drawings docketed to this planning permission a detailed schedule or samples of the external materials and finishes to be used on the buildings hereby approved shall be submitted to and approved in writing by the Planning Authority prior to their use. The external render colours of the buildings shall be in accordance with a co-ordinated scheme 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.

Thereafter the materials and finishes used shall accord with the schedule or samples so approved.

Reason:

To enable the Planning Authority to control the materials, finishes and colours to be used to achieve a development of good quality and appearance in the interest of the visual amenity of the Conservation Area.

- 3 Samples of the materials to be used to surface the hard standing areas in the form of the driveways, parking and turning areas, footpaths and patio areas of the houses hereby approved shall be submitted to and approved in advance in writing by the Planning Authority prior to their use in the development hereby approved, and thereafter the materials used shall accord with the details so approved.

Reason:

In the interest of the character and appearance of the conservation area.

- 4 Prior to the occupation of any of the flats hereby approved the internal access road, footpaths and 27 parking spaces as detailed on docketed drawing no.1804PL002 rev 3 shall have been formed and made available for use and thereafter shall remain available for use unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure the development is accessible and that sufficient parking and circulation space is provided in the interest of road and pedestrian safety.

- 5 Notwithstanding that shown on drawings docketed to this planning permission, a scheme of landscaping shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development 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.

The scheme shall include the provision of larger tree species within the tree mix previously proposed for the site, the replacement of species Prunus 'Spire' in the northwest of the site and the installation of soil cells for trees adjacent to carriageway/car parking areas.

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

To ensure the implementation of a landscaping scheme to enhance the appearance of the development in the interests of the character and appearance of the Conservation Area

- 6 Prior to the commencement of development, details of the provision of the two new car charging points as shown on Drawing ref 18041PI002 Rev 3 'proposed site plan' and infrastructure for them, and all infrastructure required for future charging points to serve the flats hereby approved, shall be submitted to and approved in writing by the Planning Authority. No use of the vehicle parking spaces shall commence prior to installation in accordance with details so approved of the two new car charging points and infrastructure for them and all infrastructure required for future charging points, unless otherwise approved in writing by the Planning Authority. .

A signage strategy providing details of how any future additional electric vehicle charging points are provided and managed shall be submitted to and approved in writing by the Planning Authority. No use of the vehicle parking spaces hereby approved shall commence unless the signage is being displayed in accordance with the strategy so approved, unless otherwise approved in writing by the Planning Authority.

Development shall thereafter be carried out in accordance with the details so approved.

Reason:

To minimise the environmental impact of the development and to ensure that the means by which the future provision of electric vehicle charge points is suitably advertised, in the interests of road safety.

- 7 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 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.

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

Reason:

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

- 8 Prior to the occupation of any of the flats hereby approved the cycle storage facilities for 27 cycles hereby approved shall have been formed and made available for use. Thereafter, the storage facilities shall be retained in use solely as cycle storage areas.

Reason:

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

- 9 Onsite refuse storage and collection facilities for the residential units hereby approved will be operated in accordance with the Waste Management Strategy docketed to this planning permission, unless otherwise approved in writing by the Planning Authority.

Reason:

To safeguard residential and visual amenity

- 10 Prior to the commencement of development, a report on the actions to be taken to reduce the Carbon Emissions from the build and from the completed development shall be submitted to and approved in writing by the Planning Authority. This shall include the provision of renewable technology for all new buildings, where feasible and appropriate in design terms, and new car charging points and infrastructure for them, where feasible and appropriate in design terms. The details shall include a timetable for implementation.

Development shall thereafter be carried out in accordance with the report so approved.

Reason:

To minimise the environmental impact of the development.

- 11 Unless otherwise agreed in writing by the Planning Authority through the submission and approval of a Species Protection Plan prior to the commencement of development, no removal of the trees along the

south and west boundaries of the site shall take place during bird breeding season (which is March-August inclusive).

Reason:

In the interests of safeguarding biodiversity interests.

- 12 Prior to any site development works a suitable Geo-Environmental Assessment must be carried out, with the Report(s) being made available to the Planning Authority for approval. It should include details of the following:
- o A Preliminary Investigation incorporating a Phase I Desk Study (including site reconnaissance, development of a conceptual model and an initial risk assessment);
 - o A Phase II Ground Investigation (if the Desk Study has determined that further assessment is required), comprising the following:
 - o A survey of the extent, scale and nature of contamination, and reporting on the appropriate risk assessment(s) carried out with regards to Human Health, the Water Environment and Gas Characteristic Situation as well as an updated conceptual model of the site;
 - o An appraisal of the remediation methods available and proposal of the preferred option(s).
- The Desk Study and Ground Investigation must be undertaken by suitably qualified, experienced and competent persons and must be conducted in accordance with the relevant guidance and procedures.

If it is concluded by the Reporting that remediation of the site is not required, then Parts a) and b) of this Condition can be disregarded.

a) Prior to any works beginning on site (and where risks have been identified), a detailed Remediation Statement should be produced that shows the site is to be brought to a condition suitable for the intended use by the removal of unacceptable risks to all relevant and statutory receptors. The Statement should detail all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. It should also ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land following development. The Statement must be submitted to the Planning Authority for approval.

b) Following completion of the measures identified in the approved Remediation Statement, a Validation Report should be submitted that demonstrates the effectiveness of the remediation carried out. It must be approved by the Planning Authority prior to commencement of the new use of the land.

Reason:

To ensure that the site is clear of any contamination found to be present prior to the use of the flats approved.

- 13 Prior to the occupation of any of the 27 flats hereby approved a scheme of roadworks shall have been completed, to the satisfaction of the Planning Authority, including
- i) traffic calming measures to reduce vehicle speeds entering the development from Bayswell Road;
 - ii) a dropped kerb tactile crossing of the access junction on the pedestrian desire line along the Bayswell Road footway; and
 - iii) a means of pedestrian priority access into the development from Bayswell Road. Any space shared by pedestrians and vehicles should have a 1.5m 'safeguarded' area to ensure the safety of vulnerable pedestrians.

Prior to the commencement of developments the details of those road works shall be submitted to and approved by the Planning Authority and the roadworks shall be carried out in accordance with those details unless otherwise agreed by the Planning Authority.

Reason:

In the interests of pedestrian and road safety

- 14 Prior to the commencement of development, a Construction Method Statement (CMS) designed to minimise the impact of construction activity on the safety and amenity of the area shall be submitted to and approved in writing by the Planning Authority. The Construction Method Statement shall include mitigation measures to control noise, dust, construction traffic (including routes to/from site) and shall include proposed hours of construction work and details of temporary measures to be put in place to control surface water drainage during the construction works. Thereafter, the CMS shall be implemented as approved unless otherwise agreed by the Planning Authority.

Reason:

To control the operation of the site during construction in the interest of residential amenity, road safety and environmental protection.

DRAFT

Signed

Councillor Norman Hampshire
Convener of the Planning Committee

REPORT TO: Planning Committee
MEETING DATE: Tuesday 2 November 2021
BY: Executive Director of Place
SUBJECT: Application for Planning Permission for Consideration

2

Note - this application was called off the Scheme of Delegation List by Councillor O'Donnell for the following reason: The application has received a number of objections. Longniddry Community have expressed concerns about the impact of this application. I believe it warrants consideration by and a full discussion at Planning Committee.

Application No. **21/01125/P**
Proposal Siting of snack van
Location **Car Park Number 1 Longniddry Bents
Longniddry
East Lothian**
Applicant BBQ StreetFood

RECOMMENDATION **Consent Granted**

REPORT OF HANDLING

PROPOSAL

This application relates to an area of grassed land within the public car park (Number 1) at Longniddry Bents, Longniddry. The application site is located within the countryside as defined by Policy DC1 of the adopted East Lothian Local Development Plan 2018 and within the constrained coast as defined by Policy DC6. It is within the North Berwick to Seton Sands Coast Special Landscape Area. It is also within the Longniddry Bents Local Biodiversity Site. The public car park is accessed from the northwest side of the B1348 public road.

Planning permission is sought for the siting of a snack van within the public car park (Number 1) at Longniddry Bents. The proposed snack van would be in the form of a silver coloured trailer and would have a length of some 7.31 metres, a width of some 2.26 metres and a height of some 2.67 metres.

A supporting statement has been submitted with this application. It states that trading will take place between the hours of 0830 to 1630 November to February and from 0830 to 1930 March to October. It states that the snack van would be brought to and from the site each day and would be removed from the site after trading ceases. It also states that litter bins will be provided during trading hours and that the snack van offers hot food, such as chicken,

ribs, burgers and wraps. It also states that their customers will be walkers and people who visit and use the nearby beach for recreation and pleasure.

The pitch has been offered by East Lothian Council Estates who anticipate that trading would take place between the hours of 0830 to 1630 November to February and from 0830 to 1930 March to October. A condition of the licence is that there would no deep fat frying.

Subsequent to the registration of this application, the applicant's agent has provided a revised location plan and a revised site plan drawing to demonstrate that the location of the proposed snack van accords with the pitch offered by East Lothian Council Estates. The applicant has also confirmed, in writing, that the combined length of his vehicle and trailer measures some 12.6 metres long.

DEVELOPMENT PLAN

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

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

There are no relevant policies of the approved South East Scotland Strategic Development Plan (SESplan). Policies DC1 (Rural Diversification), DC6 (Development in the Coastal Area), DC9 (Special Landscape Areas), TC4 (Hot Food Outlets), NH1 (Protection of Internationally Designated Sites), NH3 (Protection of Local Sites and Areas), DP2 (Design), T1 (Development Location and Accessibility) and T2 (General Transport Impact) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of the application.

Also relevant to the determination of the application is the Special Landscape Areas Supplementary Planning Guidance of the adopted East Lothian Local Development Plan adopted by the Council in 2018.

REPRESENTATIONS

Ten objections to this application have been received. The main grounds of objection are:

- (i) the proposal is incompatible with East Lothian Council's designation of this area as a countryside site;
- (ii) the sale of fast food will, despite the applicant offering to provide bins for use by customers, result in an increase in litter within the car park and nearby beach area to the detriment of the amenity of the area;
- (iii) packaging from food purchased towards the end of trading hours is likely to cause litter as the vendor will have removed their own litter bins;
- (iv) there is already a fish and chip van operating from Longniddry Bents No. 3 which has resulted in the coastal road and its associated car park being extremely busy and congested. Litter is being strewn around which attracts vermin. A second fast food outlet would exacerbate the existing traffic and litter problems at this location;
- (v) there are on-going problems with anti-social behaviour within and around the car parks and the proposed snack van is likely to attract more people to the car park area resulting in large gatherings;
- (vi) the applicant seeks to trade during winter months and it is unlikely that there will be any customer demand for it during this season;
- (vii) in order to make a success of this venture the applicant will need to attract more cars to

stop and pick up food and/or place signage on the coast road to advertise this business. The objector states that both of these actions would be inappropriate within a "countryside" location.

One of the objectors also states that if the applicant was offering to provide bins for general use and to ensure customers litter was removed from the beach, or that ELC was planning to increase year round litter-picking, this would help mitigate the concerns raised. That objector also states that the vendor at Longniddry Bents No. 3 actively objects to accepting litter from non-customers even though their own waste gets spread far and wide for others to dispose of.

In response to the some of the points raised by the objectors above:

The supporting statement submitted with this application confirms that the applicant will provide litter bins during trading hours and that his street food business is also registered with a recycling company.

There is no evidence to suggest that the proposed development would result in unacceptable ant-social behaviour. Nevertheless, the Council's Estates Team Leader advises that East Lothian Council operate the car park at Longniddry Bents and have issued the lease to the applicant to allow them to operate from this site. Therefore she is content that East Lothian Council have controls, over and above the controls attached to any conditions of a planning permission, through the wording of the lease to ensure that the snack van is operated in a manner which does not cause a nuisance. Furthermore, any pest control matters would be for the Council's Environmental Health service to deal with under statutory nuisance provisions.

In July 2021, planning permission (Ref: 21/00729/PCL) was granted to vary condition 1 of planning permission (DC)473/89 to allow for the siting of a caravan, kiosk or mobile van from 8.30am to 16.30pm November to February and from 8.30am to 19.30pm March to October within an area of grassed land at the existing car park of Longniddry Bents No 3. That car park is some 1.5km away from the Longniddry Bents No 1 car park. The stance to which planning permission 21/00729/PCL relates is leased to a mobile van, called 'Alandas', which occupies the site.

Whether there will be any customer demand for the snack van during the winter months is not a material consideration in the determination of an application for planning permission. However, the applicant has indicated that he may only operate two days a week during the winter season should there be limited demand during this period.

The submitted application drawings do not indicate that any signage is to be erected within, or outwith, the application site. Should any signage be proposed then the applicant would require to obtain all necessary consents.

The remaining points raised by the objectors are addressed elsewhere within this report of handling.

COMMUNITY COUNCIL COMMENTS

Longniddry Community Council, as a consultee to this application, state that their main area of concern is that of litter. In particular, they state that there is already a well-established 'fast food' van operating at Longniddry Bents No. 3 Car Park and that although this facility provides a litter bin, it is small in size and litter is still found along the roadside and in other car parks along the coastal road. Accordingly, it is stated that the siting of another snack van providing take-away food will be an additional source of litter.

They also state that there are no litter bins provided in the Bents car parks by East Lothian Council and that there is unlikely to be any provision in the near future. Over the past years, and particularly over the past months, they state that many members of the public are just not prepared to take their litter home with them and, as no bins are provided, the litter is just dropped and left behind for either the Park Wardens or for the volunteer litter pickers to dispose of.

They therefore state that, if this application is to be granted, adequate provisions for the disposal of litter, along with requirements for the vendor to be environmentally friendly with their packaging and cutlery (such that biodegradable products should be used) should be considered so that no plastic waste is being irresponsibly deposited in the public car parks and beach areas.

PLANNING ASSESSMENT

Policy DC1 supports development in the countryside where it is for agriculture, horticulture, forestry, infrastructure or countryside recreation or other businesses that have an operational requirement for a countryside location, including tourism and leisure uses. Policy DC6 states that development proposed on the constrained coast will only be supported if it requires a coastal location. The siting and design of new development must respect the qualities of the particular coastal location.

Longniddry Bents Car Park No 1 is one of three large coastal car parks which are used by a range of visitors including families, surfers, horse riders, dog walkers and ramblers who wish to explore this part of East Lothian's coastline. It is therefore a popular coastal location within East Lothian. The proposed snack van is a business use that would serve visitors to the area who are participating in coastal and countryside activities based within this coastal area. Consequently the siting of the proposed snack van and the provision of food and drink from it would not be incompatible with this coastal location. Therefore, and as it would benefit and further the enjoyment of the visiting public, it is a use that would enable and enhance the attraction of Longniddry Bents as a popular tourist area. Consequently, the proposed snack van does not conflict with Policies DC1 and DC6 of the adopted East Lothian Local Development Plan 2018.

Policy DC9 of the adopted East Lothian Local Development Plan states that development within or affecting Special Landscape Areas will only be permitted where: (i) it accords with the statement of importance and does not harm the special character of the area or (ii) the public benefits of it would outweigh any adverse impacts and is designed, sited and landscaped to minimise such adverse impacts.

The Special Landscape Area Supplementary Guidance states that the North Berwick to Seton Sands Coast Special Landscape Area is the heart of East Lothian's recreational coast, including many beautiful, well-loved beaches, as well as the expansive nature reserve of Aberlady Bay and world class golf courses. In particular it states that the coast has high recreation value, the beaches and sand dunes being popular with visitors for walking, picnicking and observing wildlife. It also states that the sea offers opportunities for a wide variety of water sports from canoeing to surfing, kite surfing and wind surfing.

In the guidelines for development it states that any proposed development must not harm the coastal character and characteristic features of the area. It also states that well sited small scale development to enable beach and other coastal recreation may be acceptable. Infrastructure where necessary should be sensitively located and carefully screened.

In accordance with the statement of importance of the Supplementary Planning Guidance on North Berwick to Seton Sands Coast Special Landscape Area the proposed snack van would be small in scale to enable beach and other coastal recreation. Furthermore, by being located within close proximity of the existing car park it would be seen in relation to other motor vehicles using that car park. When seen in the context of that car park the proposed snack van would not be out of keeping with its surroundings and would not harm the special qualities of the North Berwick to Seton Sands Coast Special Landscape Area. Therefore the proposed snack van does not conflict with Policy DC9 of the adopted East Lothian Local Development Plan 2018 or with the Special Landscape Areas Supplementary Planning Guidance.

Policy TC4 (Hot Food Outlets) of the East Lothian Local Development Plan 2018 states that proposals for hot food takeaways will be supported in town or local centres or designated employment areas provided they would not result in significant impacts on local amenity, including cumulatively with other existing or consented takeaways in the area, and are consistent with other relevant Plan policies, including in relation to parking and road safety. Mobile snack bars may also be permitted on suitable car parks or lay-by sites adjacent to main transport routes, subject to other Plan policies including consideration of visual and landscape impacts.

The proposed snack van would be positioned within the proximity of the existing car park area at Longniddry Bents No 1. Therefore the principle of siting the snack bar in this location is not contrary to Policy TC4. Furthermore, as so positioned the proposed snack van would be seen in relation to other motor vehicles using the car park. When seen in the context of that car park the proposed snack van would not appear harmfully out of keeping with its surroundings and would not harm the landscape character or visual amenity of the area. Whilst there is an existing snack van operating in Longniddry Bents Car Park No. 3, this is a different car park some 1.5km away from the Longniddry Bents No.1 car park where this snack van is proposed. Therefore it would not result in more than 1 snack van operating in this car park.

There are no neighbouring residential properties in close proximity to the application site. Therefore the use of the proposed snack van would not harm the residential amenity of any neighbouring residential properties.

The Council's Environmental Health Officer raises no objection to this application, including on cumulative impacts in addition to the snack van operating from car park no. 1.

On these considerations the proposed snack van does not conflict with Policies TC4 or DP2 of the adopted East Lothian Local Development Plan 2018.

The Council's Landscape department have been consulted on this application but have not responded with any comments.

The Council's Biodiversity Officer advises that the application site is within the Longniddry Bents Local Biodiversity Site which is designated as a coastal grassland habitat. She notes that the snack van would be located on an area of grassland, which is in poor condition as it is frequently used for parking, and thus it is unlikely to have any significant impact on the habitat. She notes that whilst the proposal could cause an increase in litter within the site which would have a negative impact on the surrounding habitat and wildlife she notes that the applicant will provide their own bins and remove rubbish at the end of the day which can be controlled by condition on any grant of planning permission. She also advises that if the bins had a lid this would help prevent the spread of litter across the site by wind and/or scavenging birds. She also states that there is a barrier of scrub between the site and the Firth of Forth SPA and therefore the proposal will not have a significant impact on the site or

its qualifying interests. Accordingly, the proposals do not conflict with Policies NH1 or NH3 of the adopted East Lothian Local Development Plan 2018.

One of the main concerns raised by objectors and Longniddry Community Council relates to the potential generation of litter. In respect of this, when granting planning permission for the siting of a snack van the Council as Planning Authority will generally impose a condition requiring that at least one litter bin be provided adjacent to the mobile snack van and that it shall be accessible to customers at all times whilst trading takes place. The normally imposed condition also requires that the area around the snack van shall at all times during trading and at cessation of trading each day, be kept free of litter and any other waste or refuse. It would be prudent to impose such a condition in this case. Moreover, given the consultation response from the Biodiversity Officer, the condition should specify that the litter bin(s) should have a self-closing lid. On top of this, **the Council's Estates Team Manager** advises that litter control will be covered in the lease and agreed in advance prior to the commencement of trading. She raises no objection, being satisfied that the imposition of these controls would be sufficient to prevent unacceptable generation of litter.

The Council's Principal Countryside Officer advises that the applicant will be given a key to operate the existing metal gate in order to access and exit the application site. He also advises that temporary barriers will need to be erected to segregate cars from customers once the snack van is positioned within the site and that service should take place away from the road side. The applicant has been informed accordingly.

Notwithstanding that planning permission is sought for the siting of the snack van on the application site throughout the year, there is no applied for limit on how many years this could be for. A mobile snack van, by its nature, is not satisfactory as a permanent use at the site. Therefore, it would be prudent for the Council, as Planning Authority, to allow the use on a temporary basis only. A temporary permission for 3 years would allow the Council the opportunity to continue to review this use within the application site in the interests of safeguarding the landscape character and amenity of the area.

It would also be prudent to make the planning permission personal to the applicant and to limit the number of snack vans within this site to one, in order to safeguard against over-commercialisation. Furthermore, it would also be prudent to control, by condition, the hours of operation in accordance with those applied for and otherwise to ensure that litter bins be provided outside the snack van at all times whilst trading takes place, and that the area around the snack van be kept free of litter and any other waste or refuse at all times during trading and at cessation of trading each day. These controls can be made conditions on a grant of planning permission.

On all of the above considerations, and subject to the imposition of appropriately worded conditions, the proposed snack van does not conflict with Policies DC1, DC6, DC9, TC4, NH1, NH3, DP2 of the adopted East Lothian Local Development Plan 2018 or with the Special Landscape Areas Supplementary Planning Guidance.

The Council's Road Services advise that there is sufficient distance between the existing access gate serving the car park and the B1348 public road such that the applicant's vehicle and trailer would not encroach onto the public road when entering and exiting the application site. He also advises that, according to available accident data for this section of the B1348 public road, there has only been one minor collision in the vicinity of the junction to the car park within the last 10 years. However, he also advises that there have been a number of collisions on the section of road to the west of the car park entrance which includes one fatal accident in 2018.

The Council's Road Services Officer also notes that the applicant only needs to enter and exit the site once per day - resulting in a total of two manoeuvres; one to access the car park and one when leaving the car park. However, he advises that a vehicle with trailer measuring approximately some 12.6 metres long will not be able to undertake a manoeuvre out from the junction of the site as quickly as a car without a trailer would be able to. He therefore advises that, on at least one occasion per day, the exiting manoeuvre from the entrance at the junction of the car park onto the B1348 public road could present a hazard to vehicles travelling on the B1348 public road and thus advises that he cannot support this planning application. However, he also advises that should planning permission be granted, a condition could be imposed to ensure that a towing vehicle with trailer does not exceed 12.8 metres in length to ensure that there remains sufficient distance between the existing access gate serving the car park and the B1348 public road.

Longniddry Bents No. 1 is an existing car park accessed from an existing junction on the northwest side of the B1348 public road. No changes to the existing access or its associated junction are proposed through this application. Moreover, the existing access and junction serving the car park is already used by vehicles on a daily basis and there have been no reported accidents within the last 10 years from vehicles either entering or exiting the car park directly from this junction onto the B1348 public road. There is also a free standing directional sign, erected on the grass verge on the opposite side of the junction leading into the car park, which makes road users aware that there is a public car park located there.

The Council's Road Services Officer advises that there is sufficient distance between the existing access gate serving the car park and the B1348 public road such that the applicant's vehicle and trailer would not encroach onto the public road when entering and exiting the application site. His only concern is that the applicant's vehicle and trailer would, due to its combined length of some 12.6 metres, be slower when entering or exiting the junction of the car park than a standard vehicle without a trailer would and thus advises that such manoeuvre could present a hazard to vehicles travelling on the B1348 public road. However, any vehicle exiting the car park could in theory manoeuvre slowly from that existing junction which is pertinent to driver behaviour and which the Council, as Planning Authority, cannot control. Therefore any vehicle exiting the car park could do so slowly which would present the same hazard perceived by Road Services.

Moreover, whilst the applicant's vehicle and trailer would be longer than the length of a standard car, the number of trips into and out of the existing car park would only amount to 14 per week - assuming that the applicant trades from the pitch each day of the week. It would also not be unreasonable to presume that the number of vehicle trips into and out of the existing car park by the applicant would be less during the winter months when demand for it is likely to be lower in comparison to the summer months. The applicant has also advised that, if there is less demand from customers during the winter months, he would only trade two days per week. This would result in a total of four trips into and out of the existing car park per week during the winter period. Based on the low number of trips into and out of the site, it can be reasonably deduced that the applicant's vehicle and trailer would not significantly increase, or result in an intensification of, the number of vehicular movements into and out of the existing car park.

It can reasonably be made a condition of a grant of planning permission that the applicant's vehicle and trailer does not exceed 12.8 metres in length to ensure that there remains sufficient distance between the existing access gate serving the car park and the B1348 public road.

On all of the above, and subject to the imposition of that aforementioned condition, the proposed development would not be inconsistent with Policy T1 and T2 of the adopted East Lothian Local Development Plan 2018.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 Planning permission is granted for a temporary period of three years, beginning from the date of this grant of planning permission, and after which time all trading from the site shall cease and the mobile snack van shall be removed from the site and the grass verge restored to its former condition to the satisfaction of the Planning Authority.

Reason:

To enable the Planning Authority to assess the environmental impact of the operation of this type of temporary use on the locality in the interests of safeguarding the landscape character and amenity of the area.

- 2 This permission is made personal to the applicant, Mr Andre De Villiers and shall not be capable of being taken up by any other party.

Reason:

To prevent an over-commercialisation of the site in the interests of safeguarding the landscape character and amenity of the area.

- 3 No more than one mobile snack bar shall trade from the site at any one time.

Reason:

To prevent an over-commercialisation of the car park in the interests of safeguarding the landscape character and amenity of the area, and without detriment to the principle of the use of the car park for the parking of vehicles and the safe accessing and manoeuvring of those vehicles.

- 4 The mobile snack van hereby approved shall only operate during the hours of 0830 to 1630 November to February and from 0830 to 1930 March to October for the duration of its temporary siting, unless otherwise agreed by the Planning Authority.

At the close of business each day the mobile snack van shall be removed from the site. It shall not be brought back onto the site until the commencement time of the next day of business.

Reason:

In the interests of safeguarding the landscape character and amenity of the area.

- 5 A minimum of one litter bin, with a self-closing lid, shall be provided adjacent to the mobile snack van and shall be accessible to customers at all times whilst trading takes place. The area around the snack van shall at all times during trading and at cessation of trading each day, be kept free of litter and any other waste or refuse. The bin and its contents shall thereafter be removed from the site and the site cleared from litter.

Reason:

In the interests of safeguarding the landscape character and amenity of the area.

- 6 No use of the existing car park access shall be used if the combined length of a vehicle and trailer exceeds 12.8 metres long.

Reason:

To ensure that there remains sufficient distance between the existing access gate serving the car park and the B1348 public road in the interests of road safety.