

LOCAL REVIEW BODY

20th July 2023

Application No: 23/00081/P

Land at former Oak Tree Services, Haddington

Appointed Officer's Submission

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2. Copy of consultation responses from (i) ELC Road Services; (ii) ELC Environmental Health; (iii) ELC Landscape Officer; (iv) ELC Flooding Officer; and (v) Transport Scotland.
3. Copy of two letters of representation received to planning application 23/00081/P.
4. Copy of Policies DC1 (Rural Diversification), DP1 (Landscape Character), DP2 (Design) and T2 (General Transport Impact) of the adopted East Lothian Local Development Plan 2018. Plus, Policies 22 (Flood risk and water management), 26 (Business and Industry) and 29 (Rural development) of NPF4.
5. Copy of Decision Notice ref 23/00081/P.
6. Schedule of proposed conditions.

OFFICER REPORT

4th April 2023

App No. **23/00081/P**

Application registered on **21st February 2023**

Target Date **20th April 2023**

Proposal	Erection of car wash facilities and associated works	SDELL	Y/N
		CDEL	Y/N
Location	Land At Former Oaktree Services Haddington East Lothian	Bad Neighbour Development	Y/N

APPLICANT: **Gleam Machine Haddington**

Is this application to be approved as a departure from structure/local plan? Y/N

**c/o APT Planning & Development
Per Tony Thomas
6 High Street
East Linton
East Lothian
EH40 3AB**

DECISION TYPE:

Application Refused

REPORT OF HANDLING

PROPOSALS

The application site is an area of vacant land, of some 0.18 hectares in area that is located on the south side of the A199 classified road and to the east of the Oaktree Roundabout Junction that gives access into Haddington from the A1 Trunk Road. It is within an area of countryside as defined by Policy DC1 of the adopted East Lothian Local Development Plan 2018.

The site is on part of the land that had been in use as the former Oaktree Filling Station. The site is bounded to the north by the A199 public road. To the south is an area of landscaped openspace that is part of the approved landscaping scheme of the Haddington Retail Park granted planning permission Ref: 19/00145/PM in December 2019, and which forms an important gateway feature into Haddington from the east between the A199 and the B6471 road beyond. To the east and west are other areas of openspace. There remains existing vehicle access and egress points onto the site that are taken from the A199 road to the north. A number of trees are located to the west of the site.

Planning permission is sought for the use of the site as a car washing facility and associated works. Proposals involve hardsurfacing of the site in tarmac to provide: i) 2 wash lanes that would each accommodate up to three vehicles; and ii) 4 parking bays, two of which would feature electric vehicle charging points. Planning permission is also sought for the siting of two buildings to the west of the site to provide an office/amenity building and a pump house. The proposed office/amenity building would be some 6.2 meters in length, 2.5 meters wide and some 2.7 meters in height. It would face east into the site and would be of grey painted timber construction with a flat roof finished in corrugated profiled metal sheeting. It would feature a door opening and windows within its front (east) elevation. The proposed pump house would be located to the rear (west) of the office building. It would be some 3.1 meters in length, 2.5 meters wide and some 2.7 meters high. It would be constructed in grey painted timber and would feature a flat roof finished in corrugated profiled metal sheeting.

Access from the site would be from the A199 public road via a new access that would be formed at the eastern end of the site, using a one-way traffic system. Entry would be restricted to westbound traffic on the A199 road turning left into the site. Vehicles would exit the site from an existing vehicle egress point at the western end of the site which would require all vehicles to turn left on leaving. An existing centrally located access point taken from the A199 road would be closed-off and a footpath reinstated to link with existing footpath that runs along the A199 public road.

The site would be enclosed to the north and east by 0.97 meters high galvanised scaffold tube fencing and removable security gates. New hedge planting is proposed for the south boundary.

The application is supported by a Planning Statement, a Transport Statement and a Flood Risk and Drainage Assessment Report.

The Planning Statement submitted in support of the application informs that the site would be operated by Glean Machine who operate a successful car wash facility elsewhere in East Lothian. It purports that the proposed car wash facility would create 9 full-time and 4 part-time employment opportunities. It further informs that the proposed car wash facility would operate between the hours of 0800 to 1800 hours over a 7-day period and would provide cleaning services to large commercial vehicles in addition to private cars.

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 National Planning Framework 4 (NPF4) and the adopted East Lothian Local Development Plan 2018 (ELLDP).

Policies 22 (Flood risk and water management), 26 (Business and Industry) and 29 (Rural development) of NPF4 and Policies DC1 (Rural Diversification), DP1 (Landscape Character), DP2 (Design) and T2 (General Transport Impact) of the adopted ELLDP 2018 are relevant to the determination of the application.

REPRESENTATIONS

One letter of public objection has been received against the application.

The main grounds of objection are:

- i) the proposed car wash with associated portacabin style building is not appropriate development for a principle entry point into Haddington;
- ii) the proposed development will compromise road safety;
- iii) the proposals will not provide suitable employment opportunities; and
- iv) the proposals will result in discharge of water and detergents to the detriment of the wider environment.

A further representation from a member of the public has been received that neither supports nor objects to the proposals and offers the following comments:

- i) vehicles queuing on the A199 road awaiting entry to the proposed car wash will force cyclists and other road users to move into the path of oncoming eastbound traffic and prohibit safe use by pedestrians of the existing footpath;
- ii) eastbound vehicles turning right into the proposed car wash will cause traffic congestion and compromise road safety; and
- iii) vehicles exiting left from proposed car wash will have a negative impact on safety of pedestrians using existing dropped kerb crossing point on A199 road to northwest of the application site.

The matter of the proposal not providing suitable employment opportunities is not relevant to the determination of this planning application.

COMMUNITY COUNCIL COMMENT.

None

PLANNING ASSESSMENT

In their countryside location the proposed car wash facilities and associated works would not harm the privacy or amenity of a neighbouring residential property.

The Council's Senior Environmental Protection Officer raises no objection to the application.

The Council's Senior Engineer - Flood Protection has been consulted and is satisfied with the findings of the submitted Flood Risk and Drainage Assessment Report. Therefore he raises no objection to the proposals on the grounds of flood risk.

Policy DC1 of the ELLDP states that development in the countryside, including changes of use or conversions of existing buildings, will be supported in principle where it is for:

- a) agriculture, horticulture, forestry, infrastructure or countryside recreation; or
- b) other businesses that have an operational requirement for a countryside location, including tourism and leisure uses.

The proposed car wash facilities and associated works to which this planning application relates is a business use that is not directly related to agriculture, horticulture, forestry, infrastructure or countryside recreation. It is therefore a business use that does not have an operational requirement for this countryside location. Therefore the principle of this use of the site as a car wash facility is not consistent with Policy DC1 of the adopted East Lothian Local Development Plan.

Policy 26 of NPF4 states that development proposals for business, general industrial and storage uses outwith areas identified for those uses in the LDP will only be supported where it has been demonstrated that there are no suitable alternative allocated sites allocated in the LDP or identified in the employment and land audit.

The application site is not an area identified for business use in the LDP and is not a site that is an area identified as employment land. Furthermore, no information has been submitted to demonstrate whether there any alternative sites in more suitable locations or to explain why this location has been selected. Therefore the proposal conflicts with Policy 26 of NPF4.

Among other things Policy 29 of NPF4 states that development proposals that contribute to viability, sustainability and diversity of rural communities and local rural economy will be supported that involve reuse of brownfield land where a return to a natural state has not or will not happen without intervention. In that respect as the application site comprises an area of brownfield land Policy 29 does give some support to the principle of its use as a car wash facility. However, Policy 29 further states that development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area. Furthermore, Policies DP1 and DP2 of the adopted East Lothian Local Development Plan 2018 requires that new development be well integrated into their surroundings and complement those surroundings.

The application site is located in a prominent roadside location on the east side of the Oaktree roundabout. It has the form of an informal layby located on land that had previously been in use as part of the Oaktree Filling station and café. However the larger part of that Oaktree Filling station land has been redeveloped as part of the Haddington Retail Park development. Importantly the land to the north of the application site the subject of this application comprises an area of landscaped openspace that has been created as part of the new retail park development and which forms an attractive green gateway feature into Haddington from the east.

The proposed car wash facility with its associated office/amenity building and pump house would be readily visible from the Oaktree roundabout and from the A199 public road where they would sit in front of the area of landscaped openspace created as part of the Haddington Retail Park development. In its positional relationship with the Haddington Retail Park the proposed car wash facility with office/amenity building and pump house would not appear as a coherent part of that adjacent development. Instead they would appear as a sporadic form of development positioned between the A199 public road and the adjacent area of landscaped openspace and consequently would appear harmfully intrusive and incongruous. This would not be a form of development that would complement this important gateway location into Haddington. Consequently the car wash facility with office/amenity building and pump house would not be an appropriate form of development for this prominent roadside location in terms of their positioning and would not complement, but instead would detract from the character of their surrounding, including the adjacent Haddington Retail Development. The proposed car wash facility with office/amenity building and pump house would therefore be contrary to Policies 29 of NPF4 and Policies DC1, DP1 and DP2 of the adopted East Lothian Local Development Plan 2018.

Policy T2: General Transport Impact of the adopted East Lothian Local Development Plan states that new development must have no significant impact on road safety or on the capacity of the surrounding road network to deal with traffic unrelated to the proposed development.

The submitted Transport Statement informs that the proposed car wash facility would operate a one-way traffic system whereby westbound vehicles would be restricted to a left turn from the A199 into the car wash facility via the proposed eastern vehicular access junction. Thereafter on exiting the facility vehicles would turn left only from the western exit towards Oaktree Junction Roundabout. Furthermore it is proposed that discussions would be undertaken with the Council towards the introduction of a 40mph speed limit for the A199 road within the vicinity of the application site to support the proposed vehicle access strategy.

The Councils Roads Services have been consulted on the application and note that the 'left in' and 'left out' access arrangements proposed within the site access strategy would have been in use when the application site formed a part of the Oaktree Service Station. They advise that the introduction of a 40mph limit for the A199 road within the vicinity of the site would reduce visibility splay requirements for the site access.

Notwithstanding the above Roads Services raise concerns with the application. They state that whilst the proposed access strategy requires vehicle movements to enter the site from the east by left turn into the proposed eastern access, the design of the proposed access does not achieve this to a satisfactory standard and does not eliminate the potential for vehicles, including large vehicles, travelling eastwards from the Oaktree Junction Roundabout executing a right turn manoeuvre from the A199 road into the site. Such a manoeuvre would introduce a conflict between vehicles attempting to access the car wash and vehicles travelling westbound towards the roundabout and resulting in a road safety hazard at this location close to the Oaktree roundabout. They raise further concerns that as there is no space for overflow parking for queuing vehicles the use of the car wash facility during busy periods would result in vehicles waiting to access the car wash facility vehicles queuing out of the site and onto the carriageway of A199 public road. Such queuing of vehicles on the A199 in such close proximity to the Oaktree Junction Roundabout would present a road safety hazard.

Roads Services further advise that the areas of roads/verge forming a part of the application site are part of East Lothian Council's adopted public road network and that should planning permission be granted an application would be required to be submitted by applicants for a Stopping-Up Order on these areas of roads/verge. Roads Services confirm that such an application for a Stopping-Up Order is unlikely to be supported on grounds of road safety.

Council Roads Services therefore object to the application as it would constitute a road safety hazard, and thus would be contrary to Policy T2 of the adopted ELLDP 2018.

In conclusion the proposed car wash facility with amenity building and pump house is contrary to Policies 26 and 29 of NPF4 and Policies DC1, DP1, DP2 and T2 of the adopted East Lothian Local Development Plan 2018.

There are no material considerations which outweigh that the fact that the proposal does not accord with the Development Plan.

REASONS FOR REFUSAL:

- 1 The proposed car wash facility is a business use that is not directly related to agriculture, horticulture, forestry, infrastructure or countryside recreation. It is therefore a business use that does not have an operational requirement for this countryside location. Neither is it located on an area identified for business use in the LDP and is not a site that is an area identified as employment land. Therefore the proposal conflicts with Policy 26 of NPF4 and Policy DC1 of the adopted East Lothian Local Development Plan 2018.
- 2 The proposed car wash facility with office and pump house would not be a form of development that would complement this important gateway location into Haddington. Consequently the car wash facility with office and pump house would not be an appropriate form of development for this prominent roadside location in terms of its positioning and would not complement, but instead would detract from the character of its surrounding, including the adjacent Haddington Retail Development. It would therefore be contrary to Policy 29 of NPF4 and Policies DP1 and DP2 of the adopted East Lothian Local Development Plan 2018.
- 3 The siting of the proposed car wash facility in this location would have a negative impact on road safety in the vicinity of the application site and would compromise the capacity of the road network to deal with traffic contrary to Policy T2 of the adopted East Lothian Local Development Plan 2018.

LETTERS FROM

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4th April 2023

Currie, Fiona

From: McLeod, Graeme
Sent: 13 March 2023 14:26
To: Taylor, David (Officer)
Cc: Lennox, Ian; Greenshields, Marshall
Subject: Planning application no.23/00081/P Erection of car wash facilities and associated works, Land At Former Oaktree Services

EAST LOTHIAN COUNCIL ROAD SERVICES

From: Asset & Regulatory Manager

To: Service Manager, Planning

Proposal: 23/00081/P Erection of car wash facilities and associated works, Land At Former Oaktree Services, Haddington

This proposal – for a car wash facility - was the subject of pre-application discussions between ELC Planning Service and Road Services. ELC Planning Officer confirms that the applicant had been informed of the view of Road Services on that proposal.

The submitted application is effectively the same as the one reviewed in those pre-application discussions.

Road Services indicated in response to that proposal that we would not support the proposal on the following basis.

- *Although the proposed access appears to only allow access via a 'left in / left out' arrangement - it is located in close proximity to a roundabout junction thereby allowing only limited visibility and reaction times for vehicles approaching and exiting from the roundabout (A199/B6471) – the additional conflicts and requirements for drivers to make decisions in the vicinity of the roundabout will have a negative impact on road safety at this location*
- *Probable presence of queuing vehicles on A199 waiting to enter site will also complicate the decision making for drivers thereby also negatively impacting road safety*

In addition - although no details have been submitted - the application site will provide limited internal manoeuvring space, vehicles will have to be able to enter and exit the site in a forward gear as it adjoins a classified road.

Transport Statement

The applicant has submitted a Transport Statement (TS) in support of the application, which includes a site access strategy.

This proposes that a 40 mph speed limit could be introduced in order to reduce visibility splay requirements for the site access, in this respect – visibility splays – this could be a condition on consent if it were to be granted.

The TS acknowledges the proximity of the roundabout as a concern and that the access junction to the site is only 35 metres from the roundabout, but states that with the use of a left turn in / left turn out arrangement that the report's author does not **anticipate** visibility/junction spacing issues.

Access design / comparison

The site access strategy proposes an access arrangement - 'left in and left out' - that would have been in use when the Oaktree service station occupied part of this site.

However that arrangement, through its design and in particular the use of narrow and curved entry and exit lanes, restricted the use of the **entry** to vehicles travelling from the east only.

Similarly, the exit lane from the service station severely restricted any opportunity to use for anything than egress from the service station.

Whilst the access strategy proposed by the applicant may require vehicle movements to enter the site from the east only and turn left into the car wash, the proposed access design does **not** achieve this to a satisfactory standard and would therefore not be able to eliminate the potential for vehicles travelling from the roundabout eastwards turning into the site using a right turn manoeuvre. This could be exacerbated if vehicles larger than a private car were permitted to use the proposed car wash.

This manoeuvre, would therefore introduce a conflict between vehicles attempting to access the car wash and vehicles travelling westbound towards the roundabout and could therefore present a road safety hazard at this location.

In addition to this, the presence of vehicles travelling from the east to the site access, waiting to enter the car wash site is a concern. If these vehicles are not able to enter because of an internal queue within the car wash area this would then require vehicles to queue outside of the site on the A199 public road, in close proximity to the roundabout junction and therefore this could also present a road safety hazard.

Therefore, as the proposed site access contributes potential hazards to the safety of public roads in the vicinity of the application site, I will not support this application.

Adopted Roads

I can also advise that the major part of the land that the applicant proposes to use for the development is part of East Lothian Council's adopted public road network.

If the application were to be approved, the applicant would have to apply to East Lothian Council for a Stopping Up Order on these areas of roads/verge which is unlikely to be supported by Road Services because of the concerns outlined previously.

Therefore I can confirm that I object to this application on the basis that it will have a negative impact on road safety in the vicinity of the application site.

Sent on behalf of IAN LENNOCK
ROADS SERVICES, ASSET & REGULATORY MANAGER

Graeme McLeod
Transportation Planning Officer
Road Services
East Lothian Council

NHS Coronavirus Information

**Keep using
Covid sense**



gov.scot/coronavirus



Currie, Fiona

From: Clark, Colin - EHO
Sent: 22 February 2023 10:52
To: Environment Reception
Cc: Millar, Neil
Subject: RE: 23/00081/P-Neil Millar - Planning Consultation

I refer to your consultation of 21st Feb 2023 in connection with the above.

Only concern I would have would be potential for spray to impact users of the footpath. I assume the car wash will be manned with all washing carried out by staff rather than by customers using self-wash facility, e.g Jet Washers? Are there proposals for any screen ato be provided adjacent to the A199 footpath?

Regards

Colin Clark | Senior Environmental Health Officer, Public Health & Environmental Protection | Protective Services | East Lothian Council | John Muir House | Haddington | EH41 3HA |
Tel. 01620 827443 [REDACTED] | Email. cclark1@eastlothian.gov.uk | Visit our website at www.eastlothian.gov.uk

-----Original Message-----

From: Environmental Health/Trading Standards <ehs@eastlothian.gov.uk>
Sent: 21 February 2023 14:46
To: [REDACTED]
Subject: FW: 23/00081/P-Neil Millar - Planning Consultation

-----Original Message-----

From: Environment Reception <environment@eastlothian.gov.uk>
Sent: 21 February 2023 14:40
To: Environmental Health/Trading Standards <ehs@eastlothian.gov.uk>
Subject: 23/00081/P-Neil Millar - Planning Consultation

Please see attached document in relation to the following application: Erection of car wash facilities and associated works at Land At Former Oaktree Services Haddington East Lothian

NHS Coronavirus Information

[https://intranet.eastlothian.gov.uk/multimedia/1624/1624_250x83.jpg]

Currie, Fiona

From: Cheyne, Sarah
Sent: 06 March 2023 09:13
To: Millar, Neil
Cc: Environment Reception
Subject: RE: 23/00081/P - Erection of car wash facilities and associated works at Land At Former Oaktree Services Haddington

Categories: Kirsty

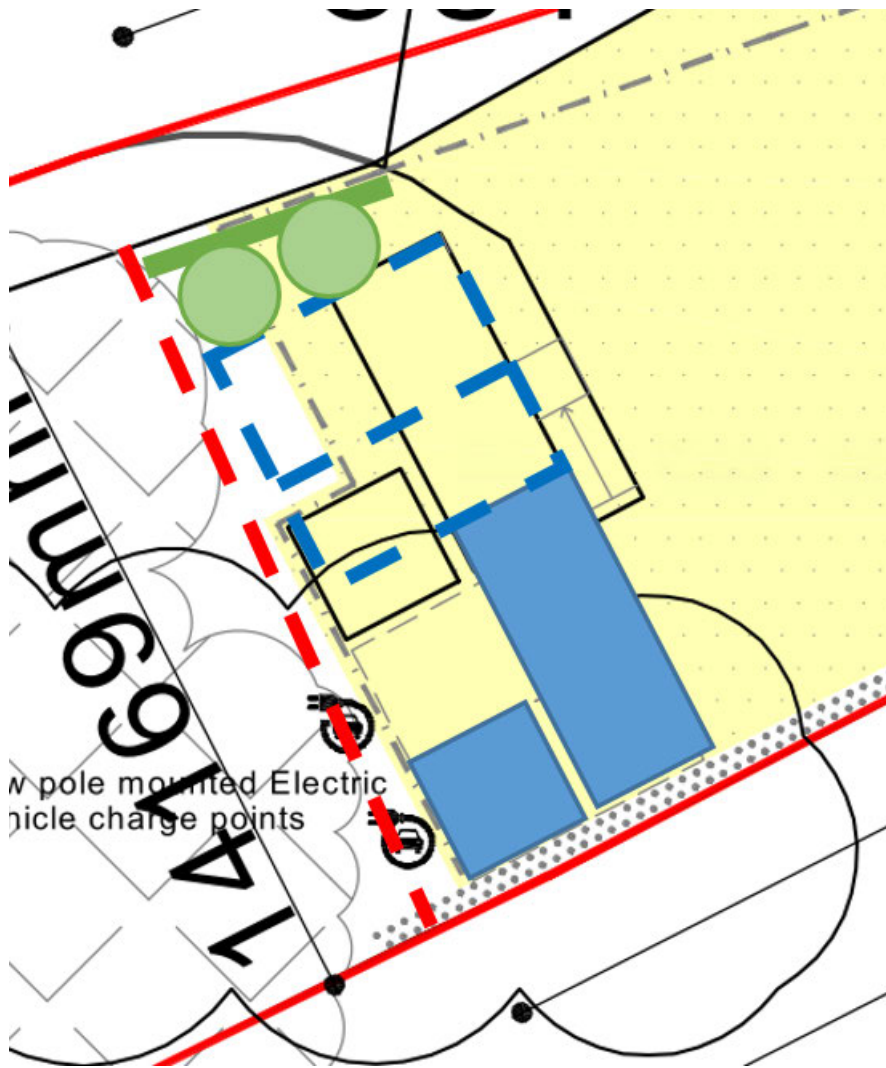
Hi Neil

I write in response to the consultation on the above application with landscape comments.

I note that the existing trees are within the red line site boundary to the west of the site. These trees are important in providing a setting for the entrance to Haddington and we would not want to see them lost. I would therefore recommend conditioning protection of these.

No information has been provided on their exact location, size or root protection areas. However the trees are young and their root protection areas small. Provided temporary protective fencing is erected to the west of the development area (location as sketched below in red dashed line) during the construction works then this should be sufficient to protect them. The line of the temporary protective fencing should be shown on the 'Block Plan' drawing numbered AL(0)100 with reference to construction in accordance with figure 2 British Standard 5837_2012 "Trees in relation to design, demolition and construction". The applicant should confirm that no services such as electricity cables are required to be rooted through the treed area.

The pump house and office building are single storey clad in grey painted larch and set to the east of the existing trees. As proposed they will be the first view of Haddington when heading to Haddington from the west from the A1 and A199. The retail park was designed to minimise visual impact on this important view at the entrance to Haddington. The office building in the location proposed will sit right in this view. To reduce the visual impact of this I recommend re-siting the office building and pump house to the south side of the site and relocating the car parking spaces to their north side (sketched below). There is also space to provide two small trees such as rowans and a hedgerow to the north boundary adjacent to this to provide enclosure for the site in views from the northwest. I would also recommend that it be conditioned that no advertising boards are positioned here as again this would be your first view of Haddington.



The proposed new hedge to the southern boundary of the site is supported. A 500mm wide strip is shown between the edge of the new tarmac and the edge of the site for the hedge establishment. As the other side of the site boundary is soft landscaping this should be sufficient to establish the hedge. My only concern is the species proposed is hawthorn. This in keeping with surrounding field boundary hedges. However it is very spiny and may not be suitable close to car washing and parking bays. I would suggest that a mixed hedge be provided with non-spiny species adjacent to the washing and parking bays. It is recommended that the hedge planting is made a condition of the consent.

Tree Protection

The area of existing trees detailed on the 'Block Plan' drawing numbered AL(0)100 shall be retained on the site. No development shall take place on site until temporary protective fencing in accordance with Figure 2 of British Standard 5837_2012 "Trees in relation to design, demolition and construction" has been installed, approved by the arboriculturist and confirmed in writing by the Planning Authority. The fencing must be fixed in to the ground to withstand accidental impact from machinery, erected prior to site start and retained on site and intact through to completion of development. The position of this fencing must be as indicated on the 'Block Plan' drawing numbered AL(0)100 [as revised] shall be positioned outwith the Root Protection Area (RPA) as defined by BS5837:2012 for all trees and approved in writing by the Planning Authority.

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

- _ No vehicular or plant access
- _ No raising or lowering of the existing ground level
- _ No mechanical digging or scraping
- _ No storage of temporary buildings, plant, equipment, materials or soil

- _ No hand digging
- _ No lighting of fires
- _ No handling discharge or spillage of any chemical substance, including cement washings

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

Reason

Safeguard trees important to the wider amenity of the area

Planting details and timescale

Tree and hedge planting as detailed on 'Block Plan' drawing numbered AL(0)100 [as revised following comments above] shall be carried out in the first planting season immediately following commencement of the development. Trees to be standard 8-10cm girth 2.5-3m in height. Hedge plants to comprise 60/80cm bare root whips planted in a double off set row at 300mm centres. 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.

Reason

To ensure establishment of a landscape scheme that improves the amenity and biodiversity of the area.

Regards
Sarah

Sarah Cheyne

Landscape Projects Officer | Planning Service | East Lothian Council | John Muir House | EH41 3HA
T: 01620 828756 | [REDACTED]



-----Original Message-----

From: Environment Reception <environment@eastlothian.gov.uk>
Sent: 21 February 2023 14:49
To: Landscape <landscape@eastlothian.gov.uk>
Subject: 23/00081/P- Planning Consultation

Please see attached document in relation to the following application: Erection of car wash facilities and associated works at Land At Former Oaktree Services Haddington East Lothian

NHS Coronavirus Information

[https://intranet.eastlothian.gov.uk/multimedia/1624/1624_250x83.jpg]

Currie, Fiona

From: Chalmers, Ian
Sent: 02 May 2023 14:37
To: Taylor, David (Officer)
Subject: RE: Flood Risk Response - #017 Plan App - 23/00081/P

Hi David,

Apologies for the delay.

Further to the applicant's comments, I acknowledge that connecting to a surface water drain may not be feasible given it is circa 400m away. Although it is not my first choice of action, given the connection feasibility, that the discharge from the site will have been treated, that it is 0.027l/s and the applicant has confirmed that the overall rates of runoff into the surface water sewer system will be less than existing, I am of the opinion that there will be no detrimental impact with regards to flood risk at the site, were 0.027l/s of this treated waste water to enter the public surface water sewer.

However, I would expect that the applicant undertakes suitable consultation with both SEPA and Scottish Water to clarify whether they object to this proposal and/or have licencing restrictions on this type of process (e.g. I'd expect SEPA would have requirements within their CAR Licencing system).

I would also ask the applicant to send details of the treatment that the water would receive before entering the surface water system.

Many Thanks,

Ian Chalmers
Senior Engineer – Flood Protection
East Lothian Council

From: Taylor, David (Officer) <dtaylor1@eastlothian.gov.uk>
Sent: 04 April 2023 10:51
To: Chalmers, Ian <ichalmers@eastlothian.gov.uk>
Subject: FW: Flood Risk Response - #017 Plan App - 23/00081/P

Hi Ian

Ref: 23/00081/P – Former Oaktree Services, Haddington

Hope you are well.

Do you have any additional comments on the above application further to submissions below?

Thanks
David

David Taylor | Planner, Planning Delivery | East Lothian Council | John Muir House | Haddington EH41 3HA | Tel: 01620 82 7430 | dtaylor1@eastlothian.gov.uk | www.eastlothian.gov.uk

Please note Friday is a non-working day.

Please see link for details of charges which apply from 1st April 2023

From: tony@apt-plandevlop.co.uk <tony@apt-plandevlop.co.uk>
Sent: 30 March 2023 14:45
To: Taylor, David (Officer) <dtaylor1@eastlothian.gov.uk>; Chalmers, Ian <ichalmers@eastlothian.gov.uk>
Subject: Re: Flood Risk Response - #017 Plan App - 23/00081/P

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good afternoon David and Ian and please see our response in red below.

I trust this responds appropriately and look forward to hearing from you in due course.

Tony

Tony Thomas
Director



Please note change of address:

1 West Road
Whitekirk
EH42 1XA

t. 0131 618 9888

[Redacted contact information]

From: Chalmers, Ian <ichalmers@eastlothian.gov.uk>
Sent: 28 March 2023 17:48
To: Millar, Neil <nmillar@eastlothian.gov.uk>
Subject: Flood Risk Response - #017 Plan App - 23/00081/P

Hi,

In terms of information that this Council has concerning flood risk to this site, the Indicative River, Surface Water & Coastal Hazard Map (Scotland) known as the "third generation flood mapping"

prepared by SEPA indicates that the site is not at risk from a flood event with a return period of 1 in 200 years. That is the 0.5% annual risk of a flood occurring in any one year.

The Indicative River & Coastal Flood Map (Scotland) has primarily been developed to provide a strategic national overview of flood risk in Scotland. Whilst all reasonable effort has been made to ensure that the flood map is accurate for its intended purpose, no warranty is given.

In November 2022, I provided a pre-application information for this application. Within, I stated:

"Given the operations, although the impermeable area has not increased, there is a risk of increased flow into the system. However, you have stated that "No runoff arising from the car washing operations would be permitted to enter the highway drainage, this would be managed on site and discharged via other means"; this is required.

The key requirements I would have are;

- *Surface water runoff (excluding for carwash operations) is attenuated to at least 5l/s/Ha or the existing runoff rates, whichever is lower.*
- o *SUDS attenuation and/or treatment installed for surface water runoff*
- *Car washing operations flow is managed on site and discharged via other means*

To submit:

- *Details of the surface water runoff attenuation (excluding for carwash operations)*
- *How the car washing operation water/flow will be managed and discharged (and flow rates for this)"*

As part of this application, a flood risk and drainage assessment has been submitted, dated January 2023.

This assessment has confirmed that the surface water runoff from the site (impermeable surface and cabin roof drainage) will be attenuated on site and the runoff will be treated by a swale then limited via a hydrobrake before discharge. The assessment confirms that as per my request in November, the discharge will be limited to a maximum of 5l/s/Ha, which calculates as 0.3l/s. I am also content that the swale is suitably designed to accommodate a 1 in 200 year + 39% climate change uplift. This will be discharged to the public surface water system, as it is now, but I am content that there will be no increase in surface water entering this system and this system of drainage from the site is now a more "formal" drainage system from the site.

With regards to the operational flow from the car washing operations, the applicant should not discharge these to the surface water network; this runoff will be trade effluent and must be discharged in a suitable manner, the assessment details their agreement with Scottish Water – which appears to be suitable. **The agreement with Scottish Water referred to within the report is for the existing car wash site in Dunbar and not the proposed site. This existing site is referenced as the strategy is to be replicated. The wash water shall be treated on site and a very low discharge from the site is required. At the Dunbar site, this is discharge to the Scottish Water surface water sewer, whereas for the Haddington site it is proposed to discharge this to the highway drain (see comments below for further details).**

In Chapter 5.2 it is stated that a low amount of treated water is required to be formally discharged to the public surface water system, rather than through Scottish Water agreement to the public foul sewer. The applicant states that this will be equivalent to 10% of the existing surface water runoff referred to above; I would ask if the applicant can confirm this number and that together, the 1 in 200 year + 39% CC event would still be attenuated to 0.3l/s with this additional water. I would also ask if the applicant can confirm why this water cannot be discharged into the Scottish Water public foul sewer with the other 90%; it is my preference for this water to go to the public foul sewer as per Scottish Water agreement. I am happy to discuss the potential for this to go into the surface water system once this information is available. The report states that the treated water discharge would be equivalent to 10% of the proposed attenuated surface water discharge. The calculated discharge rate is very small at 0.027l/s and shall marginally increase the overall proposed discharge to the highway drain but will still be significantly less than the existing uncontrolled discharge from the site. The 10% reference is for comparative purposes only of the treated water discharge to the attenuated surface water discharge. The flow stated above is the total flow of treated water, no additional flow is proposed to Scottish Water assets. The closest Scottish Water assets to the site are approximately 300-400m away and thus a connection to these sewers is not considered viable as it is not commensurate to the scale of the development nor the calculated discharge rates.

I am content that the applicant has adhered to my comments provided in November 2022 and that the majority of the drainage strategy is suitable. However, I would ask that the applicant provides the information requested in the paragraph above – I would require this to be formally agreed before accepting the drainage strategy provided.

Please note that this information should be taken in the context of the material that this Council holds in fulfilling its duties under the Flood Risk Management (Scotland) Act 2009.

Many Thanks,

Ian Chalmers
Senior Engineer - Flood Protection
NHS Coronavirus Information

**Keep using
Covid sense**



gov.scot/coronavirus



Response On Development Affecting Trunk Roads and Special Roads

The Town and Country Planning (Scotland) Act 1997

**The Town and Country Planning (Development Management Procedure)
(Scotland) Regulations 2013 S.I.2013 No 155 (S.25)**

Town and Country Planning (Notification of Applications) (Scotland) Direction 2009

To: East Lothian Council	Council Reference:-	23/00081/P
	TS Reference:-	SE/113/2023

Application made by Gleam Machine Haddington per Tony Thomas APT Planning & Development 6 High Street East Linton EH40 3AB and received by Transport Scotland on 05/04/2023 for planning permission for Erection of car wash facilities and associated works located at Land At Former Oaktree Services, Haddington, East Lothian affecting the A1 Trunk Road.

Director, Trunk Roads Network Management Advice

1. The Director does not propose to advise against the granting of permission
2. The Director advises that planning permission be refused (see overleaf for reasons).
3. The Director advises that the conditions shown overleaf be attached to any permission the council may give (see overleaf for reasons).

To obtain permission to work within the trunk road boundary, contact the Route Manager through the general contact number below. The Operating Company has responsibility for co-ordination and supervision of works and after permission has been granted it is the developer's contractor's responsibility to liaise with the Operating Company during the construction period to ensure all necessary permissions are obtained.

TS Contact:-

Area Manager (A1)
0141 272 7100
Transport Scotland, 2nd Floor, George House, 36 North Hanover St, Glasgow G1 2AD

Operating Company:-

South East

Address:-

Bear, Bear House, Inveralmond Road, Inveralmond Industrial Estate, Perth

Telephone Number:-

0800 0420188

e-mail address:-

seplanningapplications@bearsotland.co.uk

Transport Scotland

Roads Directorate

Network Operations - Development Management



Response On Development Affecting Trunk Roads and Special Roads

Transport Scotland Response Date:-

13/04/2023

Transport Scotland Contact:-

Shaun Phillips

Transport Scotland Contact Details:-

Roads - Development Management

Transport Scotland, 2nd Floor, George House, 36 North Hanover St, Glasgow G1 2AD

Telephone Number: 0141 272 7100

e-mail: development_management@transport.gov.scot

NB - Planning etc. (Scotland) Act 2006

Planning Authorities are requested to provide Transport Scotland, Roads Directorate, Network Operations - Development Management with a copy of the decision notice, and notify Transport Scotland, Trunk Roads Directorate if the recommended advice is not accepted.

Comments for Planning Application 23/00081/P

Application Summary

Application Number: 23/00081/P

Address: Land At Former Oaktree Services Haddington East Lothian

Proposal: Erection of car wash facilities and associated works

Case Officer: Mr David Taylor

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The location proposed for this car wash facility is unsuitable in my opinion for the following reasons.

1. The Gateside roundabout marks the principle entry point for Haddington and as such all proposed development in the area should promote the town. A car wash with associated portacabin style building will not fit that description
2. The location is unsafe. Inevitably vehicles exiting the facility will ignore any turn left only signs and instead cut across oncoming traffic to travel towards Haddington.
3. A car wash facility will not provide provide suitable employment opportunities for the town.
3. Other examples of this type of business show how untidy and detrimental to the environment they quickly become. For example wind blown suds and water leaks are often evident.

From: [REDACTED]
Sent: 22 March 2023 20:18
To: Environment Reception
Subject: Planning Application - 23/00081/P

Categories: [REDACTED]

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir / Madam,

I am writing in an individual capacity in response to the planning application - 23/00081/P - Car Wash Facility at Oaktree Haddington

Please can I request that my email address is redacted going forward as I am not giving permission for it to be disclosed or made publicly available. I understand my details may be disclosed should the FOI Commissioner guide accordingly which I appreciate.

Firstly and foremost, it will be good to see the site put to a new use in the future as it is currently being used as rough overnight parking for heavy goods vehicles.

Having read the application and the Transport Statement commissioned by SWECO I'd like to ask the planning committee to consider if any further enhancements / measures could be made to protect pedestrians, cyclists and car users around the new facility. This is not an objection to the proposal rather areas of thought, concern, and possible improvement. My areas of thought / observation are set out below:

1. The A199 narrows in the lead up to the Oaktree roundabout after the cycle lanes end – it looks like the road is narrow at the entrance to the car wash facility. Could there be any way to prohibit vehicles queuing to access the facility on the A199? Queued traffic for the wash facility would be in the cycle lane and would force all other road users into the middle of the road to pass the stacked queue. I appreciate the operator does not anticipate queuing traffic but this can't be discounted.
2. Is there any way to keep the existing pavement outside of the facility free of queuing traffic waiting to access the facility?
3. The access to the new facility currently allows for traffic coming from the Oaktree Roundabout to make a right hand turn into the facility. Could this lead to stacked

traffic on each side of the road and a queue of traffic stacking back toward the Oaktree roundabout?

4. It's been a great improvement to have the speed on the A199 dropped to 40mph in this section – its just a concern that drivers come off the roundabout (onto the A199, going east) and there is stationary traffic waiting to turn right (into the facility). There is also the possibility those gaining speed having come off the roundabout will face road users coming the opposite direction (toward the roundabout) in the middle of the road – i.e. those manoeuvring (west direction) around stationary traffic on the A199 going into the facility.
5. There is an existing pedestrian crossing (dropped kerbs) at the end of the A199 just before the Oaktree roundabout – it's about 10m from the roundabout. The new car wash will have all traffic exiting left onto the A199 just before the pedestrian crossing (about 5m away). With increased vehicle movements from the facility is there any additional safety measures that could be put in place for pedestrians at this point? Appreciate this possibly falls out with the application but some consideration from ELC Planning and Roads department would be appreciated to protect pedestrian safety.

Thank you for considering my thoughts on traffic management, cycle and pedestrian safety around the proposed development.

██████████

ELLDP 2018

Policy DC1: Rural Diversification

Development in the countryside, including changes of use or conversions of existing buildings, will be supported in principle where it is for:

- a) agriculture, horticulture, forestry, infrastructure or countryside recreation; or
- b) other businesses that have an operational requirement for a countryside location, including tourism and leisure uses.

Proposals must also satisfy the terms of Policy NH1 and other relevant plan policies including Policy DC6. Proposals for mineral extraction and renewable energy will be assessed against the other relevant policies of the Plan.

Any proposals for the restoration or conversion of vernacular buildings to accommodate uses supported in principle by this policy should be of an appropriate scale and character and designed in such a way that maintains or complements their layout and appearance.

DP1: Landscape Character

All new development, with the exception of changes of use and alterations and extensions to existing buildings, must:

1. Be well integrated into its surroundings by responding to and respecting landform, and by retaining and where appropriate enhancing existing natural and physical features at the site, including water bodies, that make a significant contribution to the character and appearance of the area and incorporate these into the development design in a positive way;
2. Include appropriate landscaping and multifunctional green infrastructure and open spaces that enhance, provides structure to and unifies the development and assists its integration with the surroundings and extends the wider green network where appropriate.

DP2 (Design)

The design of all new development, with the exception of changes of use and alterations and extensions to existing buildings, must:

1. Be appropriate to its location in terms of positioning, size, form massing, proportion and scale and use of a limited palette of materials and colours that complement its surroundings;
2. By its siting density and design create a coherent structure of streets, public places and buildings that respect and complement the sites context, and create a sense of identity within the development;
3. Position and orientate buildings to articulate, overlook, properly enclose and provide active frontages to public spaces or, where this is not possible, have appropriate high quality architectural or landscape treatment to create a sense of welcome, safety and security
4. Provide a well-connected network of paths and roads within the site that are direct and will connect with existing networks, including green networks, in the wider area ensuring access for all in the community, favouring, where appropriate, active travel and public transport then cars as forms of movement;
5. Clearly distinguish public space from private space using appropriate boundary treatments;
6. Ensure privacy and amenity, with particular regard to levels of sunlight, daylight and overlooking, including for the occupants of neighbouring properties;
7. Retain physical or natural features that are important to the amenity of the area or provide adequate replacements where appropriate;
8. Be able to be suitably serviced and accessed with no significant traffic or other environmental impacts.

Policy T2 : General Transport Impact

New development must have no significant adverse impact on:

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

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

NPF4

Policy 22 - Flood risk and water management

a) Development proposals at risk of flooding or in a flood risk area will only be supported if they are for:

- i. essential infrastructure where the location is required for operational reasons;
- ii. water compatible uses;
- iii. redevelopment of an existing building or site for an equal or less vulnerable use; or.
- iv. redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate that long-term safety and resilience can be secured in accordance with relevant SEPA advice.

The protection offered by an existing formal flood protection scheme or one under construction can be taken into account when determining flood risk.

In such cases, it will be demonstrated by the applicant that:

- *all risks of flooding are understood and addressed;
- *there is no reduction in floodplain capacity, increased risk for others, or a need for future flood protection schemes;
- *the development remains safe and operational during floods;
- *flood resistant and resilient materials and construction methods are used; and
- *future adaptations can be made to accommodate the effects of climate change.

Additionally, for development proposals meeting criteria part iv), where flood risk is managed at the site rather than avoided these will also require:

- *the first occupied/utilised floor, and the underside of the development if relevant, to be above the flood risk level and have an additional allowance for freeboard; and
 - *that the proposal does not create an island of development and that safe access/egress can be achieved.
- b) Small scale extensions and alterations to existing buildings will only be supported where they will not significantly increase flood risk.

c) Development proposals will:

- i. not increase the risk of surface water flooding to others, or itself be at risk.
- ii. manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue-green infrastructure. All proposals should presume no surface water connection to the combined sewer;
- iii. seek to minimise the area of impermeable surface.

d) Development proposals will be supported if they can be connected to the public water mains. If connection is not feasible, the applicant will need to demonstrate that water for drinking water purposes will be sourced from a sustainable water source that is resilient to periods of water scarcity.

e) Development proposals which create, expand or enhance opportunities for natural flood risk management, including blue and green infrastructure, will be supported.

Policy impact:

Just Transition

Conserving and recycling assets

Local living

Compact urban growth

Rebalanced development

Rural revitalisation

Key policy connections:

Tackling the climate and nature crises

Climate mitigation and adaptation

Biodiversity

Green belts

Coastal development

Design, quality and place

Infrastructure first

Quality homes

Blue and green infrastructure

Health and safety

Business and industry

26 - Business and industry

- a) Development proposals for business and industry uses on sites allocated for those uses in the LDP will be supported.
- b) Development proposals for home working, live-work units and micro-businesses will be supported where it is demonstrated that the scale and nature of the proposed business and building will be compatible with the surrounding area and there will be no unacceptable impacts on amenity or neighbouring uses.
- c) Development proposals for business and industry uses will be supported where they are compatible with the primary business function of the area. Other employment uses will be supported where they will not prejudice the primary function of the area and are compatible with the business/industrial character of the area.
- d) Development proposals for business, general industrial and storage and distribution uses outwith areas identified for those uses in the LDP will only be supported where:
- i. It is demonstrated that there are no suitable alternatives allocated in the LDP or identified in the employment land audit; and
 - ii. The nature and scale of the activity will be compatible with the surrounding area.
- e) Development proposals for business and industry will take into account:
- i. Impact on surrounding residential amenity; sensitive uses and the natural and historic environment;
 - ii. The need for appropriate site restoration at the end of a period of commercial use.
- f) Major developments for manufacturing or industry will be accompanied by a decarbonisation strategy to demonstrate how greenhouse gas emissions from the process are appropriately abated. The strategy may include carbon capture and storage.

Policy impact:

Just Transition

Conserving and recycling assets

Local living

Compact urban growth

Rebalanced development

Key policy connections:

Tackling the climate and nature crises

Climate mitigation and adaptation

Sustainable transport

Design, quality and place

Local Living and 20 minute neighbourhoods

Health and safety

Digital infrastructure

Community wealth building

City, town, local and commercial centres

Rural development

29 - Rural development

a) Development proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy will be supported, including:

- i. farms, crofts, woodland crofts or other land use businesses, where use of good quality land for development is minimised and business viability is not adversely affected;
- ii. diversification of existing businesses;
- iii. production and processing facilities for local produce and materials, for example sawmills, or local food production;
- iv. essential community services;
- v. essential infrastructure;
- vi. reuse of a redundant or unused building;
- vii. appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;
- viii. reuse of brownfield land where a return to a natural state has not or will not happen without intervention;
- ix. small scale developments that support new ways of working such as remote working, homeworking and community hubs; or
- x. improvement or restoration of the natural environment.

b) Development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area. They should also consider how the development will contribute towards local living and take into account the transport needs of the development as appropriate for the rural location.

c) Development proposals in remote rural areas, where new development can often help to sustain fragile communities, will be supported where the proposal:

- i. will support local employment;
- ii. supports and sustains existing communities, for example through provision of digital infrastructure; and
- iii. is suitable in terms of location, access, siting, design and environmental impact.

d) Development proposals that support the resettlement of previously inhabited areas will be supported where the proposal:

- i. is in an area identified in the LDP as suitable for resettlement;

- ii. is designed to a high standard;
- iii. responds to their rural location; and
- iv. is designed to minimise greenhouse gas emissions as far as possible.

Policy impact:

Just Transition

Conserving and recycling assets

Local living

Compact urban growth

Rebalanced development

Rural revitalisation

Key policy connections:

Tackling the climate and nature crises

Climate mitigation and adaptation

Natural places

Soils

Historic assets and places

Green belts

Brownfield, vacant and derelict land and empty buildings

Coastal development

Sustainable transport

Design, quality and place

Local Living and 20 minute neighbourhoods

Infrastructure first

Rural homes

Blue and green infrastructure

Flood risk and water management

Business and industry

City, town, local and commercial centres

Retail

Tourism

Culture and creativity

Aquaculture

Minerals

App No. 23/00081/P

**EAST LoTHIAN COUNCIL
DECISION NOTICE**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
TOWN AND COUNTRY PLANNING
(DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2013**

**Gleam Machine Haddington
c/o APT Planning & Development
Per Tony Thomas
6 High Street
East Linton
East Lothian
EH40 3AB**

APPLICANT: Gleam Machine Haddington

With reference to your application registered on 21st February 2023 for planning permission under the above mentioned Acts and Regulations for the following development, viz:-

Erection of car wash facilities and associated works

**at
Land At Former Oaktree Services
Haddington
East Lothian**

East Lothian Council as the Planning Authority in exercise of their powers under the above-mentioned Acts and Regulations hereby **REFUSE PLANNING PERMISSION** for the said development.

The reasons for the Council's refusal of planning permission are:-

- 1 The proposed car wash facility is a business use that is not directly related to agriculture, horticulture, forestry, infrastructure or countryside recreation. It is therefore a business use that does not have an operational requirement for this countryside location. Neither is it located on an area identified for business use in the LDP and is not a site that is an area identified as employment land. Therefore the proposal conflicts with Policy 26 of NPF4 and Policy DC1 of the adopted East Lothian Local Development Plan 2018.

- 2 The proposed car wash facility with office and pump house would not be a form of development that would complement this important gateway location into Haddington. Consequently the car wash facility with office and pump house would not be an appropriate form of development for this prominent roadside location in terms of its positioning and would not complement, but instead would detract from the character of its surrounding, including the adjacent Haddington Retail Development. It would therefore be contrary to Policy 29 of NPF4 and Policies DP1 and DP2 of the adopted East Lothian Local Development Plan 2018.

- 3 The siting of the proposed car wash facility in this location would have a negative impact on road safety in the vicinity of the application site and would compromise the capacity of the road network to deal with traffic contrary to Policy T2 of the adopted East Lothian Local Development Plan 2018.

The report on this application is attached to this Decision Notice and its terms shall be deemed to be incorporated in full in this Decision Notice.

Details of the following are given in the application report:

- the terms on which the Planning Authority based this decision;

- details of any variations made to the application in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997.

The plans to which this decision relate are as follows:

<u>Drawing No.</u>	<u>Revision No.</u>	<u>Date Received</u>
AL(0)01	B	03.03.2023
AL(0)100	C	07.03.2023
AL(0)01	C	07.03.2023

14th April 2023

Keith Dingwall
Service Manager - Planning

NOTES

If the applicant is aggrieved by the decision to refuse permission for the proposed development, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to the Clerk to the Local Review Body, Committee Team, Communications and Democratic Services, John Muir House, Haddington, East Lothian EH41 3HA.

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the Planning Authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Proposed Conditions:

- i) The development hereby approved shall begin before the expiration of 3 years from the date of this permission.

Reason:

Pursuant to Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.

- ii) Prior to any use being made of the of car wash facility hereby approved its north boundary shall be fully enclosed by glazed panels, other than for vehicle access and egress points. Details of the height, physical form and positioning of the glazed panels shall be submitted to and approved by the Planning Authority prior to their erection and the erected glazed panels shall be in accordance with the details so approved. Thereafter the glazed panels shall remain in place unless otherwise approved by the Planning Authority.

Reason:

To prevent spray from use of the proposed car wash facility entering the public road and footpath of the A199 Road in the interests of pedestrian and road safety.

- iii) The proposed access shall be laid out in accordance with details approved in writing by the Planning Authority prior to any development commencing. A visibility splay of 4.5 metres by 90 metres shall be provided and maintained on the eastern side of the proposed access 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 90 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.

Visibility from a point 2.5 metres from the A199 at the site egress to the exit road centreline of the Oak Tree roundabout shall be maintained.

Reason:

In the interests of road safety.

- iv) The area of existing trees detailed on the 'Block Plan' drawing numbered AL(0)100 shall be retained on the site.

No development shall take place on site until temporary protective fencing in accordance with Figure 2 of British Standard 5837_2012 "Trees in relation to design, demolition and construction" has been installed, approved by the arboriculturist and confirmed in writing by the Planning Authority. The fencing must be fixed in to the ground to withstand accidental impact from machinery, erected prior to site start and retained on site and intact through to completion of development. The position of this fencing shall be positioned outwith the Root Protection Area (RPA) as defined by BS5837:2012 for all trees retained on and adjacent to the site, and approved in writing by the Planning Authority.

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

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

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

Reason

Safeguard trees important to the wider amenity of the area

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

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of the development or occupation of any house hereby approved, whichever is the sooner. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar species and final size, unless the Planning Authority gives written consent to any variation.

Reason

To ensure establishment of a landscape scheme that improves the amenity and biodiversity of the area.

NOTE FOR LOCAL REVIEW BODY MEMBERS:

The Reasons for Refusal of this application include 'Road Safety Hazard'

Whilst the attached proposed conditions include a requirement for proposed access visibility splay as provided by Roads Services, Roads have advised that they cannot provide any relevant planning conditions in mitigation of the following:

*right turn manoeuvre from the A199 road into the site;

*vehicles queuing out of the site and onto the carriageway of A199 public road; and

*requirement for Stopping-Up Order