



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

**TUESDAY 26 MARCH 2024
VIA A DIGITAL MEETING FACILITY**

Committee Members Present:

Councillor N Hampshire (Convener)
Councillor L Allan
Councillor C Cassini
Councillor D Collins
Councillor J Findlay
Councillor A Forrest
Councillor C McGinn
Councillor K McLeod
Councillor J McMillan
Councillor C Yorkston

Other Councillors Present:

Councillor G McGuire

Council Officials Present:

Mr K Dingwall, Service Manager – Planning
Ms E Taylor, Team Manager – Planning Delivery
Mr N Millar, Planning Officer
Mr D Taylor, Planning Officer
Ms J McLair, Planning Officer
Mr C Grilli, Service Manager – Governance
Ms M Haddow, Transportation Planning Officer
Mr J Canty, Transportation Planning Officer
Mr C Clark, Senior Environmental Health Officer
Ms P Gray, Communications Adviser

Clerk:

Ms F Currie (Minutes: Ms B Crichton)

Visitors Present/Addressing the Committee:

Item 1: Mr F Sykes, Mr G Gray, Mr S Pacitti
Item 3: Mr B Lindsay, Ms K Donald

Apologies:

Councillor N Gilbert
Councillor S McIntosh

Declarations of Interest:

None

1. PLANNING APPLICATION NO. 23/01448/P: ALTERATIONS AND CHANGE OF USE TO RESTAURANT/CAFÉ (CLASS 3) TO HOT FOOD TAKEAWAY, 14 HIGH STREET, HADDINGTON

A report had been submitted in relation to Planning Application No. 23/01448/P. Neil Millar, Planner, presented the report, highlighting the salient points. The report recommendation was to grant consent.

Fergus Sykes, agent, and Gordon Grey, architect were present to speak to the application. Mr Sykes noted that the principal change of use had been found to be acceptable, and stated that the development was in accordance with the Local Development Plan (LDP). He advised that the unit had been a family-run restaurant which had struggled with high costs in recent years, and had included takeaways with both collections and deliveries. He said the proposals would maintain the vitality and viability of the area, ensure continued occupation of the unit, provide an active frontage, and generate local employment. He highlighted the substantial investment to the Category B listed building, and advised that listed building consents for the works had already been approved. Speaking to potential impact on amenity, he highlighted that daytime and evening uses of the town centre were encouraged by policy, and a condition would limit the store opening hours to 11pm, in line with other operators in the area. He gave reassurance that the introduction of new equipment would have no detrimental impact on noise. He advised that odour control would be included in the work and no food would be fried. He said that illegal and dangerous parking were controlled by legislation outside of the planning system, however, he also advised that the busiest time for the unit would be after 5.30pm following the closing time of a number of other businesses and the end of parking restrictions. He also advised that the majority of orders would be deliveries. He advised that Dominoes had their own trained drivers who would be making deliveries much of the time, so it was unlikely that many drivers would have to park at the same time. He highlighted that the existing restaurant also provided a delivery service, and therefore the impact on the highway was not likely to be significant. He advised that the proposed use of a Dominoes takeaway did not serve alcoholic beverages, and since most orders were deliveries, the proposals would not encourage antisocial behaviour. He summarised that the proposed takeaway could be accommodated without causing harm to the local area. He also said the applicant would be willing to accept the suggested conditions, including the requirement for a green travel plan.

Responding to questions from Councillor Forrest, Mr Sykes said that there should be no parking in hazardous positions, and if this did happen, enforcement action could be taken. He said that servicing of lorries would be in accordance with the regulations of the area and would be similar to the current restaurant's operations, probably around three times per week. He indicated that the applicant would be willing to accept further conditions on this matter if necessary. Councillor Forrest responded by describing his observations of issues caused by deliveries to Dominoes in Musselburgh, and Mr Sykes agreed that it would be possible to seek to provide the delivery vehicle space off the road so as not to cause disruption to the highway.

Councillor McGinn described experiences with the Dominoes in Tranent where motorbike drivers parked on pavement, and asked whether Mr Sykes could speak with officers to take on lessons learned from these situations. He also asked that drivers be made very clearly aware that they must not park on dropped kerbs. Mr Sykes said he was willing to contact officers and would also provide details of the delivery driver training. He suggested that a servicing delivery plan could be required under conditions.

Responding to questions from Councillor McMillan, Mr Sykes said that specific timeframes could be set out under a servicing delivery plan to ensure minimal disruption, but pointed out that it was also easier for the applicant to receive deliveries at quieter times.

Mr Grey added that the Dominoes UK model showed that only around 15% of overall business was between 11am-5.30pm, and 70% of business was between 5.30pm-9pm. He said that

the impact on daytime parking should be minimal because only one delivery vehicle operated through the day, which could be an e-bike or scooter. He advised there was likely to be a maximum of two delivery cars following conclusion of parking restrictions.

Sabatino Pacitti spoke against the application, and said that numerous residents in adjoining properties were against the application. He considered there were shortcomings in the plans: he said the red line boundary did not identify the full extent of the operational site; and said the elevation plans did not show the relationship of the extract flue to residential windows in the rear of the courtyard. He said the extractions design would not appropriately dissipate odours and a much larger flue would be required; he felt this underplayed the likely visual impacts from the extraction system on the conservation area, and therefore he contended that proposals did not align with NPF4 and LDP policies relating to historic places and developments affecting conservation areas. He also raised concern with a lack of plans for waste disposal and to reduce internal noise. He felt that the proposal would adversely affect the health and wellbeing of nearby residents who would be affected by noise and odour, and said proposals conflicted with NPF4 and LDP policies relating to health and safety and noise.

Continuing, Mr Pacitti reported that he had received evidence of noise complaints from residents in the adjoining properties to Dominoes in Tranent. He said the outdoor risk assessment was also misleading and did not take into account the location of the extract flue in the courtyard. Mr Pacitti raised further concerns relating to parking and the bottleneck entrance on the High Street. He felt the assertion that there would be a single delivery car during the daytime was inaccurate, and said that Dominoes in Tranent operated five delivery cars during the daytime. He felt that mopeds, which often parked on pavements, would cause serious risk to pedestrians. He said that residents had issue finding parking, and said that this continued after 5.30pm. He said he had evidence of dangerous driving by Dominoes Tranent drivers. Finally, he suggested other options for a Dominoes with more adequate parking, such as the unused units at the retail park and on Whittingehame Drive.

Councillor McGuire, Local Member, explained that he had called the application in at the request of local residents and shop owners. As a resident of Haddington, he concurred with the comments made by the objector and the Council's Road Services, and noted issues of parking, traffic, and noise. He felt the location in a pinch point in the High Street was the wrong place, and felt that traffic issues even in the evenings had not been appreciated. He said that cars would be double and treble parked as people would not walk the length of the High Street to pick up a takeaway. He did not know how residents coped with the constant noise, traffic, and parking issues already. He felt that people were aware of the movements of wardens, and he described the traffic and parking as being horrendous on the days the wardens were not in the area. He thought that lorry deliveries at this pinch point was not suitable when buses and other large vehicles had to get down the High Street, and traffic was often backed up. He suggested that the takeaway business from the current operation was restricted compared to what Dominoes would offer, and he thought delivery scooters would block the pavements. He suggested that the retail park or Whittingehame Drive would be preferable sites. He said that no one wished to stop Dominoes coming to Haddington, but felt the location to be entirely inadequate, and he urged Committee Members to reject the application.

Councillor Allan felt that that parking was always a problem around the High Street because there were so many residents, and had observed that it did not get quieter in the evening. She felt there was already a pinch point that caused problems to buses trying to get through. She was very concerned about parking issues and agreed with Councillor McGuire's comments.

Councillor Findlay noted that when 70% of business was after 5.30pm, it would be unlikely that enforcement by traffic wardens and police would be possible. He said there was no problem with Dominoes coming to Haddington, but felt this site was the wrong place. He would vote against the officer recommendation to grant consent.

Councillor McMillan commented that although the officer report was clear and well written, it missed some local knowledge. He acknowledged the issues raised by Musselburgh and Tranent Ward Councillors. He also acknowledged previous work by the Council to widen pavements and control parking. He welcomed innovation and new national businesses that wished to set up and bring employment, but was concerned about the significant impact on local amenities when residents had to deal with car noise, traffic, antisocial behaviour to deal with. He said that behaviour of some drivers in Haddington was unacceptable and hoped that new regimes that would be considered for town centre parking would improve this. From what he could observe, local opinion, evidence from the antisocial behaviour in the town, and evidence from the Tranent and Musselburgh branches, he would vote against the officer recommendation to grant consent.

Councillor Collins had observed the traffic in Musselburgh, Tranent, and in Haddington around the existing and proposed Dominoes shops on a Friday night, and concluded that the traffic was horrendous. She felt there would be significant traffic issues in the evenings, and problems with delivery lorries though the day. She thought there would also be issues with antisocial behaviour and a loss of amenity associated with food odours. She would not support the application.

Councillor McGinn said that no one wanted empty units on the High Street, but felt that Dominoes had not learned from mistakes, particularly in Tranent; he said a multinational company should be able to consider their impact on the community. He acknowledged that the business would provide jobs and a service, but thought that this did not mitigate the impact on Tranent High Street, including the difficulties at the bus stop and for people crossing the road. He would vote against the officer recommendation to grant consent on the basis of traffic concerns and the behaviour of Dominoes delivery drivers. He said that the same dilemmas would be faced until the firm could learn from its previous mistakes.

The Convener commented that there were many fast food and takeaway businesses within town centres in East Lothian and issues of double parking when trying to access the premises, but he felt this was the fault of the drivers and not of the businesspeople. He noted that Dominoes was a national business operating effectively, and he acknowledged the officer support for the application. He thought that many local people would also welcome the business. He thought that the issues raised were best addressed by the police and antisocial behaviour team, and not by the business. He felt it was important not to send a message to businesses that they would be stopped locating in town centres, and suggested there may be an elitism towards the brand shown by objectors. He thought the business could operate in this location, and reiterated that other agencies would have to address issues on Haddington High Street and in Tranent and Musselburgh. He would support the officer recommendation to grant consent.

The Convener then moved to a roll call on the officer recommendation to grant consent, and votes were cast as follows:

Support:	4	(Councillors Hampshire, Forrest, McLeod, and Yorkston)
Against:	6	(Councillors Allan, Cassini, Collins, Findlay, McGinn, and McMillan)
Abstain:	0	

Decision

The Planning Committee refused the application for the following reasons:

1. The proposed hot food takeaway use would be likely to lead to irresponsible parking and waiting outside the premises. Such irresponsible parking could result could in congestion and overall would result in hazard to pedestrian and other road users in a heavily trafficked area. In this consideration, the proposed development is contrary to

Policy 27 of National Planning Framework 4 and Policies TC4 and T2 of the adopted East Lothian Local Development Plan 2018.

2. The proposed hot food takeaway would have a harmful impact on the amenity of neighbouring residents contrary to Policy TC4 of the adopted East Lothian Local Development Plan 2018.

The reasons for refusal were confirmed by roll call vote. Votes were cast as follows:

Support refusal reasons 1 & 2:	8 (Councillors Allan, Cassini, Collins, Findlay, Forrest, Hampshire, McMillan, and Yorkston)
Support only refusal reason 1:	1 (Councillor McGinn)
Support only refusal reason 2:	0
Against reasons for refusal:	1 (Councillor McLeod)
Abstain:	0

2. PLANNING APPLICATION NO. 23/00453/AMM: APPROVAL OF MATTERS SPECIFIED IN CONDITIONS 1(A) TO (I), 1(L), 1(M), 1(O), 5, 6, 9, 22, 23, 26, 27 AND 31(A) OF PLANNING PERMISSION 21/01580/PM - ERECTION OF 158 HOUSES, 16 FLATS AND ASSOCIATED WORKS, BLINDWELLS

A report had been submitted in relation to Planning Application No. 23/00453/AMM. David Taylor, Planner, presented the report, highlighting the salient points. The report recommendation was to grant consent.

The Convener commented that the application represented another major part of the Blindwells site that would deliver more affordable housing within the area. The site was very close to the primary school and he felt sure the development would be delivered quickly because people would want to live in this location. He said the development would be another major step in the delivery of 1600 houses at Blindwells, and he thanked officers for bringing the application forward at this stage.

The meeting briefly returned to discussing Item 1 to agree reasons for refusal, as noted above.

The Convener then moved to a roll call vote on the officer recommendation to grant consent on Item 2, and Members unanimously voted in support of the officer recommendation.

Decision

The Planning Committee agreed that approval of matters specified in conditions 1(a) to (i), 1(l), 1(m), 1(o), 5, 6, 9, 22, 23, 26, 27 and 31(a) of planning permission 21/01580/PM for the erection of 158 houses, 16 flats and associated works be granted subject to the following conditions:

- 1 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.

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

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

- a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings;
- b. finished ground and floor levels of the development relative to existing ground levels of the site and of adjoining land and building(s). The levels shall be shown in relation to an Ordnance Bench Mark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing; and
- c. the ridge height of the proposed buildings shown in relation to the finished ground and floor levels on the site.

Reason:

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

- 3 Other than in exceptional circumstances where the layout or particular building type does not permit, the approved 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 Notwithstanding that which is stated on the drawings docketed to this planning permission, a detailed specification of all external finishes of the houses and flatted blocks 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 and flatted blocks 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 buildings, 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 and flatted blocks 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.

- 5 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 the residential units hereby approved 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 1.8m high fences within the rear gardens of the residential units, 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.

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

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.

- 7 No development shall be commenced on site unless and until written evidence that a contract has been entered into for the provision as affordable housing of 52 of the residential units hereby approved has been submitted to and agreed by the Planning Authority.

Reason:

In order to ensure that 52 of the residential units hereby approved are operated as affordable housing and that the development is therefore compliant with Policy HOU3 of the adopted East Lothian Local Development Plan 2018.

- 8 Prior to their occupation, the windows and other glazed openings of all habitable rooms of the houses hereby approved for plots 186-206, 217-236 and 289-297 and identified by a purple dot on docketed drawing no. 22054(PL)004C titled 'Acoustic Model' shall be fitted with glazing designed to have a glazing specification of 8.8mm laminated glass-12mm air cavity -10.8mm laminated glass or an acoustically equivalent glazing unit which provides a minimum RTRA of 55dB in order to offer compliance with the local authority criteria. All facades shall be fitted with attenuated trickle ventilation with a minimum acoustic rating $D_{n,e,w}$ 55 dB in the open position.

Such glazing shall thereafter be retained or replaced to an equivalent standard unless otherwise approved by the Planning Authority.

Reason:

In the interests of protecting the residential amenity of the occupiers of the houses from noise generated by use of the A1 trunk road.

- 9 All planting, seeding or turfing comprised in the details of landscaping on docketed drawing nos. 5695-OOB-ZZ-00-DR-L-0001 rev P06, 5695-OOB-ZZ-00-DR-L-0004 rev P06, 5695-OOB-ZZ-00-DR-L-0030 rev P06, 5695-OOB-ZZ-00-DR-L-0031 rev P06, 5695-OOB-ZZ-00-DR-L-0032 rev P06, 5695-OOB-ZZ-00-DR-L-0033 rev P06, 5695-OOB-ZZ-00-DR-L-0034 rev P06 and 5695-OOB-ZZ-00-DR-L-0035 rev P06 shall be carried out in accordance with a timetable that shall be submitted to and approved by the Planning Authority prior to the commencement of development.

Any trees or plants comprised in the details of landscaping 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.

The design of all landscaping must be carried out in conjunction with the design and positioning of all services, and sufficient space must be made available to accommodate the full establishment of all landscaping work without impacting on any services.

All the new planting shall be maintained in accordance with the maintenance and management programme as detailed in the docketed Report no. 5695-OOB-XX-XX-RP-L-0002_P02 titled 'Landscape and Habitat Management Plan' dated September 2022 by OOBELtd.

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.

- 10 Prior to the commencement of development details of all electric vehicle charging points and required infrastructure, along with a timetable for provision, shall be submitted to and approved in writing by the Planning Authority. Such provision shall involve engagement with electricity providers to ensure that the entire electricity supply infrastructure will have sufficient capacity to enable all chargepoints to operate simultaneously.

The installation of all electric vehicle charging points and required infrastructure shall thereafter be carried out in accordance with the details so approved unless otherwise agreed in writing with the Planning Authority.

Reason

In the interests of sustainability.

- 11 Prior to the commencement of development details of the bin storage facilities for the flatted buildings hereby approved shall be submitted to and approved in advance by the Planning Authority. Prior to the occupation of any of the flats the bin storage facilities shall have been formed in accordance with the approved details and made available for use. Thereafter, the storage facilities shall be retained in use solely as bin storage areas.

Reason:

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

- 12 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.

- 13 Prior to the commencement of development a Quality Audit shall be submitted to and approved by the Planning Authority, which shall be undertaken for the preliminary and detailed design of all roadworks, footways and cycle paths within the development hereby approved. It shall include a Road Safety Audit to independently assess walking, cycling, access and road safety aspects within and around the development and to provide details of raised tables across the estate roads

Reason:

In the interests of road and pedestrian safety.

- 14 Prior to the occupation of any of the residential units hereby approved a Residents Travel Pack with information for residents to encourage use of sustainable modes of transport such as trains, buses, cycling and walking shall be submitted to and approved by the Planning Authority. The Residents Travel Pack will include local bus and train timetables, local cycling and walking maps, information on bike hire / car sharing, and shall include details of how it will be distributed to residents.

Reason:

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

- 15 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 and routing of traffic. The Construction Method Statement shall also provide details of utility/service drainage connections.

The Construction Method Statement shall also make recommendations in respect of how building materials and waste will be safely stored and managed on site.

Thereafter, the Construction Method Statement shall be implemented and complied with in accordance with the approved details for the period of construction of the development hereby approved.

Reason:

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

- 16 To ensure that the site is clear of contamination, the following requirements shall be complied with:

*Prior to any works beginning on site (and where risks have been identified), a detailed Remediation Statement shall be produced and submitted for the prior approval of the Planning Authority. The Statement shall show how 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 shall detail all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. It shall also ensure that the site will not qualify as contaminated land under Part2A 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;

*Prior to the commencement of any of the new uses hereby approved, and following completion of the measures identified in the approved Remediation Statement, a Validation Report demonstrating the effectiveness of the remediation carried out shall be submitted to and approved by the Planning Authority.

*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. It should also be noted that a Verification Report would also need to be submitted confirming the satisfactory completion of these remedial works.

Reason

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

- 17 Prior to the commencement of development details shall be submitted to and approved by the Planning Authority of overlying subsoil/topsoil to be provided to the front and back gardens of the houses hereby approved on a plot by plot basis and on all soft landscaping areas to ensure the provision of a layer of subsoil/topsoil of at least 600 mm in thickness. Thereafter the subsoil/topsoil shall be provided in accordance with the details so approved unless otherwise agreed in writing by the Planning Authority.

Confirmatory testing for both subsoil and topsoil materials is to be included within the Remediation Strategies being produced for the development site, with validation of these results being included within subsequent Verification Reports.

Reason

To ensure the provision of a suitable growing medium for garden areas and other areas of soft landscaping.

- 18 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.

- 19 Private driveways for the houses hereby approved shall have minimum dimensions of 6 metres by 3.3 metres. Double driveways shall have minimum dimensions of 6 metres width by 6 metres length or 3.3 metres width by 11 m length. All driveways shall be fully hard formed with a gradient no greater than 10%.

Reason

In the interests of road and pedestrian safety.

- 20 The development hereby approved shall be carried out in accordance with the mitigating details as shown on docketed drawing no. 21-169-300 rev C titled 'Foundation Zone Plan'

Reason:

To ensure that the buildings and associated works hereby approved can be made safe and stable in the interests of the safety and amenity of future residents and occupiers of the development.

- 21 Unless otherwise approved in writing by the Planning Authority:

(a) Housing completions in any one year (with a year being defined as being from 1st April to 31st March the following year) shall not exceed the following completion rates:

Year 2021/22	-	120 residential units
Year 2022/23	-	130 residential units
Year 2023/24	-	110 residential units
Year 2024/25	-	120 residential units
Year 2025/26	-	120 residential units
Year 2026/27	-	120 residential units
Year 2027/28	-	120 residential units
Year 2028/29	-	120 residential units
Year 2029/30	-	120 residential units
Year 2030/31	-	150 residential units
Year 2031/32	-	150 residential units
Year 2032/33	-	150 residential units
Year 2033/34	-	70 residential units

(b) If fewer than the specified number of residential units is completed in any one year then those shall be completed instead at Year 2036 or beyond and not added to the subsequent Year.

Reason:

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

- 22 Unless otherwise agreed with the Planning Authority, after consultation with Transport Scotland, no part of the proposed development hereby approved shall be occupied until the requirements specified in Condition 30 of planning permission 21/01580/PM are implemented to the satisfaction of the Planning Authority, after consultation with Transport Scotland, those requirements being:

a) Prior to the occupation of the 236th residential unit hereby approved, the proposed upgrade of the northern and southern roundabouts at Bankton Interchange to traffic signal control, generally as illustrated in WYG's Drawing No. SK002, shall be implemented to the satisfaction of the Planning Authority, after consultation with Transport Scotland.

b) Prior to the occupation of the 236th residential unit hereby approved, the proposed upgrade of the west facing slips at Bankton Interchange to Type B parallel merge/diverge arrangements, generally as illustrated in WYG's Drawing No. SK004, shall be implemented to the satisfaction of the Planning Authority, after consultation with Transport Scotland.

Reason:

To ensure that the design layout complies with the current standards and that the safety and free flow of traffic on the trunk road is not diminished.

- 23 No work shall be carried out on the site unless and until an effective vehicle wheel washing facility has been installed in accordance with details to be submitted to and approved by the Planning Authority prior to its installation. Such facility shall be retained in working order and used such that no vehicle shall leave the site carrying earth and mud in their wheels in such a quantity which causes a nuisance or hazard on the road system in the locality.

Reason:

In the interest of road safety.

- 24 Details of measures to protect and enhance biodiversity on the application site shall be submitted to and approved by the Planning Authority. The measures as so approved shall be implemented prior to any occupation of any house erected on the site and shall thereafter be retained, unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of protecting and enhancing biodiversity on the site and within the surrounding area.

3. PLANNING APPLICATION NO. 23/00410/AMM: APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF PLANNING PERMISSION 21/01580/PM – ERECTION OF 101 HOUSES, 39 FLATS AND ASSOCIATED WORKS, BLINDWELLS

A report had been submitted in relation to Planning Application No. 23/00410/AMM. Julie McLair, Planner, presented the report, highlighting the salient points. The report recommendation was to grant consent.

Officers answered questions from Members. The Convener asked about the timeline for developing the access roads to the south and west of the development. Jon Canty, Transportation Planning Officer, advised that the design of the northwest part of the site would accommodate a turning head suitable for large rigid vehicles and refuse vehicles. Officers were therefore happy that the site would operate as a cul-de-sac. Regarding an adjacent town centre application currently with planning officers, the design of the area with car parking and access roads would not allow a through route between block 4A and the town centre. Therefore, the town centre design was problematic in terms of allowing a through route, but he advised that officers were happy that both sites could operate as cul-de-sacs and did not anticipate any problems from a roads and access perspective on that basis. Responding to further questions from the Convener, Mr Canty confirmed that a cul-de-sac could be accommodated for the number of units proposed because the access on the south was 5.5m wide with 2m wide footways on either side. He advised that it was generally accepted that a single point of access would be sought for a residential property development. He advised that a road through to the town centre could be accommodated for emergency vehicle access use only; officers would request a design suitable for fire and emergency access as a minimum requirement.

Bruce Lindsay, representative of Hargreaves, spoke to the application. He supported the comments in the officer report. He described the significance of the site as part of the continued investment and development at Blindwells. He said that the town centre application had now been validated and the developers were working on this closely with officers. He said that Places for People had given support to Plot 4A and said this was a crucial investment for their continued development in the area. He advised that the application followed the principles of Blindwells, which was for 30% of the site to be affordable housing; Hargreaves were very keen to support Places for People and their delivery of this development, which was hoped would continue beyond this site.

Responding to a question from the Convener, Mr Lindsay advised that the developers hoped to be on site for elements of the development later this year, and for substantial progress to have been made over the next 18-24 months. They also looked to deliver employment, retail, and residential units, so described the works as a complicated delivery programme, but still hoped to see progress within this timescale.

The Convener asked whether there was a start date for work on the Bankton Interchange. Mr Lindsay advised that stakeholders were now close to a series of technical solutions. He said

that the Hargreaves' commitment was unwavering, and it was hoped that these pre-contract works would be completed within the next few weeks. It was then hoped that the 15-week programme of works would begin in the spring or early summer.

Councillor McMillan was pleased to hear about the actions and developments coming forward to support a thriving community in Blindwells, and welcomed these applications. Councillor Forrest was pleased to hear that developers were listening, and that much needed one-bedroom units were starting to come forward in the county.

The Convener commented that the homes, and particularly the affordable homes coming forward, were desperately needed by East Lothian families. He said that as well as delivering new homes, there was a new quality community to build with job opportunities, a good environment, and a new primary school for the residents. He commented that it had been a long time in getting to this position and said it was positive that the development was now coming forward.

The Convener moved to a roll call vote on the officer recommendation to grant consent, and Members unanimously voted in support of the officer recommendation.

Decision

The Planning Committee agreed that approval of matters in conditions of planning permission 21/01580/ for the erection of 101 houses, 39 flats and associated works be granted subject to the following conditions:

- 1 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.

- 2 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 Benchmark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing; and
- c. the ridge height of the proposed buildings shown in relation to the finished ground and floor levels on the site.

Reason:

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

- 3 Other than in exceptional circumstances where the layout or particular building type does not permit, the approved 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 Notwithstanding that which is stated on the drawings docketed to this planning permission, a detailed specification of all external finishes of the houses and flatted blocks 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 and flatted blocks 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 buildings, 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 and flatted blocks 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.

- 5 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 the residential units hereby approved 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 1.8m high fences within the rear gardens of the residential units, 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

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

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

(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;

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

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

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

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

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

viii) Prior to the commencement of development details of all electric vehicle charging points and required infrastructure, along with a timetable for provision, shall be submitted to and approved in writing by the Planning Authority. One electric vehicle charging point will be required for each residential dwelling.

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

The housing development shall thereafter be carried out in accordance with the details so approved unless otherwise agreed in writing with the Planning Authority.

Reason:

In the interests of road and pedestrian safety.

- 7 Notwithstanding that shown on the drawings docketed to this permission the turning head located in the north-western corner of the site shall have an adoptable footpath and appropriate landscape treatment on the western edge, to prevent vehicular access to the west. A detailed drawing showing this arrangement shall be submitted to the Planning Authority for approval prior to commencement of development.

Reason:

In the interests of pedestrian and road safety.

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

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.

- 9 No development shall be commenced on site unless and until written evidence that a contract has been entered into for the provision as affordable housing of 42 of the residential units hereby approved has been submitted to and agreed by the Planning Authority.

Reason:

In order to ensure that 42 of the residential units hereby approved are operated as affordable housing and that the development is therefore compliant with Policy HOU3 of the adopted East Lothian Local Development Plan 2018.

- 10 All planting, seeding or turfing comprised in the details of landscaping on docketed drawing nos. 5398-OOB-4A-00-DR-L-0001 rev P06, 5398-OOB-4A-00-DR-L-0006 rev P05, 5398-OOB-4A-00-DR-L-0007 rev P05, 5398-OOB-4A-00-DR-L-0008 rev P05 and 5398-OOB-4A-00-DR-L-0009 rev P05 shall be carried out in accordance with a timetable that shall be submitted to and approved by the Planning Authority prior to the commencement of development.

Any trees or plants comprised in the details of landscaping 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.

The design of all landscaping must be carried out in conjunction with the design and positioning of all services, and sufficient space must be made available to accommodate the full establishment of all landscaping work without impacting on any services.

All the new planting shall be maintained in accordance with the maintenance and management programme as detailed in the docketed Report no. 5398-OOB-XX-RP-RP-L-0001_P02 titled 'Landscape and Habitat Management Plan' dated September 2022 by OOBELTD.

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.

- 11 Prior to the commencement of development details of the bin storage facilities for the flatted buildings hereby approved shall be submitted to and approved in advance by the Planning Authority. Prior to the occupation of any of the flats the bin storage facilities shall have been formed in accordance with the approved details and made available for use. Thereafter, the storage facilities shall be retained in use solely as bin storage areas.

Reason:

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

- 12 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.

- 13 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 and routing of traffic. The Construction Method Statement shall also provide details of utility/service drainage connections.

The Construction Method Statement shall also make recommendations in respect of how building materials and waste will be safely stored and managed on site.

Thereafter, the Construction Method Statement shall be implemented and complied with in accordance with the approved details for the period of construction of the development hereby approved.

Reason:

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

- 14 To ensure that the site is clear of contamination, the following requirements shall be complied with:

Part 1 - Gas Monitoring and Assessment:

Prior to any development commencing (other than ground preparation works) and in order to assess the current gas regime on the proposed development site, additional gas monitoring should be carried out. Following the requisite number of monitoring rounds an updated Gas Risk Assessment Report should be submitted to the Planning Authority for approval.

Part 2 - Remediation Statement

Prior to any development 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 as well as details of the procedures to be followed for the verification of the remedial works. It should also ensure that the site will not qualify as contaminated land under Part2A 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.

Part 3 - Validation Report

The approved Remediation Statement must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out the agreed remediation. 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 the use of the new builds.

Part 3 - 'Unexpected' Contamination

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. It should also be noted that a Verification Report would also need to be submitted confirming the satisfactory completion of these remedial works.

If no 'unexpected' ground conditions are encountered during the development works, then this should be confirmed to the Planning Authority prior to the use of the new build.

Reason

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

- 15 Prior to the commencement of development details shall be submitted to and approved by the Planning Authority of overlying subsoil/topsoil to be provided to the front and back gardens of the houses hereby approved on a plot by plot basis and on all soft landscaping areas to ensure the provision of a layer of subsoil/topsoil of at least 600 mm in thickness. Thereafter the subsoil/topsoil shall be provided in accordance with the details so approved unless otherwise agreed in writing by the Planning Authority.

Confirmatory testing for both subsoil and topsoil materials is to be included within the Remediation Strategies being produced for the development site, with validation of these results being included within subsequent Verification Reports.

Reason

To ensure the provision of a suitable growing medium for garden areas and other areas of soft landscaping.

- 16 Unless otherwise approved in writing by the Planning Authority:

(a) Housing completions in any one year (with a year being defined as being from 1st April to 31st March the following year) shall not exceed the following completion rates:

Year 2021/22	-	120 residential units
Year 2022/23	-	130 residential units
Year 2023/24	-	110 residential units
Year 2024/25	-	120 residential units
Year 2025/26	-	120 residential units
Year 2026/27	-	120 residential units
Year 2027/28	-	120 residential units
Year 2028/29	-	120 residential units
Year 2029/30	-	120 residential units
Year 2030/31	-	150 residential units
Year 2031/32	-	150 residential units
Year 2032/33	-	150 residential units
Year 2033/34	-	70 residential units

(b) If fewer than the specified number of residential units is completed in any one year then those shall be completed instead at Year 2036 or beyond and not added to the subsequent Year.

Reason:

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

- 17 Unless otherwise agreed with the Planning Authority, after consultation with Transport Scotland, no part of the proposed development shall be occupied prior to the implementation and completion of the works to upgrade the Bankton Interchange to the satisfaction of the Planning Authority and Transport Scotland.

Reason:

To mitigate the adverse impact of the development on the safe and efficient operation of the trunk road network.

- 18 No work shall be carried out on the site unless and until an effective vehicle wheel washing facility has been installed in accordance with details to be submitted to and approved by the Planning Authority prior to its installation. Such facility shall be retained in working order and used such that no vehicle shall leave the site carrying earth and mud in their wheels in such a quantity which causes a nuisance or hazard on the road system in the locality.

Reason

In the interests of road safety.

- 19 Unless otherwise agreed by the Planning Authority, no residential unit shall be occupied unless and until measures within the docketed Waterman 'Blindwells Plot 4A Drainage Strategy and Flood Risk Assessment' September 2022 and shown on docketed drawing no. 17684-WIE-92-ZZ-DR-C-00801 Rev. P04 have been implemented to the satisfaction of the Planning Authority following consultations with SEPA, to accord with the Drainage Strategy approved within planning permission in principle (Ref: 21/01580/PPM) and any variations to that consent.

Reason:

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

- 20 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.

- 21 Prior to commencement of development, details of measures to protect and enhance biodiversity on the application site shall be submitted to and approved by the Planning Authority. The measures as so approved shall be implemented prior to any use being made of the agricultural building hereby approved and shall thereafter be retained, unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of protecting and enhancing biodiversity on the site and within the surrounding area.

4. PLANNING APPLICATION NO. 24/00085/PM: SECTION 42 APPLICATION TO VARY CONDITION 12 OF PLANNING PERMISSION 21/00449/PM, BLINDWELLS

A report had been submitted in relation to Planning Application No. 24/00085/PM. David Taylor, Planner, presented the report, highlighting the salient points. The report recommendation was to grant consent.

Officers answered questions from Members. Councillor McLeod asked about the status of the design for the Bankton roundabout. Mr Taylor advised that discussions were underway between the applicants and the agents, Transport Scotland, and BEAR Scotland. He advised that the works were required on the occupation of 235 dwellings across the site, and he understood there to be almost this number of occupations at this point. He advised that Road Services had required additional traffic surveys which had recently been completed, so assessment work was expected from the applicant in the next few weeks. Therefore, the actual design and appraisal process was still likely to be some months away. He said that the applicant may be able to provide an assessment to delay the trigger point from 235 units to 300 units, dependent on the satisfaction of the planning authority, Transport Scotland, and BEAR Scotland.

Responding to a question from Councillor Findlay, Mr Taylor advised that 234 residential units had been issued with completion certificates, but did not have a figure as to how many of these were currently occupied.

Responding to a question from the Convener, Keith Dingwall, Service Manager – Planning, said that while the number of completion certificates was currently under the limit of 235, the limit would soon be breached, and therefore officers had pressed Hargreaves to move forward on the road upgrades. He explained that the Planning Enforcement Charter stated that the Council should only take formal enforcement action should it be expedient to do so, and therefore the Council would weigh up the issues created by the breach and decide what was necessary, given the clear commitment from Hargreaves to move this on as quickly as possible. He noted that the application before Members did not seek to move back from the 235-unit limit, and only sought to ensure consistency with a condition already imposed elsewhere. Should there be a request made to push back to, for example, a 300-unit limit, then the planning authority would consult with Transport Scotland, and could refuse the request depending on their response. He reiterated that there were no delays being requested in the application before Members, and thus the officer recommendation was for approval.

The Convener commented on the vital importance of bringing forward this development because people, including those living in temporary accommodation in the community, were desperate for the houses. He said that Transport Scotland, Hargreaves, and anyone else involved in the final negotiations must work to find a solution as soon as possible to ensure the junction could accommodate as much traffic as possible.

The Convener moved to a roll call vote on the officer recommendation to grant consent, and Members unanimously voted in support of the officer recommendation.

Decision

The Planning Committee agreed to grant planning permission subject to the following conditions:

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

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

- a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings;
- b. finished ground and floor levels of the development relative to existing ground levels of the site and of adjoining land and building(s). The levels shall be shown in relation to an Ordnance Bench Mark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing; and
- c. the ridge height of the proposed buildings shown in relation to the finished ground and floor levels on the site.

Reason:

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

- 2 Other than in exceptional circumstances where the layout or particular building type does not permit, the approved 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.

- 3 Notwithstanding that which is stated on the drawings docketed to this planning permission, a detailed specification of all external finishes of the houses and flatted block 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 and flatted block 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 and flats shall conform to the details so approved.

Reason:

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

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

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

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

Reason:

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

- 5 Prior to the commencement of development details of all electric vehicle charging points and required infrastructure, along with a timetable for provision, shall be submitted to and approved in writing by the Planning Authority. Such provision shall involve engagement with electricity

providers to ensure that the entire electricity supply infrastructure will have sufficient capacity to enable all chargepoints to operate simultaneously.

The installation of all electric vehicle charging points and required infrastructure shall thereafter be carried out in accordance with the details so approved unless otherwise agreed in writing with the Planning Authority.

Reason

In the interests of sustainability.

6 The development shall comply with the following transportation requirements:

i) a Quality Audit, to include a Road User Safety Audit, shall be submitted for Planning Authority approval prior to the commencement of development to independently assess walking, cycling, access and road safety aspects within and around the development and to provide details of raised tables across the estate roads;

ii) submission for approval of a Residents Travel Pack prior to first occupation of the first dwelling on the site providing information for residents to encourage use of sustainable modes of transport such as trains, buses, cycling and walking. The Residents Travel Pack shall thereafter be provided to the occupants of each new residential unit; and

iii) submission for approval of a Construction Method Statement prior to commencement of any development to provide details of mitigation measures to be implemented during construction works to control noise, dust, construction traffic (including parking, routes to/from site and delivery times) and hours of construction work. Construction of the site shall thereafter be carried out in accordance with the Construction Method Statement so approved.

Reason:

In the interests of pedestrian and road safety.

7 Prior to the commencement of development details of the bin storage facilities for the flatted building hereby approved shall be submitted to and approved in advance by the Planning Authority. Prior to the occupation of any of the flats the bin storage facilities shall have been formed in accordance with the approved details and made available for use. Thereafter, the storage facilities shall be retained in use solely as bin storage areas.

Reason:

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

8 Prior to the commencement of any part of the development hereby approved details shall be submitted for the approval of the Planning Authority of foundation or other mitigating works proposed for structures spanning the area of former highwall, as shown on docketed drawing no.17684-WIE-95-ZZ-DR-C-020 P01 titled 'Plot 11 Proposed Layout Showing Highwall Extents'. The details submitted shall include a timetable for the provision of all mitigation works.

The approved foundation or other mitigating works shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of the safety and amenity of future residents and occupiers of the development.

9 To ensure that the site is clear of contamination, the following requirements shall be complied with:

*Prior to any works beginning on site (and where risks have been identified), a detailed Remediation Statement shall be produced and submitted for the prior approval of the Planning Authority. The Statement shall show how 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 shall detail all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. It shall also ensure that the site will not qualify as contaminated land under Part2A 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;

*Prior to the commencement of any of the new uses hereby approved, and following completion of the measures identified in the approved Remediation Statement, a Validation Report demonstrating the effectiveness of the remediation carried out shall be submitted to and approved by the Planning Authority.

*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. It should also be noted that a Verification Report would also need to be submitted confirming the satisfactory completion of these remedial works.

Reason

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

- 10 Prior to the commencement of development details shall be submitted to and approved by the Planning Authority of overlying subsoil/topsoil to be provided to the front and back gardens of the houses hereby approved on a plot by plot basis and on all soft landscaping areas to ensure the provision of a layer of subsoil/topsoil of at least 600 mm in thickness. Thereafter the subsoil/topsoil shall be provided in accordance with the details so approved unless otherwise agreed in writing by the Planning Authority.

Confirmatory testing for both subsoil and topsoil materials is to be included within the Remediation Strategies being produced for the development site, with validation of these results being included within subsequent Verification Reports.

Reason

To ensure the provision of a suitable growing medium for garden areas and other areas of soft landscaping.

- 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 Unless otherwise agreed with the Planning Authority, after consultation with Transport Scotland, development of the application site shall be carried out in accordance with the following requirements:

a) Prior to the occupation of the 236th residential unit hereby approved, the proposed upgrade of the northern and southern roundabouts at Bankton Interchange to traffic signal control, generally as illustrated in WYG's Drawing No. SK002, shall be implemented to the satisfaction of the Planning Authority, after consultation with Transport Scotland.

b) Prior to the occupation of the 236th residential unit hereby approved, the proposed upgrade of the west facing slips at Bankton Interchange to Type B parallel merge / diverge arrangements, generally as illustrated in WYG's Drawing No. SK004, shall be implemented to the satisfaction of the Planning Authority, after consultation with Transport Scotland.

Reason:

To ensure that the design layout complies with the current standards and that the safety and free flow of traffic on the trunk road is not diminished

Signed

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Councillor Norman Hampshire
Convener of the Planning Committee