



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

**TUESDAY 2 MARCH 2010
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Committee Members Present:

Councillor B Turner (Convener)
Councillor J Bell
Councillor D Berry
Councillor L Broun-Lindsay
Councillor J Caldwell
Councillor A Forrest
Councillor D Grant
Councillor N Hampshire
Councillor W Innes
Councillor S Mackinnon
Councillor P McLennan
Provost S Richardson
Councillor T Trotter
Councillor J Williamson

Other Councillors Present (for Item 1):

Councillor R Currie
Councillor S Currie
Councillor J Gillies
Councillor M Libberton
Councillor J McNeil
Councillor N Rankin

Council Officials Present:

Mr P Collins, Executive Director of Environment
Mr B Stalker, Development Management Manager
Ms M Ferguson, Corporate Legal Adviser
Ms C Molloy, Senior Solicitor
Mr K Dingwall, Principal Planner
Mr I MacFarlane, Senior Planning Officer
Mr M Greenshields, Transportation Planning Officer
Mr G Talac, Transportation Planning Officer
Mr C Clark, Principal Environmental Protection Officer
Ms C Dora, Administration Research Assistant

Clerk:

Ms A Smith

Visitors Present:

Item 1 – Mr Allan, Mr White, Mr Brodie

Item 2 – Mr Hamilton, Mr Sutherland, Mr Weir

Item 3 – Mr Sheerin, Mr Barrie

Apologies:

Councillor R Knox

Declarations of Interest:

Councillor Berry declared an interest with regard to Item 1, the Pre-determination Hearing for the Enabling Residential Development at Fenton Barns, indicating that he was on record as not being supportive of housing development at Fenton Barns. He had taken advice and, as there would be no decision made today, he considered that it was acceptable for him to remain in the Chamber. In relation to the next stage of the process, the debate and decision, which would take place at Council on 27 April 2010, he indicated that he would take no part in the debate or vote.

In clarification to a number of points raised the Corporate Legal Adviser drew attention to the Councillors Code of Conduct, which stated that councillors must not indicate a prior view on a proposal before the meeting at which all the relevant information was made available; she agreed with Councillor Berry's interpretation of the Code in this case. She added that compliance with the Code was a matter for each individual councillor, taking advice, as they considered necessary.

Pre-determination Hearing

The Convener advised that this was the Council's first Pre-determination Hearing under new planning legislation arrangements implemented by the Scottish Government. Pre-determination Hearings are mandatory where a planning application was made for a national development or for a major development that was significantly contrary to the local development plan.

He outlined the process of the Pre-determination Hearing, advising that this first stage was an information gathering opportunity for Members, where the applicant/agent, supporters and objectors would make representations. He informed Members that they could question the speakers, but there must be no debate on the merits of the application. The next stage of the process would be dealt with at Council on 27 April 2010; the officer's report on the planning application would be provided for this meeting, along with a note of presentations made today to the Planning Committee. At Council on 27 April Members would be able to debate the issue and a decision would be made. With regard to a site visit he indicated that if Members felt this would be beneficial, a site visit would be arranged before the Council meeting.

The Corporate Legal Adviser referred to the Councillors Code of Conduct and reiterated that Members must not indicate support or objection to this planning application today and should make sure their questions were asked in neutral terms to ensure they did not inadvertently disqualify themselves from taking part in the debate and vote on this application on 27 April. In response to additional questions from

Members the Development Management Manager and the Convener further clarified certain aspects of the procedure for Pre-determination Hearings.

1. PRE-DETERMINATION HEARING: PLANNING APPLICATION NO. 09/00053/OUT: OUTLINE PLANNING PERMISSION FOR DRAINAGE WORKS AND ENABLING RESIDENTIAL DEVELOPMENT AT FENTON BARN, NORTH BERWICK

The Executive Director of Environment had submitted a report to the Pre-determination Hearing for Planning Application No. 09/00053/OUT – Outline planning permission for drainage works and enabling residential development at Fenton Barns, North Berwick. The report provided the Committee with a description of the development proposal and with summaries of the development plan policies and other material considerations, consultation responses and public representations applicable to application 09/00053/OUT.

Mr Allan of PPCA, agent for the applicant, addressed the Committee. He indicated that the report before Members stated that the application was contrary to Policy HOU8 of the approved Edinburgh and the Lothians Structure Plan 2015 and Policy DC1 of the adopted East Lothian Local Plan 2008. He intended to show that the application was not contrary to these policies; it was actually supportive of them. He issued a document to members and referred to a presentation board of the application site. He referred to the Edinburgh and the Lothians Structure Plan, highlighting 2 policies:

Policy HOU8 (restriction of greenfield land beyond the Core Development Areas) – the Council had approved this type of development previously, the proposal was not significantly contrary to Policy HOU8, criteria: small scale and in character, infrastructure would be available if consent was obtained, the enabling housing site was brownfield; RAF buildings and implemented planning permission of 1995 for a golf driving range, hence reason the site had been chosen.

Policy Econ 7 (material consideration) – the Council had granted consent for jobs at Fenton. The masterplan showed the area, seen at site visit, where significant further jobs could be provided if there was adequate drainage.

He then referred to the Local Plan Policy DC1, highlighting 4 key criteria:

The drainage solution was the only practicable one – consent had been granted for the scheme at the Planning Committee on 2 February 2010. It was necessary and the only solution acceptable to Scottish Water. The defects in the present scheme could not be put right.

The enabling development was the minimum necessary – calculations of costs/values were before the Committee. Owners and businesses would have a secure future.

The financial contribution from the applicant – £150,000 had already been spent on surveys and fees. The reasonable cost contribution from Scottish Water would be used to subsidise costs.

The new drainage scheme must serve all who are presently connected – everyone who was connected had been informed. None had objected and some supported. The applicant had also included Craighead Cottages.

In conclusion, he stated that the proposals were not significantly contrary to the Development Plan; they were actually supported by both the Structure Plan and the

Local Plan. In terms of Policy ECON7, this was a material consideration in favour of the proposals. If these proposals were allowed, there would be the opportunity for the creation of further jobs at Fenton; the demand was being frustrated by the drainage problem. He requested that the Hearing accepted that Policies HOU8 and DCI had not been breached and that the application be determined at the earliest opportunity.

Mr Allan responded to a number of questions from Members regarding clarification of details within the DTZ letter, the Economic Impact report, other financial aspects of the proposal, the new drainage scheme, including capacity and connection, definition of high density housing, affordable housing and the Section 75 Agreement. He confirmed that if the enabling housing development did not go ahead then the drainage infrastructure work would not proceed. He and the Development Management Manager also answered questions regarding the differences between the drainage proposals for this application and those for the Whitekirk development.

Mr White of Craighead Cottage, West Fenton, spoke against the application. He raised 2 issues: context and road safety. *Context* – the site was 6 hectares of land, which at present contained scattered cottages; a new residential development comprising 50 to 150 houses was proposed, with an associated 65 to 195 cars, based on the national average of 1.3 per household. He referred to the increase in demands on local services, principally at Gullane. The proposal was at odds with the rural nature of the area. *Road safety* – the shortest route to Gullane, used as an alternative to the busier main route, was in poor condition, narrow and potentially dangerous; pedestrians, cyclists and horses tended to use this road. He referred to the increase in commuter traffic to Edinburgh, both by road and rail, specifically Drem station, and to the impact of the development on the wider road and rail network. He stated that the enabling housing development proposed was on prime agricultural land and he urged Members to refuse this application.

Mr Brodie of Dairy Cottages, Fenton Barns, spoke against the application. He indicated that there was one major point that required clarification, whether the area was a brownfield or greenfield site. He informed the Committee that he lived in a house that overlooked the old golf driving range and he handed out a photograph that showed the location, he stated that this clearly showed that the area was part of an agricultural field; which was the crux of the argument. He stated that this application should not be allowed to go ahead. With regard to the drainage system, he did not object to this as such, but referred to the drainage system proposed for the Whitekirk development, which would cost a fraction of the drainage planned for this application.

In response to questions from Members the Development Management Manager clarified that the report before Committee today was a summary report which provided a description of the development proposal and summaries of the development plan policies and other material considerations, consultation responses and public representations applicable to application 09/00053/OUT. The report containing the full planning assessment would be brought to Council, in accordance with the procedures previously agreed for Pre-determination Hearings.

The Convener confirmed that the application would be determined at Council on 27 April 2010. There was general agreement that a site visit would be beneficial. The

Development Management Manager advised that the site visit would take place on 23 April 2010. The Convener brought the Pre-determination Hearing to a close.

Sederunt: Councillors R Currie, S Currie, Gillies, Libberton, McNeil and Rankin left the Chamber. Councillor Williamson joined the meeting

2. PLANNING APPLICATION NO. 09/00617/FUL: REFORMATION OF BING TO FORM BUNDS, FORMATION OF ACCESS ROAD, SUDS POND, ERECTION OF BUILDINGS, ASSOCIATED PLANTING AND USE OF LAND AS A WASTE RECYCLING FACILITY AT SMEATON BING, CARBERRY

The Executive Director of Environment had submitted a report on the application for planning permission. The Development Management Manager summarised the key points of the report.

The Development Management Manager answered questions from Members regarding the possible works required to satisfy drainage requirements, noise levels, transportation/traffic/access issues, lowering and reshaping of the bing and issues relating to SEPA's regulation.

Mr Hamilton of Hamilton Waste, the applicant, addressed the Committee. He informed Members that Hamilton Waste was a family business, which had been in operation since 2002. The business was developing rapidly and a larger site was required. The capacity at Smeaton would ensure that all mixed construction and waste could be dealt with on site. He referred to the consultation process, advising that 3 public meetings had been held, and he had altered certain aspects to alleviate the concerns of local residents. He currently employed 39 people and hoped to take on an additional 10/15 during the construction phase and, on completion, an additional 10 jobs should be available. His company would manage the work and intended to employ local people if possible. Hamilton Waste had a good level of expertise in recycling, had carried out extensive research on recycling plants and the facility would use the latest recycling technology. He stated that if planning permission was granted the intention was to start work immediately.

Mr Hamilton responded to questions from Members on the Traffic Management Plan, hours of operation, recycling technology and type of materials brought into the site.

Mr Weir addressed the Committee on behalf of the Carberry Residents Group. He indicated that the Group had tried to look at the positives and negatives of this application for the community and recognised that there were some supportable issues. He stated that if this application was approved the issues the Group wished to be taken into account were: *Operating times* – request that operating hours be restricted to 8.30am to 5.30pm Monday to Friday, 9.30am to 2.30pm Saturday. *Landscaping* – request that the condition to create a 20% shale mosaic to save mosses be removed. *Road quality/safety* – request that the Transportation Division introduced a condition, which would not exacerbate the established road safety problems on the A6124. *Air/noise/light pollution* – request formal and structured advice from the Council on how the local residents could police the imposed conditions. He concluded

that this development would adversely affect the local community. If the Committee supported this application he asked that the foregoing issues also be supported.

Local Member Councillor Caldwell expressed familiarity with the surrounding area, stating that residents were spread over a large area of countryside, mostly facing the bing. He referred to accidents, including fatalities, that had occurred on the A class road. He expressed concern about the alternative access, off Carberry Road, as there was no pavement on some parts of this road. The road was also prone to flooding, which had resulted in erosion of the stone wall on Carberry Road. He suggested the introduction of warning signs on this road. The area was generally quiet and peaceful and the noise from the recycling facility would be intrusive, especially on Saturdays. Operating hours should accord with normal working hours, and end at an appropriate time, i.e. 6pm. He indicated that he supported recycling waste but was not convinced that this was the way forward and unless there were alterations to certain conditions he could not support this application.

Local Member Councillor Forrest indicated agreement with most of his colleague's comments. He agreed that the operating hours should be reduced. He asked that the Transportation Division check out the speed on the A6124 road, as it was a dangerous road. He indicated that flooding on the road was an issue, which could potentially cause accidents. With regard to the directive that lorries would not go through the villages, he stated that it was essential that this be policed. He remarked that he was still open minded with regard to this application.

Councillor Hampshire asked, in relation to the Traffic Management Plan, about obtaining agreement in principle and then reviewing the arrangements within 6/12 months. The Transportation Planning Officer advised that this requirement was normally embedded in such a plan. With regard to safety concerns, he reported that discussions had taken place with the developer and as a result the access had been altered. An independent safety audit of the junction had also been carried out and he gave details of the findings. Councillor Hampshire indicated that if there was going to be a review within 12 months then this was acceptable.

Councillor Broun-Lindsay congratulated the Carberry Residents Group on their presentation. With regard to the biodiversity issue of the moss species he agreed with their suggestion that this condition should be removed. He indicated that flooding, as mentioned by colleagues, was a concern. The proposals to reform and reshape the bing were, on balance, acceptable and the level of screening proposed was adequate. With regard to the hours of operation he suggested that rather than having prescribed hours these could be altered to allow operational increase for reasonable working. He concluded that he was in favour, in principle, for the development.

Councillor Innes stated that he also supported this application in principle. He supported the request from the residents regarding removal of the condition regarding the moss species. He made reference to other issues, including flooding on the A road. With regard to the hours of operation he thought these were too generous and queried whether the applicant would be willing to consider a reasonable compromise.

Councillor Bell agreed that the hours of operation were too long, especially for Saturdays, and should be reduced. She referred to the movement of vehicles in and

out of the site and requested that a condition be added which required that the lorries were fully covered.

Councillor Caldwell indicated that if the conditions were altered to reflect the issues discussed – removal of the condition regarding moss species/landscaping as suggested, reduction of operating hours and covering of lorries; then he would be minded to support the application.

Councillor Grant remarked that the area was currently an eyesore and any effort to landscape would be welcomed. He also agreed with the suggestion to fully landscape, stating that the creation of 20% of shale was too much. He expressed support for the application, adding that he was not sure about altering the operating hours as he felt the applicant had made a good business use case.

The Convener asked the applicant if he would be willing to compromise on the hours of operation. Mr Sutherland of PPCA, agent for the applicant, advised that his client did wish to work with the residents however he did have a business to operate. In the interests of compromise he proposed: for the engineering and construction phase the hours should remain as recommended in the report, as a restriction on the hours would extend the 16 week period of that phase; for the hours of operation he suggested Monday to Friday – 6.30am to 6pm, Saturdays – 7am to 1pm.

Councillor Caldwell agreed with Mr Sutherland's point about the construction phase, it was crucial to get this over with as soon as possible; he also accepted the amended operating hours proposed. He referred again to the flooding issue, which had been ongoing for years and had been raised on numerous occasions; he asked for an assurance that the Transportation Division would seriously examine this. The Development Management Manager confirmed that officers from Transportation would take this up with the landowner. The Convener expressed agreement with Councillor Caldwell, and asked that, separately from what was being done with the applicant, that officers consider and action this matter.

The Convener brought the discussion to a close. He indicated that he would be supporting the recommendation contained within the report, subject to the alterations to the conditions as discussed. The Development Management Manager outlined the alterations to the conditions:

- Condition 9 operating hours: 6.30am to 7am Monday to Friday – movement of skip lorries only, subject to the only activity on site being the movement from the site of skip lorries with a skip having already been attached to them during a previous working day's permitted hours of operation of the waste recycling facility. No loading or unloading of such lorries with skips during this period of time. Other than the above, the waste recycling facility shall be operational between the hours of 7am to 6pm Monday to Friday and 7am to 1pm Saturdays, there will be no working on Sundays;
- Condition 5 to be deleted and, as a consequence, an associated variation to Condition 7;
- A condition to control litter to be included requiring sheeting of lorries and skips entering and leaving the site.

The Convener then moved to the vote.

Decision

The recommendation that planning permission should be granted was put to the vote and received **14 votes for**, none against and no abstentions. The Committee agreed to grant planning permission subject to the recommended conditions but with changes to these as agreed by the Committee:

- 1 The development shall begin before the expiration of 3 years from the date of the grant of this planning permission.

Reason:

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

- 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), including the bunds to be formed as part of the development. 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 levels and the height of the bunds 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. In relation to bund heights

- 3 Development shall not begin until a scheme to deal with contamination on the site has been submitted to and approved in writing by the Planning Authority. The scheme shall contain details of the proposals to deal with contamination to include:

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

Before the house is occupied the measures to decontaminate the site shall be fully implemented as approved by the Planning Authority.

Reason

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

- 4 No development shall take place until the following management plans and method statement have been submitted to and approved in writing by the Planning Authority and thereafter the development hereby approved shall be carried out in accordance with approved terms of the management plans and method statement:

(i) a Construction Noise Management Plan for the engineering and construction phase of the development in accordance with the measures set out in Chapter 7 of the Environmental Statement docketed to this planning permission;

(ii) an Air Quality and Dust Management Plan for the engineering and construction phase of the development in accordance with the measures set out in Chapter 8 of the Environmental Statement docketed to this planning permission;

(iii) a Construction Traffic Method Statement to control the temporary use of the existing southern access to the Bing from the B6414 for the period required to enable the permanent access to the north to be formed onto the A6124; and

(iv) a Traffic Management Plan embodying the measures of traffic control set out in Chapter 6 of the Environmental Statement docketed to this planning permission, to minimise the impact of construction and operational site traffic on the area and additionally measures to encourage more sustainable methods of travel by employees to and from the site, including the provision of cycle parking and car share schemes.

Reason:

In the interests of the amenity of the residents of the area, and in the interests of road safety.

- 5 *No development shall take place on site unless and until the mitigation measures proposed for the three locally scarce moss species in Chapter 11 of the Environmental Statement docketed to this planning permission have commenced to the satisfaction of the Planning Authority. Thereafter the proposed mitigation shall be carried out in accordance with the detailed landscaping plan approved in terms of condition 6 of this permission.*

Reason:

In the interests of biodiversity.

TO BE DELETED

- 6 No development shall take place until the applicant has, through the employ of an archaeologist or archaeological organisation, secured the implementation of a programme of archaeological work on the site of the proposed development in accordance with a written scheme of investigation which the applicant will submit to and have approved in advance by the Planning Authority.

Reason:

To facilitate an acceptable archaeological investigation of the site.

- 7 Within three months of the commencement of development on site a detailed scheme of landscaping shall be submitted to and approved in writing by the Planning Authority. *The scheme shall include the areas of exposed shale of at least 20% of the surface of the bing to form habitat for translocated and succession species from the existing bing.* The detailed landscaping scheme shall be designed as a mosaic of woodland, scrub, grass and exposed shale so as to present a natural form and maximise biodiversity on the site. The scheme shall also provide details of:
- (i) the final contours of the site;
 - (ii) tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting;
 - (iii) details of hedgerow planting along the external side of the boundary fencing of the site, including along the fencing running between the site and the residential properties adjacent to the northeast boundary of the site, and where the fence would be visible from the public road or footpath;
 - (iv) *details of the translocation of the three locally scarce moss species referred to in Chapter 11 of the Environmental Statement, including the position of their relocation on the site;*
 - (v) details of the land to be safeguarded for the provision of a pathway along the southern boundary of the site, including the surface treatment of the reserved strip of land and the maintenance arrangements for it; and
 - (vi) a long-term landscape and woodland management plan for the site.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation. Thereafter the landscaping, tree planting and hedging shall be maintained in accordance with the approved landscape and woodland management plan for the site.

Reason:

In order to ensure the implementation and long-term maintenance of a landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area and to ensure provision of a pathway for the Council's Core Path Network.

WORDING IN ITALICS TO BE DELETED

- 8 The engineering and construction development of the site hereby approved to facilitate its use as a waste recycling facility shall be carried out in phases in accordance with the time periods and details of those phases set out in Chapter 3 of the Environmental Statement docketed to this planning permission.

Reason:

In order to ensure that the new access and the visual and acoustic screening measures hereby approved are completed and brought into use in the first phase of the development, in the interests of the visual appearance and the amenity of the area.

- 9 Unless with the prior written approval of the Planning Authority:

(i) Noise from the site during the carrying out of works comprising phase 1 of the engineering and construction phased development of the application site shall not exceed 70 dB(A) LAeq.1 hour when measured freefield at any residential property in the locality of the site.

(ii) Noise from the site during the carrying out of works comprising the other three phases of the engineering and construction phased development of the application site shall not exceed 55 dB(A) LAeq.1 hour when measured freefield at any residential property in the locality of the site.

(iii) No working shall take place within the site during the engineering and construction phases of the development of the application site outwith the hours of 0700 to 1900 Monday to Friday inclusive and 0800 to 1300 on Saturdays. There shall be no working whatsoever on Sundays.

(iv) There shall be no commencement of use of the application site as a waste recycling facility unless and until all of the bunding has been formed around the operational area of the waste recycling facility and at the site access road in accordance with that detailed in the engineering and construction phased development of the application site set out in Chapter 3 of the Environmental Statement and the drawings docketed to this planning permission.

(v) There shall be no commencement of use of the application site as a waste recycling facility unless and until an acoustic fence has, in accordance with details of its form, length, height and positioning submitted to and approved in advance by the Planning Authority, been erected on top of the bund to be formed on the northeast side of the site access road.

(vi) No working shall take place within the site once operational as a waste recycling facility outwith the hours of 0630 to 0700 Monday to Friday inclusive, for movement of vehicles only, and 0700 to 1800 Monday to Friday inclusive, for operation, and 0700 to 1300 on Saturdays. There shall be no working whatsoever on Sundays.

WORDING IN ITALICS TO BE DELETED AND REPLACED BY

(vi) During the period of time of 0630 to 0700 Monday to Friday inclusive the only activity on site for the operation of the waste recycling facility shall be the movement from the site of skip lorries with a skip having already been attached to them during a previous working day's permitted hours of operation of the waste recycling facility. There shall be no loading or unloading of such lorries with skips during the period of time of 0630 to 0700 Monday to Friday inclusive.

(vii) Other than for (vi) above no operational working of the waste recycling facility, including vehicle movements, shall take place within the site outwith the hours of 0700 to 1800 Monday to Friday inclusive and 0700 to 1300 on Saturday. There shall be no working whatsoever on Sundays.

Reason:

In the interests of protecting the amenity of residential properties within the area.

- 10 If during the engineering and construction phases of the development of the application site any activity on the site creating dust which is having an affect on residential properties in the surrounding area of the site and which is not being controlled, the site operator shall cease that

activity until satisfactory control of dust can be achieved with the agreement of the Planning Authority.

Reason:

To prevent dust nuisance in the interest of safeguarding the amenity of the area.

- 11 Prior to the commencement of use of the application site as a waste recycling facility the new site access with the A6124 public road and the new site access road shall each be formed. The site access with the A6124 public road shall be formed in accordance with a detailed design to be submitted to and approved in advance by the Planning Authority and which design meets the requirements of the Design Manual for Roads and Bridges. It shall have a visibility splay of 9 metres by 215 metres on each side of it so that no obstruction lies within the splay above a height of 1.05 metres. The gates for that access shall be set back at least 19 metres along the length of the new access road from the western edge of the carriageway of the A6124 public road and shall open inwards to the site.

Reason:

In order to ensure the safe turning and off-road stopping of HGVs accessing the site, in the interests of road safety.

- 12 Details of all external lighting proposed to be used within the site shall be submitted to and approved in writing by the Planning Authority prior to its erection. The lighting shall be positioned and designed to ensure that no light from within the site spills beyond the boundaries of the working area or access road to be formed as part of the development hereby approved.

Reason:

In the interests the amenity of nearby properties and of this part of the East Lothian countryside.

- 13 The development hereby approved shall be used solely for the purposes of waste recycling in accordance with the approved plans docketed to this planning permission, including the ancillary office, parking and temporary storage facilities. No part of the site other than as set out in the Operational Site Plan drawing no. PA4 docketed to this planning permission shall be used for the purposes of storage, separation, processing or recycling of waste or any other materials, nor for parking or storage of vehicles.

Reason:

To ensure that none of the operations of the waste recycling facility or use of the site is harmful to the rural character of this part of the East Lothian countryside or the Edinburgh Green Belt.

- 14 Any fuel oil stored on the site shall be banded or contained such as to avoid any spillage of leaked oil. Details of such measures shall be submitted to and approved in writing in advance by the Planning Authority.

Reason:

To ensure the site does not become contaminated.

PLUS ADDITION OF A NEW CONDITION

An additional condition to be inserted to control litter, requiring the sheeting of lorries and skips entering and leaving the site.

Sederunt: Councillor Berry left the Chamber

3. PLANNING APPLICATION NO: 09/01019/P: ALTERATIONS, EXTENSION TO HOUSE AND FORMATION OF DECKED AREA AT 2 LENNOX MILNE COURT, HADDINGTON

The Executive Director of Environment had submitted a report on the application for planning permission. The Development Management Manager summarised the key points of the report.

Mr Sheerin of Sheerin Associates, agent for the applicant, addressed the Committee. He informed Members that his clients wished to extend and improve their living/sleeping area; the proposed extension would provide an additional bedroom on the first floor, a dormer window in the master bedroom and increased family accommodation on the ground floor. He refuted assertions made by neighbours that the proposals constituted an overdevelopment of the site. With regard to overlooking he advised that all the relevant tests for daylight, overshadowing and overlooking had been met. He concluded that the proposals would enhance the style of the house and the wider ambience of the courtyard.

Mr Barrie of 1 Lennox Milne Court spoke against the application. He stated that he also spoke on behalf of the owner of 3 Lennox Milne Court. The houses had been built in the 1980s and were all 1½ storeys with velux roof windows. The conservation area was important to residents and would be disrupted as a consequence of these proposals. Loss of privacy was the key element; the proposed large dormer window would adversely affect both light and privacy for the other two properties. He stated that the proposals contravened planning policies and he asked the Committee to refuse the application.

Local Member Provost Richardson indicated that she had asked for this application to be brought to Committee. She stated that Haddington was an attractive town, with considerable old town character, and she expressed gratitude to the Planners in the 1970s for their fortitude. She indicated that the proposals would change the character and appearance of this small courtyard area, which was within a conservation area, to its detriment. She would not be supporting this application.

Local Member Councillor Trotter remarked that in his opinion the proposal would not adversely affect the neighbouring buildings. He would be supporting the report recommendation to grant planning permission.

Local Member Councillor Broun-Lindsay commented that he had found the site visit very useful. The extension proposed would be well contained within the site and with regard to overlooking all the necessary standards had been met. He could see no valid reason not to grant planning permission and would therefore be supporting the report recommendation.

The Convener brought the discussion to a close, indicating that he supported the comments made by Councillors Broun-Lindsay and Trotter and would be supporting the recommendation contained within the report, and moved that this be put to the vote.

Decision

The recommendation that planning permission should be granted was put to the vote and received **12 votes for, 1 vote against** and no abstentions. The Committee agreed to grant planning permission subject to the following conditions:

- 1 The development shall begin before the expiration of 3 years from the date of the grant of this planning permission.

Reason:

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

- 2 All of the roof windows hereby approved shall be installed in a manner that ensures that their upper surface is as near flush as possible with the upper surface of the roof into which it will be installed and with minimum flashing.

Reason:

To reduce the visual impact of the roof windows in the interest of safeguarding the character and appearance of the Conservation Area.

Sederunt: Councillor Berry returned to the Chamber

**4. OUTLINE PLANNING APPLICATION NO. 08/01090/OUT:
PLANNING PERMISSION IN PRINCIPLE FOR RESIDENTIAL AND
RETAIL DEVELOPMENT INCLUDING ASSOCIATED
LANDSCAPING AND CAR PARKING AT PINKIE MAINS, PINKIE
ROAD, MUSSELBURGH**

The Executive Director of Environment had submitted a report on the application for planning permission. The Development Management Manager summarised the key points of the report and advised Members that Condition 11 required to be varied to read: no residential unit hereby approved shall be occupied until a signal controlled pedestrian crossing has been provided between Pinkie Road and Ashgrove in the position indicated for it on docketed drawing no. 206561-A 03.

The Development Management Manager responded to various questions from Councillor Forrest regarding the drainage strategy. Councillor Hampshire referred to the proposed park and to issues surrounding the responsibility of the maintenance of it, stating that such responsibility should not be of the owners of the new houses but should be by the Council through taking ownership of the land. The Development Management Manager outlined the Council's current practice regarding the maintenance of open spaces within housing developments, including options available to developers; one such option being that the responsibility of maintenance be that of owners of the properties through a factoring arrangement. He advised that the Council was not in a position to insist that the developer handed the land over to the Council. He informed Members that through officer consideration of the application the applicant had been asked if they would be willing to enter into an agreement with the Council such that the Council would maintain the park. The applicant was not agreeable to this. He further informed Members that the Council did not have a policy that distinguished between parks and other open spaces. Councillor Hampshire remarked that he appreciated the open space policy but argued that this was actually the creation of a public park; suitable arrangements had to be put in place to ensure appropriate maintenance. Councillor Innes stated that this proposed park was different to small areas of open space and referred to a recent motion to Council on this issue, by a Cabinet Member. He remarked that, until this issue was resolved by the Council, the determination of this application was premature, the report referred to a park, not open space; the area of land would be used not only by the owners of the new houses, but also by the general public. He stated that this application could not be determined today, it should be continued for further information.

Considerable discussion took place regarding this matter. Councillor Berry stated that colleagues had raised a valid point; this was the first time a park such as this had been promoted. He had some concerns and referred to the options available to the developer, to intervention by the Council and also issues of control and ownership. He commented that the large open space constituted a park. This was a policy issue that required further consideration and resolution; however the Committee was not in a position to do this for the application today but it should be looked at for the future. The Executive Director referred to the approved Development Framework, advising that the Community Services Department had been consulted on it and had not objected. With regard to the matter of maintenance, he stated that it was not an inevitable consequence of private factoring arrangements that problems would occur. Ms Lamb of Taylor Wimpey, the applicant, responded to a number of questions from Members in relation to discussions with the Council and the legal and financial aspects of ownership and maintenance of the proposed park. The Executive Director advised that there was no mechanism through determination of this application to take the matter of maintenance of the park raised by Members into account.

Councillor Innes moved that this application be continued, for further clarification regarding the position of future maintenance of the proposed park; Councillor Hampshire seconded this. The Convener asked the Committee to vote on this motion; the motion received **5 votes for** and **9 votes against**, and therefore fell.

Local Member Councillor Forrest indicated that he had concerns regarding the drainage element of the proposal; he stated that local councillors would bear the brunt of any problems irrespective of which body actually had responsibility for the monitoring.

Local Member Councillor Caldwell welcomed the development. He referred to the significant employment opportunities in relation to the construction phase of the development; he also welcomed the 100 plus affordable houses. He indicated that he did have some concerns regarding the potential flood risk and also maintenance of the park area. He did however want the development to go ahead and would be supporting the report recommendation to grant planning permission.

Councillor Broun-Lindsay commented that the Committee had little option other than to decide this application based on policies currently in place; he did however welcome the suggestion to look at the issue raised for the future. He would be supporting granting planning permission.

Councillor Hampshire, referring to maintenance of the proposed park, stated that the Administration had accepted that factoring in residential areas could be problematic; hence the recent motion to Council. The issue should be about trying to leave a positive legacy for the people of Musselburgh; he added that if the application was continued there could be further negotiation with the applicant, but if it was approved then matters could not be changed.

Councillor McLennan agreed that Council policy on open spaces should be looked at for future developments however, for this development the Committee had no choice other than to make a decision on this application today. He indicated that in relation

to the matter of ownership and maintenance of the proposed park he would discuss this further with the developer and report back to Members.

Councillor Innes reiterated that the key issue should be about getting this situation right for the people of Musselburgh; it was an application that should be welcomed but was adversely affected by the issue of maintenance of the proposed park.

The Convener brought the discussion to a close and moved that the report recommendation be put to the vote.

Decision

The recommendation that planning permission should be granted was put to the vote and received **10 votes for, 4 votes against** and no abstentions. The Committee agreed to grant planning permission subject to the following:

1. The undernoted conditions.
2. The satisfactory conclusion of an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997, or some other legal agreement designed to:
 - (i) Secure from the applicant a financial contribution to the Council of £15,596.33 towards the upgrading of the existing facilities at Wallyford Park.
 - (ii) Secure from the applicant a financial contribution to the Council of £3,155,426.60 (£5,535.72 per unit) towards the provision of additional accommodation at Pinkie St Peter's Primary School and its associated nursery school, and Musselburgh Grammar School.
 - (iii) Secure from the applicant a financial contribution to the Council of £28,500 towards the implementation of a Scoot Traffic Control System for Musselburgh. The contribution would have to be made prior to occupancy of the 200th residential unit of the residential development of the application site.
 - (iv) Secure from the applicant a financial contribution to the Council of £16,859.78 towards a Heritage Implementation Plan for the Battle of Pinkie site.
 - (v) Secure the provision of 118 affordable houses within the application site.
- 1 Before development commences application for approval of matters specified in a condition(s) of this planning permission in principle
 - (a) must be made before whichever is the latest of the following:
 - (i) the expiration of 3 years from the date of the grant of the permission
 - (ii) the expiration of 6 months from the date on which an earlier application for the requisite approval was refused, and
 - (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed, and
 - (b) may be made for: (i) different matters, and (ii) different parts of the development, at different times.

In relation to any matter, only one application may be made by virtue of sub-paragraphs (ii) and (iii) above after the expiration of the 3 years period of sub-paragraph (i) above.

This planning permission in principle lapses on the expiration of 2 years from the date of approval of the last of the matters specified in a condition(s) of this permission unless the development to which the permission relates is begun before that expiration.

Reason:

Pursuant to Section 59 of the Town and Country Planning (Scotland) Act 1997

- 2 The details submitted pursuant to Condition 1 shall generally accord with the Indicative Master Plan and Design Statement/ Principles for Development docketed to this planning permission in principle, and shall address the following requirements:

- a. The shop shall have a floor space broadly similar to the existing shop on the application site.
- b. The provision of recycling facilities within the site of the shop hereby approved.
- c. The provision of 1 secure cycle storage space per flat.
- d. The retention of the existing stone walling on the northern boundary of the site, other than where demolition is required to facilitate the formation of new accesses to the site.
- e. The retention of the existing trees that are indicated for retention on the Master Plan docketed to this planning permission in principle.
- f. The external finishes of the residential units shall be in accordance with a co-ordinated scheme of materials and colours that shall respect the layout of the development and shall promote render as the predominant finish to the walls of the residential units.

Reason:

To enable the Planning Authority to control the development in the interests of the amenity of the development and of the wider environment.

- 3 The phasing of the development of the site shall be carried out in strict accordance with the phasing plans that are in the Design Statement/ Principles for Development docketed to this planning permission in principle, unless otherwise approved in writing in advance by the Planning Authority.

Reason:

To enable the Planning Authority to control the development of the site in the interests of the good planning of the site.

- 4 The development of the site shall generally conform with the density requirements established for the identified development areas detailed in the docketed Design Statement/ Principles for Development, as well as generally complying with the indicative mix of housing detailed in the same Design Statement/ Principles for Development.

Reason:

To ensure compliance with the provisions of the development plan.

- 5 No more than 473 residential units are approved by this grant of planning permission in principle.

Reason:

To ensure that the number of houses erected on the site accords with the strategic housing land supply for the Musselburgh area and to ensure that there is sufficient education capacity.

- 6 Housing completions on the application site 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 1 - 30 houses

Year 2 - 125 houses

Year 3 - 125 houses

Year 4 - 125 houses
Year 5 - 45 houses
Year 6 - 23 houses

Reason:

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

- 7 No development shall take place until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping. The scheme shall provide details of : the height and slopes of any mounding on or recontouring of, the site; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. The scheme shall include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development.

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

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.

- 8 Prior to the commencement of development a long term landscape and habitat management plan shall be submitted to and approved in writing by the Planning Authority.

Reason:

To maximise the ecological potential of the proposed development.

- 9 Prior to the commencement of development details of the zero and low carbon equipment to be incorporated into the development and predicted carbon emission, using SAP or SBEM calculations, shall be submitted to and approved in writing by the Planning Authority. The details shall have due regard to the 'SPP6 Compliance Report' (dated July 2009) that is docketed to this planning permission in principle. The completed development shall accord with the details so approved.

Reason:

To ensure this development complies with the on-site carbon emissions targets of Planning Advice Note 84.

- 10 A Travel Plan shall be submitted to and approved by the Planning Authority prior to the occupation of any of the residential units hereby approved. The Travel Plan shall have particular regard to provision for walking, cycling and public transport access to and within the site, and will include a timetable for its implementation, details of the measures to be provided, the system of management, monitoring, review, reporting and duration of the Plan.

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

Reason:

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

- 11 *The transport infrastructure improvements of Pinkie Road shall be fully undertaken in accordance with docketed drawing no. 206561-A 03 prior to the first occupation of the 200th residential unit hereby approved.*

TO BE DELETED AND REPLACED BY

No residential unit hereby approved shall be occupied until a signal controlled pedestrian crossing has been provided between Pinkie Road and Ashgrove in the position indicated for it on docketed drawing no. 206561-A 03.

The other transport infrastructure improvements for Pinkie Road shown on docketed drawing no. 206561-A 03 shall be fully undertaken prior to the first occupation of the 200th residential unit hereby approved.

Reason:

In the interests of road safety.

- 12 A Construction Method Statement to minimise the impact of construction activity on the amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic and shall include hours of construction work.

The recommendations of the Construction Method Statement shall be implemented prior to the commencement of development.

Reason:

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

- 13 Development shall not begin until a scheme to deal with contamination on the site has been submitted to and approved in writing by the Planning Authority. The scheme, which shall include a detailed gas survey (long term monitoring) and a detailed groundwater monitoring exercise, shall contain details of the proposals to deal with contamination to include:

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

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

Reason:

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

- 14 No development shall take place until the applicant has, through the employ of an archaeologist or archaeological organisation, secured the implementation of a programme of archaeological work on the site of the proposed development in accordance with a written scheme of investigation which the applicant will submit to and have approved in advance by the Planning Authority.

Reason:

To facilitate an acceptable archaeological investigation of the site.

- 15 No residential unit shall be occupied unless and until details of artwork to be provided on the site or at an alternative location away from the site have been submitted to and approved by the Planning Authority and the artwork as approved shall be provided prior to the occupation of the final residential unit approved for erection on the site.

Reason:

To ensure that artwork is provided in the interest of the visual amenity of the locality or the wider area.

- 16 Surface water from the application site shall be treated in accordance with the principles of the SUDS Manual (C697), which was published by CIRIA in March 2007.

Reason:

To ensure that the drainage scheme complies with best SUDS practice to protect nearby watercourses and groundwater.

- 17 Prior to the first occupation of any of the houses highlighted in the docketed Design Statement as being within phase 3 of the development, the footpaths running through the area delineated on the docketed Masterplan as being Pinkie Mains Park, which shall include street lighting and which shall be made up to an adoptable standard, shall be formed in the position that is indicatively shown for them on the Masterplan docketed to this planning permission in principle.

Reason:

In the interests of road safety.

- 18 Prior to the first occupation of the 225th residential unit hereby approved two footpaths, which shall include street lighting and which shall be made up to an adoptable standard, shall be formed between Galt Avenue and the eastern side of the section of distributor road immediately to the east of the area delineated as being Pinkie Mains Park, in the position that is indicatively shown for them on the masterplan docketed to this planning permission in principle.

Reason:

In the interests of road safety.

- 19 Prior to the first occupation of the 50th residential unit hereby approved a footpath link, which shall include street lighting and which shall be made up to an adoptable standard, shall be formed between the application site and the garage compound on the eastern side of Pinkie Terrace, in the position that is indicatively shown for it on the masterplan docketed to this planning permission in principle.

Reason:

In the interests of road safety.

- 20 Prior to the first occupation of the 350th residential unit hereby approved a footpath, which shall include street lighting and which shall be made up to an adoptable standard, shall be formed between the application site and Delta Road, in the position that is indicatively shown for it on the masterplan docketed to this planning permission in principle.

Reason:

In the interests of road safety.

- 21 The existing signalised pedestrian crossing at Pinkie Mains Farm shop shall be removed immediately after the farm shop has ceased trading and once the proposed signalised junction at Pinkie Road and Ashgrove has commenced operation. It shall be replaced with Double D islands and dropped kerbs.

Reason:

In the interests of road safety.

Sederunt: Councillor Innes left the Chamber

5. PLANNING APPLICATION NO. 08/00741/FUL: ERECTION OF 46 HOUSES, 4 FLATS, GARAGES AND ASSOCIATED WORKS AT FARM LAND ADJACENT TO ORCHARDFIELD, EAST LINTON

The Executive Director of Environment had submitted a report on the application for planning permission. The Development Management Manager summarised the key points of the report.

In response to questions from Members the Development Management Manager clarified the position regarding upkeep of the land to be safeguarded for a new railway station and car park, upgrade work on the railway underpass, external finishes of the properties, the Home-zone area and the safeguarding of the access to the railway station and car park.

Local Member Councillor McLennan welcomed the report and supported the officer's recommendation. He indicated that the proposals were in accordance with the East Lothian Local Plan. He commented that issues raised by the local community council could be taken up with the developer.

Local Member Councillor Bell echoed Councillor McLennan's comments and stated that she would be supporting the report recommendation to grant planning permission.

Local Member Councillor Hampshire welcomed the report. He commented that building new houses in East Linton would be beneficial for the village; it was a good quality development, with the added advantage of good access to the A1. With regard to the railway station he indicated that there was still a lot to be done but the land was now safeguarded for the station. He would be supporting the report recommendation.

The Convener moved that the report recommendation be put to the vote.

Decision

The recommendation that planning permission should be granted was put to the vote and received **13 votes for**, none against and no abstentions. The Committee agreed to grant planning permission subject to the undernoted conditions and the prior conclusion of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997, or some other agreement designed to:

- (i) secure from the applicant the transfer to the Council, at no cost to the Council, of ownership of (a) the land on the north-eastern part of the application site that is to be reserved for future development for a new railway station, car park and access, and (b) the land of the entire solum of the road to be formed between plots 33 and 34 of the proposed housing development of the application site;
- (ii) secure the provision of 13 affordable housing units within the application site;
- (iii) secure from the applicant a financial contribution of £98,425 toward the provision of additional educational capacity at Dunbar Grammar School and Knox Academy.

- 1 The development shall begin before the expiration of 3 years from the date of the grant of this planning permission.

Reason:

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

- 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 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 No development shall take place until the applicant has, through the employ of an archaeologist or archaeological organisation, secured the implementation of a programme of archaeological work on the site of the proposed development in accordance with a written scheme of investigation which the applicant will submit to and have approved in advance by the Planning Authority.

Reason:

To facilitate an acceptable archaeological investigation of the site.

- 4 No development shall take place until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping. The scheme shall provide details of : the height and slopes of any mounding on or recontouring of, the site; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. The scheme shall include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development.

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

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.

- 5 The scheme of landscaping to be submitted pursuant to condition 4 above shall comply with the following requirements:

1. The proposed tree belt on the southwest boundary of the application site shall be planted with mixed woodland and woodland shrubs, with the large species trees being planted on the southwest side of the tree belt and with the smaller woodland shrubs being planted on the northeast side of the tree belt.
2. A mixed species hedge shall be planted along the full length of the southwest boundary of the application site.
3. Avenues of trees shall be planted along the north, northeast and east edges of the village green.
4. The avenue of trees to the south of the right of way shall consist of a variety of small to medium size trees and small to medium size shrubs.
5. The tree planting adjacent to the SUDS pond shall consist of a mixture of large and small trees and shrubs.
6. The 10m wide tree belt between the housing and the land safeguarded for future railway related development shall consist of large species trees planted towards the northeast side of

the tree belt with smaller trees and woodland shrubs planted adjacent to the back gardens of the northernmost houses.

7. Medium and large species trees shall be planted throughout the housing site.

8. The provision of soft landscaping around the homezone area that is located on the eastern part of the application site.

9. The safeguarded land on the northeast part of the application site shall be grassed.

Reason:

To ensure that the landscape proposals are acceptable in the interest of the visual amenity of the area.

- 6 No residential unit shall be occupied unless and until details of artwork to be provided on the site or at an alternative location away from the site have been submitted to and approved by the Planning Authority and the artwork as approved shall be provided prior to the occupation of the final residential unit approved for erection on the site.

Reason:

To ensure that artwork is provided in the interest of the visual amenity of the locality or the wider area.

- 7 Prior to the commencement of development details of the zero and low carbon equipment to be incorporated into the development and predicted carbon emission, using SAP or SBEM calculations, shall be submitted to and approved in writing by the Planning Authority. The completed development shall accord with the details so approved.

Reason:

To ensure this development complies with the on-site carbon emissions targets of Planning Advice Note 84.

- 8 Prior to the commencement of development details of the bin and cycle storage facilities for the flatted properties shall be submitted to and approved in advance by the Planning Authority. The details shall show at least 1 cycle space per flat. Prior to the occupation of any of the flats the bin and cycle 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 and cycle storage areas.

Reason:

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

- 9 The play area indicated on the site plan docketed to this planning permission shall be equipped and made available for use prior to the last house or flat of the 50 approved being occupied.

The play area, when provided, shall be used for such purposes at all times thereafter unless agreed in writing by the planning authority.

Reason

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

- 10 Prior to the commencement of the works hereby authorised details of the equipment, surfacing and boundary treatments to be use in the proposed play area shall be submitted to and approved by the planning authority and the works when undertaken shall accord with the details so approved.

Reason:

To ensure the satisfactory provision of the play area as part of the development.

- 11 Notwithstanding that which is stated on the drawings docketed to this planning permission, a detailed specification of all external finishes of the houses and flats 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 flats 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 and flats, 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.

- 12 Details of the proposed integrated sustainable urban drainage scheme (SUDS) for the application site shall be submitted to and approved in writing by the Planning Authority following consultation with the Scottish Environment Protection Agency. The details to be submitted shall include calculations demonstrating the pre and post development surface water run-off rates.

The integrated sustainable urban drainage scheme (SUDS) for the application site shall thereafter be fully implemented in accordance with the details so approved.

Reason:

To ensure the provision of a satisfactory sustainable urban drainage scheme for the application site.

- 13 Prior to the commencement of development details for the upgrading of the underpass to the northwest of the application site shall be submitted to and approved in advance in writing by the Planning Authority. The details to be submitted shall include the removal of the graffiti on the walls of the underpass, the resurfacing of its existing footpath, and the installation of ground surfaced lighting within it.

Prior to the occupation of the last house or flat hereby approved the underpass shall be upgraded in accordance with the details so approved.

Reason:

In the interests of pedestrian safety.

- 14 Prior to the commencement of development, details of the following transportation requirements, including a timetable for implementation, shall be submitted to and approved in writing in advance by the Planning Authority.

1. The resurfacing of the right of way that is located on the northwest edge of the application site;
2. The provision of a pedestrian footway immediately to the north of the homezone carriageway that is on the eastern part of the application site;
3. The redesign of the turning head on the eastern part of the application site such that it is capable of providing turning for heavy goods vehicles;
4. The provision of two additional visitor parking spaces on the north side of the mixer court and immediately adjacent to house plots 32 and 33;
5. The provision of a continuous separate footpath link between the housing site and Orcharfield;
6. The provision of a continuous separate footpath link between the underpass and the existing footpath link to the north of the playing field, in the general position indicated for it on the link footpath location plan docketed to this planning permission;
7. The provision of traffic calming in the position indicated for it on docketed drawing no. 0001-LN92900; and

8. The provision of the junction improvements shown on docketed drawing no. 0001-LN92900, and which shall include the widening to 5.5 metres of the length of Orcharfield between Haddington Road and the application site;

The transportation requirements detailed above shall thereafter be fully implemented in accordance with the details so approved.

Reason:

In the interests of road and pedestrian safety.

- 15 Details of all boundary treatments and ground surfacings for the site shall be submitted to and approved by the Planning Authority prior to their use in the development. All such materials used in the development 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.

- 16 Prior to the occupation of the last of the residential units hereby approved, the proposed site access roads, parking spaces, and footpaths shall have been constructed on site, in accordance with that which is shown on the docketed site plan, modified by the requirements of Condition 14 above. 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 flats and shall not be adapted or used for other purposes without the prior written approval of the Planning Authority.

Reason:

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

Signed

Councillor Barry Turner
Convener of the Planning Committee