



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

**TUESDAY 30 JUNE 2015  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

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**Committee Members Present:**

Councillor N Hampshire (Convener)  
Councillor D Berry  
Provost L Broun-Lindsay  
Councillor J Caldwell  
Councillor S Currie  
Councillor T Day  
Councillor A Forrest  
Councillor J Gillies  
Councillor J Goodfellow  
Councillor D Grant  
Councillor W Innes  
Councillor P MacKenzie  
Councillor K McLeod  
Councillor J McMillan  
Councillor J McNeil  
Councillor T Trotter

**Council Officials Present:**

Mr A McCrorie, Depute Chief Executive – Resources and People Services  
Mr D Proudfoot, Head of Development  
Ms M Ferguson, Service Manager – Legal and Procurement  
Mr I McFarlane, Service Manager – Planning  
Ms L McLean, Service Manager – Strategic Asset and Capital Plan Management  
Mr K Dingwall, Principal Planner  
Mr M Greenshields, Transportation Planning Officer  
Mr G Talac, Transportation Planning Officer

**Clerk:**

Ms A Smith

**Visitors Present:**

Item 2 – Mr J Aitken, Mr D Scott  
Item 3 – Mr S Wiseman, Mr J Steele

**Apologies:**

Councillor S Brown  
Councillor J Williamson

**Declarations of Interest:**

None

**1. MINUTE OF THE MEETING OF THE PLANNING COMMITTEE OF 2 JUNE 2015**

The minute of the Planning Committee of 2 June 2015 was approved.

**2. PLANNING APPLICATION NO. 14/00903/PPM: AMENDMENTS TO PLANNING PERMISSION IN PRINCIPLE 12/00924/PPM, INCLUDING AN INCREASE IN NUMBER OF RESIDENTIAL UNITS FROM 1050 UP TO A MAXIMUM OF 1450, RELOCATION AND REDESIGN OF OPEN SPACE, DEVELOPMENT FOR RESIDENTIAL PURPOSES OF AREAS PREVIOUSLY PROPOSED AS OPEN SPACE AND RELOCATION AND REDESIGN OF PROPOSED LOCAL CENTRE, LAND TO THE SOUTH, EAST AND WEST WALLYFORD**

A report was submitted in relation to Planning Application No. 14/00903/PPM. Iain McFarlane, Service Manager for Planning presented the report, summarising the key points. The report recommendation was to grant consent.

Mr McFarlane responded to several questions about the affordable housing provision. He clarified the Affordable Housing Policy position, outlining the hierarchy of options in the policy and how this provision was applied. The Convener gave an assurance that all possible would be done to ensure delivery of 25% affordable housing on site. In response to further questioning from Councillor Currie, the Convener gave an undertaking that if this could not be delivered on site then the matter would be reported to Council for consideration. Councillor Innes added that if some Members had an issue with the Affordable Housing Policy then this needed addressed. In relation to this application he agreed with the Convener, he did not anticipate affordable housing being provided anywhere other than on site.

Mr McFarlane and Grant Talac, Transportation Planning Officer responded to questions about the scheme of improvements and traffic calming measures at Salters Road. Regarding library provision queries Mr McFarlane referred to the consultation response from the Service Manager, Customer Services; as stated in the report community use of the new school library would be explored. In response to questions about sports pitches/floodlighting he advised that these issues would be covered in future detailed applications. He also answered questions about provision of the new school, community facilities and infrastructure requirements.

Jim Aitken, of East Lothian Developments Ltd, the applicant, informed Members they were keen to proceed with this development. He highlighted the level of investment made to secure and prepare the land. He hoped the Section 75 Agreement would be completed by the end of August, following this, house building would start; the first house should be built early next year. The next stage was the infrastructure application, hopefully brought to the September Planning Committee. He referred to their investment to the infrastructure, which would benefit Wallyford and the wider East Lothian. A significant number of construction jobs would be created. They were committed to affordable housing as part of the wider development. East Lothian Developments Ltd had delivered on all milestones and would continue to do so; they would not renege on any of their promises. He added that the development was now formally called St Clement's Wells, as suggested by the local community.

In response to questions from Members, Mr Aitken stated that there could be no delay, they were working to a strict timetable; immediately the Section 75 Agreement and infrastructure were sorted out, work would commence. He stressed it was key that the infrastructure application was brought to the September Planning Committee. Responding to Councillor Berry's questions, Derek Scott, of Derek Scott Planning, agent for the applicant, outlined the benefits of the development to Wallyford.

Local Member Councillor Forrest welcomed progress on this site, this development was long overdue. He acknowledged the applicant's discussions with the local community. He looked forward to the improvements and traffic calming measures. He would be supporting the application.

Local Member Councillor Caldwell also welcomed progress. This application would provide much needed affordable housing for the area. It also offered the possibility of employment in construction jobs or more sustainably in the business units. He supported the report recommendation.

Local Member Councillor Currie noted the desire from the applicant and agent to progress this site. He welcomed the application, highlighting the new school, with future expansion opportunity; job creation, a huge opportunity for apprenticeships; and crucially, new housing. Affordable housing was essential; a great boost for the area and would ensure that people could remain in their community. He made reference to the amount of investment from developer contributions coming into East Lothian as a result of this development. He supported the application.

Councillor McNeil stated this development was excellent news for this former mining community; Wallyford would become a town within East Lothian. He welcomed the investment towards secondary school provision. He also welcomed the proposed traffic improvements. He would be supporting the application.

Councillor MacKenzie reiterated that this was a hugely important development. He particularly welcomed the affordable housing provision, the open space, upgrading of the Core Path route and the new primary school. He drew attention to the historic significance of the area. He supported the report recommendation.

Councillor Berry remarked that many other former mining villages in Scotland were languishing, not progressing like this site. This application was sensible. He had some concerns however about infrastructure. He hoped that the next set of applications, for the detailed permissions, would be instrumental in developing the fully integrated community desired by all. He would be supporting the application.

Councillor Innes stated this development was a crucial element of the current Local Plan. It was important to approve this application; this would protect other areas that were not in the Local Plan. This site had to be progressed, it was long overdue. The development would provide a modern community with excellent facilities, a safer Salters Road and a new distributor road. He was delighted that this application had come forward and expressed support.

Councillor McLeod also welcomed progress on this long awaited development but voiced caution about assurances provided. He supported the application.

The Convener concluded the discussion. This site had been ongoing for a long time and had now finally come to fruition. He thanked all staff involved across many different Council departments for their skilfulness during the negotiation process. He

was confident that the development would deliver the best possible solution for Wallyford and East Lothian. He would be supporting the recommendation.

The Convener moved to the vote on the report recommendation:

For: 16

Against: 0

Abstentions: 0

### **Decision**

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

1. A direction to substitute the period of 3 years referred to in Section 59(2)(a)(i) and (3) of the Town and Country Planning (Scotland) Act 1997 (as amended) with a period of 8 years.

2. The undernoted conditions.

3. 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 secure from the applicant:

(i) the provision of two community sports pitches (one of which is a 3G pitch), a four changing room facility and an allotment site;

(ii) the transfer to the Council, at no cost, of ownership of the Wallyford Community Woodland;

(iii) the provision of a commuted sum for the future maintenance of Wallyford Community Woodland for a 10 year period. The commuted sum shall also be sufficient to cover maintenance for a 10 year period of the two proposed community sports pitches and the open space that is immediately adjacent to it;

(iv) the transfer of the land required for the new school site as shown in the applicant's masterplan, with the site formed to meet masterplan boundary perimeter levels;

(v) a financial contribution to the Council of £11,307,811 towards the provision of the new primary school, £3,788,073 towards additional secondary school accommodation at Musselburgh Grammar School or any subsequently redefined provision of secondary education within the Musselburgh secondary catchment area and £80,000 towards temporary primary school provision;

(vii) the provision of 363 affordable housing units within the application site or if it can be demonstrated to the Council that this, or the off-site provision of 363 affordable units is not practicable, to secure from the applicants a commuted sum payment to the Council in lieu of such an on or off-site provision;

4. That in accordance with the Council's policy on time limits for completion of planning agreements it is recommended that the decision should also be that in the event of the Section 75 Agreement not having been executed by the applicant, the landowner and any other relevant party within six months of the decision taken on this application, the application shall then be refused for the reason that without the developer contributions to be secured by the Agreement the proposed development

is unacceptable due to insufficient future maintenance and ownership arrangements for, as relevant, Wallyford Community Woodland and the two proposed community sports pitches and the open space that is immediately adjacent to it, an insufficient provision of community sports pitches, related changing facilities and allotments, a lack of sufficient primary and secondary school capacity, and the lack of provision of affordable housing, contrary to the Council's Development Framework for the development that is titled Wallyford Settlement Expansion & Regeneration and, as applicable Policies INF3 and H4 of the adopted East Lothian Local Plan 2008.

- 1 The submission for approval of matters specified in conditions of this grant of planning permission in principle shall include details of the siting, design and external appearance of all the dwellings and other buildings, the means of access to them, the means of any enclosure of the boundaries of the site and of gardens and other subdivisions of the site and the landscaping of the site and those details shall generally accord with the Indicative Master Plan drawing no. 13052(PL)001-C docketed to this planning permission in principle, and shall address the following requirements:
  - a. The provision within the application site of recycling facilities.
  - b. Other than in exceptional circumstances where the layout or particular building type does not permit, houses and flats shall be orientated to face the street.
  - c. Notwithstanding that shown in the Indicative Master Plan docketed to this planning permission in principle there shall be no integral garages, unless it can be justified as an exceptional design feature, or where the house and garage would not be on a primary street frontage;
  - d. The detailed design of the layout shall accord with the principles set out in the Council's Design Standards for New Housing Areas and with Designing Streets;
  - e. The external finishes of the residential units shall be in accordance with a coordinated 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.
  - f. Notwithstanding the details shown in the Indicative Site Master Plan referred to above, there shall be a separation distance of at least 9 metres between facing windows of a proposed new building and the garden boundaries of existing or proposed neighbouring residential properties; and a separation distance of at least 18 metres between directly facing windows of a proposed new building and the windows of existing or proposed neighbouring residential properties.
  - g. Details of the play areas, including the equipment to be provided within it and a timetable for installation, shall be submitted to and approved in advance by the Planning Authority. The play areas shall be installed in accordance with the details so approved.
  - h. Parking for the residential, local centre and primary school components of the development hereby approved shall be provided at a rate as set out in the East Lothian Council's "Standards for Development Roads- Part 5 Parking Standards" For the local centre and school this shall include for cycle parking Private parking spaces in the local centre and other private parking areas shall be a minimum of 2.5 metres by 5 metres and spaces on the public road shall be a minimum of 2.5 metres by 6 metres. Access to private parking areas other than driveways shall be via a reinforced footway crossing and have a minimum width of 5.5 metres over the first ten metres. Private driveways shall be a minimum of 6 metres by 2.5 metres, double driveways shall be 5 metres by 6 metres or 3 metres by 11 metres.
  - i. All access roads shall conform to East Lothian Council's "Standards for Development Roads" in relation to roads layout and construction, footways and footpaths, parking layout and number, street lighting and traffic calming measures.
  - j. Cycle parking shall be included at a rate of 1 space per flat. The parking shall be in the form of 1 locker per flat or communal provisions in the form of a lockable room or shed.
  - k. The provision of a vehicular access from the new distributor road to the site of the residential institution/ non-residential institution unit/ retirement homes use hereby approved.

l. The provision of pedestrian crossing points on Fa'side Avenue South to link the proposed new footpath behind the existing tree line to the existing footpath on the northern side of Fa'side Avenue South.

m. The provision of a 2 metres wide footway on the southern side of the A6094 road between the northern end of the existing footpath link that runs between Fa'side Crescent/ Fa'side Avenue South and the A6094 road, over the full extent of the new 30 mph speed limit to the western side of the western access; and the provision of a 2 metres wide footway on the south side of the A199 between the existing roundabout at Wallyford Toll to the point of the new 30mph speed limit on the eastern side of the eastern access to the site at Strawberry Corner.

n. The provision of a minimum of 135 parking spaces within the new local centre, for non-residential use.

o. The provision of a 1.2 metre high wall along the northern boundary of the site.

p. provision of footpath/cycleway linkages between the existing core path network and the internal layout of the development and a footpath link to an adoptable standard between the development site and Wemyss Gardens.

Reason:

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

2 The details to be submitted pursuant to condition 1 shall include a revised phasing plan which shall accord with the following requirements:

(i) The traffic calming and environmental improvement works to be undertaken on Salter's Road completed prior to the commencement of development, unless otherwise approved in writing by the Planning Authority following consultation with Transport Scotland.

(ii) Any improvements to the Wallyford and Dolphingstone interchanges as outlined in the transportation assessment to be undertaken prior to the commencement of development, unless otherwise approved by the Planning Authority following consultation with Transport Scotland.

(iii) Pedestrian links between each phase of development and the existing settlement to be provided prior to the occupation of the first dwelling house in each phase unless otherwise agreed with the local planning authority.

(iv) The supermarket(s) and local centre units must be complete and ready for letting by occupation of the 675th residential unit unless otherwise agreed with the local planning authority.

(v) The Distributor Road shall be completed in its entirety to base course level and brought into use prior to the occupation of the first residential unit and all pedestrian links connecting the residential development areas shall be completed to adoptable standard prior to the first occupation of the new primary school.

(vi) The sports pitches, changing accommodation and allotments to be completed by occupation of the 675th residential unit unless otherwise agreed in writing with the local planning authority.

(vii) The bus layover and passenger waiting facilities to be completed and available for use by occupation of the 675th residential unit unless otherwise agreed in writing with the Planning Authority.

(viii) Improvements to the community woodland to be completed by occupation of the 675th residential unit or occupancy of the new primary school, whichever is first, unless otherwise agreed in writing with the Planning Authority.

(ix) The eastern section of the distributor road footpaths between the Strawberry Corner access junction and the new primary school shall be finished to an adoptable standard with final surfacing prior to the first opening of the new primary school.

The phasing of the development of the site shall be carried out in strict accordance with the phasing plan so approved, 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.

- 3 The development of the site shall conform with the minimum density requirements established for the identified development areas shown on docketed drawing no. 13052(PL)005-B as well as generally complying with the range of house types and sizes shown on the same drawing.

Reason:

To ensure compliance with the provisions of the development plan.

- 4 No more than 1450 residential units shall be erected on the site.

Reason:

To ensure that there is sufficient education capacity, to restrict the scale of development to that applied for and identified in the applicant's Transport Assessment and to minimise interference with the safety and free flow of traffic on the trunk road.

- 5 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 1- 90 residential units  
Year 2- 150 residential units  
Year 3- 150 residential units  
Year 4- 150 residential units  
Year 5- 150 residential units  
Year 6- 150 residential units  
Year 7- 150 residential units  
Year 8- 150 residential units  
Year 9- 150 residential units  
Year 10- 150 residential units  
Year 11- 10 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 11 or beyond and not added to the subsequent Year.

(c) No more than 270 residential units shall be occupied prior to the completion of the primary school.

Reason:

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

- 6 Unless otherwise approved in writing in advance by the Planning Authority, the uses and unit sizes of the commercial units within the new local centre shall accord with the additional information document that is docketed to this planning permission in principle.

No more than 2731 square metres (gross) of the total gross floor space of the commercial units shall be used for convenience retail and no more than 603 square metres (gross) of the total gross floor space of the commercial units shall be used for comparison retail.

Reason:

In order to retain control over the format of retail and other commercial development in the interests of the vitality and viability of the new local centre.

- 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. It shall also include details of all planting and landscaping along the boundary of the site with the A1(T) trunk road.

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 a woodland management plan for the community woodland shall be submitted to and approved in writing by the Planning Authority. The plan shall further the value of the resource for biodiversity as well as people, and shall include the following measures:

- \* Formalisation and lighting of key footpaths to adoptable standard, including the east-west footpath through it. These will give access to the new local centre and school;
- \* Provision of cycleways where required;
- \* Informal surfacing of secondary paths;
- \* Provision of additional lighting and seating in appropriate locations; and
- \* Enhancement of the existing viewing area and clearing at the summit of the woodland.

The plan shall cover a 15 year period, to be split into 5 year periods, and shall include a timetable for implementation, including that the east-west path, which shall include street lighting and which shall be made up to an adoptable standard, be constructed and brought into use prior to the first occupation of the new school.

The requirements of the woodland management plan shall thereafter be carried out in accordance with the details so approved.

Reason:

To maximise the ecological potential of the proposed development.

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

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

Reason:

In the interests of ensuring sustainable travel patterns in respect of the mixed use development and mitigating air quality impacts.

- 11 Prior to the commencement of development details of bus infrastructure shall be submitted. This shall include for:

- (i) A bus layover area shall be identified at the local centre. The bus layover area shall be designed to include passenger waiting facilities;
- (ii) Bus infrastructure on the Distributor Road including Kassel kerbing, bus shelters and at stops close to the local centre 'Crank' real time information poles;
- (iii) A timetable for its implementation.

Thereafter the details so approved shall be implemented prior to the use of the Distributor Road as a bus route, unless otherwise agreed in writing by the Planning authority. Cf above

Reason:

In compliance with Policy DP21 of the adopted East Lothian Local Plan 2008

- 12 Prior to the commencement of development the findings of an independent road safety audit of the traffic calming and other environmental improvements of Salters Road shown on docketed

drawing nos. ED1141-1047 to ED1141-1051 inclusive shall be submitted to and approved in writing by the Planning Authority.

The traffic calming and other environmental improvements of Salters Road shall thereafter be fully undertaken in accordance with docketed drawing nos. ED1141-1047 to ED1141-1051 inclusive and the approved findings of the independent road safety audit prior to the commencement of development, unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of road safety.

- 13 Prior to the commencement of development the findings of an independent road safety audit of the design of the environmental improvements of Inchview Road shown on docketed drawing no. ED11411-1052 shall be submitted to and approved in writing by the Planning Authority.

The Inchview Road link to the new local centre shall be a pedestrian and cycle route only. Details of this, including turning facilities on both sides of the access point shall be submitted to and approved in writing in advance by the Planning Authority.

Prior to the first occupancy of the new primary school or of any of the other buildings of the local centre, whichever is sooner, the environmental improvement of Inchview Road and the pedestrian/cycle link and turning areas shall be fully carried out in accordance with docketed drawing no. ED11411-1052 and the approved findings of the independent road safety audit.

Reason:

In the interests of road safety.

- 14 Prior to their installation, details of formal signalised pedestrian crossing points on the Distributor Road shall be submitted for the approval of the Planning Authority. This shall include crossing points on relevant pedestrian desire lines to the local centre and school, as agreed with the Planning Authority. Thereafter the signalised pedestrian crossing points shall be constructed and brought into use prior to the occupation of any house or flat built to the south, east or west side of the Distributor Road.

Reason:

In the interests of road safety.

- 15 The new Distributor Road through the site shall have traffic calming measures to reduce vehicle speeds along its route and this shall include raised tables at junctions and crossing points with appropriate speed bumps at other locations, and shall have, where there are housing frontages to the Distributor Road, measures to stop residents and visitors parking on the Distributor Road; details of all of which shall be submitted for the prior approval of the Planning Authority.

Prior to the commencement of development the findings of an independent road safety audit of the traffic calming and other environmental improvements of the new distributor road shown on docketed drawing nos. ED11411-1040 to ED11411-1046 inclusive shall be submitted to and approved in writing by the Planning Authority.

The audit shall include all access junctions, bus stops, raised tables, and signalised junctions/crossing points. It shall include details of safe crossing locations for pedestrians travelling to and from the new Town Centre in a north to south direction.

The traffic calming and other environmental improvements of the new distributor road shall thereafter be fully undertaken in accordance with docketed drawing nos. ED11411-1040 to ED11411-1046 inclusive and the approved findings of the independent road safety audit prior to the whole of the new distributor road being opened to vehicular traffic.

Reason:

In the interests of road safety and in securing the vehicle deflection strategy set out in the Transport Assessment.

- 16 A monitoring program of traffic flows on Salters Road and the new distributor road shall be put in place to ensure that the deflection measures are operating to the satisfaction of the Planning Authority. Traffic count surveys shall be completed on occupancy of the 175th unit, the 450th unit, the 675th unit, and on completion of the development. The findings of the traffic count

surveys shall be submitted to the Planning Authority within a period of two months from the date of the traffic count, unless otherwise approved in writing by the Planning Authority.

Reason:

In the interest of road safety.

- 17 No development shall take place until the applicant has submitted to and approved in advance a signage strategy for the application site. The strategy shall identify and promote key pedestrian, cycle and vehicle routes to and from the new local centre from both the existing settlement of Wallyford and from the other components of the mixed use development hereby approved.

Reason:

In the interests of encouraging sustainable travel patterns in respect of the mixed use development.

- 18 Prior to the commencement of development a detailed condition survey of the construction access route from Dolphingstone and Salters Road interchanges shall be jointly undertaken by the developer and East Lothian Council Roads Services. During the period of construction of the development a similar joint inspection shall be carried out to assess the condition of the route on each anniversary of the commencement of development. Any damage identified as a result of construction activities shall be repaired or resurfaced by the developer in compliance with the Council's specifications and requirements at no cost to the Council as Roads Authority.

Reason:

In the interests of road safety.

- 19 A Construction Method Statement to minimise the impact of construction activity on the amenity of the area and to ensure the protection of the water environment from potential pollution during the construction phase of the development, shall be submitted to and approved by the Planning Authority, following consultation with the Scottish Environment Protection Agency, 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. It shall also address the temporary measures proposed to deal with surface water run off during construction in accordance with the requirements of the Water Environment (Controlled Activities) (Scotland) Regulations 2005 and General Binding Rules. The Construction Method Statement shall also make recommendations in respect of how pedestrians and school children can safely access the new school during construction works. These recommendations shall include the eastern section of the distributor road and footpaths from the new Strawberry Corner access being finished to an adoptable standard with final surfacing prior to the opening of the new school.

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 and to mitigate against surface water flood risk.

- 20 The details to be submitted pursuant to condition 1 above shall include full details of all noise mitigation measures. These shall be based on the mitigation measures identified in the Environmental Statement and shall be designed so that the 'good standard' indoor levels from Table 5 of BS 8233 Sound Insulation and Noise Reduction for Buildings- Code of Practice are met inside the proposed residential units. The mitigation measures shall include the erection of an acoustic barrier along the southern boundary of the site. The details to be submitted shall also include a timetable for the implementation of all of the proposed noise mitigation measures.

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

Reason:

To ensure an appropriate level of acoustic screening in the interests of the amenity of the future occupants of the site.

- 21 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.

22 No housing units of the development shall be occupied unless and until the following requirements have been met:

a. the existing 30 miles per hour speed limit has been extended along the frontage of the site on the A199 road from the existing 30 mph limit at Wallyford Toll, up to the eastern side of the proposed new access at Strawberry Corner; and

b. the existing 30 miles per hour speed limit has been extended along the frontage of the site on Salter's Road from the existing 30 mph limit at Fa'Side Crescent, up to the western side of the proposed new access on the A6094 road.

Details of the proposed extension to the existing 30 miles per hour speed limit shall be submitted for approval by the Planning Authority. These measures shall be implemented in accordance with the details as approved by the Planning Authority.

Reason:

In the interests of road safety.

23 The proposed eastern and western vehicle site accesses shall be designed in accordance with the Design Manual for Roads and Bridges, Volume 6. An independent road safety audit shall be undertaken (and submitted to the Planning Authority for approval) for the final design drawings of the those two site accesses.

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

Reason:

In the interests of road and pedestrian safety.

24 There shall be no commencement of development unless and until:

a) proposals for the alteration and re-activation of the existing traffic signal installation at the A1/A6094 junction have been approved in writing with the Planning Authority, in consultation with Transport Scotland; and

b) revised signal timing plans for the existing traffic signal installation at the A1/A199 junction have been submitted and approved in writing with the Planning Authority, in consultation with Transport Scotland.

The details to be submitted shall include a timetable for their implementation.

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

Reason:

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

25 The development shall be carried out in accordance with an approved programme of archaeological work (watching brief and post excavation 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.

- 26 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.

- 27 Prior to the commencement of development, a SUDS scheme shall be submitted for the written approval of the planning authority, in consultation with the Scottish Environment Protection Agency, and all work shall be carried out in accordance with the approved scheme.

Reason:

To ensure adequate protection of the water environment from surface water run-off.

- 28 Unless otherwise agreed in writing by the Planning Authority, prior to the occupation of any of the houses of the development hereby approved the route of Core Path 168, from within the site south across the A1 footbridge to Fa'side Castle, shall be upgraded by the developer or any succeeding party to a specification to be agreed in writing in advance with the Planning Authority.

Reason:

In the interests of the amenity of the area and recreational access for the residents of the development.

*Sederunt: Councillor McMillan left the Chamber*

### **3. PLANNING APPLICATION NO. 14/00868/P: ERECTION OF 41 FLATS, BUSINESS UNITS (CLASS 4 USE) AND ASSOCIATED WORKS AT TANTALLON ROAD/HEUGH ROAD, NORTH BERWICK**

A report was submitted in relation to Planning Application No. 14/00903/PPM. Keith Dingwall, Principal Planner, presented the report, summarising the key points. He drew attention to Policy BUS1 of the adopted East Lothian Local Plan 2008 advising that the proposed business use of part of the application site was consistent with this policy but the proposed housing element of the development was contrary to this policy. He referred to the requirement to consider whether there were any material considerations that outweighed this element, outlining those as detailed in the report. He drew attention to the District Valuer's comments. The recommendation was to grant planning permission subject to an affordable housing contribution equivalent to £430,000; on-site, off-site or as a commuted sum. The prime objective, in accordance with the approved Development Guidelines, was to ensure delivery of high quality business units.

Mr Dingwall responded to questions about class 4 business use, the business unit footprint, parking allocation and ownership of the land in question. He responded to further questions regarding the affordable housing contribution, clarifying the 3 contribution options. He confirmed that if it became apparent that on or off-site affordable housing provision was not possible then the financial contribution could be used for other areas/developments in North Berwick.

Stephen Wiseman of McCarthy and Stone, the applicant, informed Members they were the specialist providers of private retirement housing and had built over 80 developments in Scotland. They had an existing development in North Berwick at Craighleith View and had been looking for suitable sites for a new development. He referred to Scotland's ageing demographic and the need for suitable housing; many

elderly people wanted to move into this kind of complex. Site criteria were very important to this type of development, it had to be close to facilities and transport links; this site met all the relevant criteria. If the application was approved today, work would commence early 2016 and units would be delivered by February 2017.

Mr Wiseman and Jason Steele, also of McCarthy and Stone, responded to questions about the community consultation numbers/responses, car parking provision, anticipated percentage of local residents, warden and emergency call system operation and the potential purchase price of the flats. They clarified the position regarding the business units, parking provision and ownership.

Local Member Councillor Goodfellow stated he had brought this application to Committee as the housing element was contrary to Policy BUS1. There was no other industrial land available in North Berwick; business land was needed to sustain the economy of the town and East Lothian. There were other significant issues. This application would bring more elderly people into the town, increasing demand on the care system. He made reference to a previous application for North Berwick and to comments from a GP that the health centre was at capacity. Regarding adult care services, it was very difficult to recruit extra care assistants in the North Berwick area. He also raised concerns about visitor parking provision and parking allocation for the business units. He opposed this application and formally proposed rejection.

Local Member Councillor Berry indicated his concerns were similar to his colleague's. This development would not contribute anything to the community. He disputed the potential number of local residents who would relocate to this development. There was no business land available in North Berwick; he was disappointed by the response from Economic Development. Referring to affordable housing, he remarked that in areas like North Berwick, with the associated housing land values, this was never going to be viable. This application was not in the interests of the community, it was not good planning and losing these business units was not wise. This application should not be approved. He would second Councillor Goodfellow's proposal for rejection of the application.

Local Member Councillor Day remarked that he was always wary of applications seeking to vary policy; however, he felt the proposal was reasonable, it would provide some business units and some affordable housing contribution. Regarding the issue of shortage of business land raised by his colleagues this would be looked at through the current Local Development Plan process. He acknowledged that the requirements of elderly people needed further consideration. He would be supporting this application.

Councillor Currie voiced concern about some of Councillor Goodfellow's comments. His main issue regarding this application was the affordable housing element; according to the report it was unlikely this would be provided on site. He referred to the advice from officers regarding this application and their recommendation to grant consent; he would be supporting this recommendation.

Councillor Innes shared Councillor Day's view. Members had to be consistent; he made reference to previous decisions to release economic development land use for housing and allowing part of a housing development to utilise some of the allocated land for business use. He would be supporting the report recommendation.

Councillor Trotter also agreed with Councillor Day's comments; he would be supporting the application.

The Convener brought the discussion to a close. He noted the strong feelings regarding this application. There was an issue, throughout East Lothian, in relation to the ageing demographic, accommodation and health care. Regarding the affordable housing element, the intention was to look at having a shared ownership potential on some of these units. In relation to economic development land he acknowledged the shortage in North Berwick. This particular site however was a gateway to the town; it would be beneficial to replace the vacant building with an attractive development. He would be supporting the recommendation to grant planning permission.

The Convener noted the proposal to reject the report recommendation, proposed by Councillor Goodfellow and seconded by Councillor Berry; this was put to the vote:

For: 2  
Against: 13  
Abstentions: 0

The proposal therefore fell.

The Convener moved to the vote on the report recommendation:

For: 13  
Against: 2  
Abstentions: 0

### **Decision**

The Committee agreed to grant planning permission subject to:

1. The undernoted conditions.
2. The prior conclusion of an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 designed to secure from the applicant the provision of an on site affordable housing contribution equivalent to £430,000. Only if it can be demonstrated to the Council that this, or an off-site provision equivalent to £430,000 is not practicable, then a commuted sum payment of £430,000 shall be made to the Council in lieu of such an on or off-site provision.
3. That in accordance with the Council's policy on time limits for completion of planning agreements the decision also is that in the event of the Section 75 Agreement not having been executed by the applicant, the landowner and any other relevant party within six months of the decision taken on this application, the application shall then be refused for the reason that without the Council securing from the applicant through an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 an affordable housing contribution equivalent to £430,000, the proposed development would not provide towards any affordable housing provision, and is contrary to the Development Guidelines: 1 Tantallon Road, North Berwick, which were approved by the Council in December 2011.

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

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

- a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings;
- b. finished ground and floor levels of the development relative to existing ground levels of the site and of adjoining land and building(s). The levels shall be shown in relation to an Ordnance

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

Reason:

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

- 2 Notwithstanding the drawings docketed to this planning permission, the buff coloured cast stone and the white coloured render to be used in the walls of the flatted building are not hereby approved. Instead the cast stone shall be a red colour to match the red stone of the existing stone boundary wall and the white coloured render shall be of a darker colour. Samples of the materials to be used as external finishes of the flatted building, including the cast stone and render, shall be submitted to and approved by the Planning Authority prior to their use in the development. Only those materials approved by the Planning Authority shall be used as the external finishes of the flatted building.

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

Reason:

To ensure that the external finishes are appropriate in the interest of safeguarding the character and appearance of the area.

- 3 The use of the business units hereby approved shall be limited to uses within Classes 4 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 or any order, which subsequently amends or re-enacts this Order.

Reason:

To ensure the use is limited to that which is applied for.

- 4 There shall be no occupation of any of the flats hereby approved unless and until the four business units hereby approved have been fully constructed and are available for occupation.

Reason:

To ensure that the business units are delivered in order to adequately compensate for the loss of part of this allocated business and industrial site.

- 5 The flats hereby approved shall be occupied only by persons over 55 years old.

Reason:

To control the development of the site to the use proposed in the interests of the good planning of the area and to ensure that the occupancy of the houses and flats accords with Policies INF3 and DP22 of the adopted East Lothian Local Plan 2008.

- 6 The private foul drainage system shall be designed such that it could easily be connected to the public sewer. It shall be connected to the public system once this becomes available.

Reason:

To enable future connection to the public system in order to ensure the most sustainable approach to waste water drainage.

- 7 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 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.

- 9 Prior to the commencement of development details of the new vehicular access onto Heugh Road, including visibility splays, shall be submitted to and approved by the Planning Authority.

Prior to the occupation of any of the business units or flats the new vehicular access onto Heugh Road shall be formed in accordance with the details so approved and the widened footways at the northern and western edges of the application site and the internal access road, turning areas and car parking spaces, all as delineated on docketed drawing no. 1996.PL1.03 Revision C, shall have been formed and made available for use. Those areas thereafter shall remain available for use unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of road safety.

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

- 11 Prior to the commencement of development the findings of a quality/ safety audit shall be submitted to and approved by the Planning Authority. The audit shall investigate ways to improve pedestrian crossing opportunities over Tantallon Road and Heugh Road in the vicinity of the application site. The audit shall also investigate whether crossing opportunities over Heugh Road would benefit from the narrowing of the road carriageway. The audit shall also include a timescale for when any such improvement works should be undertaken.

Any improvement works identified in the quality/ safety audit shall thereafter be undertaken in accordance with the details so approved.

Reason:

To enable the site to be accessible to local facilities and communities in the area as well as access to public transport provision, in the interests of road safety.

- 12 Prior to the commencement of development details of the cycle parking to be provided for the flats and business units hereby approved shall be submitted to and approved by the Planning Authority. The submitted details shall include a timetable for implementation.

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

Reason:

In the interests of road safety.

- 13 Any plant or equipment serving the proposed new business units shall be located, designed and constructed so that maximum noise levels associated with their use are within those levels as shown by Table 13 of the docketed Environmental Noise Assessment.

Reason:

To safeguard the residential amenity of existing nearby properties and the future residential amenity of the flats hereby approved.

- 14 The flats hereby approved shall be constructed in accordance with the following requirements:

(i) Any glazing units on facades indicated by the red line in Figure 5 of the docketed Environmental Noise Assessment shall have a minimum performance of RTRA 40dB and a ventilation unit capable of achieving a minimum  $D_{n,e,w}$  of 46dB; and

(ii) Any glazing units on facades indicated by the purple line in Figure 7 of the docketed Environmental Noise Assessment shall have a minimum performance of RTRA 35dB and Acoustic trickle ventilation unit capable of achieving a minimum  $D_{n,e,w}$  of 41dB when in the open position.

Those glazing units shall thereafter be retained in position, unless otherwise approved in writing by the Planning Authority.

Reason:

To safeguard the residential amenity of existing nearby properties and the future residential amenity of the flats hereby approved.

- 15 Notwithstanding the drawings docketed to this planning permission, the part of the 3.5 metres high timber fence that would be forward of the bus garage building is not hereby approved. Instead that section of the timber fence shall be no higher than the adjacent stone boundary wall. Otherwise the timber fence shall be 3.5 metres in height. The timber fence shall consist of closed boards on both sides of the fence, to be constructed with timber boards providing a mass of 10kgm<sup>-2</sup> both sides.

The timber fence shall in accordance with the requirements of this condition prior to the occupation of any of the flats hereby approved.

It shall thereafter be retained in place, unless otherwise approved in writing by the Planning Authority.

Reason:

In the interest of safeguarding the character and appearance of the area and to ensure that the occupiers of the proposed flats would benefit from a sufficient level of residential amenity.

Signed .....

Councillor Norman Hampshire  
Convener of the Planning Committee