



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

**TUESDAY 5 SEPTEMBER 2017  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

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**Committee Members Present:**

Councillor N Hampshire (Convener)  
Councillor L Bruce  
Councillor S Currie  
Councillor J Findlay  
Councillor S Kempson  
Councillor K McLeod  
Councillor J McMillan  
Councillor F O'Donnell  
Councillor T Trotter

**Other Councillors Present:**

Councillor A Forrest

**Council Officials Present:**

Mr I McFarlane, Service Manager – Planning  
Mr C Grilli, Service Manager – Legal and Procurement  
Ms E Wilson, Service Manager – Economic Development and Strategic Investment  
Ms E Taylor, Planner  
Ms C McMonagle, Graduate Planner  
Mr M Greenshields, Senior Roads Officer  
Mr G Talac, Senior Roads Officer  
Ms P Bristow, Communications Officer

**Clerk:**

Ms A Smith

**Visitors Present:**

Item 2 – Mr B Dunlop, Mr J Scott  
Item 3 – Mr N Young, Mr J McGlynn, Mr G Thomson

**Apologies:**

Councillor W Innes  
Councillor C McGinn  
Councillor B Small

**Declarations of Interest:**

None

**1. MINUTES FOR APPROVAL – PLANNING COMMITTEE 15 AUGUST 2017**

The minutes of the meeting of the Planning Committee of 15 August 2017 were approved.

**2. PLANNING APPLICATION NO. 16/01029/AMM: APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF PLANNING PERMISSION IN PRINCIPLE 06/00770/OUT - ERECTION OF 140 FLATS AND ASSOCIATED WORKS AT FORMER TESCO STORE AND ADJACENT LAND AT MALL AVENUE, MUSSELBURGH**

A report was submitted in relation to Planning Application No. 16/01029/AMM. Emma Taylor, Planner, summarising the key points. She drew attention to the addendum regarding the further representation on behalf of Lothian Buses. Regarding parking provision, raised at the site visit, she clarified the allocation for the affordable housing flats and the private housing flats. The report recommendation was to grant consent.

Councillor Currie queried various aspects of the car parking provision, referring to the Council's parking policy and also asked about contact with Tesco regarding use of their car park. Iain McFarlane, Service Manager, Planning, clarified that the Council's parking standard was a standalone policy document but was referred to in the adopted East Lothian Local Plan 2008. He agreed with Councillor Currie that the policy was determined by Members but that officers had made a recommendation for Members to consider. Ms Taylor confirmed there had been no contact with Tesco. Councillor McLeod remarked it could not be presumed that Tescos would accept such usage of their car park. He asked if parking spaces at the development were flat specific; Ms Taylor said not presently in terms of the application. She advised, in response to Councillor O'Donnell's questions, that contributions towards play facilities had not been a requirement at the time of the planning permission in principle application so could not now be added.

Bruce Dunlop, representing Dundas Estates and Development, the applicant, outlined the site history, the different strands of outline consent, through to completion of the Tesco store and the Primary Care facility. This application was the culmination of 15/20 years work and investment. It would regenerate a brown field site. As regards parking provision, a 150% parking policy may be ideal for some areas but Musselburgh had accessible public transport. He stated that parking spaces would be allocated to purchasers and form part of their title to the property. The application did not vary in principal from elements of the outline consent.

Jeremy Scott of Michael Laird Associates, agent for the applicant, stated that the aim was to create a high quality urban development and soft landscaping features. Parking would be situated around the periphery of the site. The development height aligned with neighbouring tenements so the scale and mass was in keeping with the surrounding area.

Local Member Councillor Currie stated that his principal concern was the car parking provision. He referred to other town centre developments in Musselburgh and their parking allocation. The number of flats would yield many more cars than the number of parking spaces provided which would result in additional parking on surrounding streets, primarily Inveresk Road. The Council had a policy in place in respect of parking standards and it was not realistic to depart from this. He would not be supporting the application.

Local Member Councillor Forrest, not a member of the Planning Committee, stated that this was a welcome, attractive development. The site had lain empty for too long. He disagreed that the car parking provision would deter people from wanting to live in this development.

Councillor O'Donnell, making reference to building inclusive communities, remarked that the affordable housing could have been dispersed throughout the development, instead of being

situated in one block. However, despite this and concerns about the car parking provision, she would be supporting the recommendation in the report to grant consent. Councillor McLeod reiterated his earlier concerns about the car parking provision and the unauthorised use of the Tesco car park.

Councillor Kempson stated this was an exciting development; the central space and garden space were well designed. She would be supporting the recommendation to grant consent.

The Convener brought the discussion to a close. The proposal put forward was very attractive and there would undoubtedly be a high demand for these flats in Musselburgh town centre. Traffic management as regards parking would have to be managed carefully once the development was occupied. He suggested that Roads Service give consideration to possible measures to assist with traffic movement on Inveresk Road. He would be supporting the recommendation to grant planning permission as set out in the report.

The Convener moved to the vote on the report recommendation (to grant consent):

For: 8

Against: 1

Abstentions: 0

### **Decision**

The Committee agreed that approval of matters specified in conditions for the proposed flatted building development be granted subject to the following conditions:

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

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

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

Reason:

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

- 2 Samples of all external finishes of the development, including those of the flatted buildings hereby approved, shall be submitted to and approved in advance of their use on the development by the Planning Authority and the external finishes used shall accord with the samples so approved.

Reason:

In the interests of safeguarding the character and appearance of the development.

- 3 Prior to the occupation of the last residential unit hereby approved, the proposed access roads, parking spaces and footpaths shall have been constructed on site, in accordance with the docketed drawings and those areas of land shall not thereafter be used for any other purpose than for accessing and for the parking of vehicles in connection with the residential use of the 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 and bicycle parking in the interests of road safety.

- 4 No development shall take place on site until temporary protective fencing in accordance with Figure 2 of British Standard 5837\_2012 "Trees in relation to design, demolition and construction" has been

installed, approved by the arboriculturist and confirmed in writing by the Planning Authority. The fencing must be fixed in to the ground to withstand accidental impact from machinery, erected prior to site start and retained on site and intact through to completion of development. The position of this fencing shall be located along the full length of the northern site boundary and across the site from east to west to the north of the retained tree in the southwest corner of the site, shall be positioned outwith the Root Protection Area (RPA) as defined by BS5837:2012 for all trees and approved in writing by the Planning Authority.

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

- \_ No vehicular or plant access
  - \_ No raising or lowering of the existing ground level
  - \_ No mechanical digging or scraping
  - \_ No storage of temporary buildings, plant, equipment, materials or soil
  - \_ No hand digging
  - \_ No lighting of fires
  - \_ No handling discharge or spillage of any chemical substance, including cement washings
- Planning of site operations should take sufficient account of wide loads, tall loads and plant with booms, jibs and counterweights (including drilling rigs), in order that they can operate without coming into contact with retained trees.

Reason

In order to protect retained trees from damage.

- 5 Prior to the commencement of development a scheme of landscaping shall be submitted to and approved in writing by the Planning Authority. The scheme shall provide details of: the height and slopes of any mounding on or re-contouring of the site including SUDS ponds/basin details, tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. Non-thorn shrub species should be located adjacent to pedestrian areas. The scheme shall include indications of all existing trees and hedgerows on and adjacent to the land, details of any to be retained, and measures for their protection in the course of development. Thereafter the landscaping of the development shall be in accordance with that approved landscaping plan, unless otherwise agreed in writing by the Planning Authority.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation or completion of any part of the development hereby approved, whichever is the sooner. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar species and final size, unless the Planning Authority gives written consent to any variation. No trees or shrubs, detailed in the approved landscaping plans to be retained on the site, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority.

All tree work to trees on and adjacent to the site shall be carried out in accordance with BS3998:2010 'Recommendations for Tree Work' and shall be approved in writing by the Planning Authority before work is carried out.

No trees or shrubs, detailed in the docketed landscape plans to be retained on the site, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner unless otherwise approved by the Planning Authority.

Reason:

In order to ensure the implementation of a landscaping scheme to enhance the appearance of the development in the interests of the visual amenity of the area.

- 6 The northern boundary walls shall be constructed in accordance with detail Section A-A on the drawing titled 'Landscape Wall Construction Details' with drawing number DMR.AR(PL)018 rev P1. Should it be found that the existing foundations of the existing boundary wall are unsuitable for construction of the new garden walls then details of an alternative wall construction in accordance with BS5837:2012 'Trees in relation to design, demolition and construction' to adequately protect the roots of the existing trees to the north of the site shall be provided to the planning authority for approval prior to any works commencing.

Reason:

To safeguard the health and vitality of the existing trees on Mall Avenue which make a significant contribution to the character and visual amenity of the Conservation Area.

- 7 Only the path shown on detailed drawing 'Mall Avenue Entry Paths Existing and Proposed' with drawing number DMR.AR(PL)019 revision P3 shall be constructed on the grassed area on the south side of Mall Avenue. This path will be kept outwith the root protection areas for the existing trees along Mall Avenue and located outwith the site. Any surfacing within the Root Protection Area must be carried out in strict accordance with section 7.4 of BS5837: 2012 "Trees in relation to design, demolition and construction ~ Recommendations".

Reason:

To safeguard the health and vitality of the existing trees on Mall Avenue which make a significant contribution to the character and visual amenity of the Conservation Area.

- 8 The glazed openings on the east elevation of block 3 and the west elevation of block 4, shall prior to the occupation of each of the flats those glazed openings serve, be fitted with obscure glazing in accordance with a sample of the obscure glazing to be submitted to and approved by the Planning Authority in advance of its use on the building. The obscure glazing of the glazed openings shall accord with the sample so approved. Thereafter the glazed openings on the east elevation of block 3 and the west elevation of block 4 shall continue to be obscurely glazed unless otherwise approved by the Planning Authority.

Reason:

To safeguard the privacy and amenity of the neighbouring residential properties.

- 9 Unless otherwise approved in writing by the Planning Authority, the outfall for the surface water drainage system into the existing (Mill Lade) culvert in Mall Avenue shown on docketed Drawing No. J3441-002 is not hereby approved. Instead, development of the site shall not commence unless and until the following have been submitted to and approved by the Planning Authority, following consultation with the Council's Structures, Flooding and Street Lighting Team Manager:

- o Details of an alternative outfall for the surface water drainage system;
- o A Surface Water Drainage Assessment, in accordance with the 'Water Assessment and Drainage Assessment Guide' produced by the SuDS Working Party, including details of pre and post development surface water flows;
- o Confirmation that Scottish Water will vest the Surface Water Drainage System following construction.

Development shall thereafter be carried out in full accordance with the details so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

In the interest of the prevention of flood risk and to ensure adequate protection of the water environment from surface water run-off.

- 10 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.

- 11 The glazing specification of windows of bedrooms in proposed residential units throughout the development site shall be such so as to provide a Sound Reduction Index equivalent to 30dB. The glazing specification of windows of living rooms in all of the residential units throughout the development site shall be such so as to provide a Sound Reduction Index equivalent to 25dB. The windows of all glazing units of noise sensitive rooms (bedrooms/living rooms) in housing throughout the development shall be provided with acoustic trickle vents.

Reason:

In the interests of the amenity of those occupying the residential units.

- 12 The development shall be provided with 6 Electric Vehicle (EV) "rapid charge" points. Prior to the commencement of development details of the 6 Electric Vehicle (EV) "rapid charge" points, including a timetable for their provision, shall be submitted to and approved by the Planning Authority.

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

Reasons:

To minimise the impacts of the development on the Musselburgh Air Quality Management Area.

- 13 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.

- 14 Prior to the commencement of development, details showing compliance with the following transportation requirements shall be submitted to and approved in writing in advance by the Planning Authority.

- 1) Cycle parking shall be provided at a rate of 1 locker per flat or communal provision in a lockable room or shed.
- 2) The footway on Inveresk Road in front of Unit 7 shall be a minimum width of 2 metres.
- 3) The existing footway along the development frontage on Inveresk Road shall be relayed to match in to the materials used for the proposed development. Details to be submitted for approval;
- 4) Bollards shall be required to protect internal pedestrian only areas from indiscriminate parking. Details to be submitted for approval;
- 5) The existing kerb line at Block 8 shall tie into the existing kerb line on the public road. Details to be submitted for approval;

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

The residential development shall thereafter be carried out in accordance with the details so approved.

Reasons:

In the interests of road and pedestrian safety.

- 15 Prior to the commencement of development, a Travel Plan to minimise private car trips and to encourage the use of alternative modes of transport such as trains, buses, cycling and walking shall be submitted to and approved by the Planning Authority. The submitted Travel Plan shall include details of the measures to be provided, the methods of management, monitoring, review, reporting and duration of the Plan.

Development shall thereafter be carried out in accordance with the Green Travel Plan so approved.

Reason:

In the interests of ensuring sustainable travel patterns.

- 16 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.

No use shall be made of any of the components of development hereby approved unless and until the measures to decontaminate the site have been fully implemented as approved by the Planning Authority.

Reason:

To ensure that the site is clear of contamination prior to the commencement of use of any of the components of development.

**3. PLANNING APPLICATION NO. 17/00524/P: EXTENSION TO HOUSE AT 47 LINKS VIEW, PORT SETON**

A report was submitted in relation to Planning Application No. 17/00524/P. Caoilfhionn McMonagle presented the report, summarising the key points. The proposed decision set out in the report was to grant consent.

Niall Young of Niall Young Architecture Ltd, agent for the applicant, referred to the objection representations, as detailed in the report, refuting the grounds for objection for each one. He informed Members that this planning application was not contentious and should be granted.

John McGlynn, immediate neighbour, spoke against the application. The proposed extension was not well contained within the application site as stated in the report; it was outwith the site and ran along the rear building line into his property. This proposal was overbearing and would be too dominate. An appropriate extension would be one similar to those of neighbouring properties, smaller and more suitable to its surrounds.

George Thomson, also an immediate neighbour, spoke against the application. He raised concerns about the loss of view from his property, issues with the proposed fencing and the trees along the boundary between his property and the applicant's property.

Local Member Councillor O'Donnell agreed with the views expressed by the objectors. This was an extension too far; it was an overdevelopment of the site, it was too intrusive. The proposal would have an impact extending along the boundary of the neighbouring property. She would not be supporting the application.

Local Member Councillor Bruce remarked that whilst he understood the concerns of the objectors he did not feel there were sufficient reasons to go against the officer's recommendation. He would therefore be supporting the report recommendation.

Councillor Currie stated that there were no material grounds for refusal of the application. Regarding the extension site this was a legal matter between the relevant owners and not a matter for the Planning Committee. He would be supporting the report recommendation.

The Convener brought the discussion to a close. He remarked that although neighbours felt the application was inappropriate, it met all the relevant planning policies and as such there were no grounds for refusal. He would be supporting the recommendation to grant planning permission as set out in the report.

The Convener moved to the vote on the report recommendation (to grant consent):

For: 8  
Against: 1  
Abstentions: 0

**Decision**

The Committee agreed to grant planning permission.

Signed .....

Councillor Norman Hampshire  
Convener of the Planning Committee