



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

**TUESDAY 5 FEBRUARY 2019
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Committee Members Present:

Councillor N Hampshire (Convener)
Councillor J Findlay
Councillor N Gilbert
Councillor W Innes
Councillor S Kempson
Councillor C McGinn
Councillor K McLeod
Councillor J McMillan
Councillor F O'Donnell

Other Councillors Present:

Councillor J Henderson

Council Officials Present:

Mr K Dingwall, Team Manager – Planning Delivery
Mr K Graham, Solicitor
Ms E Taylor, Planner
Ms M Haddow, Transportation Planning Officer
Ms P Bristow, Communications Adviser
Mr J Allan, Planning Technician

Clerk:

Ms A Smith

Visitors Present/Addressing the Committee:

Item 2 – Ms R Gee, Mr R Bowman

Apologies:

Councillor L Bruce
Councillor B Small
Councillor J Williamson

Declarations of Interest:

None

1. MINUTES FOR APPROVAL – PLANNING COMMITTEE 15 JANUARY 2019

The minutes of the meeting of the Planning Committee of 15 January 2019 were approved.

2. PLANNING APPLICATION NO. 18/00677/PM: ERECTION OF A PETROL FILLING STATION WITH ANCILLARY RETAIL USE (CLASS 1), 1 DRIVE-THRU COFFEE SHOP (CLASS 3), 2 DRIVE-THRU RESTAURANTS (FAST FOOD) (CLASS 3), ASSOCIATED CAR PARKING, LANDSCAPING AND INFRASTRUCTURE WORKS AT LAND TO NORTH OF A1 GLADSMUIR JUNCTION, TRANENT

A report was submitted in relation to Planning Application No. 18/00677/PM. Emma Taylor, Planner, presented the report, summarising the key points. She informed Members that the applicant had asked her to clarify that Euro Garages could not confirm at this stage which brands would be occupying the site so contrary to their Planning Statement there was not a structured partnership with McDonalds. The report recommendation was to grant consent.

Ms Taylor responded to questions. In relation to concerns about refuse/waste management she advised that Waste Services were satisfied with the proposed arrangements and had not objected to the application. Regarding the possibility of increasing the number of cycle parking bays she indicated this would be up to the applicant. With regard to bus services/stops, the nearest bus stop was on the A199 about 500m and there was a footpath to the application site. Road Services were satisfied that the site could be accessed safely. Regarding construction traffic and potential use of the B6363 to the north, she said that Road Services had not advised that this road should not be used, but a condition to control construction traffic routes could be added if the Committee so desired.

In relation to whether there would be a separate parking area for HGVs Ms Taylor advised that this had been raised with the applicant but it was not their intention to provide separate parking on the site for HGVs. She added that it was not a requirement to provide this. She clarified that the petrol filling station (PFS) would be for use by HGVs as well as other vehicles. Regarding a query about whether there was a policy to recycle existing buildings, she indicated that there was not a requirement for this in the Local Development Plan. She confirmed that the new buildings would be lower in height than the existing building.

Rachel Gee of Clarendon Planning and Development Ltd, agent for the applicant, informed Members that this was an ideal location for this proposal. She outlined the facilities that would be provided adding that there were no modern facilities on this stretch of the A1. The applicant was aware that the site formed part of the area for the Blindwells development and that road widening of the B6363 may be required and had agreed to safeguard that portion of road that may need widened. She referred to the public consultation stating that the local community supported the application, valuing the employment opportunities that would be generated. This development would be complementary to the Blindwells development. There were no negative issues and she hoped Members would support the application.

Ms Gee and Rob Bowman, representing Euro Garages, the applicant, responded to a series of questions. In relation to dealing with litter, Mr Bowman outlined Euro Garage's litter picking strategy. He confirmed, with regard to additional cycle parking bays, that there was no objection to providing more of these if needed. He confirmed that inserting an additional condition to ensure that construction traffic came to the site from the A1 was acceptable. He clarified that HGVs would be encouraged but alluded to related security issues, giving details of requirements instructed by Police Scotland if specific parking for HGVs was provided.

Responding to questions about promoting tourism in the county Mr Bowman said this could be looked at; information boards/leaflets could perhaps be provided in the PFS. In respect of positioning of large signage, Ms Gee confirmed that there would be no remote signage at

Macmerry; signage would be mainly limited to on the site. Mr Bowman added that the signage for all the various franchises would be on a single totem on the A1 but contained within the site. There may be a secondary sign at the entrance but this was yet to be clarified. Responding to further points regarding HGVs parking at the PFS/using the other facilities, Mr Bowman referred to the site plan, highlighting the queueing space; he did not anticipate any issues but stated if there were any they would be dealt with.

Keith Dingwall, Team Manager for Planning Delivery, clarified that the Council would have control over signage, adding that the applicant's intention was the correct approach.

Responding to other issues raised Mr Dingwall suggested that if Members were minded to grant consent that the following conditions could be added to the recommended conditions:

- Condition 10 (*safeguarding the amenity of the area*) – Prior to the commencement of development, details of proposals for waste management shall be submitted to and approved in writing by the Planning Authority. The details shall include a timetable for implementation. The agreed waste management proposals shall thereafter be carried out prior to the first opening of any of the components of the development hereby approved unless otherwise agreed in writing.
- Condition 11 (*road safety*) – No construction vehicles shall access the site by way of the B6363 to the north of the site.
- Condition 12 (*encouraging sustainable modes of transport*) – Notwithstanding that shown on the site plan docketed to this planning permission, an additional 14 cycle parking spaces shall be provided within the application site. Details of the additional cycle parking spaces, including a timetable for their installation, shall be submitted to and approved by the Planning Authority prior to the commencement of development. The cycle parking shall thereafter be installed in accordance with the details so approved.
- Condition 13 (*promoting tourism*) – Prior to the opening of any of the components of the development hereby approved, East Lothian tourist information shall be provided within the application site in accordance with details to be submitted to and approved in advance by the Planning Authority.

Local Member Councillor McGinn opened the debate. He welcomed the application; it would bring employment to the area. There were concerns in the community about litter issues but having heard from the applicant he was reassured. He would be supporting the application.

Local Member Councillor McLeod agreed that business investment coming in to the county was welcome. This was an ideal site. He would be supporting the report recommendation.

Councillor Kempson agreed with most of her colleagues' comments but had issues about the reluctance of the applicant to provide specific parking for HGVs. She would however be supporting the application.

Councillor McMillan also welcomed the business investment to East Lothian. He agreed that there was an issue in relation to HGV parking. He would particularly welcome any partnership working as regards tourism promotion. He would be supporting the application.

The Convener supported colleagues' comments; this was an exciting proposal in an excellent location. He would be supporting the report recommendation.

He moved to the vote on the report recommendation (to grant consent) subject to inclusion of the additional conditions as set out by Mr Dingwall:

For: 9

Against: 0

Abstentions: 0

Decision

The Committee agreed to grant planning permission subject to:

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) Safeguard the land outlined in purple on the drawing, entitled 'Proposed Site Layout', reference 170223-PL-03K, for future road widening/provision of an Active Transport Corridor (associated with the development of Blindwells Expansion Area) for acquisition, at a cost based on a District Valuer valuation assessed on the land valued as petrol filling station use, and implementation by East Lothian Council. The land shall be safeguarded for a period of 10 years from the date of initiation of development of this planning permission or for an alternative time period that East Lothian Council has agreed with the landowner. On Expiration of the agreed time period, and if the Planning Authority has not demonstrated that the safeguarded land is required to facilitate the development of the Greater Blindwells development the land will revert back to the landowner for their unrestricted future use. For clarity, subject to the gaining the required permissions from the planning authority, signage associated with the adjacent land uses will be permitted on the Safeguarded land until such time the land is acquired by East Lothian Council for the future the required road widening / provision of an Active Transport Corridor works.

3. 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 ability to secure the transfer of the safeguarded land, in the event that it is required for the future road widening/provision of an Active Transport Corridor, the proposed development could prejudice the development of the Greater Blindwells new settlement, contrary to Proposal BW2 of the adopted East Lothian Local Development Plan 2018.

1 Prior to the commencement of development, a phasing plan shall be submitted to and approved by the Planning Authority. The phasing plan shall accord with the following requirements:

- (i) The roads and footpaths shall be completed and available for use prior to any use being made of any part of the Road Services Facility;
- (ii) The petrol filling station together with the PFS retail facility and rest facilities shall be complete and made available for use prior to the opening of any of the 3 drive through units;
- (iii) Prior to the opening of each of the buildings of the development the associated bike parking, picnic tables and out door seating areas will be installed and be made available for use by the public.

The development will thereafter be carried out in accordance with the approved phasing plan unless otherwise agreed in writing 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.

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

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

- a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings;

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

Reason:

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

- 3 A schedule of materials and finishes and samples of such finishes for all components of the development, including ground surfaces and boundary enclosures shall be submitted to and approved by the Planning Authority prior to the material and finishes being used in the development. The materials and finishes used in the development shall accord with the schedule and samples of them so approved.

Reason:

To enable the Planning Authority to control the materials, finishes and colour to be used to achieve a development of good quality and appearance in the interest of the visual amenity of the area.

- 4 Bike parking sufficient for 4 bikes shall be provided adjacent to each of the 4 buildings of the development prior to each of those buildings becoming operational and open for business. Thereafter the bike parking shall remain available for use unless otherwise agreed in writing by the Planning Authority.

Reason:

In the interests of encouraging sustainable methods of travel to the development.

- 5 All planting, seeding or turfing comprised in the approved details of landscaping [on the drawings titled 'Landscape Layout (1 of 4)' with drawing number 01 rev F 'Landscape Layout (2 of 4)' with drawing number 02 rev F 'Landscape Layout (3 of 4)' with drawing number 03 rev F 'Landscape Layout (4 of 4)' with drawing number 04 rev F and 'Landscape Masterplan' with drawing number MA rev F], shall be carried out in the first planting and seeding season following the occupation or completion 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.

Reason:

In order to ensure the implementation of a landscaping scheme to enhance the appearance of the development.

- 6 Prior to the commencement of development (i) intrusive site investigations shall be undertaken on the site to establish any coal mining legacy issues on the site, (ii) A report of findings arising from the intrusive site investigations shall thereafter be submitted together with a scheme of remedial works for the approval of the Planning Authority in conjunction with The Coal Authority and (iii) those remedial works shall be implemented prior to the commencement of development of the site unless, otherwise agreed in writing by the Planning Authority.

Reason:

In the interests of the safe development of the site.

- 7 Prior to the commencement of development the details of (i) any barriers to be erected along the trunk road boundary, (ii) any lighting to be erected within the application site and (iii) any landscaping treatments along the trunk road boundary shall be submitted to and approved by the Planning Authority in conjunction with Transport Scotland. Thereafter the barriers, lighting and landscaping shall accord with the details so approved unless otherwise agreed in writing.

Reason:

To ensure that there will be no distraction or dazzle to drivers on the trunk road and in the interests of road safety.

- 8 There shall be no drainage connection to the trunk road drainage system.

Reason:

To ensure the efficiency of the existing trunk road drainage network is not affected.

- 9 Prior to the installation of the foundations for the tank farm hereby approved, an assessment of the condition of the sub-soil shall be made in order to determine any special precautionary work which might be necessary to reduce the possibility of structural failure of the tank farm. The assessment shall review the ground conditions and the foundation design and shall consider whether any precautionary works are necessary to ensure that there is no risk to the water environment. The assessment shall include a timetable for the implementation of any such precautionary works. Details of the assessment shall be submitted to and approved by the Planning Authority following consultation with the Scottish Environment Protection Agency. Any such precautionary works shall thereafter be implemented in accordance with the timetable so approved.

Reason:

To ensure that there is no risk to the water environment from the proposed development.

- 10 Prior to the commencement of development, details of proposals for waste management shall be submitted to and approved in writing by the Planning Authority. The details shall include a timetable for implementation. The agreed waste management proposals shall thereafter be carried out prior to the first opening of any of the components of the development hereby approved unless otherwise agreed in writing.

Reason;

In the interests of safeguarding the amenity of the area.

- 11 No construction vehicles shall access the site by way of the B6363 to the north of the site.

Reason:

In the interests of road safety.

- 12 Notwithstanding that shown on the site plan docketed to this planning permission, an additional 14 cycle parking spaces shall be provided within the application site. Details of the additional cycle parking spaces, including a timetable for their installation, shall be submitted to and approved by the Planning Authority prior to the commencement of development.

The cycle parking shall thereafter be installed in accordance with the details so approved.

Reason:

In the interests of encouraging sustainable modes of transport.

- 13 Prior to the opening of any of the components of the development hereby approved, East Lothian tourist information shall be provided within the application site in accordance with details to be submitted to and approved in advance by the Planning Authority.

Reason:

To promote tourism on offer in East Lothian in the interests of amenity.

Sederunt: Councillor McLeod left the Chamber

3. PLANNING APPLICATION NO. 18/01151/PM: VARIATION OF CONDITION 1(E) OF PLANNING PERMISSION IN PRINCIPLE 09/00574/OUT - TO CHANGE THE A1087 PUBLIC ROAD VISIBILITY SPLAYS AT THE NEW ACCESS JUNCTION AT DUNBAR GOLF CLUB, EAST LINKS ROAD, DUNBAR

A report was submitted in relation to Planning Application No. 18/01151/PM. Ms Taylor presented the report summarising the key points. The report recommendation was to grant consent.

Local Member Councillor Kempson stated that the proposal seemed reasonable and she would therefore be supporting the application.

The Convener, a Local Member, agreed, adding that progress would be welcomed.

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

For: 8
Against: 0
Abstentions: 0

Decision

The Committee agreed to grant planning permission subject to:

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 secure from the applicant a financial contribution to the Council of £473044 for education contributions - £149,480 towards the provision of additional capacity at the Lochend Campus of Dunbar Primary School, £130,449 towards John Muir Campus of Dunbar Primary School; and £193,115 towards additional capacity at Dunbar Grammar School;

3. 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 a lack of sufficient school capacity at Dunbar Primary School and Dunbar Grammar School, contrary to Proposal ED6 of the adopted East Lothian Local Development Plan 2018.

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 the golf clubhouse, golf academy, greenkeepers shed, 67 residential units and hotel; the means of access to them; the means of any enclosure of the boundaries of the site and any subdivision of it; and the landscaping of the site including the 9 hole golf course, driving range and short game practice facilities. Those details shall generally accord with the drawings docketed to this planning permission in principle, with the principles of the Council's Urban Design Standards for New Housing Areas and the Scottish Government Policy Designing Streets, and otherwise those details shall accord with the following principles of development for the site:

a) a play area shall be provided within the main housing area. Details of the play area, including the equipment to be provided within it, shall be submitted to and approved in advance and the play area shall be installed in accordance with the details so approved;

b) Houses shall be no higher than two storeys in height and may include accommodation in the roof space; any flatted building(s) shall be no higher than three storeys in height and may include accommodation in the roofspace;

c) The golf academy/clubhouse building(s) shall be no more than two storeys in height and may include accommodation in the roof space;

d) existing trees and hedgerows on the site and its boundaries shall be retained and enhanced unless otherwise agreed in writing with the Planning Authority;

e) for any new access to the A1087 public road visibility splays of 4.5 metres by 120 metres shall be provided and maintained at the new access junction

f) parking shall be to the required standards of East Lothian Council's Parking Standards;

g) shared cycle/ footway provision shall be made along the A1087 road from the site access northwards to the layby on the east side of Queens Road;

h) Bus stops shall be provided in close proximity to the new access junction onto the A1087 road.

Reason:

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

- 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.
- a. The above mentioned details shall include a final site setting-out drawing to a scale of not less than 1:200, giving:
 - b. The position within the application site of all elements of the proposed development and position of adjoining land and buildings;
 - c. 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
 - d. The ridge height of the proposed buildings shown in relation to the finished ground and floor levels on the site.

Reason:

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

- 3 No work 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 work shall take place on site until the scheduled ancient monument 'Samoya, 100m NNE of' has been protected by a fence, to be approved in writing by the Planning Authority, erected around the scheduled ancient monument at a distance as may be agreed in writing by the Planning Authority. Within the area so fenced off the existing ground -level shall neither be raised nor lowered and no materials, temporary buildings, plant, machinery or surface soil shall be placed or stored and no fires shall be lit thereon without the prior written approval of the Planning Authority.

Reason:

To ensure the retention and maintenance of the scheduled ancient monument.

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

Reason

In the interests of road safety.

- 6 A Green Travel Plan to minimise private car trips and to encourage use of alternative modes of transport shall be submitted to and approved by the Planning Authority prior to the commencement of use of any component part of the scheme of development hereby approved. The Green Travel Plan shall include an assessment of whether or not new bus stops should be provided. Additionally the Green Travel Plan shall include details of the measures to be provided, the system of management, monitoring, review, reporting and duration of the Plan. The approved Green Travel Plan shall be implemented prior to any component part of the scheme of development hereby approved being brought into use.

Reason:

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

- 7 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.

- 8 A method statement for the routing and management of construction traffic shall be submitted to and approved by the Planning Authority prior to the commencement of development. The

recommendations of the method statement shall be implemented prior to the commencement of development.

Reason:

To minimise the impact of construction traffic in the interests of road safety and the amenity of the area

- 9 Prior to the commencement of development full details of the finalised 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 Water. 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.

- 10 Development shall not commence on site until full details of the foul drainage system have been submitted to and approved in advance by the Planning Authority in consultation with the Scottish Environment Protection Agency and Scottish Water.

Reason:

To ensure that the site is adequately serviced and to protect the quality of the local watercourse.

- 11 No use shall be made of the 9 hole golf course hereby approved unless and until any mitigation measures in respect of the A1087 public road, as required of a risk assessment to be submitted to and approved in advance by the Planning Authority, have been implemented.

Reason:

In the interests of road safety.

- 12 Where access is to be taken from the A1087 road by way of a new priority junction this will be subject to the stopping up of the existing access from the Deer Park part of the site onto the A1087 and no part of the development to be accessed from such new junction shall be occupied or brought into use until such time as that existing access is stopped up.

Reason:

In the interests of road safety.

- 13 Housing completions on the application site and otherwise on the site in any one year (with a year being defined as being from 1st April to 31st March the following year) shall not cumulatively exceed the following completion rates, unless otherwise approved in writing by the Planning Authority:

2020/21 - 10 units

2021/22 - 22 units

2022/23 - 35 units

If less than the specified number of residential units are completed in any one year then those shall be completed instead at Year 3 (2022/23) or beyond and not added to the subsequent Year.

Reason:

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

Signed

.....

Councillor Norman Hampshire
Convener of the Planning Committee