

REPORT TO: Planning Committee
MEETING DATE: Wednesday 18 December 2019
BY: Depute Chief Executive (Partnerships and Community Services)
SUBJECT: Application for Planning Permission for Consideration

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Application No. **19/00145/PM**

Proposal Erection of 3 retail units (class 1), 2 restaurant/cafe (class 3) with external seating areas and 1 with associated drive-thru/takeaway and associated works

Location **Gateside West
Haddington
East Lothian**

Applicant EPIC (No.2) Ltd

Per Zander Planning Ltd

RECOMMENDATION Consent Granted

REPORT OF HANDLING

PROPOSAL

As the area of the application site is greater than 2 hectares, the development proposed in this application is, under the provisions of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, defined as a major development and thus it cannot be decided through the Council's Scheme of Delegation. The application is therefore brought before the Planning Committee for a decision.

As a statutory requirement of major development type proposals this development proposal was the subject of a Proposal of Application Notice (Ref: 18/00003/PAN) and thus of community consultation prior to this application for planning permission being made to the Council.

As an outcome of that and as a statutory requirement for dealing with major development type applications a pre-application consultation report is submitted with this application.

The report informs that approximately 100 people attended the pre-application public exhibition held at the John Gray centre in Haddington, with 58 of the attendees filling out the feedback form on the day, and a further 3 sending their responses in after the event. The Report advises that overall, the feedback was generally positive in relation to the future development of the site. The main comments were:

- Concern about traffic issues raised as a result of the development and potential need for further roads improvements;
- Concern about noise problems from development, particularly on nearby residential properties;
- Inclusion of electric vehicle charging within car park;
- The site is a gateway to the town, and should be visually attractive;
- Improvements needed to the potential design of the store;
- Landscaping and planting should be promoted to improve the visual amenity of the proposal;
- Prefer to include a petrol filling station; and
- Impact on the town centre must be given careful consideration, and links between the proposed development and the town centre should be promoted where possible.

The development for which planning permission is now sought is of the same character as that which was the subject of the community engagement undertaken through the statutory pre-application consultation of the proposal.

The application site consists of 3.3 hectares of land at the western edge of Haddington. It includes land within the former Gateside Commerce Park and the land of the former Oaktree Petrol Filling Station. These uses ceased a number of years ago and the buildings on the site have been demolished.

The application site is bounded to the north by the A199 road and by a length of the Haddington to Longniddry railway walk, to the west by a small area of undeveloped land, beyond which is the Oaktree roundabout junction, and to the south by agricultural land on the opposite side of the B6471.

The application site is bounded to the east by the remainder of the former Gateside Commerce Park. On 12 January 2015 planning permission (Ref: 14/00219/PM) was granted for the erection on the eastern part of the former Gateside Commerce Park, Haddington of 112 houses, 14 business/light industrial units (Class 4 use), a pub/restaurant and for associated works. The approved drawings indicate that the 14 business/light industrial units (Class 4 use) and pub/restaurant would be located on the western part of the site, nearest to the site that is the subject of this Committee report.

On 14 December 2016 planning permission (Ref: 15/00686/PM) was granted for the erection of 97 houses and associated works on 4.07 hectares of land which comprised part of the former Gateside Commerce Park and thus on part of the land that was subject of planning permission 14/00219/PM. The site did not include the land for the business/light industrial units or for the pub/restaurant.

Planning permissions 14/00219/PM and 15/00686/PM have been implemented to the extent that housing development has commenced, with many of the approved houses now built and occupied. There has been no commencement of development of the business units or pub/ restaurant.

In April 2018 planning permission 17/00644/P was refused for the erection of 16 houses on the 0.4 ha of land within the site area of 14/00219/PM approved to have the pub/restaurant erected on it. In July 2018 an application to the Local Review Body for the review of the

decision to refuse planning application 17/00644/P was dismissed.

In April 2019 planning permission (Ref: 19/00036/P) was granted for the erection of a drive thru coffee shop on the site approved for the pub/ restaurant and for the formation of car parking, cycle parking and hard and soft landscaping. Development of the drive thru coffee shop has not yet commenced.

The application site itself also has a planning history.

In January 2008 planning permission (Ref: 08/00084/FUL) was sought by Sainsbury's Supermarkets Ltd for the development of a Class 1 retail store and petrol filling station on the application site, for the reconfiguration of the existing car park of the Gateside Commerce Park and for associated works. That application was subsequently withdrawn without it having been determined.

In February 2012 planning permission in principle (Ref: 11/00729/PPM) was granted for the development of a Class 1 retail store and for a petrol filling station on the application site, for the reconfiguration of the existing car park of the Gateside Commerce Park and for associated works.

A condition of planning permission in principle 11/00729/PPM restricts the gross floor area of the retail store to no greater than 3,700 square metres and the net sales floor area to no greater than 2,355 square metres. Of the net sales floor area, the condition states that no more than 471 square metres of it shall be used for the sale of comparison goods.

In March 2013 approval of matters specified in conditions of planning permission in principle 11/00729/PPM (Ref: 12/00896/AMM) was granted for the details of the siting, design and external appearance of the retail store and petrol filling station, the means of access to it, the landscaping of the site and of other principles of development.

In detail the approved retail store would have had a gross floor area of 3,700 square metres and a total net sales area of 2,355 square metres. Of the total net sales area, no more than 471 square metres of it would be used for the sale of comparison goods.

The approved store would have had a broadly square footprint its front elevation would have faced southwards across part of its car park towards the B6471 road. A total of 279 car parking spaces would have been provided within the application site to serve the retail store, in positions to the south and southwest of the proposed retail store building. A petrol filling station would have been located on the part of the southern edge of the western part of the site. A service yard for the retail store would have been located immediately to the north (rear) of the retail store building.

This development lawfully commenced given that the service road approved as part of the proposal has been constructed. The western part of this access road is located within the eastern edge of the application site. As such, the planning consents (Refs: 11/00729/PPM and 12/00896/AMM) are extant.

In October 2019, planning permission (19/00352/P) was granted for the construction of a petrol filling station (PFS) on the western part of the application site. Development of the PFS has not yet commenced.

Planning permission is now sought for the erection on the application site of 3 retail units (class 1), 2 restaurant/cafe units (class 3) with external seating areas and 1 with associated drive-thru/takeaway and associated works.

The 3 retail units would be positioned within a main building with a broadly rectangular shaped footprint that would have an overall length of 83 metres and a depth of 62 metres. It would be located on the northern part of the application site with its front elevation facing southwards across its car park towards the B6471 road. The main building would have a maximum height of 12 metres to the top of the highest point of its roof and 10.4 metres to the eaves.

The front and side elevations would be finished with a mix of black coloured facing brick and 'wood décor' rainscreen cladding. Each shopfront would have aluminium glazed screens. The rear of the main building would be predominately finished with grey coloured insulated cladding, with a further section of black coloured insulated cladding.

One of the proposed class 3 units would be located to the west of the main building. It would have an overall length of 14.5 metres and a width of 9.8 metres. It would reach an overall height of 6.0 metres to the top of its mono-pitched roof. The building would be finished in materials to match the main terrace. An external seating area would be located to the immediate west of this unit.

The second Class 3 units would be centrally located within the front (southern) part of the application site, in a position immediately to the east of the proposed site access. The building would have a length of 13.0 metres and a width of 15.7 metres. The building would have a maximum height of 6 metres to the top of the highest point of its mono-pitched roof. The walls of the building would be clad with reconstituted stone, 'wood décor' rainscreen cladding, and black coloured cladding. The mono-pitched roof would be clad with composite cladding roof panels.

Service access to the two Class 3 units, and vehicular access for customers to the new retail development and to the petrol filling station (approved by planning permission 19/00352/P) would be taken from the B6471 road via a new traffic signal junction positioned centrally at the southern edge of the application site. A total of 293 car parking spaces would be provided within the associated carpark, of which 4 would have electric car charging points. Two of these electric car charging points would be available for disabled users. A total of 17 spaces would be available for disabled users and 22 parent and toddler spaces. The access road at the eastern edge of the application site would be used as the access for delivery vehicles servicing the 3 retail units. New pedestrian footways would be formed along the southern and part of the eastern boundaries of the site. A section of footway would also be formed along part of the southern side of the B6471 road, opposite part of the application site. A toucan crossing would be formed across the B6471 road in a position close to the southeast corner of the application site. Areas of landscaping would be provided along the northern and southern boundaries of the application site. The drawings also show a landscaped area to be formed within the southwest corner of the site, to the east of the Oaktree roundabout.

Since the application was first registered, drawings have been amended to take on board comments from the Council's Road Services and Landscape Policy officers. The finishing materials for the proposed buildings have also been revised to take account of concerns raised by the Council's planning officers.

The application is supported by a pre-application consultation report, a planning and retail statement, a noise assessment, a desktop site investigation report, a ground investigation report, a landscape and visual impact assessment, a design and access statement, a drainage strategy, and a transport assessment.

The planning statement submitted with this application addresses the circumstance of the proposed development relative to the development plan and other material considerations.

It declares that the proposed development is not significantly different from the previously approved retail development, will have acceptable levels of impact on the existing Town Centre, and is consistent with the Local Development Plan, which identifies the site for retail.

DEVELOPMENT PLAN

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan, unless material considerations indicate otherwise.

The development plan is the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Development Plan (ELLDP) 2018 together with its adopted supplementary guidance.

The purpose of the approved South East Scotland Strategic Development Plan (SESplan) is to set out the strategic planning framework to assist preparation of local development plans. Its policies are generally not relevant for assessing individual planning applications.

Relevant ELLDP Proposal is PROP HN6: Gateside West, Haddington.

Relevant ELLDP Policies are EMP1: Business and Employment Location, TC1: 'Town Centre First' Principle, DP1: Landscape Character, DP2: Design, DP9: Development Briefs, NH8: Trees and Development, NH10: Sustainable Drainage Systems, NH13: Noise, T1: Development Location and Accessibility, T2: General Traffic Impacts, and T31: Electric Car & Bus Charging Points.

Also material to the determination of the application is Scottish Planning Policy: June 2014. It advises that the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost. This means that policies and decisions should be guided by principles, including supporting delivery of accessible housing, business, retailing and leisure development.

Scottish Planning Policy highlights that the planning system should apply a town centre first policy when planning for uses which attract significant numbers of people, including retail facilities. This requires that locations are considered in the following order of preference:

- town centres (including city centres and local centres);
- edge of town centre;
- other commercial centres identified in the development plan; and
- out-of-centre locations that are, or can be, made easily accessible by a choice of transport modes.

It further states that Planning authorities, developers, owners and occupiers should be flexible and realistic in applying the sequential approach, to ensure that different uses are developed in the most appropriate locations.

A further material consideration in the determination of this planning application is the Retail Impact Assessment (dated October 2019) by Roderick MacLean Associates Ltd, which was commissioned by East Lothian Council.

REPRESENTATIONS

A total of 3 written representations have been received in respect of this planning application. Of these, 1 makes objection to the proposed development. The other 2 written representations, which are from Haddington and District Amenity Society (HADAS), do not state whether they object to or support the proposed development.

A copy of each written representation is contained in a shared electronic folder to which all Members of the Committee have had access.

The objection relates to concern that the development would be a blight on the western entrance of the town as well as querying whether the jobs projected to be created is realistic or are meaningful. Concern is also raised with regards to impact on the vitality and viability of Haddington Town Centre. It is also raised as to whether it is appropriate to grant approval for an additional coffee shop when one has recently been approved nearby and to the impact of the opening hours on surrounding residents. The impact of the proposal on traffic numbers, volumes and emissions has also been raised.

One representation queries the closing date for written representations. The other one raises issues relating to impact of the proposal on the vitality and viability of Haddington Town Centre.

HADAS were advised that the Council would be commissioning an independent Retail Impact Assessment on the proposal which has been undertaken. This report has been completed (by Roderick MacLean Associates Ltd) and interested parties, including the objector and HADAS, were again notified that it had been prepared and invited to make further comments on this application should they wish to do so. The application was also advertised in local press following the publication of the Retail Impact Assessment. No further comments were received.

Issues such as impact of the design of the proposal on the western approach to Haddington have also been raised by HADAS. They however noted that considerable attention had been given to tree planting as part of the current proposal.

COMMUNITY COUNCIL COMMENTS

Haddington Community Council has also commented the application. They have raised concerns with regards to the size of the retail units proposed and their potential impact on the vitality and viability of the town centre of Haddington. Additional comments were received following consultation on the independent Retail impact Assessment. Haddington Community Council has again commented to state that there may be a majority of people in favour of the retail park they would still have concerns with regards to long term impact on the vibrancy and attractiveness of the High Street within Haddington. They also have stated that the independent Retail Assessment is correct yet flawed. They have also stated that they believe more can be done to improve the relationship between the retail development and the town such as improved signage at the proposed retail park advising as to the facilities available within the town centre as well as a bus service linking the two. Concern is also raised with regards to plans to remove car parking spaces from the town centre which would lead to log jams in the town centre making it less appealing while increasing the attractiveness of the retail park.

For the avoidance of doubt, this proposed development does not include any plan to remove car parking spaces from the town centre.

PLANNING ASSESSMENT

The application site is covered by Proposal HN6 of the adopted East Lothian Local Development Plan 2018. Proposal HN6 allocates the site for retail and associated development. Proposal HN6 states that any new development proposals for the site must include a comprehensive masterplan for the entire allocated site that integrates development with the surroundings. Any development here is subject to the mitigation of any development related impacts, including on a proportionate basis for any cumulative impacts with other proposals including on the transport network as appropriate. Proposal HN6 further confirms that Policy EMP1 applies.

Proposal HN6 reflects the fact that there is an extant planning permission (Refs: 11/00729/PPM and 12/00896/AMM) for the development of a retail store and petrol filling station on the site.

The proposal consists of a retail led development consisting of the erection on the application site of 3 retail units (class 1) and 2 restaurant/cafe units (class 3). It is not unusual for there to be Class 3 units associated with a retail development of this nature. The principle of a retail development of the site with associated Class 3 development is consistent with Proposal HN6 of the adopted East Lothian Local Development Plan 2018.

In granting planning permission (Refs: 11/00729/PPM and 12/00896/AMM) for the retail store and petrol filling station, the Council as Planning Authority accepted that there was no available Town Centre or other sequentially preferable site that could accommodate the proposed retail development. There remains no suitable or available town centre or edge of town centre sites capable of accommodating the proposed retail development.

The application site is within the urban area of Haddington as defined by the adopted East Lothian Local Development Plan 2018 and is in proximity to the lands of Letham Mains, which is being developed for a mixed use development of some 807 houses, social and community facilities and associated infrastructure. It is also in close proximity to the housing that has been, and is being developed at Gateside, to the north of the B6471 road.

The site is alongside the B6471 road, a public transport route serving Haddington. There are bus stops on the sides of B6471 that are close to the site. There is a public footpath alongside part of the northern boundary of the site that gives access to the houses of Gateside and beyond. It is proposed that a pedestrian and cycle link be formed between that footpath and the retail store. The application site is easily accessible from a choice of transport modes, including public transport.

The proposal would be a redevelopment of brownfield land that would result in a positive improvement to the appearance of this site, which has been vacant for a number of years and which occupies a gateway location in approaches to Haddington from the west.

Policy EMP1 states that within areas allocated for business and employment, uses within Use Classes 4, 5 and 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 are supported. Other employment generating uses may also be supported in these locations subject to the town centre first principle (Policy TC1) and provided there would be no amenity conflicts or other unacceptable impacts. Proposals to redevelop employment sites or premises for other employment generating uses will only be supported where the uses proposed do not prejudice or inhibit the activities of a nearby employment use.

The proposal would be an employment generating use. In this, the applicant. On this

matter, the applicant estimates that the proposed development will generate and support around 200 jobs (Full Time Equivalent) and a further 75 construction jobs during that period.

The proposed development would not prejudice any existing employment use, as none are located in close proximity to the application site. As stated above planning permission has already been granted for business units and a pub/ restaurant immediately to the east of the proposed retail development, and a petrol filling station to the west of it. However there is no reason in principle why the proposed retail and food and drink uses could not satisfactorily co-exist with those approved uses.

Policy EMP1 further states that proposals must not adversely affect amenity and must be able to co-exist satisfactorily with existing or proposed uses on the site and in the surrounding area. In this regard, the application site is not bound by any sensitive land uses, with the nearest residential property being located in excess of 40 metres from the site boundary.

On these considerations the proposal is consistent with Policy EMP1 of the adopted East Lothian Local Development Plan 2018.

It is now necessary to consider whether the proposed development would adversely affect the vitality or viability of Haddington Town Centre.

The previously approved retail store would have a gross floor area no greater than 3,700 square metres and a net sales floor area no greater than 2,355 square metres. Of the net sales floor area no more than 471 square metres would be used for the sale of comparison goods. In granting planning permission (Refs: 11/00729/PPM and 12/00896/AMM), the Council as Planning Authority accepted that a store of that size and with that amount of comparison and convenience floorspace would not have an adverse impact on the vitality and viability of the retail function of Haddington Town Centre.

The retail proposal is now different to that previously approved, in that, rather than one retail store, it would consist of 3 retail units (class 1) and 2 restaurant/cafe units. Moreover the floorspace and the split between convenience and comparison offer would be different to that previously approved.

The development now proposed consists of some 4,350 square metres gross of retail floorspace, which would amount to 3,395 square metres of net sales area, and 306 square metres of restaurant use with a drive-thru in the car park area of the development, plus a further small café/retail unit. The combined convenience floorspace of the three proposed units is some 2,522 square metres net, which equates to 74% of the total net floorspace, and 873 square metres of comparison sales area.

As such, this would lead to an increase of Class 1 use convenience and comparison sales area over and above what has previously been approved.

In order to assess any potential impact on the vitality or viability of Haddington Town Centre, the Planning Service commissioned Roderick MacLean Associates Ltd to undertake an independent Retail Impact Assessment of the development.

Under the more recent expenditure data and population projections in this review, Roderick MacLean Associates Ltd estimate that there will be up to £11.7 million spare convenience expenditure capacity in the Haddington catchment by 2023. The proposed development at Gateside is estimated to have a convenience turnover of £26.2 million. After allowing for the relocation of Aldi (who the review consider may relocate to the

proposed development), the additional new convenience turnover would be £12.5 million. The forecast spare capacity could potentially service that amount.

In terms of convenience spend, Roderick MacLean Associates Ltd conclude that the retail impact on stores in Haddington would be 14%, which they say is a medium level of impact. In their view, this level of impact would probably not threaten the viability of Haddington town centre. If the proportion of trade diversion on the small shops within the Town Centre is higher than they have assumed, Roderick MacLean Associates Ltd advise that there would be a threat to some of these stores. In their view some loss of town centre vitality is likely, as customers are drawn to Gateside. However overall, Roderick MacLean Associates Ltd conclude that the level of retail impact would not materially threaten the vitality and viability of established centres, including Haddington Town Centre.

In terms of comparison spend, Roderick MacLean Associates Ltd conclude that the estimated comparison turnover of the proposed development at Gateside is £6.9 million, of which a high proportion is anticipated to be serviced by claw-back of leakage from centres outside East Lothian. The range of comparison goods in the proposed development would compete to a certain extent with some shops in the town centre. However, it will be limited by survey based evidence that the great majority of comparison shopping is undertaken in centres outside East Lothian where most of the trade diversion will be experienced. Roderick MacLean Associates Ltd advise that the comparison element of the proposed retail development is unlikely to threaten the viability of Haddington town centre. Some loss of town centre vitality is probable, as customers are drawn to Gateside. Taken as a whole, Roderick MacLean Associates Ltd advise that it is fair to consider that the Gateside retail proposal may to some extent dampen the prospects for future additional investment in retailing in the town centre.

Roderick MacLean Associates Ltd do however recommend that the split of convenience and comparison floorspace is specified as a planning condition, to protect Haddington centre in the event of different operators emerging in the future.

In line with Scottish Planning Policy and Policy TC1 of the adopted East Lothian Local Development Plan 2018, the test is that out-of-centre retail developments should not have a significant impact on the vitality and viability of town centres.

Based on the independent retail impact assessment undertaken by Roderick MacLean Associates Ltd, and subject to planning control, it is reasonable to conclude that the proposed development would not materially threaten Haddington town centre, or other town centres. The proposal is therefore consistent with Scottish Planning Policy and Policy TC1 of the adopted East Lothian Local Development Plan 2018.

The Council's Policy and Strategy Manager advises that the principle of retail development on this site is established through Proposal HN6 of the East Lothian Local Development Plan and the extant planning permission. There is no material change in terms of the need for convenience retailing. Indeed the East Lothian Retail Capacity Study (2015) identifies the outstanding consent as being necessary to absorb excess expenditure in the Haddington area. He also states that comparison expenditure significantly leaks out to Edinburgh. The East Lothian Retail Capacity Study recognises that the ability to claw back is low, in an effort to avoid harm to the vitality and viability of East Lothian town centres. Given the identified need for convenience retailing, and the potential harm of new comparison floorspace, the Policy and Strategy Manager advises that it would be prudent to condition any permission to control the amount of comparison goods across the site. This control can be secured by a conditional grant of planning permission for the proposed development. Subject to this planning control, the Policy and Strategy Manager is satisfied that the proposed development would not harm the vitality and viability of Haddington town

centre. The Council's Economic Development Manager also raise no objection to the proposed development, being satisfied that it would not harm the vitality and viability of Haddington Town Centre.

The main elements of built form of the retail development would be the main building containing the 3 retail units, the restaurant/cafe unit (class 3) with associated drive-thru/takeaway to be positioned adjacent to the B6471 road, and the large expanse of customer car park that would be positioned between the two.

The principal built element of the development, the proposed main building, is principally designed for the functionality of its intended use. However in its set back position and when viewed from the B6471 road the building would not appear as a prominent or intrusive feature, harmful to the visual amenity of the area. It would also be seen in relation to the other components of the proposed development and may well in time also be seen in relation to the petrol filling station, light industrial and business units, and pub/restaurant, all of which have been previously approved. In this regard, the main building, together with the Class 3 unit that would be immediately to the west of it, would sit comfortably in their intended locations. The other Class 3 building would be positioned adjacent to the customer vehicular access from the B6471 and between that road and part of the proposed car park. Due to its roadside location the Class 3 building and its drive thru would be prominent in public views from the B6471 road. However a facility of this nature is often positioned adjacent to or in close proximity to a roadside. In this regard and in its relationship with the other components of development would not appear as an alien or incongruous feature in its proposed location.

The design and finish of the main building has been amended following submission of the application.

With the mix of black coloured facing brick and 'wood décor' rainscreen cladding of parts of its walls, particularly its south frontage, the proposed main building would have a somewhat contemporary appearance that would add visual interest to the character and appearance of the area. The areas of glazed screens would provide visual relief that would help to break up the mass of the building. The finish of the Class 3 roadside building has also been improved, and the stone panels would not be dissimilar to the stone panels on some of the roadside houses at the northern end of Letham Mains. The buildings would be of a size, scale and design appropriate to their location and would not be an over development of the site. In their positional relationships with the main building, neither would the car park, access road and other associated development of the site. The retained tree planting and proposed landscaping would reduce the impact of the development in public views of it. In all of this the retail units, café/restaurants, car park and other associated development, by virtue of their design scale and position are appropriately designed for their place and would not be harmful to the character or appearance of the area.

With regards to amenity, the boundary of the site would be approximately 40 metres from the boundary of dwellings to the east which were approved by planning permission 15/00686/PM. Under the same planning application, planning permission was granted for two terraces of business units in the intervening land between these approved dwellings and the site boundary. These would be sited on the land to the east of the existing service access road and to the rear of the approved dwellings. As such, these units as well as proposed planting along the rear boundary of the gardens of these residential properties would serve as a buffer. As such, the proposed development would not have a detrimental impact on nearby residential properties to the east by way of overlooking, loss of privacy or loss of daylight/sunlight.

The Council's Environmental Protection Manager has confirmed that the noise impact assessment submitted with this application is acceptable in demonstrating that use of the proposed retail development would not have a harmful impact on the amenity of the area.

Consequently, the Environmental Protection Manager raises no objection to the proposed retail development but recommends that noise emanating from any proposed plant and/ or equipment should not exceed specified noise limits at any octave band when measured within any nearby residential property with windows open at least 50 millimetres. Moreover he recommends that a 2 metre high acoustic barrier be formed along the eastern boundary of the proposed service delivery yard. This planning control can be secured by a condition imposed on the grant of planning permission for the proposed retail development. Subject to this planning control use of the proposed retail development would not be harmful to the amenity of nearby residential properties, including those to the east that are still to be built.

On these considerations of layout, design, and amenity, the proposed retail development is consistent with Policies DP1 and DP2 of the adopted East Lothian Local Development Plan 2018.

The Council's Landscape Officer had initially commented on the application with regards to the acceptability of the materials proposed as well as the planting arrangements for the site. Accordingly the plans have been amended to include amended materials including greater articulation of Unit 5 which is closest to the main road to the south. This now includes reconstituted stone to improve the attractiveness of the building and to better relate it to its surroundings. Furthermore, additional oak tree planting has been introduced following the officer's comments to replace other species originally proposed. This would tie into the sense of place given the sites location adjacent to the Oak Tree Junction and the Oak Tree Café which occupied the site historically. Other plant species have been incorporated into the proposal as per the recommendation of the officer. Other changes have been incorporated to improve the boundary treatment.

Following the amended plans being submitted the Landscape Policy Officer had confirmed that the revised details are sufficient to allay their concerns. As such, and subject to tree protection measures being incorporated and subject to the proposed landscaping being provided within an appropriate timescale, the Landscape Policy Officer raises no objection to the proposed development. If the development is otherwise considered acceptable, her recommendations on landscaping can be imposed as conditions of a grant of planning permission for it.

The proposed landscaping, together with that proposed as part of planning application 19/00352/P, would help to absorb the impact of the development and would provide an attractive landscaped edge on the approach into Haddington from the west.

The Council's Access Officer has commented on the application to confirm that they do not raise any issues with the proposal.

Scottish Natural Heritage were also invited to make comments on the application and have responded to confirm that they do not intend to offer formal comment on the proposal.

Similarly, the Council's Biodiversity Officer has commented on the application to state that the site is not located within a designated site (SPA/SSSI etc.), and although it is adjacent to the Longniddry-Haddington Railway Walk LBS, due to the nature of the works they do not see that there will be a significant impact on the LBS. They have stated that they have records of *Peltigera hymenina* (a lichen) on site which was included as a priority species in the most recent LBAP (2013), however they do not think this development will impact on this species. They have no records of protected species in the area and they have stated

that the site is a former commerce park with areas of broken hardstanding and overgrown grassland and therefore has limited biodiversity value.

The Council's Waste Services Officer has confirmed that they have no objection to the proposal.

Network Rail has been consulted on the proposal and have responded to confirm that the proposal would not impact on railway infrastructure and they have no comments or objections to make on the application.

At its meeting on Tuesday 27th August 2019 the Council approved a motion declaring a Climate Emergency. Thereafter, at its meeting on Tuesday 3rd September 2019 the Council's Planning Committee decided that a condition requiring a developer to submit for the approval of the Planning Authority a report on the actions to be taken to reduce the carbon emissions from the building and from the completed development should be imposed on relevant applications for planning permission. Such a condition should be imposed on a grant of planning permission for this proposed development.

Scottish Water raise no objection to the proposed development, advising that there is sufficient capacity locally for the supply of water and treatment of foul waste from the site.

The Scottish Environment Protection Agency have no objection to the proposal on flood risk grounds.

Given the proximity of the application site from the A1 road, Transport Scotland has been consulted on the proposal. They raise no objection to the proposed development.

The Council's Road Services have been in discussions with the transport consultant acting on behalf of the agent to ensure the site can be safely accessed and to improve the overall accessibility of the site. Accordingly the plans have been amended to provide a new footpath to the south side of the B6471 to the south of the site terminating just to the west of the vehicular access to the site. A pedestrian refuge island has also been incorporated into the proposal to improve the safety of pedestrians crossing at the junction.

Road Services has considered the transport assessment submitted by the applicant and agrees with the findings that the traffic likely to be generated by the proposed retail development of the application site could be satisfactorily accommodated on the local road network, that the proposed tracking plan demonstrates that the site can be sufficiently accessed by vehicles, and modelling indicates that there would be no significant impact on the operation of the junctions and the adjoining public road.

Road Services raises no objection to the proposed access arrangements for the proposed retail development, being satisfied with proposals for access and car and cycle parking. He does however recommend the provision of footways, a number of junction improvements, and that other improvement works are undertaken. These works can be secured by a conditional grant of planning permission for the proposed development.

With regard to pedestrian access, it should be noted that there is already a pedestrian footpath that provides direct access from the application site to the Haddington to Longniddry railway walk (i.e. the public footpath on part of the northern boundary of the application site). This ensures that a safe and convenient pedestrian access would be available to and from the retail development from residential properties to the east and northeast of the application site.

It would however be prudent to ensure that suitable access controls are put in place to

ensure that vehicles and shopping trolleys cannot access the railway walk, and that a litter management plan be submitted to and approved by the Planning Authority. Those recommended controls can be secured by a conditional grant of planning permission for the proposed retail development.

Road Services recommend that a detailed Travel Plan in respect of the proposed development be submitted to and approved in advance by the Planning Authority. The Travel Plan should seek to minimise private car trips and encourage use of alternative modes of transport such as trains, buses, cycling and walking. It should identify the measures to be provided, the methods of management, monitoring, review, reporting and duration of the plan.

Lastly, Road Services recommend that a construction method statement should be submitted to and approved in advance by the Planning Authority. The construction method statement should seek to minimise the impact of construction traffic movement and activity on the local road network. On a wider consideration it should also seek to minimise the impact of construction traffic movement and activity on the amenity of the area. It should recommend mitigation measures to control noise, dust, construction traffic and shall include hours of construction work.

The submission of a construction method statement and travel plan can be secured through a conditional grant of planning permission for the proposed development.

With the imposition of conditions to cover the recommendations of the Road Services the proposed development would accord with Policies T1, T2, and T31 of the adopted East Lothian Local Development Plan 2018.

RECOMMENDATION:

It is recommended that planning permission be granted subject to the undernoted conditions:

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

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

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

Reason:

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

- 2 A schedule of materials and finishes and samples of such finishes for all components of the development, including buildings, 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.
- 3 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 must be as indicated on the drawing 'Detailed Planting Plan (Sheet 1 of 13)' numbered 1206 / 03 rev I [to be revised], shall be positioned out with 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 form Construction Exclusion Zones around retained trees and protect retained trees from damage.

- 4 All planting, seeding or turfing comprised in the approved details of landscaping on the drawing series titled 'Detailed Planting Plan' sheets 1 to 13 (drawing numbers 1206/ 03 Rev K ,1206/ 04 Rev H, 1206/ 05 Rev H, 1206/ 06 Rev I, 1206/ 07 Rev F, 1206/ 08 Rev J, 1206/ 09 Rev K, 1206/ 10 Rev F, 1206/ 11 Rev H, 1206/ 12 Rev I, 1206/ 13 Rev F, 1206/ 14 Rev F and 1206/ 15 Rev H) 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 and in accordance with the approved 'Planting notes and Maintenance & Management Proposals'. 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 the interest of the visual amenity of the surrounding area.

- 5 The Rating Level, LArTr, of noise emanating from the proposed development shall be no more than 5dB (A) above the background noise level, LA90T. All measurements to be made in accordance with BS 4142: 2014 "Methods for rating and assessing industrial and commercial sound".

Reason:

In the interest of the residential amenity of surrounding occupiers.

- 6 Noise associated with the operation of any associated plant and equipment shall not exceed Noise Rating curve NR20 at any octave band frequency between the hours of 2300-0700 and Noise Rating curve NR25 at any octave band frequency between the hours of 0700-2300 within any neighbouring residential property. All measurements to be made with windows open at least 50mm.

Reason:

In the interest of the residential amenity of surrounding occupiers.

- 7 Prior to any use being made of the service delivery yard hereby approved, a 2m high acoustic barrier shall be constructed along the eastern boundary of the proposed service delivery yard. The fence shall be close boarded with no holes or gaps and be constructed prior to operation of the service yard. The acoustic barrier shall thereafter retained, unless otherwise approved in writing by the Planning Authority.

Reason:

In the interest of the residential amenity of surrounding occupiers.

- 8 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 during the construction period 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.

- 9 No development shall take place until there has been submitted to and approved in writing by the Planning Authority a litter management plan. The litter management plan shall thereafter be implemented in full accordance with the details so approved.

Reason:

In the interests of the character and appearance of the area.

- 10 No less than 25%, and no more than 30%, of the total sales floorspace area of the overall Class 1 uses hereby approved shall be available for the sale of comparison goods.

Reason:

In order to retain control over the format of retail development at the site and in the interests of safeguarding the vitality and viability of the retail function of Haddington Town Centre.

- 11 The maximum Class 1 gross internal retail area hereby approved shall be restricted to a total of 4,350 square metres including any upper or mezzanine floors. Unless otherwise approved in writing by the Planning Authority, the retail units shall be retained in perpetuity in the use, format and internal floor area allocation as shown on the docketed drawings, namely:

Unit 1- 1,754 square metres gross internal floor area;
Unit 2- 1,393 square metres gross internal floor area; and
Unit 3- 1,203 square metres gross internal floor area.

Reason:

To ensure that the development does not unacceptably harm the vitality and viability of Haddington Town Centre.

- 12 Prior to the site opening for trade, the proposed site access roads, parking spaces, footpaths and bus stops and lay-bys shall have been constructed on site, in accordance with that which is shown on the docketed plans. Those areas of land shall not thereafter be used for any other purpose than for accessing and for the parking of vehicles and shall not be adapted or used for other purposes without the prior written approval of the Planning Authority.

Reason:

In the interest of highway safety in the area.

- 13 The proposed roads, parking spaces, footpaths, footways, cycleways, bus stops & lay-bys shall be laid out as shown in drawing numbers G2741 AL(0)003 Rev.24 received December 2019.

Reason:

In the interest of highway safety in the area.

- 14 The access junction with the B6471 road shall incorporate a visibility splay of 4.5 metres by 70 metres, which shall be provided and maintained so that no obstruction lies within it above a height of 1.05 metres measured from the adjacent carriageway surface.

Reason:

In the interest of highway safety in the area.

- 15 Prior to the use of any of the retail or Class 3 units hereby approved, a shared use pedestrian and cycle 'Toucan' type crossing of the B6471 shall be provided, in accordance with details to be submitted to and approved in writing by the Planning Authority in advance of its provision. The 'Toucan' crossing shall thereafter be retained fully in compliance with the approved details unless otherwise approved by the Local Planning Authority.

Reason:

In the interest of pedestrian safety in the area.

- 16 Prior to the use of any of the retail or Class 3 units hereby approved, the footpaths and footways shown on drawing no. G2741 AL(0)003 Rev.24 received December 2019 B6471 shall be formed, in accordance with details to be submitted to and approved in writing by the Planning Authority in advance of formation. The footpaths and footways shall thereafter be retained in accordance with the approved details unless otherwise approved by the Planning Authority.

- Reason:
In the interest of pedestrian safety in the area.
- 17 A visibility splay of 4.5 metres by 70 metres shall be provided and maintained at the junction of the existing un-adopted service road immediately to the east of the application site, with the B6471, so that no obstruction lies within it above a height of 1.05 metres measured from the adjacent carriageway surface.

- Reason:
In the interest of highway safety in the area.
- 18 Prior to the commencement of development a detailed condition survey of the construction access route from the Oaktree roundabout to the construction access to the application site 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 Bus Shelters shall be provided at the existing east and westbound bus stops on the B6471, which are located to the east of the application site. Details shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site and the bus stops shall thereafter be installed prior to the use of the site commencing. The bus stops shall thereafter be retained in accordance with the approved details unless otherwise approved by the Local Planning Authority.

- Reason:
In the interest of public transport improvements in the area.
- 20 A Stage 1 Road Safety Audit has been undertaken for the preliminary design of the works to the B6471. This process must be completed through Stages 2, 3 & 4 which are Detailed Design, Post Opening Audit & Post Opening Audit + 12 months - all in accordance with GG119 Road Safety Audit Rev0. The Road Safety Audit to include; the proposed signalised access junction, Commerce park junction, uncontrolled and signal controlled pedestrian crossings; double 'D' islands and new bus stops if provided.

- Reason:
In the interest of highway safety in the area.
- 21 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. Temporary measures shall be put in place to control surface water drainage during the construction works.

The construction of the development shall thereafter be carried out in strict accordance with the Construction Method Statement so approved.

- Reason:
In the interest of residential amenity of nearby occupiers during the construction work associated with the development hereby approved.
- 22 No part of the development shall be occupied until a Green Travel Plan (GTP) has been submitted and approved by the planning authority in consultation with the Road Services. The GTP shall have particular regard to provision for walking, cycling and public transport access to and within the site, and will identify the measures to be provided, the system of management, monitoring, review, reporting and duration of the plan.

The recommended measures shall thereafter be fully undertaken in accordance with the GTP so approved.

- Reason:
In the interest of the promotion of green travel associated with the development hereby approved.
- 23 Prior to the commencement of development, a report on the actions to be taken to reduce the Carbon Emissions from the build and from the completed development shall be submitted to and approved in writing by the Planning Authority. This shall include the provision of renewable technology for all new buildings, where feasible and appropriate in design terms, and new car charging points and infrastructure for them, where feasible and appropriate in design terms. The details shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the report so approved.

Reason:

To minimise the environmental impact of the development.

24

Prior to the commencement of development, details of measures to ensure that shopping trolleys cannot access the Haddington-Longniddry railway walk shall be submitted to and approved in writing by the Planning Authority. The measures so approved shall thereafter be fully undertaken prior to any of the retail units being open to trade.

Reason:

In the interests of pedestrian safety and the environment.

25

Prior to the commencement of development, a SUDS scheme shall be submitted to and approved by the Planning Authority, following consultation with SEPA, and all work shall be carried out in accordance with the details so approved.

Reason:

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

Please note that the remainder of pages relating to this item have been removed as they contain personal information (for example - names and addresses of people that have made representation)