



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

**TUESDAY 7 DECEMBER 2021
VIA A DIGITAL MEETING FACILITY**

Committee Members Present:

Councillor N Hampshire (Convener)
Councillor L Bruce
Councillor J Findlay
Councillor A Forrest
Councillor N Gilbert
Councillor S Kempson
Councillor K Mackie
Councillor C McGinn
Councillor K McLeod
Councillor J McMillan
Councillor F O'Donnell
Councillor J Williamson

Council Officials Present:

Ms M Sullivan, Head of Development
Mr K Dingwall, Service Manager – Planning
Ms E Taylor, Manager Planning Delivery
Mr D Irving, Senior Planner
Ms L Ritchie, Senior Planner
Mr C Kiely, Planner
Ms M Haddow, Transportation Planning Officer
Mr J Canty, Transport Planner
Mr R Yates, Transportation Planning Officer
Mr I Lennox, Team Manager – Assets & Regulatory
Ms J Holland, Senior Solicitor
Ms P Gray, Communications Adviser

Clerk:

Ms A Smith

Visitors Present/Addressing the Committee:

Item 2 – Ms A Kelman, Ms P McKeown, Ms J Bell
Item 3 – Mr D Jewell
Item 4 – Mr M Akgun, Ms B Akgun, Ms S Woodall-Mason, Mr J Lawson, Ms J Bell

Apologies:

None

Declarations of Interest:

The Convener, Councillor Hampshire, declared an interest in item 2 – as Chair of the Community Trust who owned the Hallhill complex – he would therefore take no part in the debate or vote for this planning application. The Vice Convener, Councillor McMillan, would chair the meeting for this item.

1. MINUTES FOR APPROVAL – PLANNING COMMITTEE 2 NOVEMBER 2021

The minutes of the meeting of the Planning Committee of 2 November 2021 were approved.

Sederunt: Councillor Hampshire left the meeting.

2. PLANNING APPLICATION NO. 20/00110/PM: ERECTION OF 197 HOUSES, 48 FLATS AND ASSOCIATED WORKS AT HALLHILL NORTH, DUNBAR

A report was submitted in relation to Planning Application No. 20/00110/PM. Daryth Irving, Senior Planner, presented the report, summarising the key points. The report recommendation was to grant consent.

Officers responded to questions from Members. Mr Irving advised that the cost of the access route would likely have increased since the figure of £1.2 million from 2011 given in the report; updated figures were not available, but it was felt that this was a reasonable figure from which to calculate the developer's contribution. Morag Haddow, Transportation Planning Officer, advised that the sum had been indexed for inflation; the council would expect to make an application to Sustrans or another body for the majority of the cost, and a shortfall would have to be met by the council. Regarding construction access, Mr Irving advised of a requirement for prior approval of a Construction Method Statement by the planning authority, with some roads having to be brought up to useable standard before use by construction traffic. Obtaining updated figures for the cost of the access road in this instance would have involved multiple agencies and may have taken some time. Mr Irving advised that the site operators would be responsible for clearing any debris created by adverse weather.

Mr Dingwall, Service Manager – Planning, added that debris was not subject to planning control but covered by other legislation. He recommended that imposing any condition around this would not be competent, but would be willing to discuss with developers the need to clear any offending materials.

Abby Kelman and Paula McKeown, of Taylor Wimpey, the applicant, responded to questions. They understood Taylor Wimpey's obligation as a responsible housebuilder to clear any debris after adverse weather, and could address this within the Construction Management Plan.

Jacquie Bell, representing Dunbar Community Council, spoke against the application. She raised concerns regarding infrastructure and exacerbation of existing problems with pedestrians and vehicle movements at Hallhill. She raised concerns over the proposals' effect on an increased use of Hospital Road, the access at Bayview Circus, and the use of the narrow Beveridge Row. There was demand for traffic calming measures and on-road parking solutions on Yosemite Park and Brodie Road and concerns over pressure on Spott Road. Existing connections between schemes were poor and in some cases unfinished, and active travel solutions were unclear. There were concerns over the low developer contribution to the access across the railway. No woodland corridors or single-storey homes had been included within the plan, for which there was local demand. Ms Bell suggested that Members consider continuing the application until these issues could be resolved.

Local Member Councillor Kempson took on board the comments of Dunbar Community Council. She congratulated the developers on a more community-friendly development than some that came to the Committee in terms of the paths and connectivity and planning for the bus terminus. She would be supporting the application.

Councillor Findlay felt that an updated study to calculate the developer contribution to the underpass would have been preferable, and proposed that the application be continued until such time as updated figures could be obtained. Councillor Mackie seconded this proposal.

Councillor Mackie also had concerns that the indexed figure from 2011 would not represent the full cost, particularly with rising costs relating to building materials, and that this could result in a high cost to the council that could be avoided. She did not wish for the development to be subject to unnecessary delays, but expressed greater concern for the financial risk posed by the use of outdated figures.

Councillor Forrest sought clarification regarding the right of appeal should there be delays in terms of decision-making on the basis of seeking further information relating to the underpass costs. Mr Irving confirmed that the council and developer had consistently agreed to extensions to the determination of the application, and therefore the developer would be able to exercise their right to appeal against non-determination in the case of continuation of the application.

Councillor McMillan commented that it was one of the best sites he had seen in terms of facilities, with its woodland, paths, and sports facilities, and linked to a fine school. He noted Local Member Councillor Kempson's remarks. He was reassured by agreements between the developer and the council in relation to the transport interventions and did not think that actions by either party would have a detrimental effect. He thought that the questions raised by Ms Bell would be addressed through the course of the development. He brought the discussion to a close, and would be supporting the recommendation to grant planning permission as set out in the report.

Councillor McMillan moved to the vote on the motion to continue the application, as proposed by Councillor Findlay and seconded by Councillor Mackie, which was taken by roll call:

For: 3 (Councillors Bruce, Findlay, and Mackie)

Against: 8

Abstentions: 0

The amendment therefore fell. .

The Convener moved to the vote on the report recommendation, to grant consent, taken by roll call:

For: 10

Against: 1 (Councillor Findlay)

Abstentions: 0

Decision

The Committee agreed to grant planning permission 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 shown in relation to the finished ground and floor levels on the site.

Reason:

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

- 2 Notwithstanding that which is stated on the drawings docketed to this planning permission a detailed specification of all external finishes of the houses and flats hereby approved shall be submitted to and approved by the Planning Authority prior to the use of the finishes in the development. The external finishes of the houses and flats shall be in accordance with a co-ordinated scheme of materials and colours that shall in detail promote render as the predominant finish to the walls of the houses and flats, with a use of more than one render colour and with a strongly contrasting difference in the colours such that they will not each be of a light colour, and shall show the roofs being clad in more than one colour of roof tile. All such materials used in the construction of the houses and flats shall conform to the details so approved.

Reason:

To ensure the development is of a satisfactory appearance in the interest of the amenity of the locality.

- 3 Unless otherwise approved in writing by the Planning Authority:

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

Year 2022/23 - 55 residential units
Year 2023/24 - 55 residential units
Year 2024/25 - 55 residential units
Year 2025/26 - 55 residential units
Year 2026/27 - 25 residential units

(b) If fewer than the specified number of residential units is completed in any one year then those shall be completed instead at Year 2027/28 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.

- 4 Notwithstanding that shown on the drawings docketed to this planning permission, the boundary enclosures shown on those drawings are not hereby approved. Instead, and prior to the commencement of development, revised details of all boundary enclosures to be erected on the application site, and the timescales for their provision, shall be submitted to and approved in advance by the Planning Authority. Those details shall show 1.8 metre high solid enclosures around rear gardens of the houses hereby approved except where those boundaries are adjacent to a road or pathway where they shall be feature walls to heights and finishes to be approved in advance by the Planning Authority.

Thereafter the boundary treatments erected shall accord with the details so approved unless otherwise agreed in writing by the Planning Authority.

Reason:

To ensure the satisfactory provision of the boundary enclosures in the interest of safeguarding the visual amenity of the area and to safeguard the privacy and amenity of residential properties nearby.

- 5 With the exception of the pine tree proposed to be planted adjacent to plot 88 which shall be replaced with a birch tree, all planting, seeding or turfing comprised in the details of landscaping on drawing nos. 1456/01 Rev C, 1456/02 Rev C, 1456/03 Rev C, 1456/04 Rev C, 1456/05 Rev C, 1456/06 Rev C, 1456/07 Rev C, 1456/08 Rev C, 1456/09 Rev C, 1456/10 Rev C and 1456/11 Rev C all docketed to this planning permission shall be carried out in the first planting and seeding season following the occupation of any of the buildings or the completion of the development, whichever is the sooner. Any

trees 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 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 the new planting shall be maintained in accordance with the maintenance and management programme as detailed in the docketed 'Hallhill North, Dunbar: Planting Notes & Landscape Maintenance and Management Proposals' report dated February 2020 by Brindley Associates.

Reason:

In the interests of achieving an appropriate landscaped setting for the housing development.

- 6 Prior to the commencement of development a Preliminary Ecological Appraisal undertaken by a suitably qualified ecologist shall be carried out on the application site and the results shall be submitted to and approved by the Planning Authority. Any mitigation measures highlighted to be required as a result of the approved appraisal shall thereafter be carried out in accordance with a timetable to be submitted to and approved by the Planning Authority.

Reason:

In the interests of the biodiversity of the area.

- 7 Prior to the commencement of development an assessment of the impact of the development hereby approved on the local deer population shall be submitted to and approved by the Planning Authority. Any mitigation measures highlighted to be required as a result of the approved assessment shall thereafter be carried out in accordance with a timetable to be submitted to and approved by the Planning Authority.

Reason:

In the interests of the biodiversity of the area.

- 8 All the open space recreation areas indicated on the docketed drawings shall be available for use prior to the occupation of the last residential unit on the site. The open space recreation areas, when provided, shall be used for such purposes at all times thereafter unless agreed in writing by the Planning Authority.

Reason:

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

- 9 In the event that unexpected ground conditions (contamination) are encountered at any time when carrying out the permitted development that was not previously identified, work on site shall cease and the issue shall be reported to the Planning Authority immediately. At this stage a Site Investigation and subsequent Risk Assessment may have to be carried out, if requested by the Planning Authority. It may also be necessary to submit a Remediation Strategy should the reporting determine that remedial measures are required and a subsequent Verification Report.

Reason:

To ensure that the site is clear of contamination.

- 10 Due to noise associated with rail traffic on the East Coast Main Line, mitigation measures in the form of an acoustic barrier shall be provided along the northern boundary of the application site prior to the occupation of any of the residential units hereby approved. The barrier shall be 3 metres in height (timber fence atop an earth bund or equivalent) in accordance with detail to be submitted to and approved in advance by the Planning Authority. Development shall thereafter be carried out in accordance with the details so approved and the acoustic barrier shall thereafter be retained in place.

Reason:

In the interest of safeguarding the residential amenity of future occupiers of the proposed residential development.

- 11 The development shall comply with the following transportation requirements:

(i) all roads and paths shall conform to East Lothian Council Standards for Development Roads;

(ii) driveways shall have minimum dimensions of 6 metres by 3 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 m length. Pedestrian

ramps to houses may encroach by up to 300mm on the width (but not the length) provided they are no greater than 150mm in height above the adjacent driveway surface;

(iii) vehicle accesses to private parking areas (i.e. other than driveways) shall be via a reinforced footway crossing. Within private parking areas, the minimum dimensions of a single parking space shall be 2.5 metres by 5 metres;

(iv) cycle parking for dwellings without private back garden with a gate (e.g. flats/mid-terraces), shall be included at a rate of 1 space per dwelling. This shall be in the form of a lockable room or shed.

Reason:

In the interests of road safety.

- 12 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.

Those areas of land shall not thereafter be used for any other purpose than for accessing and for the parking of vehicles in connection with the residential use of the houses and flats and shall not be adapted or used for other purposes without the prior written approval of the Planning Authority.

Reason:

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

- 13 A visibility splay of 4.5 metres by 70 metres shall be provided and maintained on each side of the proposed new site vehicular access junction with Beveridge Row such that there shall be no obstruction to visibility above a height of 1.05 metres measured from the adjacent carriageway level within the area defined below:

a) A line 4.5 metres long measured along the access road from the nearside edge of the main road carriageway.

b) A line 70 metres long measured along the nearside edge of the main road carriageway from the centre of the access road in both directions.

c) A straight line joining the termination of the above two lines.

Reason:

In the interests of road safety.

- 14 Prior to the occupation of any of the residential units hereby approved, the roadside stone boundary wall on the east side of Beveridge Row shall be repaired/rebuilt along the application site frontage, other than where demolition/realignment is required to facilitate the formation of the new access to the site and required visibility splays and the new footpath/cycleway. Details of the exact position, height, materials and construction of the repair and rebuild of the stone boundary wall shall be submitted to and approved in advance by the Planning Authority and the repair and rebuild carried out shall accord with the detail so approved.

Reason:

To enhance the appearance of the development in the interests of the amenity of the area.

- 15 Prior to the commencement of development a Road Safety Audit for the detailed design of the new pedestrian/cycle connection onto Beveridge Row as hereby approved shall be submitted to and approved by the Planning Authority.

Reason:

In the interests of pedestrian and cycle safety.

- 16 A Construction Method Statement to minimise the impact of construction activity on the amenity of the area, including from the effects of noise and dust, 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 construction traffic and shall include hours of construction work and routes of construction traffic. If Yosemite Park and Brodie Road are identified with the Construction Method Statement as the route for construction traffic, the full length of those roads must be brought up to an adoptable standard prior to their use by construction traffic associated with the development hereby approved.

The Construction Method Statement shall also include details of wheel washing facilities to be provided, and that these facilities shall be maintained in working order during the period of operation of the site. All vehicles must use the wheel washing facilities to prevent deleterious materials being carried onto the

public road on vehicle tyres. The Construction Method Statement shall also detail temporary measures to be put in place to control surface water drainage during the construction of the SuDS.

Thereafter, the Construction Method Statement shall be implemented and complied with in accordance with the approved details for the period of construction of the development hereby approved.

Reason:

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

- 17 A Green Travel Plan shall be submitted to and approved by the Planning Authority prior to the occupation of any of the residential units hereby approved. The Green Travel Plan shall have particular regard to provision for walking, cycling and public transport access to and within the site, shall include local bus and train timetables, local cycling and walking maps, information on bike hire / car sharing, and shall include details of how it will be distributed to residents. It shall also include a timetable for its implementation, details of the measures to be provided, the system of management, monitoring, review, reporting and duration of the Plan.

Reason:

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

- 18 Prior to commencement of development, a Factoring Plan shall be submitted to and approved by the Planning Authority which shall clearly indicate the different responsibilities for long-term maintenance including: private and shared private areas, factored areas, and prospectively adoptable roads.

Reason:

In the interests of the amenity of the housing development.

- 19 Prior to their erection, details, including their size, form, position, appearance and colour(s), of all substations and gas governors to serve the development hereby approved shall be submitted to and approved in advance in writing by the Planning Authority, and thereafter any substations and gas governors shall accord with the details so approved.

Reason:

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

- 20 Prior to commencement of development full details of the proposed Sustainable Drainage System (SuDS) scheme including a Surface Water Management Plan for the site, which both must meet the vesting requirements of Scottish Water and be in accordance with the Council's Supplementary Planning Guidance 'Sustainable Drainage Systems (SuDS)', shall be submitted to and approved by the Planning Authority. The details shall include a timetable for the implementation of the SuDS scheme. The development shall thereafter be carried out in strict accordance with the details and Surface Water Management Plan so approved, unless otherwise agreed in writing with the Planning Authority.

Reason:

To ensure that development is not at risk from flooding, there is no increase in flood risk elsewhere and appropriate long-term maintenance arrangements are in place.

- 21 Prior to the commencement of development a detailed Risk Assessment and Method Statement for the diversion of the culverts on the application site shall be submitted to and approved by the Planning Authority. The Risk Assessment and Method Statement shall include an amended design which indicates no sharp angles along the culvert routes and appropriate gradients in line with current best practice negating the prospect of deposition of sediment and shall confirm pipe sizes of the proposed culvert. The Risk Assessment and Method Statement shall also include a timetable for the implementation of the works to divert the culverts. The development shall thereafter be carried out in strict accordance with the detailed Risk Assessment and Method Statement so approved, unless otherwise agreed in writing with the Planning Authority.

Reason:

To ensure that development is not at risk from flooding.

- 22 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. 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.

- 23 Notwithstanding that which is shown on the drawings docketed to this planning permission and prior to the commencement of development, a revised scheme for the provision of car charging points and associated infrastructure for them, where feasible and appropriate in design terms, shall be submitted to and approved in writing by the Planning Authority. The scheme shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the charging points scheme so approved.

Reason:

To minimise the environmental impact of the development.

Sederunt: *Councillor Hampshire joined the meeting.*

3. PLANNING APPLICATION NO. 21/00966/AMM: APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF PLANNING PERMISSION IN PRINCIPLE 18/00937/PPM - ERECTION OF 100 HOUSES AND ASSOCIATED WORKS AT LAND AT WINDYGOUL SOUTH, TRANENT

A report was submitted in relation to Planning Application No. 21/00966/AMM. Linda Ritchie, Senior Planner, presented the report, summarising the key points. The report recommendation was to grant consent.

Officers responded to questions. Ms Ritchie advised that there were three main pockets of affordable housing units, the first of which was to the west of the site; detailed planning permission had already been approved by Committee for 32 houses and 28 flats, with the council's affordable housing service taking forward this development. Around 140 affordable housing units would come forward in total, and Ms Ritchie undertook to provide Local Members with exact figures. Robbie Yates, Transportation Planning Officer, advised that the overall increase of traffic through Tranent High Street and Elphinstone Road when the new spine road opened had been considered as part of the 2018 planning application, and the contributions requested were applied at this stage; this would be taken offline and further information provided to Councillor McGinn. Ms Ritchie reassured Members that controls were in place to ensure factor details would be submitted at the appropriate times. She advised that charge points would be installed at individual houses where possible; for houses where provision could not be made, ducting infrastructure would be available enable future upgrade of parking courts.

David Jewell of Springfield Properties, the applicant, responded to questions. He advised that development on the site would begin ahead of the final handovers on the Area D site in July 2022. The housebuilders for this site would be Walker. Mr Jewell confirmed that upkeep of the parks would come under the factoring arrangements with Scottish Woodlands.

Local Member Councillor McGinn welcomed the affordable housing and the one-bedroom properties in particular. He had long-held concerns about traffic management, but balanced this against the need to provide housing. Tranent was not served by a railway line or park and ride; he called on officers to give serious consideration to a bypass for Tranent as additional traffic should not be encouraged down Tranent High Street, Elphinstone Road, or Ormiston Road. Many of Councillor McGinn's constituents had raised concerns with factor arrangements, and there were few checks on customer satisfaction from developers after handover; developers should have a responsibility to follow up on factoring arrangements and he would pay close attention to this going forward. Councillor McGinn would support the officer recommendation for approval despite having some concerns. The Convener agreed with Councillor McGinn's thoughts on a bypass for Tranent and this would have to be taken through the Local Development Plan.

Local Member Councillor McLeod would be in support of a bypass for Tranent; this would receive support from Tranent residents and East Lothian Councillors, but he had been advised that the Scottish Government were not supportive of this idea. He encouraged the formation of tenants and residents associations to help deal with factoring issues. He shared Councillor McGinn's concerns regarding an increase in traffic on Tranent High Street and the strain on services caused by the population increase in the area. Nevertheless, he welcomed the building of quality houses.

Mr Jewell acknowledged Members' concerns regarding the ongoing monitoring of factoring arrangements and said the developers were acutely aware of this, particularly on such a large site which they would want to look at its best going forward.

The Convener moved to the vote on the report recommendation, to grant consent, taken by roll call:

For: 12

Against: 0

Abstentions: 0

Decision

The Committee agreed to grant approval of matters consent subject to the following conditions:

- 1 The actions to be taken to reduce the carbon emissions from the building and the provisions for electric vehicle charging all as detailed in the 'Reducing Carbon Emissions' report docketed to this approval of matters consent shall be fully implemented on site prior to the occupation of the last house hereby approved and thereafter shall be retained unless otherwise approved in writing by the Planning Authority.

Reason:

To minimise the environmental impact of the development.

- 2 In the event of the presence of any previously unsuspected or unforeseen contamination of the land on the application site being found, development shall not begin, or shall cease to continue, 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.

Thereafter any mitigation measures required shall be implemented as so approved.

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

Reason:

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

- 3 All planting, seeding or turfing comprised in the details of landscaping on the drawings titled 'Landscape Proposals Sheets 1 to 5' with drawing numbers 593.02.01b; 593.02.02b; 593.02.03b; 593.02.04b and 593.02.05b docketed to this approval of matters consent 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, hedges 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 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 the new planting shall be maintained in accordance with the maintenance programme as detailed on docketed drawing number 593.02.01b titled 'Landscape Proposal (Sheet 1 of 5)'.

Reason

In the interests of achieving an appropriate landscaped setting for the housing development.

- 4 Prior to the occupation of any of the houses hereby approved, a timetable for the provision of all boundary treatments, including the erection of the 1.8 metre high boundary enclosures for the rear gardens of the houses hereby approved, shall be submitted to and approved in advance by the Planning Authority and development shall thereafter be carried out in full accordance with the timetable so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure the satisfactory provision of the boundary enclosures in the interest of safeguarding the privacy and amenity of future residents of the development and residential properties nearby.

- 5 All the open space recreation areas indicated on the docketed drawings shall be available for use prior to the occupation of the last house on the site. The open space recreation areas, when provided, shall be used for such purposes at all times thereafter unless agreed in writing by the Planning Authority.

Reason:

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

- 6 The development shall comply with the following transportation requirements:

(i) All roads and paths shall conform to East Lothian Council Standards for Development Roads;

(ii) driveways shall have minimum dimensions of 6 metres by 3 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 m length. Pedestrian ramps to houses may encroach by up to 300mm on the width (but not the length) provided they are no greater than 15021/mm in height above the adjacent driveway surface.;

(iii) Vehicle accesses to private parking areas (i.e. other than driveways) shall be via a reinforced footway crossing. Within private parking areas, the minimum dimensions of a single parking space shall be 2.5 metres by 5 metres;

(iv) All prospectively adoptable parking bays (i.e. that will form part of the public road) shall have minimum dimensions of 2.5 metres by 6 metres.

(v) Parking for the development shall be provided at a rate as set out in the East Lothian Council Standards for Development Roads - Part 5 Parking Standards. Visitor parking bays should be clearly identifiable.

(vi) Driveways shall have minimum dimensions of 6 metres by 3 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 m length. Pedestrian ramps to houses may encroach by up to 300mm on the width (but not the length) provided they are no greater than 150mm in height above the adjacent driveway surface.

Reason:

In the interests of road and pedestrian safety.

- 7 Prior to the occupation of the last house hereby approved, the proposed access roads, parking spaces and footpaths shall have been constructed on site in accordance with the docketed drawings.

Those areas of land shall not thereafter be used for any other purpose than for accessing and for the parking of vehicles in connection with the residential use of the houses and shall not be adapted or used for other purposes without the prior written approval of the Planning Authority.

Reason:

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

- 8 No residential units shall be erected within the yellow shaded area shown in Drawing No. CAR85-902 and titled Air Quality Mitigation Area dated 01.04.2019 docketed to planning permission in principle with reference 18/00937/PPM unless and until such times as an updated Air Quality Assessment, that demonstrates all statutory Air Quality Objectives are being, and will continue to be met, has been submitted to, and approved in writing by, the Planning Authority.

Reason:

To ensure an acceptable standard of air quality in the interests of the amenity of the future occupants of the site.

4. PLANNING APPLICATION NO. 21/01195/P: SITING OF SNACK VAN, SOUTH OF SHORE ROAD CAR PARK, BELHAVEN, DUNBAR

A report was submitted in relation to Planning Application No. 21/01195/P. Ciaran Kiely, Planner, presented the report. He informed Members that if, after deliberation, the Committee was minded to grant planning permission then an additional condition was proposed; this related to no power generator being provided or operated on the site for the purposes of providing power to the proposed snack van, in the interest of residential amenity of neighbouring residential properties. He then summarised the key points of the application. The proposed decision set out in the report was to grant consent.

Officers responded to questions. Mr Kiely advised that no other site had been suggested should the grass become unsuitable to drive over, but that colleagues in Countryside & Recreation could provide advice regarding how best to access the proposed site in times of wet weather. Jon Canty, Transportation Planning Officer, did not consider the snack van to be a destination in itself and therefore it was not expected that it would generate additional traffic.

Bethan Akgun, the applicant, said that the snack van operators wish to be good stewards of the area and would work with local community groups to manage litter. She gave an account of strategies to reduce littering, such as considering the use of branded compostable packaging and writing customers' initials on the packaging. The van had been chosen to minimise manoeuvring when compared to a trailer, and that agreement had been reached to work on batteries to limit noise from a generator, at considerable expense. A limited menu would reduce food odour. The snack van would open in stages, initially 2-3 days per week, and would monitor with council officials any car park surface erosion. The colour and height of the van would blend in with the local surroundings, and the van would be stored in a local storage yard when not in use, avoiding contribution to parking problems. Recycling bins with self-closing lids would be provided, as well as a map of highlighting local bins. Marcos Akgun echoed Ms Akgun's statements and added the applicants intended to meet and possibly join a local litter picking group.

The applicants responded to questions from Members. They would check the weight of the van when fully loaded. Mr Akgun advised that there would be the option to take the van away to charge for one hour to extend trading, and at a later stage the addition of a solar panel was planned. They had spoken with a company in Harrogate who ran a similar operation on battery power. The snack van would serve local produce from East Coast Organics, a Dunbar butcher, and local bakeries, although they had not yet found a coffee supplier from within East Lothian. The applicants hoped to begin trading by the beginning of April 2022 should they be able to source everything required for the operation.

Suzanne Woodall-Mason spoke against the application. She referenced the intrusion of human activity on John Muir Country Park and its effect on the wildlife, the poor upkeep of aspects of the foreshore of Belhaven, and limited public toilet facilities. She raised concerns about the long-term commercialisation of Belhaven Bay and the impact of overflow parking from Shore Road on Winterfield Gardens, Duke Street, and North Street. The snack van would draw in additional visitors, as well as overnight parking of campervans and the potential for late-night antisocial behaviour. The snack van could instead trade from the dead end section of Shore Road. The environmental limits of the area should not be overstepped and she urged Members to consider the natural environment in their decision-making.

John Lawson, nearby resident and representing the Friends of Belhaven Community Group, spoke against the application. No changes appeared to have been made to the vehicle than in previous iterations of the application. He refuted that report's statement that the area was not considered to be at risk for flooding. He believed that policy TC4 of the Local Development Plan had been stretched to include coastal car parks, and refuted the definition of Shore Road as a main road. The impact of parking overspill on North Street was affecting the amenity of neighbouring residents. He raised road safety and environmental issues caused by the increase in monthly vehicle visits to Shore Road. Dunbar Community Council had been informed by the Roads Department that no further developments would be permitted at Shore Road until such time as the road had been widened and the junction improved, and questioned why this response had changed.

Jacque Bell represented both Dunbar and West Barns Community Councils. She described the car park at Shore Road as being an attachment to the residential conservation village of Belhaven. The van was too large to navigate narrow roads and the muddy car park, and its presence would add to the pressure of vehicular movement. Dunbar Against Litter would be happy to work with the applicants should they receive planning permission. She questioned the need for the catering facility when there were alternatives in the town centre, and noted the lack of community engagement and consultation. On behalf of the community councils, she asked Members to reject the application on the basis of the negative impacts of the snack van trading.

Local Member Councillor Kempson noted the unique setting of the Shore Road car park due to its position among residential properties within an area of outstanding natural beauty, with narrow roads. The objectors' concerns were very real, and the High Street was greatly in need of business and easily accessible from the site. She questioned where the van would park when the fragile grass became impassable. She described the siting the snack van in the area as sacrilegious and would not be supporting the officer's recommendation.

Councillor O'Donnell congratulated the applicant and officers for efforts to address the concerns of local residents, and though that lessons had been learned from the previous application for Longniddry Bents.

The Convener acknowledged the concerns of residents and also wished to protect the area. He highlighted the community benefits of the Surf School, which was one of the reasons use of the Shore Road car park had increased significantly. There had been safety concerns with the increase in visitors accessing the beach, hence the building of the walkway by East Lothian Council. He acknowledged issues with the road network around Belhaven, and highlighted that this was currently the case with the popularity of the Surf School rather than being caused by the placement of the snack van. Regarding the junction from Shore Road onto Belhaven Road, this was on the council's work programme but this was not the responsibility of the applicant. He noted that the snack van could be moved if there were instances of flooding in the future. He noted measures taken by the applicants to minimise disruption, and highlighted the demand for catering at this location. He felt the snack van would be an asset to Dunbar and Belhaven, and to visitors to the area, and recommended that fellow Members support the recommendation to grant planning permission.

The Convener moved to the vote on the report recommendation, to grant consent, incorporating the additional condition as outlined earlier - the vote was taken by roll call:

For: 11

Against: 1 (Councillor Kempson)

Abstentions: 0

Decision

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

1 Planning permission is granted for a temporary period of one year, beginning from the date of this grant of planning permission, and after which time all trading from the site shall cease and the mobile snack van shall be removed from the site and the grass area restored to its former condition to the satisfaction of the Planning Authority.

Reason:

To enable the Planning Authority to assess the environmental impact of the operation of this type of temporary use on the locality in the interests of safeguarding the landscape character and amenity of the area.

2 This permission is made personal to the applicant, Matsform Ltd and shall not be capable of being taken up by any other party.

Reason:

To prevent an over-commercialisation of the site in the interests of safeguarding the landscape character and amenity of the area.

3 No more than one mobile snack bar shall trade from the site at any one time.

Reason:

To prevent an over-commercialisation of the car park in the interests of safeguarding the landscape character and amenity of the area, and without detriment to the principle of the use of the car park for the parking of vehicles and the safe accessing and manoeuvring of those vehicles.

4 The mobile snack van hereby approved shall only operate during the hours of 0830 to 1630 from Tuesdays to Sundays from November to February and from 0830 to 1930 from Tuesdays to Sundays from March to October for the duration of its temporary siting, unless otherwise agreed by the Planning Authority.

Reason:

In the interests of safeguarding the landscape character and amenity of the area.

5 Two litter bins, each with a self-closing lid, shall be provided adjacent to the mobile snack van and shall be accessible to customers at all times whilst trading takes place. Prior to any use being made of the snack van details of the two litter bins, as well as a general strategy to minimise the impact of waste, shall be submitted to and approved in advance by the Planning Authority. The details shall show that one bin shall be used solely for recyclable materials and one bin shall be for general waste. The two litter bins shall thereafter be provided in accordance with the details so approved. The area around the snack van shall at all times during trading and at cessation of trading each day, be kept free of litter and any other waste or refuse. The bins and their contents shall thereafter be removed from the site and the site cleared from litter.

Reason:

In the interests of safeguarding the landscape character and amenity of the area.

6 No power generators shall be provided or operated on site for the purposes of providing power to the proposed snack van.

Reason:

In the interests of the residential amenity of neighbouring residential properties.

Signed

Councillor Norman Hampshire
Convener of the Planning Committee