



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

**TUESDAY 18 JUNE 2013
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Committee Members Present:

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

Other Councillors Present:

Councillor M Libberton (Item 1)

Council Officials Present:

Ms M Ferguson, Corporate Legal Adviser
Mr I McFarlane, Service Manager, Development Management
Mr K Dingwall, Principal Planner
Ms C Molloy, Senior Solicitor
Ms S Greaves, Planner
Mr G Talac, Transportation Planning Officer
Mr F Mackay, Environmental Protection Manager

Clerk:

Ms A Smith

Visitors Present:

Item 1 – Mrs N Kay, Mr DJ Johnston-Smith, Mr F Lockie, Mr R McDonald
Item 2 – Mr Macdonald, Mr D Hastie, Mrs M Smith
Item 3 – Mr T Thomas, Mr G Fitzelle, Mr N Imrie, Mr I Arnott
Item 4 – Mr S Poole, Mr I Arnott, Mr N Imrie
Item 6 – Mr J Glen
Item 7 – Mr E Walker

Apologies:

Councillor J McNeil

Councillor M Veitch

Declarations of Interest:

None

1. PLANNING APPLICATION NO. 13/00247/P: USE OF LAND AND PART CHANGE OF USE OF FORMER BAKERY BUILDING TO USE AS A DOG DAY CARE CENTRE AND ERECTION OF FENCING AND GATE AT MID ROAD INDUSTRIAL ESTATE, PRESTONPANS

A report had been submitted in relation to Planning Application No.13/00247/P. The Service Manager, Development Management, Iain McFarlane, presented the report, summarising the key points. The proposed decision set out in the report was to grant consent.

Mrs Kay, the applicant, addressed the Committee. She outlined her business plan. The proposed dog day care centre would be a new service, which would provide a safe and thriving environment for the animals. She gave details of the hours of operation, indicating that it was also the intention to run dog training classes on weekday evenings. She detailed the number of dog places in relation to both aspects of the proposal. A small shop selling dog related items was also proposed within the centre. Mrs Kay emphasised the benefits of this site. She outlined the difference between a dog day care centre and kennels. The facilities would be licensed annually. She assured Members and the public that the proposal would transform a neglected building into a new business.

In response to questions from Members, Mr McFarlane, Mr Mackay, the Environmental Protection Manager and Mrs Kay clarified several aspects of the application in relation to operational times, the difference between a dog day care centre and dog training, noise issues/assessments and licensing matters.

Mr Johnston-Smith spoke against the application on behalf of Prestonpans Community Council. He informed Members that the applicant had delivered a presentation to the Community Council meeting of 14 May, followed by a question and answer session. There had been a high public attendance at this meeting and many issues had been raised including noise, congestion and pollution. Most concerned were residents of a large housing estate nearby the application site. The Community Council appreciated the apprehension of the public regarding the noise issue. After some debate the Community Council had voted against the proposal.

Mr Lockie of Northfield House, immediately south of the application site, spoke against the proposal. He expressed concern about the noise disturbance to his young children. He lauded the applicant's enterprise and had no reason to believe the business would not be well run. However the purpose of the planning system was to ensure that developments were situated in the best place. Great numbers of houses would be affected by this proposal, hence the number of objections. He appreciated the need for compromise however a development that threatened to undermine the peace and quiet for so many had to be considered seriously. Noise was the primary issue - he highlighted several concerns. He disagreed with the report; the amenity of Northfield House would be affected, this proposal would make the house less attractive to future purchasers and may ultimately put it at risk.

Mr McDonald spoke against the application. He stated that the Council did not have any property available for this type of business in the Local Plan. The key question was whether this site was appropriate for this business. The site was at the very edge of the industrial estate, surrounded on 3 sides by residential properties. The noise impact was a serious concern for residents and had not been properly addressed by the applicant. He disputed a number of statements in the report regarding noise. He queried enforcement of the conditions and also the effectiveness of other means of addressing this issue. It would be a dangerous precedent to approve this application.

Local Member Councillor MacKenzie remarked that he had been impressed by the proposed business model. The Preston/Seton/Gosford ward, including this industrial site, needed to attract new businesses but the suitability of this proposal for this site had to be questioned. He asserted that the noise of a barking dog was different from any other noise. He referred to the advice from the Council's Policy and Projects Manager as detailed in the report and illustrated how this could be interpreted differently. He stated that if the need to safeguard residential amenity was paramount then this advice was open to question. He would not be supporting this application.

Local Member Councillor Libberton commented that although she did not doubt the good intentions and professionalism of the applicant she had grave reservations about the noise issue. She had revisited the site over the weekend and felt it was too close to the newer houses on the west side. Her objection to the proposal was based purely in relation to noise.

Local Member Councillor Innes indicated this was a difficult application. He referred to the significant number of objections. The applicant was proposing a business in an industrial estate, creating employment opportunities and promoting animal welfare; she was creating something that did not currently exist on this scale. On the other side were significant concerns from nearby residents in relation to noise, smell and affect on their properties. The approach by the applicant was highly professional. He felt that many of the concerns were perceived concerns. On balance, he would be supporting the officer's recommendation to grant planning permission.

The Convener concluded the discussion. He noted the strong feeling of people living close to the site and their concerns about potential disturbance. However, the assessments by the Planning Officer and the Environmental Protection Manager concluded that this type of activity in this development was appropriate and would be no more than any other industrial type of development. For these reasons he would be supporting the recommendation to grant planning permission as set out in the report and moved that this be put to the vote.

Decision

The recommendation that planning permission should be granted was put to the vote and received **10 votes for** and **4 votes against**; there were no abstentions. The Committee agreed to grant planning permission subject to the following conditions:

- 1 The hours of use of the building of the dog day care centre hereby approved shall be restricted to 8.00am to 8.00pm Monday to Friday and 9.00am to 1.00pm on Saturdays only. The use shall not occur at any other time without the prior approval of the Planning Authority.

The hours of use of the outdoor exercise area of the dog day care centre hereby approved shall be restricted to 9.00am to 7.00pm Monday to Friday and 9.00am to 1.00pm on Saturdays only. Use of the outdoor exercise area shall not occur at any other time without the prior approval of the Planning Authority.

Reason:

To restrict the hours of operation of the dog day care centre to that applied for and in the interests of safeguarding the amenity of the occupiers of nearby residential properties.

- 2 No use shall be made of the outdoor exercise area of the dog day care centre hereby approved unless and until the 2.4m high close boarded timber fence and gate have been erected in the positions shown for them on the 'Proposed Floor Plan' drawing docketed to this planning permission.

The close boarded timber fence and gate so erected shall have a minimum weight of 12kg/m² and shall be constructed such that there are no gaps between the fence boards or between the fence and the ground where they are to be erected. Thereafter the fence and gate so erected and constructed shall be retained in place, unless otherwise approved by the Planning Authority.

Reason:

In the interests of safeguarding the amenity of the occupiers of nearby residential properties.

- 3 On completion of erection of the 2.4m high close boarded timber fence in accordance with condition 2 above a hedge shall be planted along the entire length of its outer perimeter in accordance with details to be submitted to and approved in advance by the Planning Authority. The hedging so planted shall be allowed to grow to and thereafter be maintained at a minimum height of 2.4 metres above ground level where it is to be planted.

Reason:

In the interests of the visual amenity of the area.

- 4 Unless otherwise approved by the Planning Authority, the floor area of the 'Retail Shop Area', as an ancillary use of the dog day care centre hereby approved, shall be limited to that designated to it as shown hatched in orange on the 'Proposed Floor Plan' drawing docketed to this planning permission.

Reason:

In order to retain control over the amount of the retail component of the dog day care centre use to that applied for.

- 5 The existing car park to be used for parking for the dog day care centre use hereby approved as shown on the docketed drawings shall be retained for such parking use, unless otherwise approved by the Planning Authority.

Reason:

In the interests of road safety.

2. PLANNING APPLICATION NO. 12/00957/P: ERECTION OF 1 HOUSE AND ASSOCIATED WORKS AT ARDMUIR, BROADGAIT, GULLANE

A report had been submitted in relation to Planning Application No.12/00957/P. Mr McFarlane presented the report, summarising the key points. The proposed decision set out in the report was to grant consent.

Mr McFarlane responded to questions from Members in relation to daylight/sunlight tests and overshadowing issues.

Mr Macdonald, of Somner Macdonald Architects, the agent, addressed the Committee. He referred to the reason this application had been called off the Scheme of Delegation List, stating that in his view the proposal was in line with the earlier outline planning permission application. In determining a reasonable footprint he had looked at the existing property of Ardmuir. He detailed the measurements of the application site and the relationship to Ardmuir and the site as a whole. The application was reasonable and was not an attempt to overdevelop the site. The house had been designed to meet all the technical criteria. It had been positioned where it would least affect the

neighbours. The design was suitable for the site and he asked Members to support the officer's report recommendation.

Mr Macdonald responded to questions from Councillor Goodfellow regarding the height of the proposed house and the location of new trees.

Mr Hastie spoke against the application. He stated that the proposal breached 3 of the conditions of the outline planning permission granted in February 2012. Height of roof ridge - the height of 7.2m contravened the agreed design principles. Roof finish - natural slate was proposed. Removal of trees - mature trees were supposed to be retained, removal would seriously impact on the streetscape. If this application was approved it would challenge the reasons for inserting these conditions. This site was quite sensitive; there were 2 distinct forms of houses in the area, single storey and 2 storey. This house would be dominant, overbearing and have a negative visual impact. It would adversely affect the amenity of 1 and 2 Broadgait Court. This proposal was in contravention of relevant policies including the Local Plan.

Mrs Smith, resident of 1 Broadgait Court, spoke against the application, on her own behalf and on behalf of residents of 2 Broadgait Court. They had not opposed the outline planning application, presuming that the conditions would be adhered to; the changes proposed in this application were the basis of their concerns. The main concerns were overshadowing, loss of amenity/privacy and the effect on the existing bungalow of Ardmuir. She outlined several matters in support of these concerns. She took issue with some of the Policy and Projects Manager's comments in the report. The Local Plan stated that existing neighbours should experience no significant loss of amenity from a new development. She concluded that the design of this house was unacceptable and an overdevelopment.

Local Member Councillor Goodfellow reiterated that residents did not object to the application for outline planning permission because they thought their concerns had been addressed with the conditions in relation to the building height and retention of trees. This proposal however was significantly different. There was an argument that if Members allowed this continual increase of roof ridge height, every application 600mm greater than the one before, year on year, then the end result would be a house a full storey height higher - i.e. "planning creep". This proposal was a significant overdevelopment. There would be a loss of amenity. He could not support this application.

Mr McFarlane clarified the process in relation to the application for outline planning permission, granted in February 2012 and this application.

Local Member Councillor Day remarked that this was a difficult application. He fully understood and sympathised with the concerns expressed by the objectors. The key question however was whether this application met the criteria for infill development. It was clear from the site visit that it was a concealed site. On balance he felt the application was acceptable; it met the Council's criteria. The increased ridge height, by 600mm, did not he felt cause undue concern. He would be supporting the application.

Local Member Councillor Berry referred to comments made and questioned the role of Members. He stated that both Gullane and North Berwick community councils had voiced their concerns about infill; Members had to take this into account. The key question was whether this infill was appropriate. He agreed with Councillor Goodfellow about "planning creep"; a line had to be drawn, these matters had to be taken on board. Referring to the geography of Broadgait Court he stated there were only 6 houses adjacent to the house plot and all had objected to this application, none had

objected to the outline application. He also made reference to the proposed access arrangements. He would not be supporting the application; the principle of the extra house was not in question, but the design was.

Councillor Currie remarked that the purpose of the Committee was to make a balanced judgement. He felt that the major issue in this case was the loss of amenity; he had been quite surprised at the site visit to see how close the new house would be to the properties of 1 and 2 Broadgait Court. He appreciated that the standard sunlight test was a test applied throughout the country. Nonetheless, he did not think the proposal was acceptable. He could not support this application.

The Convener brought the discussion to a close. He reminded Members that this application had been assessed on policies that the Council had put forward and approved earlier. He stated that no reason had been put forward for refusal that was defensible on appeal. He would be supporting the recommendation to grant planning permission as set out in the report and moved that this be put to the vote.

Decision

The recommendation that planning permission should be granted was put to the vote and received **10 votes for** and **4 votes against**; there were no abstentions. 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 of adjoining land and building(s). The levels shall be shown in relation to an Ordnance Bench Mark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing; and
- c. the ridge height of the proposed shown in relation to the finished ground and floor levels on the site.

Reason:

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

- 2 Prior to the house hereby approved being brought into use the proposed vehicle access, turning and parking arrangements shall be laid out as shown in docketed drawing no. 1159-02-RevD and thereafter the access, turning and parking areas shall be retained for such uses.

The driveway access with the public road shall have a minimum visibility splay of at least 2.0 metres by 20.0 metres to the west and to the east so that no obstruction lies within it above a height of 1.05 metres measured from the adjacent carriageway surface, and that visibility splay shall be maintained thereafter.

Prior to any use being made of the driveway access hereby approved the first 2 metres of the driveway measured from the back edge of the public road and for the full width of the driveway access, shall be hardsurfaced and thereafter shall be retained as such.

'In-curtilage' parking for 3 vehicles shall be provided as shown in docketed drawing no. 1159-02-RevD.

The gates to be installed at the new vehicular access hereby approved shall only open inwards into the application site.

Reason:

To ensure provision of a safe access and adequate parking and turning in the interests of road safety.

- 3 A schedule and samples of the materials to be used as external finishes of the house and integral garage hereby approved shall be submitted to and approved by the Planning Authority prior to their use in the development and thereafter the materials used shall accord with the samples so approved.

If the timber gates and gate posts to be installed at the new vehicular access hereby approved and the new 1.8 metres high timber fencing also hereby approved are to be painted or stained a colour or finished in a timber preservative, a sample(s) of that paint, stain or timber preservative shall be submitted to and approved in advance in writing by the Planning Authority, and the colour of the paint, stain or timber preservative applied to the gates, gate posts and fencing shall accord with the sample(s) so approved.

Samples of the materials to be used to surface the hardstanding areas to be used as footpaths, vehicular parking and turning areas and driveway shall be submitted to and approved by the Planning Authority prior to their use in the development and thereafter the materials used shall accord with the samples so approved.

Reason:

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

- 4 The group of trees on the east side of the application site shall be retained and shall not be damaged or uprooted, felled, lopped, or topped without the prior approval of the Planning Authority.

Reason:

To ensure the retention of and health of trees or shrubs on the application site which are important to the landscape character and amenity of the area.

- 5 No development shall take place on site until temporary protective fencing comprising standard scaffold poles as uprights driven into the ground avoiding tree roots, with 3 standard scaffold poles as horizontal rails (top, middle and bottom), all with weld mesh wired to uprights and rails. This temporary protective fencing should be 2.3 metres in height, erected prior to works commencing and kept in good condition throughout the works, all in accordance with Figure 2 of British Standard 5837: 2012 'Trees in Relation to Design, Demolition and Construction'.

This fencing shall be positioned to the west of the trees that are on the eastern side of the site in the position shown for it on docketed drawing no. 1159-02-Rev D.

Once erected the temporary protective fencing shall be retained in place until works on the application site have been completed and all plant and machinery associated with those works have been removed from the site.

All weather notices shall be erected on said fencing with words such as "Construction exclusion zone - Keep out" and the fencing shall remain on site and intact through to completion of the development.

Within the fenced off areas the existing ground level shall neither be raised nor lowered, no materials, temporary buildings, plant, machinery or surface soil shall be placed or stored and no herbicides shall be used.

Planning of site operations shall take sufficient account of wide loads, tall loads and plant with booms, jibs and counterweights in order that they can operate without coming into contact with any retained trees.

Any material whose accidental spillage would cause damage to a tree shall be stored and handled well away from the outer edge of its RPA.

Fires on sites should be avoided if possible. Where they are unavoidable, they should not be lit in a position where heat could affect foliage or branches. The potential size of a fire and the wind direction should be taken into account when determining its location, and it should be attended at all times until safe enough to leave.

Details of any trenches or services in the fenced off areas shall be submitted to and approved in advance in writing by the Planning Authority, and all trenches shall be dug and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

Reason:

In order to ensure protection of the trees within the application site in the interests of safeguarding the landscape character of the area.

- 6 The house hereby approved shall not be occupied until the 1.8 metres high timber screen fencing to be erected on the north boundary, and part of the south boundary, as shown on docketed drawing no. 1159-02-Rev D, have been erected. Thereafter those boundary enclosures shall be retained in situ at those heights unless otherwise approved by the Planning Authority.

Reason:

To safeguard the privacy and amenity of the occupiers of the neighbouring residential properties to the north and south.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended by The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011, or any subsequent Order amending, revoking or re-enacting that Order, no further windows or other glazed openings, including roof windows shall be formed at first floor level within the north and south elevations of the house hereby approved, other than those shown for those elevations on the docketed drawings.

Reason:

In the interests of safeguarding the privacy and amenity of the neighbouring residential properties to the north and south.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended by The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011, or any subsequent Order amending, revoking or re-enacting that Order, no windows or other glazed openings shall be formed at ground and first floor levels within the west elevation of the northern most of the two storey components of the house hereby approved.

Reason:

In the interests of safeguarding the privacy and amenity of the neighbouring residential properties to the west.

3. PLANNING APPLICATION NO. 13/00151/P: CHANGE OF USE OF VERGE TO FORM VEHICULAR ACCESS, ALTERATIONS TO BUILDING, INSTALLATION OF CCTV CAMERAS, ERECTION OF FENCING AND GATES AT HALFLAND BARNS, NORTH BERWICK

A report had been submitted in relation to Planning Application No.13/00151/P. Mr McFarlane presented the report, summarising the key points. The proposed decision set out in the report was to grant consent.

In response to a question from Councillor Berry, Mr McFarlane clarified matters regarding visual constraints.

Mr Thomas of APT Planning and Development, the agent, addressed the Committee. He expressed support for the officer's report and recommendation to grant consent. He made reference the site been granted planning permission for change of use to business use (class 4). He stated that as with any planning permission, conditions were stipulated to control matters. Landscaping and screening proposals were outlined in the report; it was Mr Fitzelle's intention to keep the site well screened. He informed Members that Mr Fitzelle needed to move his business from its current location due to the proposed plans at Whitekirk. This move would enable him to expand his business. The Council should do all possible to retain local businesses. He asked Members to support the officer's recommendation.

In response to questions from Councillor Goodfellow, Mr Thomas clarified the definition of the applicant's current business location and also confirmed that Mr Fitzelle had not received any complaints regarding noise.

Mr Imrie, resident of Auldhame Cottages, spoke against the application. He referred to the change of use of this land from agricultural to industrial and expressed concerns that this site would be turned into an industrial site. In relation to the report and conditions he raised several questions about the enforcement of these conditions. He also outlined potential noise issues. With regard to the drainage/water supply he stated that this was oversubscribed at present and would only get worse. He drew attention to the condition of the road to the site, which was single track, with a bad bend and no road markings. He asked Members to consider all these issues.

In response to a question from Councillor Berry, Mr McFarlane advised that SEPA did not comment on applications of this scale but that any developer had to meet SEPA's relevant requirements.

Mr Arnott spoke against the application. He objected to this application and the next one as a lover of the East Lothian landscape. He had been impressed over the years by the work of the Council's Planners in protecting this landscape and was disappointed that they had needed to justify breaching these same policies. He drew attention to Policy DC1, outlining the key criteria in relation to development in the countryside. He stated that this application failed these tests on several aspects, which he detailed - the proposal was contrary to this policy. New development needed to be appropriate to its location; this application failed this test. The specific circumstances permitting new development in the countryside, as specified in the Council's policies, had not been met and this application should be rejected.

In response to a further question from Councillor Berry, Mr McFarlane advised that the site was in the countryside but Policy DC1 did not have a specific presumption against business use.

Local Member Councillor Berry stated this was a very sensitive subject. The East Lothian countryside was finite; it needed to be treated with care. His main concern was the reason behind why these applicants were moving to Halfland Barns and why it was necessary to put businesses in the countryside in the first place. He questioned whether the Council was negligent in not providing alternative areas for business use within the North Berwick Coastal ward. He was supportive of the applicant and his business. In relation to the location however, that it had to be used for this purpose was completely wrong. He would be supporting the proposal, but wished the business could be located elsewhere.

Local Member Councillor Day commented this was a difficult application and expressed sympathy for the objectors. Councillor Berry had raised a valid point regarding the lack of business use land in this ward. This site had however been reclassified as class 4 business use in 2012. Given the proposal there would only be a fairly minor change and he could not see any material reason to refuse this application. He noted that the Transportation Service had no objections. He would, on balance, be supporting the officer's recommendation.

Local Member Councillor Goodfellow stated he was also unhappy that this land had to be used in this manner. He made reference to 4 sites in North Berwick that had previously been garages, remarking that instead of utilising these sites appropriately, housing had been built. The application area was however now classified for business

use. In relation to the proposal he acknowledged that Mr Fitzelle ran a good business and that this would be a good opportunity for him. He would support the application.

Councillor Innes welcomed this application. This was a good business and would constructively utilise an empty building. He would be supporting the recommendation to grant consent.

The Convener concluded the discussion. He referred to comments made about the lack of business land in the North Berwick area and stated that, as Members were aware, the difficulty in the control of development of land in this area was that not many land owners were willing to give up their land for business use, they usually wanted to sell it for residential use. He would be supporting the recommendation to grant planning permission as set out in the report and moved that this be put to the vote.

Decision

The recommendation that planning permission should be granted was put to the vote and received **14 votes for** and **none against**; there were no abstentions. The Committee agreed to grant planning permission subject to the following conditions:

- 1 Development shall not begin until a scheme of landscaping of the site has been submitted to and approved in writing by the Planning Authority. The scheme shall contain details of all hedges, trees including large species trees and shrubs to be planted including sizes, species, habitat, siting, planting distances and a programme of planting. This shall include infill planting around the site access hereby approved;

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

Reason:

In order to ensure the implementation of a landscaping scheme to enhance the appearance of the development and to mitigate for the loss of trees at the access.

- 2 Prior to the commencement of development the trees adjacent to the site access and fence hereby approved that are to be retained shall be protected by fences of a type and in positions in accordance with BS5837:2005 and in accordance with details to be submitted to and approved in advance by the Planning Authority.

The construction of the proposed fence shall be carried out in accordance with the method statement docketed to this planning permission, other than that all digging within tree root protection areas shall be carried out by hand and not by auger as stated.

Reason:

To ensure the retention of trees important to the visual character and amenity of the area.

- 3 Prior to any use being made of the access hereby approved the access road shall be hard formed for at least 10 metres from its junction with the south side of the C139 road.

Otherwise the access, parking and turning arrangements shall be as detailed in drawing No: 173-PL-03 docketed to this planning permission and shall thereafter remain in such use unless otherwise approved by the Planning Authority.

Reason:

In the interests of road safety.

- 4 Gates shall be installed only so as to open inwards into the site and not outwards to the public road.

Reason:
In the interests of road safety.

- 5 Prior to the erection on site of any pole for the mounting of CCTV cameras, details of its positioning, height and materials shall be approved in writing by the Planning Authority and shall thereafter be erected in accordance with the details so approved.

Reason:
In the interests of the visual amenity of the area.

- 6 Unless otherwise approved in writing by the Planning Authority, no working shall take place within the site outwith the hours of 0800 to 1800 Monday to Friday inclusive and 0800 to 1300 on Saturdays. There shall be no working whatsoever on Sundays.

Reason:
In the interests of the amenity of nearby houses.

- 7 Noise emanating from the site shall not exceed Noise Rating Curve NR20 in any octave band frequency at any nearby residential property, assuming windows open at least 50mm for ventilation purposes.

Reason:
In the interests of the amenity of residents of nearby houses.

- 8 The Rating Level, LA_{rTr}, of noise emanating from the premises when measured 3.5m from the façade of any neighbouring residential property, shall be no more than 5dB (A) above the background noise level, LA_{90T}. All measurements to be made in accordance with BS 4142: 1997 Method for rating industrial noise affecting mixed residential and industrial areas.

Reason:
In the interests of the amenity of residents of nearby properties.

- 9 No outside storage shall take place within the site without the prior written consent of the Planning Authority.

Reason:
In the interests of the visual amenity of the area.

- 10 Details of all external lighting, including any movement sensitive lighting, proposed to be used within the site shall be submitted to and approved in writing by the Planning Authority prior to its erection. The lighting shall be designed, positioned, oriented and shrouded to ensure that no light from within the site spills beyond the boundaries of the site area.

Reason:
In the interests the amenity of nearby properties and of this part of the East Lothian countryside.

4. PLANNING APPLICATION NO. 13/00251/P: ERECTION OF WORKSHOP BUILDING FOR CLASS 4 USE AT LAND AT HALFLAND BARNS, NORTH BERWICK

A report had been submitted in relation to Planning Application No.13/00251/P. Mr McFarlane presented the report, summarising the key points. The proposed decision set out in the report was to grant consent.

In response to questions from Councillor Berry, Mr McFarlane advised that one of the conditions attached to the grant of consent related to the external finishing materials and colours.

Mr Poole, the applicant, addressed the Committee. He outlined the reason for the need to move from his current North Berwick location. He currently employed 9 people, 7 full-time and 2 part-time, all from North Berwick. The business had a £1.6million turnover last year. The business was strong, with a 6 month order book; however orders were often lost due to limited workshop space. This new site would allow the

scalability and growth of the business and creation of a further 2/3 jobs. His business was 1 of only 3 such companies that Volkswagen worked with in the UK. It had been recognised by Scottish Enterprise as a fast growing business and as a market leader. He stated that the site at Halfland Barns was the only viable option for his planned expansion.

Mr Arnott spoke against the application. He stated that in light of the decision of the previous application it was difficult to make a strong case against Jerba Campervans constructing a new building. However this would be twice the size of the previous building and it had therefore to be considered to be an overdevelopment. He had looked at the Council's policies and it was beyond any doubt that this Council had failed to provide proper sites for business enterprise; both businesses this one and the previous one, wanted to expand. Halfland Barns however was not the right place and deserved more respect than to be turned into an industrial wasteland.

Mr Imrie spoke against the application. He remarked that there was no doubt about the merit of the business concerned; the issue was the location - it was the wrong place. He questioned why residential applications were approved but not one piece of land had been allocated for small business use, which was badly needed in North Berwick.

Local Member Councillor Berry questioned the "green" credentials of the Council given that all Mr Poole's employees would be travelling from North Berwick to the new location. He also commented on the role of the Council as a strategic authority. He acknowledged that the application had considerable merit. The location was not the right place, however nothing else was available. He stated that Mr Poole deserved every support and he would therefore be supporting the report recommendation.

Local Member Councillor Goodfellow remarked that there had to be good reason for refusal however there was no substance in the arguments put forward against the application. He refuted the grounds of objection quoted in the report, referring particularly to 3 objections. Traffic movement - vehicles had used this road previously when the mushroom farm was in operation; screening - there would be adequate screening; noise - the business concerned did not have a noise issue. He would be supporting the application.

Local Member Councillor Day expressed agreement with his fellow ward councillors. He acknowledged that this application differed from the previous one in that a new building would be constructed. He did not think there would be any adverse effect resulting from this proposal. Mr Poole's business was exactly the kind of business the Council should be supporting in East Lothian and he was glad that a site had been found close to North Berwick. He added that having visited the business he could allay objectors' fears, there were no noise concerns. He would be supporting the application.

The Convener brought the discussion to a close. He referred to his comments on the previous application, adding that this issue was being discussed with SESplan; all local authorities were trying to work together to resolve this issue. In relation to this particular application this site was available and the application should be supported. He moved that the report recommendation to grant planning permission be put to the vote.

Decision

The recommendation that planning permission should be granted was put to the vote and received **14 votes for** and **none against**; there were no abstentions. 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 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 building 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 Development shall not begin until a scheme of landscaping of the site has been submitted to and approved in writing by the Planning Authority. The scheme shall contain details of all hedges, trees including large species trees and shrubs to be planted including sizes, species, habitat, siting, planting distances and a programme of planting. This shall include infill planting on the bund at the west of the site;

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

Reason:

In order to ensure the implementation of a landscaping scheme to enhance the appearance of the development and to mitigate for the loss of trees at the east side of the bund.

- 3 Prior to the commencement of development the trees on the bund at the west of the site which are to be retained shall be protected by fences of a type and in positions in accordance with BS5837:2005 and in accordance with details to be submitted to and approved in advance by the Planning Authority.

Reason:

To ensure the retention of trees important to the visual character and amenity of the area.

- 4 Samples of the external finishing materials and colours to be used for the building hereby approved shall be provided for the prior inspection and approval of the Planning Authority and the finishing materials used shall accord with the samples so approved.

Reason:

To ensure the development is of a satisfactory appearance in the interests of safeguarding the character and visual amenity of the area.

- 5 Prior to any use being made of the building hereby approved the junction of the access road to the site with the C139 road shall have been provided with minimum visibility splays of at least 2.5 metres by 160 metres to east and west of it. Thereafter those visibility splays shall be maintained such that no obstruction lies within it above a height of 1.05 metres measured from the adjacent carriageway surface.

Reason:

In the interests of road safety.

- 6 Prior to the use of the building hereby approved, the access, parking and turning arrangements as detailed in drawing No: 1390/01A docketed to this planning permission shall have been completed and brought into use and shall thereafter remain in such use unless otherwise approved by the Planning Authority.

Reason:
In the interests of road safety.

- 7 Unless otherwise approved in writing by the Planning Authority, no working shall take place within the site outwith the hours of 0800 to 1800 Monday to Friday inclusive and 0800 to 1300 on Saturdays. There shall be no working whatsoever on Sundays.

Reason:
In the interests of the amenity of nearby houses.

- 8 Noise emanating from the site shall not exceed Noise Rating Curve NR20 in any octave band frequency at any nearby residential property, assuming windows open at least 50mm for ventilation purposes.

Reason:
In the interests of the amenity of nearby houses.

- 9 No outside storage shall take place within the site without the prior written consent of the Planning Authority.

Reason:
In the interests of the visual amenity of the area.

- 10 Details of all external lighting, including any movement sensitive lighting, proposed to be used within the site shall be submitted to and approved in writing by the Planning Authority prior to its erection. The lighting shall be designed, positioned, oriented and shrouded to ensure that no light from within the site spills beyond the boundaries of the site area.

Reason:
In the interests the amenity of nearby properties and of this part of the East Lothian countryside.

5. PLANNING APPLICATION NO. 13/00229/AMM: ALTERATIONS AND EXTENSIONS OF GOLF CLUB HOUSE TO FORM A 100 BED HOTEL AND GOLF CLUB HOUSE, ERECTION OF GREENKEEPER'S SHED AND COMPOUND, CLUB STORE/TROLLEY STORE, ALTERATIONS TO GOLF COURSE AND ASSOCIATED WORKS AT WHITEKIRK GOLF CLUB, WHITEKIRK

A report had been submitted in relation to Planning Application No.13/00229/AMM. Mr McFarlane presented the report, summarising the key points. The report recommendation was to grant consent.

Mr McFarlane responded to questions from Members in relation to the original application for outline planning permission, if/how this new application linked with the obligation for housing, the Section 75 Agreement and the required stage of completion of the hotel before commencement of the housing element.

Local Member Councillor Goodfellow stated this was an excellent proposal, which he fully supported.

Local Member Councillor Day noted that outline planning permission had already been granted. He expressed support for the proposal, stating it would be good for the local economy.

Local Member Councillor Berry indicated this was a major opportunity for East Lothian and would make a huge difference to retaining visitors in the county; it would be of great economic benefit. He would be supporting the application.

The Convener concluded the discussion. He welcomed this application, stating it would be a real asset to East Lothian. He would be supporting the recommendation to grant planning permission as set out in the report, and moved that this be put to the vote.

Decision

The recommendation that planning permission should be granted was put to the vote and received **14 votes for** and **none against**; there were no abstentions. 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 of adjoining land and building(s). The levels shall be shown in relation to an Ordnance Bench Mark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing; and
- c. the ridge height of the proposed shown in relation to the finished ground and floor levels on the site.

Reason:

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

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

Reason:

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

- 3 No development shall take place until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping. The scheme shall provide details of : the height and slopes of any mounding on or recontouring of, the site; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. The scheme shall include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

Reason:

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

- 4 The discharge of surface water to the water environment shall be in accordance with the principles of the SUDS (Sustainable Drainage Systems) Manual (C697) published by CIRIA.

Reason:

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

- 5 Prior to the commencement of development, the applicant shall appoint a Travel Plan Co-ordinator in consultation with the Planning Authority. The Travel Plan Co-ordinator shall be in post at least prior to any use being made of the hotel hereby approved. The Travel Plan Co-ordinator shall implement, promote and deliver the range of measures contained in the Travel Plan that is docketed to this approval of matters specified in conditions.

Reason:

In the interests of ensuring sustainable travel patterns in respect of the leisure and tourism development hereby approved.

- 6 Prior to the commencement of development, an independent road safety audit of the design of the proposed new junction with the A198 road shall be completed and any findings included within the final design of the new junction.

The new junction shall thereafter be completed in accordance with the findings of the independent road safety audit and prior to any use being made of the hotel hereby approved.

Reason:

In the interests of road safety.

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

Reason

In the interests of road safety.

6. PLANNING APPLICATIONS NOS. 13/00002/P TO 13/00012/P (11 APPLICATIONS): KINGS CAIRN, ARCHERFIELD LINKS, DIRLETON

Reports had been submitted in relation to Planning Applications Nos.13/00002P to 13/00012/P (11 applications). Mr McFarlane presented an overview of these applications, summarising the key points. He advised Members of a difference regarding application no.13/00006/P, erection of 1 house, which had to be considered slightly separately as it referred to a site that was outwith the area previously identified for housing and needed to be considered in that context. The proposed decision set out in each report was for refusal of the application. Mr McFarlane advised Members that if weight was to be given to the economic circumstances of the case, then the Council should be satisfied that this had been appropriately and accurately assessed.

Mr McFarlane and Mr Dingwall, Principal Planner, responded to questions from Members regarding school capacities and the requirement of the Council's Head of Education for phasing of the development to ensure that there would be capacity at Dirleton Primary School; the hotel development and classification of current visitor accommodation; and the requirement for affordable housing provision at the Council's standard of 25%.

Mr Glen addressed the Committee on behalf of Caledonian Heritable, the applicant. He informed Members that they were under financial pressure, like all businesses. The previous application for large houses on large plots was not now viable due to the downturn; as a result these applications for smaller properties had been proposed. He detailed alterations to the initial plans, current facilities on site and visitor numbers. Archerfield was a 5 star destination, attracting repeat business and benefiting the whole of East Lothian. It also brought a high media profile to the area. Partnerships were being developed in the fields of hospitality and horse racing. Archerfield had created around 1,000 jobs and provided opportunities for local school leavers. He indicated that the requirement of development phasing recommended by the Education Authority was impossible to accept because of the housing market. He asked the

Committee to support these applications, but if it did, to remove the phasing restrictions.

Mr Glen answered questions from Members regarding visitor numbers/duration of stay and the phasing of completion criteria. Mr McFarlane clarified that phasing had been stipulated by the Education Authority to enable them to plan the expansion of the local schools.

Local Member Councillor Day stated he had called these applications off the Scheme of Delegation List because of the substantial departure from the planning permission previously granted. He had huge respect for the Planning Officers however as the Planning Committee, Members needed to consider the wider issues. Given the financial situation at present Members needed to do all they could to support and promote business growth. This was a high quality business which would create a huge number of jobs. Due to the economic situation the application previously approved for 27 houses was no longer viable. With regards to the enabling development aspect, de facto hotel accommodation was provided on site albeit this was not all in one building. He would not be supporting the officer's recommendation for refusal for these applications, except for application no. 13/00006/P for the single plot. In respect of this latter application, he could see no material reason to go against the recommendation in that case.

Local Member Councillor Goodfellow remarked that the objections seemed to be concentrated on the non-provision of the 245 bedroom hotel however as already alluded to there was visitor accommodation on site, albeit in a different guise. He disagreed with other objections regarding loss of exclusivity and traffic concerns. In relation to protection of the dunes, there was a wire fence that restricted access to the beach; it was imperative that this was not breached - if the Committee decided to grant planning permission an appropriate condition should be included. He realised that this would be overturning Policy DC1 in respect of application 13/00006/P however there had been no objections on that policy basis. He would, on balance, be supporting these applications.

Local Member Councillor Berry commented that the development at Archerfield had been ongoing for some time and he was on record as objecting to earlier applications. However, he had visited Archerfield and had been hugely impressed. The template of what constituted a hotel was debatable. He questioned if this application was a necessary part of ensuring the continued success of Archerfield. Clearly the types of houses originally planned were no longer viable. His inclination was to support these applications. In relation to the coastal strip he agreed with Councillor Goodfellow; it was vital to ensure this was protected. He also felt further discussion regarding affordable housing and education provision was required.

Councillor Currie stated this was a world class facility, and the pride of East Lothian. He made reference to the ongoing issue of the hotel. He appreciated Councillor Berry's point about the definition of a hotel. In relation to the coastal strip he assumed that Landscape Officers patrolled these areas. He expressed concern about imposing the phasing criteria put forward by the Education Authority. He stated it was important that this development as an entity was completed; this would be a better position for East Lothian as a county. He would be supporting the applications.

Councillor Broun-Lindsay remarked that this was a longstanding and evolving situation. Archerfield House was originally supposed to have been the golf club house; it would have been wasted as such. He believed in essence that there was a deconstructed hotel on the site. A 245 bed hotel would have been a substantial building and would not

have enhanced the general environment. He was supportive of these applications going forward and disagreed with the Planning Officer's recommendations.

The Convener brought the discussion to a close. Policy DC1 was designed to protect the countryside, but this was different - these application sites were contained within the Archerfield development. He referred to initial objections when this development had been first mooted, stating these had been proved wrong; this site was excellent. He noted the arguments about non-delivery of the hotel, but the type of accommodation provided was better; different and exclusive. Regarding comments about application no. 13/00006/P for the single house, he felt there was justification to allow this unless the property was to be used as holiday accommodation. Archerfield was a major boost to the local economy. If the Committee went against the report recommendations and granted planning permission Members would be making the right decision for East Lothian. He would be supporting these applications and he recommended to Members that the Committee went against the recommendations for all the reports. He asked officers for guidance.

The Corporate Legal Adviser, Morag Ferguson, advised that in the past the Committee had taken a decision in principle to grant planning permission subject to conditions to be agreed by officers in conjunction with the Convener and Local Members.

Mr McFarlane clarified that this would also be subject to a legal agreement to meet requirements for the developer contributions for affordable housing, phasing in relation to the requirements of the Council's Head of Education and for application 13/00006/P that the new house be used only as holiday accommodation.

The Convener moved that in the absence of any Members speaking against his suggestion, that all report recommendations be rejected and all applications be approved subject to (i) conditions to be agreed between officers and the applicant in conjunction with the Convener and Local Members, and (ii) the satisfactory conclusion of a legal agreement designed to a) secure from the applicant a financial contribution to the Council towards additional educational accommodation, b) secure from the applicant the provision of affordable housing, and c) in respect of planning application 13/00006/P to restrict use of the house solely to holiday accommodation, be put to the vote.

Decisions

- (i) **No. 13/00002/P: Erection of 4 houses, garages and associated works (Site 9)**
For approval of the application - 14 votes, against - none
- (ii) **No. 13/00003/P: Erection of 2 houses, garages and associated works (Site 10)**
For approval of the application - 14 votes, against - none
- (iii) **No. 13/00004/P: Erection of 5 houses, garages and associated works (Site 11)**
For approval of the application - 14 votes, against - none
- (iv) **No. 13/00005/P: Erection of 5 houses, garages and associated works (Site 12)**
For approval of the application - 14 votes, against - none
- (v) **No. 13/00006/P: Erection of 1 house and associated works (Site 13)**
For approval of the application - 13 votes, against - 1 vote
Approved subject to agreement on the use of the property as holiday accommodation

- vi) **No. 13/00007/P: Erection of 4 houses, garages and associated works (Site 3)**
For approval of the application - **14** votes, against - none
- (vii) **No. 13/00008/P: Erection of 4 houses, garages and associated works (Site 4)**
For approval of the application - **14** votes, against - none
- (viii) **No. 13/00009/P: Erection of 4 houses, garages and associated works (Site 5)**
For approval of the application - **14** votes, against - none
- (ix) **No. 13/00010/P: Erection of 3 houses, garages and associated works (Site 6)**
For approval of the application - **14** votes, against - none
- (x) **No. 13/00011/P: Erection of 4 houses, garages and associated works (Site 7)**
For approval of the application - **14** votes, against - none
- (xi) **No. 13/00012/P: Erection of 4 houses, garages and associated works (Site 8)**
For approval of the application - **14** votes, against - none

7. PLANNING APPLICATION NO. 12/00922/PM: FORMATION OF ONSHORE ELECTRICAL TRANSMISSION INFRASTRUCTURE BETWEEN THORNTONLOCH AND CRYSTAL RIG II, COMPRISING 12.3KM OF BURIED CABLE AND NEW SUBSTATION AT CRYSTAL RIG II AT LAND BETWEEN THORNTONLOCH AND CRYSTAL RIG WIND FARM, DUNBAR

A report had been submitted in relation to Planning Application No.12/00922/PM. Mr McFarlane presented the report, summarising the key points. The report recommendation was to grant consent.

Decision

The recommendation that planning permission should be granted was put to the vote and received **14 votes for** and **none against**; there were no abstentions. The Committee agreed to grant planning permission subject to the following conditions:

- 1 The development hereby approved shall be undertaken in accordance with the Environmental Statement docketed to this planning permission, except where altered by the conditions below, or unless otherwise agreed with the Planning Authority in writing.

Reason:

To ensure that the reported likely environmental impacts of the development are not exceeded and the mitigation measures are put in place.

- 2 There shall be no commencement of the Development until it can be demonstrated to the Planning Authority that consent under Section 36 of the Electricity Act 1989 has been granted by the Scottish Ministers for the Near Na Gaoithe offshore wind farm.

Reason:

To ensure there is an operational requirement for the onshore electrical transmission infrastructure.

- 3 Prior to the commencement of the development hereby approved, an appropriately experienced and qualified Ecological Clerk of Works (ECoW) shall be appointed following consultation with the Planning Authority and SNH. An ECoW appointed in accordance with this condition shall be in post during appropriate stages of the construction phase of the development, as agreed in writing with the Planning Authority. The ECoW's scope of work shall include monitoring compliance with the mitigation measures within the Environmental Statement and the conditions of this planning permission.

Reason:

To minimise environmental impacts during the construction phase of the development.

- 4 Prior to the commencement of the development hereby approved, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Planning Authority, after consultation with SEPA, SNH and, in respect of issues relating to the inter-tidal area, Marine Scotland.

The CEMP shall, unless otherwise agreed with the Planning Authority in writing, include the following details:

- (a) Construction Method Statements, which shall include details of the crossing methods to be utilised along the cable route including, if appropriate, the placing in ducts of any cables laid under public roads. The Construction Method Statements shall also recommend mitigation measures to control noise and shall include hours of operation for construction work;
- (b) Pollution prevention monitoring and mitigation measures for all construction activities;
- (c) Reinstatement following the completion of the construction of the cable route, including the reinstatement of agricultural land, drainage systems and landscape resources;
- (d) Dust and air quality management plan;
- (e) Soil resource management plan, including a map showing locations of stockpiles of excavated materials, details of use and/or disposal of unsuitable subsoil, details of the management and mitigation of soil resources in accordance with best practice;
- (f) Construction noise and vibration management plan, including identification of access routes, locations of laydown areas, equipment details, details of operation, scheduling or works, mitigation measures and a scheme for noise monitoring in the event of complaints;
- (g) Habitat resource management plan for the cable route and substation, including details of tree/hedgerow removals and replacements, and the use of protective fencing and ground protection (in accordance with BS5837_2012 "Trees in relation to design, demolition and construction ~ Recommendations"), tree root protection methods, and other appropriate mitigation measures;
- (h) Peat Management Plan; and
- (i) The installation approach (i.e. horizontal directional drilling or open cut trenching) for the cable landfall area at Thorntonloch beach.

The development shall thereafter be carried out in accordance with the approved CEMP unless otherwise agreed with the Planning Authority in writing.

Reason:

To minimise environmental impacts during the construction phase of the development.

- 5 Prior to the commencement of the development hereby approved an Access Management Plan (AMP) shall be submitted to and approved in writing by the Planning Authority after consultation with SNH. The Access Management Plan shall detail proposals for maintaining and managing public access across the application site during the period of the development without compromising applicable health and safety requirements.

The development shall thereafter be carried out in accordance with the approved Access Management Plan unless otherwise agreed with the Planning Authority in writing.

Reason:

To minimise the impact the development on public access across the application site.

- 6 Prior to the commencement of the development hereby approved, a Traffic Management Plan (TMP) for the construction phase of the development shall be submitted to and approved in writing by the Planning Authority, after consultation with Transport Scotland. The TMP shall, unless otherwise agreed with the Planning Authority in writing, include the following details:

- a) details of identified routes to and from the construction site;
- b) details of construction compounds and details of construction access points;
- c) specific arrangements relating to the transportation of abnormal loads and procedures to ensure pedestrian safety adjacent to working areas;
- d) arrangements for minimising disruption to road users and pedestrians in those locations where open cut trenching crosses a public or private road;
- e) details of any off-site mitigation works;
- f) co-ordination of traffic movements with other major transport users;
- g) arrangements for the cleaning of wheels and chassis of construction traffic to prevent material being carried onto the public road;
- h) details of temporary construction car parks associated with the construction compounds;

- i) details of trees to be protected from construction traffic in accordance with BS5837:2012;
- j) a condition dilapidation survey, the scope of which will be agreed in advance with East Lothian Council; and
- k) A Green Travel Plan to include measures to minimise dependency on the private car to and from the construction compounds.

The TMP shall also include vehicle tracking and swept path analysis for vehicles entering and exiting the site and details of the provision of visibility splays at all vehicular accesses. It shall also include details of any road closures and suitable alternative routes during the road closures.

The development shall thereafter be carried out in accordance with the approved TMP unless otherwise agreed with the Planning Authority in writing.

Reason:

In the interests of road safety.

- 7 Prior to the commencement of the development hereby approved, a Site Waste Management Plan (SWMP) shall be submitted to and approved in writing by the Planning Authority, after consultation with SEPA. The SWMP shall, unless otherwise agreed with the Planning Authority in writing, include the following details:

- (a) Details of the waste management measures to be implemented during the construction phase, including the steps to be taken to maximise the quantity of waste to be re-used and recycled;
- (b) The types and quantities of waste expected to arise during the construction phase of the Development;
- (c) The identification of the contractors to be used to ensure the waste is correctly recycled or disposed of responsibly and legally;
- (d) Information on how the quantity of waste will be measured; and
- (e) Identification of responsible personnel.

The development shall be carried out in accordance with the approved SWMP unless otherwise agreed with the Planning Authority in writing.

Reason:

In order to minimise waste during construction and to ensure that it is properly managed.

- 8 Prior to the commencement of the development hereby approved the following details, including proposed timescales, shall be submitted to and approved in writing by the Planning Authority, after consultation with SNH:

- (a) The siting, design, external appearance and dimensions of the substation and any other permanent above-ground features, and a schedule of materials and finishes; and
- (b) The proposed levels of any earthworks and the design of permanent fencing and boundary walls.

The development shall thereafter be carried out in accordance with the approved details unless otherwise agreed with the Planning Authority in writing.

Reason:

In the interests of the landscape character and appearance of the Lammermuir Hills Area of Great Landscape Value.

- 9 No development shall take place until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping. The scheme shall provide details of : the height and slopes of any mounding on or recontouring of, the site; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. The scheme shall include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

Reason:

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

- 10 Prior to the commencement of the development hereby approved, a substation drainage strategy shall be submitted to and approved in writing by the Planning Authority, after consultation with SEPA. Thereafter, the development shall be carried out in accordance with the approved drainage strategy unless otherwise agreed with the Planning Authority in writing.

Reason:

To ensure that a suitable drainage strategy is implemented.

- 11 Prior to the commencement of the development hereby approved, a survey of European Protected Species (EPS) will be carried out within the Development site. Based on the findings of these surveys, if required, a Protected Species Management Plan shall be submitted to and approved in writing by the Planning Authority after consultation with SNH. The Protected Species Management Plan shall include mitigation measures designed to safeguard any EPS within the application site. During the construction phase of the development regular monitoring of the mitigation measures in the Protected Species Management Plan shall be carried out by the Company, or its representative.

The development shall thereafter be carried out in accordance with the approved Protected Species Management Plan unless otherwise agreed with the Planning Authority in writing.

Reason:

To minimise disturbance to protected species during the construction phase of the development.

- 12 No development shall take place until the applicant has, through the employ of an archaeologist or archaeological organisation, secured the implementation of a programme of archaeological work on the site of the proposed development in accordance with a written scheme of investigation which the applicant will submit to and have approved in advance by the Planning Authority.

Reason:

To facilitate an acceptable archaeological investigation of the site.

- 13 Within 24 months of the permanent cessation of generation at the offshore wind farm, the Company shall confirm in writing to the Planning Authority whether or not the development hereby approved continues to be required for electricity transmission purposes.

Where the development is not required for electricity transmission purposes beyond the operational period of the offshore wind farm, within 24 months of the permanent cessation of generation at the offshore wind farm, a decommissioning and site restoration plan (the 'Demolition and Restoration Scheme') shall be submitted to and approved in writing by the Planning Authority. The Demolition and Restoration Scheme shall have due regard to the Decommissioning Programme prepared in respect of the offshore wind farm and shall include details of:

- (i) The extent of substation and cable infrastructure to be removed and details of site restoration;
- (ii) Management and timing of works;
- (iii) Environmental management provisions; and
- (iv) A traffic management plan to address any traffic impact issues during the decommissioning period.

The Demolition and Restoration Scheme shall be implemented in its entirety, unless otherwise agreed with the Planning Authority in writing.

Where the Development is required for electricity transmission purposes beyond the operational period of the offshore wind farm, within 24 months of the development no longer being required for electricity transmission purposes, a decommissioning and site restoration plan (the 'Demolition and Restoration Scheme') shall be prepared by the Company and shall be submitted to and approved in writing by the Planning Authority. The Demolition and Restoration Scheme shall include details of:

- (i) The extent of substation and cable infrastructure to be removed and details of site restoration;

- (ii) Management and timing of works;
- (iii) Environmental management provisions; and
- (iv) A traffic management plan to address any traffic impact issues during the decommissioning period.

The Demolition and Restoration Scheme shall be implemented in its entirety, unless otherwise agreed with the Planning Authority in writing.

Reason:

To ensure that the application site is satisfactorily restored in the interests of the amenity of the area.

- 14 Prior to the commencement of the development hereby approved, proposals for the realignment of existing access tracks shall be submitted to and approved in writing by the Planning Authority. The development shall thereafter be carried out in accordance with approved details unless otherwise agreed with the Planning Authority in writing.

Reason:

To minimise the impact the development on public access within and across the application site.

- 15 Prior to commencement of the development hereby approved a detailed method statement for the cables crossing under the A1 trunk road should be submitted to and approved by the Planning Authority following consultation with Transport Scotland.

The development shall thereafter proceed in accordance with the details so approved.

Reason:

In the interests of road safety.

Signed

Councillor Norman Hampshire
Convener of the Planning Committee