



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

**TUESDAY 2 SEPTEMBER 2014
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Committee Members Present:

Councillor N Hampshire (Convener)
Councillor D Berry (Items 1 – 5)
Provost L Broun-Lindsay
Councillor S Brown
Councillor J Caldwell
Councillor S Currie
Councillor T Day
Councillor A Forrest
Councillor J Gillies
Councillor J Goodfellow
Councillor D Grant
Councillor W Innes (Items 1 – 5)
Councillor P MacKenzie (Items 1 – 4 and 6)
Councillor J McMillan
Councillor J McNeil
Councillor T Trotter (Items 1 – 3)
Councillor J Williamson

Other Councillors Present:

Councillor M Veitch (Item 2)

Council Officials Present:

Mr D Proudfoot, Head of Development
Ms M Ferguson, Service Manager – Legal and Procurement
Mr I McFarlane, Service Manager – Planning
Mr K Dingwall, Principal Planner
Ms C Molloy, Senior Solicitor
Mr M Greenshields, Transportation Planning Officer
Mr N Millar, Planner

Clerk:

Ms F Currie, Committees Assistant

Visitors Present:

Item 1 – Mr S Allan
Item 1 – Mr D Jones
Item 1 – Ms V Hastie

Item 1 – Mr T Wood
Item 2 – Mr A Muckley
Item 2 – Mr G Barton
Item 3 – Mr C Sinclair
Item 3 – Mr J Dobie
Item 3 – Mr D Scott
Item 4 – Mr N Craigmile
Item 4 – Mr A Bowman
Item 4 – Mrs R Johnstone
Item 4 – Mr D Johnstone
Item 5 – Mr S Kerr
Item 5 – Mr J Campbell QC
Item 6 – Mr A Watt

Apologies:

Councillor K McLeod

Declarations of Interest:

Councillor MacKenzie declared an interest as a member of the Battle of Prestonpans Heritage Trust and indicated he would leave the Chamber during Item 5.

1. PLANNING APPLICATION NO. 14/00416/P: CHANGE OF USE OF OFFICE BUILDING AND GROUNDS TO CREMATORIUM USE WITH 1 GROUNDKEEPER'S FLAT AND ASSOCIATED OPERATIONS AT ALDERSTON HOUSE, HADDINGTON

A report was submitted in relation to Planning Application No. 14/00416/P. Iain McFarlane, the Service Manager - Planning, presented the report, summarising the key points. He referred to a number of late representations which had been tabled and indicated that, in the view of the Case Officer, the matters raised were not material to consideration of this application. The proposed decision set out in the report was to grant consent for the application.

In response to questions from Members Mr McFarlane advised that the reference to 200 yards in the Crematoriums Act 1902 related to the construction of a building for use as a crematorium. He confirmed that planning consent would not override the legal requirement for the applicant to seek approval from adjacent landowners, nor would it affect the landowner's right to withhold their permission where this requirement existed.

Marshall Greenshields, Transportation Planning Officer, answered questions from Members on traffic management issues.

Mr Scott Francis Allan, agent for the applicant, addressed the Committee. He reminded Members of the previous planning permission for a crematorium in this location which was granted in 1998. He advised that there had been departures from the 1902 Act to allow developments in cities and further amendments to the legislation may follow. He also confirmed that a Traffic Management Plan would be put in place for the site.

Mr David Jones, of DPJ Planning & Development, spoke against the application on behalf of Mr & Mrs Dalton and Mr & Mrs Health, owners of properties adjacent to Alderston House. He stated that his clients had serious concerns about the proximity of the proposed crematorium and the impact on their health, welfare and the amenity

of their properties. He advised Members that, in terms of the requirements of the 1902 Act, neither couple would give their consent to the proposed development.

Ms Vivian Hastie, owner of Alderston Farming, spoke against the application. She told Members that the emissions from a crematorium could potentially be detrimental to the health and value of her milk herd and the success of her business. Ms Hastie contended that Members had a duty to consider the impact on the local area, residents and businesses, and should reject the application.

Mr Tim Wood, Chief Executive of McInroy & Wood Ltd, spoke against the application. He explained that his firm employs 48 people and is a contributor to the local economy and good causes. He was concerned about the impact which a crematorium, and increased traffic, would have on the ambiance and amenity of his business. He considered the proposals to be a risk to the future of his firm.

Local Member Councillor Trotter explained that he had called this application in due to the number of concerns raised by local residents. While he was not against the idea of a new crematorium he was not convinced that this was the right location.

Local Member Councillor McMillan agreed with his colleague. He considered that the impact of the proposals, particularly in regard to parking, would result in a loss of amenity for neighbouring properties and a potential risk to jobs. He would not be supporting the report recommendation.

Local Member Provost Broun-Lindsay also agreed, pointing out that the planned operations verged on industrial use. He would not be supporting this application.

Councillor Berry acknowledged that this was a difficult decision and that transport was a major issue. He agreed with the views of his colleagues and would not be supporting this application.

Councillor Innes cited the residential locations of two of Edinburgh's crematoria and the current pressure on burial plots in East Lothian. He would be supporting the report recommendation.

Councillor Currie indicated that his major concern was transportation: specifically the impact on safety and traffic flow. He would not be supporting the report recommendation.

Councillor McNeil noted the previous planning permission granted for the nearby site. He would be supporting the report recommendation.

Councillor Goodfellow was not convinced that the traffic management plan would be sufficient for the site. He would not be supporting the report recommendation.

Councillor Grant agreed with the views of Councillor Innes. He was confident that the traffic management plan would address any concerns and he would be supporting the application.

Councillor Caldwell asked whether the conditions could be amended to ensure there was at least one and a half hours between each service and associated catering, rather than only one hour. This may help to address traffic and amenity issues. He would be willing to support the application on this basis.

The Convener brought the discussion to a close. He noted the opposing views of Members around traffic management and welfare and amenity concerns. He agreed with Councillor Caldwell's view and proposed an amendment to Condition 4 stating that there shall be at least one and a half hours between each service and associated catering. Councillor Caldwell seconded this motion.

The Convener moved to the vote on the report recommendation, as amended:

For: 9

Against: 8

Abstentions: 0

Decision

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

- 1 The Rating Level, LArTr, of noise emanating from the crematorium hereby approved when measured 3.5 metres from the façade of any neighbouring residential property, shall be no more than 5dB (A) above the background noise level, LA90T; all measurements to be made in accordance with BS 4142: 1997 "Method for rating industrial noise affecting mixed residential and industrial areas".

Reason:

To ensure the crematorium use of does not harm the amenity of nearby residential properties.

- 2 The crematorium hereby approved shall only operate between 8:00am and 5:00pm Monday to Friday and 8:00am and 1:00pm on a Saturday.

Reason:

To safeguard the amenity of the area, including the amenity of neighbouring residential properties.

- 3 There shall be no scattering of cremation ashes on any part of the application site and any ashes to be interred shall be located in the Memorial Garden as shown on the drawings docketed to this planning permission and shall be contained within a fully sealed container.

Additionally there shall be no depositing of metallic cremation waste on any part of the application site.

Reason:

To safeguard the amenity of the area.

- 4 At the crematorium hereby approved there shall be least a one and a half hour gap between the end of one cremation service and the beginning of the next, the service including any reception held on the premises.

Reason:

To allow an adequate turnover of vehicles in the interests of road safety.

- 5 Prior to the commencement of the crematorium use hereby approved a traffic management plan to control and marshal traffic and overspill parking resulting from larger attendances of cremations shall be submitted to and approved in advance by the Planning Authority. The approved traffic management plan shall thereafter be implemented in accordance with the details so approved.

Reason:

In the interests of road safety.

- 6 The second floor groundkeeper's staff living accommodation hereby approved shall be occupied and used only by a member(s) of staff of the crematorium hereby approved, and shall not be used as a separate dwelling unit.

Reason:

To restrict the use of that part of the building to that applied for as the accommodation is unsuitable for unrestricted residential occupancy.

2. PLANNING APPLICATION NO. 13/00975/PP: PLANNING PERMISSION IN PRINCIPLE FOR THE ERECTION OF 1 HOUSE AT THE FORMER DAIRY COTTAGE, 14 SOUTH BELTON, DUNBAR

A report was submitted in relation to Planning Application No. 13/00975/PP. Mr McFarlane presented the report, summarising the key points. The proposed decision set out in the report was for refusal of the application.

In response to questions from Members Mr McFarlane advised that planning policy DC1 made no specific provision for replacement buildings and the applicant had failed to demonstrate the operational need for a replacement on this site.

Mr Albert Muckley of Ironside Farrar, agent for the applicant, addressed the Committee. He explained that the monitoring of water levels was done currently by electronic equipment and by visual monitoring onsite. However the lease on the current accommodation was due to end soon and there was a clear operational need for a replacement. He stated that, without someone onsite, the potential risk of flooding would be increased.

Mr George Barton spoke in support of the application. He advised Members that electronic water level monitoring could not be used in isolation and visual monitoring was a vital backup tool. He noted that, despite support for the use of dual monitoring in this case, planning officers had chosen to ignore the advice of the experts.

Local Member Councillor Veitch said that while he supported planning policy DC1, he considered that the case for operational need had been clearly demonstrated. He was surprised that officers had chosen to ignore the overwhelming advice in support of this application and urged Members to go against the report recommendation.

The Convenor, speaking as a local Member, noted that the independent rural consultant was in favour of this development and considered that such expert advice should not be ignored.

Councillor Innes agreed with local Members and did not think that approving this application would set an unhelpful precedent. He would not be supporting the report recommendation.

Councillor Goodfellow also supported the views of local Members. He would not be supporting the report recommendation.

Provost Broun-Lindsay stated that, contrary to previous applications of this type, the business case had been clearly made and he would be supporting the application.

Councillor MacKenzie was persuaded by the views of the independent rural consultant in this case. He would be supporting the application.

Councillor McMillan was in agreement with his colleagues. He would be supporting the application.

Councillor Grant was concerned about the precedent which might be set by approving this application. He would be supporting the report recommendation.

The Convener brought the discussion to a close. He referred to his earlier comments and stated that he would be supporting this application.

The Convener moved to the vote on the report recommendation:

For: 1
Against: 16
Abstentions: 0

Decision

The Committee agreed to grant planning permission subject to conditions to be determined by officers in conjunction with the Convenor, including an occupancy restriction on the property to be constructed to be secured by means of a S75 Agreement.

3. PLANNING APPLICATION NO. 14/00440/P: CHANGE OF USE FROM OPEN SPACE TO CAR PARKING AREA AND ERECTION OF BOLLARDS AT 13 HOPETOUN TERRACE, GULLANE

A report was submitted in relation to Planning Application No. 14/00440/P. Neil Millar, Planner, presented the report, summarising the key points. The proposed decision set out in the report was to grant consent for the application, subject to refusal of permission in respect of the two southwest most bollards.

In response to questions from Members, Mr McFarlane advised that the felling of trees in a conservation area would require the written permission of the Council. Morag Ferguson, Service Manager – Legal & Procurement, advised Members that the legal rights of access were not material to consideration of planning permission and would require being resolved between the parties separately.

Mr Colin Sinclair, the agent for and son of the applicant, addressed the Committee. He explained that the current agreement for mutual access to neighbouring properties had been put in place prior to the Sinclair's purchase of their property. This had been exacerbated by blocking of the proper access by tree planting, which had led to neighbours crossing the Sinclair's land to access their own properties. As a result, two of Mr Sinclair's cars had been damaged in the last two years and a number of potholes had formed. The erection of bollards would prevent further access across their property and allow the garden area to be restored to its former state.

Mr J Dobie, local resident, spoke against the application. He confirmed that the arrangements for mutual access had been agreed some time ago by neighbours. He was concerned about the positioning of the bollards as this was not clear from the planning application.

Mr David Scott, another local resident, spoke against the application. Despite a reduction in the number of bollards, he did not think that there would be room for maintenance or emergency vehicles to access the rear of his property.

Local Member Councillor Goodfellow acknowledged that this was a contentious application which had required a site visit to fully appreciate the issues. He noted that granting planning permission would restrict access for neighbouring residents and he would not be supporting the report recommendation.

Local Member Councillor Day considered that the proposals would adversely affect the amenity of the conservation area by virtue of the visual impact of the bollards. He would not be supporting this application.

Councillor Berry was concerned that this application appeared to be part of a wider neighbourhood dispute. He did not see any planning justification for the proposals and would not be supporting the application.

Councillor Currie commented that approval of this application would not resolve the issues in this case. He would not be supporting the report recommendation.

Provost Broun-Lindsay had some sympathy with the views of the applicant. He would be supporting the report recommendation.

Councillor Grant indicated that, on balance, he would be supporting the report recommendation.

The Convener brought the discussion to a close. He acknowledged that the legal issues around access rights were not a matter for Members and that planning officers had tried to achieve limited impact by restricting the number of bollards. He would be supporting the recommendation to grant planning permission as set out in the report.

The Convener moved to the vote on the report recommendation:

For: 6

Against: 11

Abstentions: 0

Decision

The Committee agreed to refuse planning permission for the following reasons:

- (i) the visual impact of the bollards would be detrimental to the character of the conservation area.

Sederunt: Councillor Trotter left the meeting.

4. PLANNING APPLICATION NO. 14/00319/P: ERECTION OF FENCING AND HEIGHTENING OF WALL (PART RETROSPECTIVE) AT 6 WINTON TERRACE, NEW WINTON, TRANENT

A report was submitted in relation to Planning Application No. 14/00319/P. Mr McFarlane presented the report, summarising the key points. The proposed decision set out in the report was to grant consent for the application.

In response to questions from Members Mr McFarlane advised that officers take into account both the applicant's house and the local area when considering a proposal to alter the height of garden fencing.

Mr Neil Craigmile, the applicant, addressed the Committee. He explained that he had been required to replace rotting fence posts earlier in the year and was now looking to renew several sections of fencing to secure the side and bottom of the garden for his dog.

Mr Alistair Bowman, a solicitor advising the applicant on planning matters, spoke in favour of the application. He said he had examined the deeds to the applicant's property and was satisfied that the fence was entirely on his land.

Mrs Ruth Johnstone, neighbouring resident, spoke against the application. She stated that the high section of the side fence ruined the amenity of the conservation area, as well as "fencing her off" from the rest of the Terrace. She concluded that it was not in keeping with this or other conservation villages.

Mr Dougal Johnstone, neighbouring resident, spoke against the application. He expressed his concern about officers' failure to address his objections in their report. He said that the high sections of the fence spoiled the character of the streetscape and the amenity of his property.

Local Member Councillor Grant had some sympathy with the objectors' views regarding the fence to the front of the property. However, he would be supporting the report recommendation.

Local Member Councillor Gillies considered that the fence was out of character with the area but he would not go against the officer's recommendation.

Councillor Innes also had sympathy with the objectors' views. He suggested that the high fence should be restricted to the building line to the front of the property. He would not be supporting the report recommendation.

Councillor McNeil stated that he was uncomfortable with the idea of such a high fence in a conservation area, and where the previous fence had been considerably lower. He would not be supporting the report recommendation.

Provost Broun-Lindsay agreed that the high panels to the front were intrusive. He would not be supporting this application.

The Convener brought the discussion to a close. He agreed with the views of Members and objectors. He proposed that the panels which protruded past the building line to the front of the property be restricted to a height of 1 metre. This was seconded by Provost Broun-Lindsay.

The Convener moved to the vote on the report recommendations, as amended:

For: 13
Against: 3
Abstentions: 0

Decision

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

- 1 The stonework of the heightened section of wall shall match in all respects the stonework of the existing wall that encloses the northeast roadside boundary of the property 5 Winton Terrace, including the laying, pointing and coping of it, all in accordance with a sample panel to be provided on site for the prior inspection and approval of the Planning Authority.

Reason:

To safeguard the character and appearance of the Conservation Area.

- 2 The postholes for the posts of the fencing hereby approved shall be hand dug within the tree root protection area of the tree on the southwest rear garden boundary and adjacent to the southwest rear garden boundary of the house. The posts shall be positioned to avoid tree roots exceeding 25mm in diameter. If roots exceeding 25mm in diameter are encountered the excavation shall be backfilled and lightly compacted immediately and another hole dug. Any tree roots 25mm in diameter and smaller encountered shall be cleanly cut prior to installing the support posts.

Reason:

In the interests of safeguarding trees that form part of the landscape character of the Conservation Area.

- 3 The north-easternmost part of the 1.99 metres high timber fence erected along part of the southeast boundary of the garden of 6 Winton Terrace, as shown on the drawings docketed to this planning permission, is not hereby approved. Within one month of the grant of this planning permission that fence shall instead be reduced in height, such that no part of it that is greater than 1 metre in height (when measured from ground level) shall protrude forward of the front (north-east facing) building line of the house of 6 Winton Terrace towards the road of Winton Terrace, all in accordance with a detail of it to be submitted for the prior approval of the Planning Authority.

Reason:

In the interests of safeguarding the character and appearance of the Conservation Area and the amenity of neighbouring residential properties.

Sederunt: Councillor MacKenzie left the Chamber.

5. PLANNING APPLICATION NO. 14/00456/PPM: PLANNING PERMISSION IN PRINCIPLE FOR THE CONSTRUCTION, OPERATION AND DECOMMISSIONING OF AN ONSHORE SUBSTATION, ELECTRICITY CABLES AND ASSOCIATED INFRASTRUCTURE REQUIRED TO EXPORT ELECTRICITY FROM THE PROPOSED INCH CAPE OFFSHORE WIND FARM TO THE NATIONAL ELECTRICITY TRANSMISSION SYSTEM AT LAND ADJACENT TO COCKENZIE POWER STATION, COCKENZIE, PRESTONPANS, EAST LOTHIAN

A report was submitted in relation to Planning Application No. 14/00456/PPM. Keith Dingwall, Principal Planner, presented the report, summarising the key points. He noted that, at the time of preparing the report, there had been three representations received. A further three had been received all relating to the impact on the historic battlefield site. One of these was from the Battlefields Trust. Mr Dingwall indicated that none of the new objections altered the report recommendation which was to grant consent for the application.

In response to questions from Members Mr Dingwall advised that the application was for approval in principle and much of the detail was still to be determined. However, he confirmed that, as result of consultation, none of the proposed development would encroach onto the Waggonway.

Mr Stephen Kerr of InchCape Offshore Ltd, the applicant, addressed the Committee. He advised Members that there had been a wide local consultation on the proposals with over 400 people attending 3 local meetings. Amendments to the location and footprint of the site, and mitigation measures, had been put in place to address concerns. He reiterated that this was the first stage and his firm were committed to ongoing public consultation at all stages of the process.

In response to questions from Members, Mr Kerr advised that, at maximum output, the facility would provide 20% of Scotland's domestic energy requirements, and that the project was not linked to any other proposals for the area.

Mr John Campbell QC, on behalf of The Battle of Prestonpans Heritage Trust and the Coastal Regeneration Alliance, spoke against the application. He expressed concern that the transforming electrical infrastructure would be sited on the Battle of Prestonpans Battlefield. He stated that the public required further information and consultation on the proposals. He referred to planning policy and questioned whether the development met the "key operational requirement" criteria. He proposed that Members agree to defer the application for a period of at least two months to allow further consultation to take place.

In response to further questions from Members Mr McFarlane advised that Condition 7 of the proposed planning permission stipulated that an archaeological survey must be undertaken before any development could take place on the site.

Local Member Councillor Innes noted that the battlefield site was considered to be of national significance. However, he did not think that approval of the application would compromise the protection of the site. He would be supporting the report recommendation.

Local Member Councillor Brown said he would be in favour of deferring the application to allow a comprehensive plan to be put in place for all of the proposed developments in the Cockenzie area.

Councillor Currie stated that the key issue for him was the location of the site and the potential impact on the historic battlefield site. In the absence of a deferral, he would not be supporting this application.

Councillor Grant reminded his colleagues that the application was for permission in principle and that further details would be forthcoming. He considered that supporting the report recommendation was the right thing to do.

The Convener brought the discussion to a close. He noted the divergence of opinions but reminded Members of the potential importance of this development and the requirement for an archaeological investigation before work could begin. He indicated that he would be supporting the recommendation to grant planning permission in principle as set out in the report.

Councillor Brown proposed a motion to defer the application which was seconded by Councillor Currie. The Convener invited Members to vote on this motion:

For: 3
Against: 11
Abstentions: 1

Following refusal of the motion to defer the application, the Convener moved to the vote on the report recommendation:

For: 12
Against: 3
Abstentions: 0

Decision

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

- 1 The submission for approval of matters specified in conditions of this grant of planning permission in principle in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended) shall include details of the siting, design and external appearance of the onshore substation, electricity cables and associated infrastructure, the means of access to them, the means of any enclosure of the boundaries of the site and the landscaping of the site; and those details shall generally accord with the "Inch Cape Onshore Transmission Works" drawing docketed to this planning permission in principle, and shall address the following requirements:

- a. The switchgear building shall be finished in a matt green colour;
- b. The railway track within the application site boundary shall be retained and kept available for use; and
- c. The access shall be designed to ensure that it does not encroach upon the railway track or interfere with its use for rail freight.

Reason:

To enable the Planning Authority to control the development in the interests of the amenity of the development and of the wider environment, and in the interest of the promotion of sustainable modes of transportation.

- 2 The development hereby approved shall be undertaken in accordance with the Environmental Statement docketed to this planning permission in principle, except where altered by the conditions above and 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.

- 3 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 Inch Cape offshore wind farm.

Reason:

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

- 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 and SNH.

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, 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) A Method Statement detailing and controlling access routes to and from the site for large components and day-to-day deliveries/removals associated with the construction and decommissioning phases of the development. The Method Statement shall include a detailed swept path assessment of large component delivery routes, as well as frequencies and times of deliveries and arrangements for the removal of materials/plant from the site. The Method Statement shall also include details of any off-site mitigation works;

- b) Details of access and management for the onshore cabling works including the potential for traffic management on Edinburgh Road;

- c) Details of proposed alterations to the existing vehicular access onto the B6371/B1361 (Coal Store access) for large component deliveries, this shall also include the reinstatement of the access once works are completed;
- d) Wheel washing facilities shall be provided and maintained in working order during the period of construction and/or decommissioning of the site. All vehicles shall use the wheel washing facilities to prevent deleterious materials being carried onto the public road on vehicle wheels; and
- e) 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.

- 6 Prior to the commencement of development, a programme for monitoring the condition of the public roads in the vicinity of the application site, prior to and immediately following the completion of the development, shall be submitted to and approved in writing by the Planning Authority. The public roads to be monitored shall be (i) the B1361/B6371, from the roundabout junction of the A198 at Meadowmill (just north of the railway) northwards to the B1348 Edinburgh Road; and (ii) the B1348, Edinburgh Road, along the full Power Station site frontage and access junctions from the junction East Lorimer Place to Appin Drive (Traffic signals).

Thereafter the approved programme of monitoring shall be implemented. Any remedial works shown by the monitoring as arising from the construction of the development, shall be undertaken by the applicant within 3 months of the completion of the final monitoring undertaken, unless an alternative means of securing the works is approved in writing by the Planning Authority.

Reason:

To ensure that damage to the public road network resulting from the proposed development is rectified.

- 7 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.

- 8 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.

- 9 Prior to the commencement of development details of artwork to be provided on the site or at an alternative location away from the site shall be submitted to and approved by the Planning Authority and the artwork as approved shall be provided prior to the operation of the onshore substation.

Reason:

To ensure that artwork is provided in the interest of the visual amenity of the locality or the wider area.

- 10 Prior to the commencement of development, intrusive site investigations shall be undertaken in order to establish the exact situation regarding coal mining legacy issues on the site.

In the event that the site investigations confirm the need for remedial works to treat the mine entries and areas of shallow mine workings to ensure the safety and stability of the proposed development, then any such remedial works shall be undertaken prior to the commencement of development.

Reason:

To ensure that the site is suitable for development, as the application site has been subject to previous coal mining activity.

- 11 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.

- 12 A Construction Method Statement to minimise the impact of construction activity on the amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement shall recommend

mitigation measures to control noise, dust, construction traffic and shall include hours of construction. The recommendations of the Construction Method Statement shall be implemented prior to the commencement of development.

Reason:

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

- 13 The design and construction of the substation shall be such that noise associated with the operation of the substation shall not exceed a boundary noise threshold limit of 49 dB(A) at any time.

Reason:

To safeguard the amenity of nearby residential properties.

Sederunt: Councillor MacKenzie returned to the Chamber and Councillor Innes and Councillor Berry left the meeting.

6. PLANNING APPLICATION NO. 14/00151/PM: VARIATION OF CONDITIONS TO ALLOW THE OCCUPANCY OF STATIC AND TOURING CARAVANS FOR 46 WEEKS OF EACH YEAR (CONDITION 8 OF OUTLINE PLANNING PERMISSION T/1143/90, CONDITION 5 OF P/1143/90, CONDITION 5 OF PLANNING PERMISSION P/0674/91, CONDITION 4 OF PLANNING PERMISSION P/0557/92, CONDITION 4 OF PLANNING PERMISSION P/0558/92, CONDITION 5 OF PLANNING PERMISSION P/0102/94, CONDITION 3 OF PLANNING PERMISSION P/0223/94, CONDITION 4 OF PLANNING PERMISSION 99/00688/FUL, CONDITION 2 OF PLANNING PERMISSION 04/00007/FUL AND CONDITION 2 OF PLANNING PERMISSION 09/00441/FUL) THURSTON MANOR CARAVAN PARK

A report was submitted in relation to Planning Application No. 14/00151/PM. Mr McFarlane presented the report, summarising the key points. The report recommendation was to grant consent for the application.

Mr Andrew Watt, a neighbouring landowner, spoke against the application. He stated that the previous restrictions on opening times had been put in place to ensure the site was not used for residential purposes. He also pointed out that some of the conditions of the previous planning permission, such as screen planting and secure fencing, had not been adhered to or enforced.

Councillor Currie said he was confident that the proposed conditions would still ensure that the site was not used for residential purposes. In the meantime, he encouraged Mr Watt discuss his concerns with enforcement officers. He would be supporting the report recommendation.

The Convener brought the discussion to a close. He agreed with Councillor Currie's comments and indicated that he would be supporting the recommendation for variation of the conditions as set out in the report.

The Convener moved to the vote on the report recommendation:

For: 14

Against: 0

Abstentions: 0

Decision

The Committee agreed to variation in the conditions of previous planning permissions as outlined below:

- 1 Condition 8 of outline planning permission T/1143/90:

No static caravan shall be occupied during a 6 weeks period starting from the day after the New Year bank holiday period each year.

Reason:
To ensure that static caravans are not used as permanent residential accommodation and in the interests of the amenity of the area.
- 2 Condition 5 of planning permission P/1143/90:

No static caravan shall be occupied during a 6 weeks period starting from the day after the New Year bank holiday period each year; and no touring caravan shall remain on site for a period which exceeds 6 weeks in the time period during which occupancy of the static caravans is permitted, nor remain on site during a 6 weeks period starting from the day after the New Year bank holiday period each year.

Reason:
To ensure that caravans are not used as permanent residential accommodation; and to ensure that stances are regularly available for use by touring caravans and in the interests of the amenity of the area.
- 3 Condition 5 of planning permission P/0674/91:

No static caravan shall be occupied during a 6 weeks period starting from the day after the New Year bank holiday period each year.

Reason:
To ensure that static caravans are not used as permanent residential accommodation and in the interests of the amenity of the area.
- 4 Condition 4 of planning permission P/0557/92:

No static caravan shall be occupied during a 6 weeks period starting from the day after the New Year bank holiday period each year.

Reason:
To ensure that static caravans are not used as permanent residential accommodation and in the interests of the amenity of the area.
- 5 Condition 4 of planning permission P/0558/92:

No static caravan shall be occupied during a 6 weeks period starting from the day after the New Year bank holiday period each year.

Reason:
To ensure that static caravans are not used as permanent residential accommodation and in the interests of the amenity of the area.
- 6 Condition 5 of planning permission P/0102/94:

No touring caravan shall be on site during a 6 weeks period starting from the day after the New Year bank holiday period each year and outwith this period no touring caravan shall remain on site for a period which exceeds 6 weeks.

Reason:
To ensure that caravans are not used as permanent residential accommodation; and to ensure that stances are regularly available for use by touring caravans and in the interests of the amenity of the area.
- 7 Condition 3 of planning permission P/0223/94:

No static caravan shall be occupied during a 6 weeks period starting from the day after the New Year bank holiday period each year.

Reason:
To ensure that static caravans are not used as permanent residential accommodation and in the interests of the amenity of the area.

8 Condition 4 of planning permission 99/00688/FUL:

No static caravan shall be occupied during a 6 weeks period starting from the day after the New Year bank holiday period each year.

Reason:

To ensure that static caravans are not used as permanent residential accommodation and in the interests of the amenity of the area.

9 Condition 2 of planning permission 04/00007/FUL:

No static caravan shall be occupied during a 6 weeks period starting from the day after the New Year bank holiday period each year.

Reason:

To ensure that static caravans are not used as permanent residential accommodation and in the interests of the amenity of the area.

10 Condition 2 of planning permission 09/00441/FUL:

No static caravan shall be occupied during a 6 weeks period starting from the day after the New Year bank holiday period each year.

Reason:

To ensure that static caravans are not used as permanent residential accommodation and in the interests of the amenity of the area.

Signed

Councillor Norman Hampshire
Convener of the Planning Committee