



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

**WEDNESDAY 4 MARCH 2020
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Committee Members Present:

Councillor N Hampshire (Convener)
Councillor L Bruce
Councillor J Findlay
Councillor N Gilbert
Councillor S Kempson
Councillor K Mackie
Councillor K McLeod
Councillor J McMillan
Councillor J Williamson

Other Councillors Present:

Councillor S Akhtar
Councillor J Goodfellow

Council Officials Present:

Mr C Grilli, Service Manager – Legal
Ms E Taylor, Manager, Planning Delivery
Ms S McQueen, Planner
Mr N Millar, Planner
Ms M Haddow, Transportation Planning Officer
Mr R Yates, Transportation Planning Officer
Ms P Gray, Communications Adviser

Clerk:

Ms A Smith

Visitors Present/Addressing the Committee:

Item 2 – Mr T Thomas, Ms S Lewis, Mr J Charles, Ms W Chan
Item 3 – Mr C Church
Item 4 – Ms J Bell, Ms P Swan, Mr A Swan
Item 5 – Mr K Macdonald, Mr F Burket

Apologies:

Councillor W Innes
Councillor C McGinn
Councillor F O'Donnell

Declarations of Interest:

None

1. MINUTES FOR APPROVAL – PLANNING COMMITTEE 4 FEBRUARY 2020

The minutes of the meeting of the Planning Committee of 4 February 2020 were approved.

2. PLANNING APPLICATION NO. 18/01123/PPM: PLANNING PERMISSION IN PRINCIPLE FOR A HOLIDAY LODGE DEVELOPMENT, ANCILLARY BUILDINGS WITH ASSOCIATED ACCESS, LANDSCAPING AND INFRASTRUCTURE WORKS AT WHITEKIRK GOLF CLUB, NORTH BERWICK

A report was submitted in relation to Planning Application No. 18/01123/PPM. Stephanie McQueen, Planner, presented the report, providing details of how the application had been amended since its original submission. She then summarised the key points of the application. The report recommendation was to grant consent.

Councillor Goodfellow raised a question of competency. There had been a significant number of objections to the original concept of 143 units, which had since been reduced to 41 units. Normally objectors were only permitted to make a presentation on their original objection but those were based on an entirely different application. He asked if the objectors would be allowed to comment on the application as currently presented. Carlo Grilli, Legal Service Manager, noted that there had been variations to this application. The number of units had been reduced following consultation and then further reduced again to the current figure of 41. Given that this was an application for planning permission in principle, the context was subject to being able to bring the application forward; a reduction in the number of units was not deemed material. So in terms of the objections and whether objectors could comment on the application being presented, although their objections were based on a higher number of units, Mr Grilli indicated that in this case they could.

Ms McQueen responded to questions. She clarified that Policy TC1 did not apply, as holiday accommodation was not classed as commercial development. She advised that Stantec had not carried out work on the likely number of staff required for the reduced number of units. On whether the 143 lodges originally requested were permanently withdrawn, she indicated they were not, but stressed that the application before Members for determination was for 41 lodges. As regards the relevance of North Berwick Community Council's comment she stated that close adjacent community councils were usually contacted. She clarified that many aspects of the application were indicative because this was an application for planning permission in principle; more detail would be contained within future reports, which would come forward if this application was approved. In relation to the site visit, Ms McQueen indicated that only the area immediately to the west of the clubhouse was visited. On queries about lodge heights she said these were indicative but clarified that some were 1½ storeys and 2 storeys.

Tony Thomas of APT Planning and Development, agent for the applicant, informed Members that engagement with local residents had taken place since the beginning of the process. A wide range of technical studies had been undertaken. Whitekirk Hill was now a favoured high quality destination and these lodges would help cement its future and ensure the area thrived. This would enhance East Lothian as a tourism destination. The proposal accorded with key policies. The first phase would be at the northern end of the site. The lodges would be of sustainable design construction; an exemplar of what could be achieved. Areas of concern raised by objectors were covered by conditions attached to the report. This was a well thought out development, for 41 lodges, which would be a real asset to the area.

Mr Thomas and Sarah Lewis, Architect with Hamson Barron Smith, responded to questions. Mr Thomas confirmed that public access to the site would still be available, adding that the applicant had already improved access and paths at various points. He clarified that the lodges would be as carbon neutral as possible; the aim was to be an eco-friendly tourist

destination. As a result of this proposal another 10 jobs would be created. On completion timescales, the aim was for completion within 2/3 years. Regarding provision of electric car charging points he said that the detail of each of the pods of development had still to be considered but this would be looked at. He clarified, given the investment already made into facilities that if the application was refused there would undoubtedly be an impact; sustainability of the whole site was linked to having year round occupation of the eco pods.

Ms Lewis responded to queries regarding the use of log burning fires, passivhaus standard and orientation of the lodges in relation to visibility and light pollution. She confirmed that it was the intention to seek passivhaus certification. She added that not many buildings across Scotland would meet these high eco standards. All the lodges would be fully wheelchair accessible. In relation to the Construction Method Statement (CMS) Mr Thomas confirmed that no construction traffic would go through the village. He also responded to questions about traffic management, both to/from the site and internally within the site. As the area was developed people would be encouraged to use public transport, cycle or walk. He clarified that there were no plans to resurrect the golf complex. On the use of natural finishes and such a guaranteed use, he stated that advice on materials would be provided from Ms Lewis and her team, a quality check process would be in place.

Jonathan Charles spoke against the application. He highlighted the level of opposition to this application. The character of the area should be preserved, there should be no development at all. People were very worried about this proposal and the potential for development creep. There was confusion over the eco credentials, some of the measures proposed did not support green credentials. There should be proper certification of passivhaus standard. He raised concerns regarding roof materials, construction traffic, and transport use within the site and light pollution, stating these should all be covered by additional conditions. This was a Special Landscape Area (SLA), Members would be setting a precedent if this was approved. The application should be rejected or more conditions added.

Wendy Chan spoke against the application. The Landscape and Visual Impact Assessment was misleading, the buildings were not small; she gave details of the sizes of the various lodges. They would be clearly visible within the SLA. She raised several other concerns in relation to sewage, materials proposed, sustainable principles, orientation and light pollution. Referring to the impact of transport there needed to be a Sustainable Transport Policy. She felt that it was still unclear if economic advantages outweighed other considerations.

Opening the debate, Local Member Councillor Goodfellow, not a member of the Planning Committee, expressed concerns about the way this application had developed stating that a fresh application for the 41 lodges would have been better. He had 2 main concerns. In respect of the CMS it was not clear that the C136 road should not be used. Secondly, he was very concerned about light pollution and the visibility of these lodges; this needed more formally addressed in the conditions and he hoped this would be looked at.

Local Member Councillor Findlay shared his colleague's concerns. He asked if the current conditions actually banned construction traffic from the C136 road. Emma Taylor, Manager, Planning Delivery, advised that at the moment the condition only asked for a CMS to be submitted. She further advised that if this application was approved then the detailed application, which would come to the Planning Committee at a later stage, would contain more information about construction traffic.

Councillor Findlay noted the position. This was a good application in terms of tourism but he had concerns about the height of the buildings; if solely single storeys had been proposed he would have been more sympathetic. He had concerns that this was stage one; if permission was granted what would come forward next. This was an SLA and, as such, should not be built on. He would not be supporting the report recommendation.

Councillor McLeod remarked that this was a very good application, which would be beneficial to East Lothian as a tourist destination. He would be supporting the application.

Councillor McMillan noted the views expressed by the objectors. However the economic development and tourism aspect was very important to the county; this development would be a high quality attraction to East Lothian. On balance, he felt that the benefit would outweigh any small visual impact. He supported the report recommendation.

Councillor Gilbert agreed. He felt, having listened to all parties, that there was no reason to go against the application in planning terms. He would be supporting the recommendation.

Councillor Mackie also concurred. She had been impressed by the applicant's proposal, which was eco-friendly and would be as carbon neutral as possible. Having a condition for passivhaus certification was worth exploring. She supported the report recommendation.

The Convener referred to the chequered history of this area and understood why there had been so many objections. This application however was for a very high standard of development that would be a huge asset to tourism in East Lothian. This was an important landscape within the county and conditions would be in place to protect the SLA. He appreciated the concerns regarding construction traffic but this would be controlled by the CMS. He would be supporting the report recommendation.

Ms Taylor reiterated that as this was an application for planning permission in principle it was very difficult to have conditions controlling some of the issues raised. If this application was approved, when the detailed application came forward, Members could at that point look at matters mentioned today.

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

For: 7
Against: 2
Abstentions: 0

Decision

The Committee agreed to grant planning permission subject to:

1. the undernoted conditions; and
2. the satisfactory conclusion of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 to:
 - (i) secure that the proposed holiday lodges on the site would remain in the ownership of one operator and be operated as one facility under a central management process; and
 - (ii) secure that the proposed holiday lodges would be tied in ownership with the existing leisure club facilities at 'Whitekirk Hill'.

1 The submission for approval of matters specified in conditions of this grant of planning permission in principle shall include details of the siting, design and external appearance of all of the holiday lodges, ancillary buildings, the means of access to them, the means of any enclosure of the boundaries of the site and other subdivisions of the site and the landscaping of the site and those details shall generally accord with the Indicative Master Plan drawing no. A_SITE 000 rev D docketed to this planning permission in principle, and shall address the following requirements:

- a. There shall be no more than 41 holiday lodges positioned on the site generally in accord with the Indicative Storey Heights Site Plan drawing no. A_SITE 001 rev E.

b. Notwithstanding the indicative masterplan, and with the exception of the 6 holiday lodges that are indicatively shown to be adjacent to the northwest boundary of the site, the detailed form, footprint and height of each of the remaining 35 holiday lodges shall be no greater than that indicatively shown on the Indicative Storey Heights Site Plan drawing no. A_SITE 001 rev E. Holiday lodges shall be predominantly single storey in height.

c. Notwithstanding the indicative masterplan, the 6 holiday lodges that are indicatively shown to be adjacent to the northwest boundary of the site shall be no more than single storey in height and otherwise the detailed form and footprint of each of those 6 holiday lodges shall be no greater than that indicatively shown on the Indicative Storey Heights Site Plan drawing no. A_SITE 001 rev E.

d. the 41 holiday lodges shall generally be positioned on the lower ground levels of the site so as to be below ridge lines.

e. the 41 holiday lodges shall be positioned so as to keep excavation and build-up of ground levels to a minimum and vegetation removal around each holiday lodge shall be kept to a minimum.

f. the holiday lodges shall be designed to minimise and reduce light spill from the windows of them and shall consider the use of non-reflective and tinted glazing.

g. The external finishes of the holiday lodges shall be in accordance with a coordinated scheme of materials and colours that shall respect the layout of the development and shall promote natural finishes, including 'green' or sedum roofs, natural timber and dark coloured finishes.

h. The access roads of the site shall be no wider than 3.7 metres and shall include provision of passing places.

i. The surface finish of the roads, parking and turning areas and footpaths shall be designed and coloured to minimise visual intrusion.

j. Unless otherwise agreed in writing with the Planning Authority, parking for the holiday lodge development hereby approved shall be provided at a rate of one space for a holiday lodge of up to 5 habitable rooms and two spaces for a holiday lodge of 6 or more habitable rooms. Parking spaces shall be a minimum of 2.5 metres by 5 metres.

No part of the development hereby approved shall be begun on the site until all of the above details have been submitted to and approved in writing by the Planning Authority. The development shall be carried out in accordance with the details so approved.

Reason:

To enable the Planning Authority to control the development in the interests of the amenity of the wider environment, and in the interests of road and pedestrian safety, and in the interests of flood prevention and environmental protection, and in the interests of the landscape character and amenity of the area, and the landscape character of the Whitekirk and Balgone Outcrops Special Landscape Area and the setting of the Whitekirk Conservation Area.

- 2 Prior to the commencement of development a long term landscape and habitat management plan shall be submitted to and approved in writing by the Planning Authority.

The landscape and habitat management plan shall include, but not exclusively:

- management of neutral/calcareous grassland, including mowing or grazing and mitigations to reduce visitor pressures;
- management and enhancement of woodland habitats;
- management and diversification of aquatic habitats;
- management and enhancement of gorse scrub and measures to enhance the habitat for wildlife;
- enhancement of broadleaved plantation woodland, through understorey planting and ground layer species of local provenance, where available;
- diversification of species poor grassland, including mowing and seeding;
- provision of bat and bird boxes;
- minimising the use of fertilisers and pesticides, including the delineation of zones where the use of fertilisers and pesticides will be controlled; and
- enhancement and management of the site to facilitate for high quality wildlife experience for visitors to the site.

The habitat management plan shall include a robust monitoring programme and a timetable for the implementation of the habitat management plan.

The approved long term landscape and habitat management plan shall thereafter be implemented in accordance with the details so approved unless otherwise agreed by the Planning Authority.

Reason:

To maximise the ecological potential of the proposed development.

- 3 No development shall take place on the site until details of a Construction Method Statement, designed to minimise construction works and the impact of the movements of construction traffic to and from the application site, and also designed to minimise the impacts of dust during construction has been submitted to and approved in advance in writing by the Planning Authority prior to the commencement of development on the site. The Construction Method Statement shall include measures to minimise the impact of construction activity on the amenity of the area to control construction traffic, noise, dust, surface water, hours of construction work and wheel washing facilities and their use, and any recommended mitigation measures for their control, which shall, as may be applicable and as respectively relevant, be implemented prior to the commencement of development, during the period of development works being carried out on the application site, and once the use of the holiday lodge development hereby approved has commenced.

Thereafter the measures of the Construction Method Statement so approved shall be implemented throughout the period of construction and as relevant thereafter.

Reason:

To minimise the impact of construction traffic and works in the interests of the amenity of the area, and road and pedestrian safety in the locality.

- 4 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.

- 5 Prior to the commencement of use of the holiday lodges hereby approved a Travel Plan to minimise private car trips and to encourage use of alternative modes of transport such as walking, cycling, trains, buses, and car sharing/car clubs shall be submitted to and approved in advance in writing by the Planning Authority. The Travel Plan shall have particular regard to provision for walking, cycling and public transport access to and within the site for staff and customers and how this will be promoted to employees and visitors of the holiday lodge development. The Travel Plan shall include a timetable for its implementation, details of the measures to be provided, the system of management, monitoring, review, reporting and duration of the Plan. The Travel Plan shall include for the provision of a Travel Plan Monitoring and Progress Report, which shall be shared with the Planning Authority 15 months after the holiday lodges first come into operation, and shall be kept up-to-date annually for inspection at any time. The Travel Plan Monitoring and Progress Report shall include the information above as well as an analysis of trends against previous surveys, information on any marketing and promotional events during the year and details of any new measures adopted. It should also include details of any changes in personnel associated with the Plan.

The approved Travel Plan shall thereafter be implemented in accordance with the details so approved.

Reason:

In the interests of ensuring sustainable travel patterns in respect of the holiday lodge development hereby approved.

- 6 A Road User Safety Audit to independently assess walking, cycling, access and road safety aspects within and around the development hereby approved shall be submitted to and approved in advance in writing by the Planning Authority prior to the commencement of development, and thereafter the approved Audit shall be implemented in accordance with the details so approved.

The Road User Safety Audit shall be reviewed after construction is substantially complete in accordance with a timetable for such review to be agreed in advance in writing by the Planning Authority and the findings of that review shall be submitted for the approval of the Planning Authority. Any mitigation identified shall thereafter be carried out as agreed in advance in writing by the Planning Authority.

Reason:

In the interests of ensuring sustainable travel patterns in respect of the holiday lodge development hereby approved and in the interests of road and pedestrian safety.

- 7 Prior to the commencement of the development hereby approved on the site, a suitable targeted Geo-Environmental Assessment of the site shall be carried out, and the findings report of that assessment shall be submitted to and approved in advance by the Planning Authority. The scheme shall include details of the following:

- A site investigation (ground investigation, sample analysis and gas monitoring) and risk evaluation, comprising a survey of the extent, scale and nature of contamination, and an updated conceptual model of the site.
- Where risks are identified based on the findings of the site investigation (data and risk assessment), a Remediation Strategy should be produced detailing and quantifying any works which must be undertaken in order to reduce the contamination risks to acceptable levels. The Remediation Strategy shall detail all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

The site investigation and risk assessment shall be undertaken by suitably qualified, experienced and competent persons.

Should remedial works be required then, prior to the site being occupied, a Validation Report shall be submitted to and approved in advance in writing by the Planning Authority confirming that the works have been carried out in accordance with the Remediation Strategy.

The presence of any previously unsuspected or unforeseen contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority. At this stage, further investigations may have to be carried out to determine if any additional remedial measures are required.

Before any one of the holiday lodges is occupied the measures to decontaminate the site shall be fully implemented as approved by the Planning Authority.

Reason

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

- 8 Prior to the commencement of development on the site a Construction Environmental Management Plan (CEMP), including amongst other matters, dust mitigation and water run-off mitigation, shall be submitted to and approved in advance in writing by the Planning Authority in consultation with Scottish Natural Heritage and Biodiversity Officers, and thereafter all construction works associated with the development hereby approved shall accord with the approved Construction Environmental Management Plan (CEMP), unless otherwise approved in writing by the Planning Authority in consultation with Scottish Natural Heritage and Biodiversity Officers.

The Construction Environmental Management Plan (CEMP) shall include but not exclusively the following mitigation measures:

CONSTRUCTION/PRE-CONSTRUCTION:

- An Ecological Clerk of Works (ECoW) shall be employed during construction to oversee all works and advise on the timing and/or duration of operations, monitor bird activity and undertake nest checks, bird counts, and offer advice to the general public, the holiday lodge developer, and the contractors regarding notable species, sensitive areas and legal obligations;
- The provision of an ecological report detailing the undertaking and findings of a pre-construction site walkover by a suitably qualified ecologist to check for badger, red squirrel, otter, pine marten and other protected species, and any mitigation identified shall be implemented to reduce significant impacts if such species have established a presence on the application site in the intervening time, and measures to manage habitats and disturbance of those habitats shall be put in place;
- The provision of an ecological report detailing the undertaking and findings of pre-construction checks of the trees of the site for bats by a suitably qualified ecologist, and if roosting bats are present, mitigation shall be identified and implemented to reduce significant impacts;
- The timing of works shall avoid the bird breeding season (April to August) where possible;
- A drainage management plan shall be in place to prevent significant sedimentation and pollution of drains and ponds;
- Temporary losses of habitat shall be reduced by minimising the footprint of construction activity;
- Excavations shall be covered at the end of each working day or a means of escape put in place should mammals enter an excavation. Any temporarily exposed open pipe system shall be capped in such a way as to prevent wildlife gaining access;
- Work shall be undertaken during daylight hours, where possible, with limited use of artificial lighting;
- In the event that a protected species is discovered in a works area, all works in that area shall cease immediately and the ECoW shall be contacted. Details of the local police Wildlife Crime Officer, SNH Area Officer and Scottish Society for the Prevention of Cruelty to Animals (SSPCA) relevant Officer shall be held in the site emergency procedure documents;
- Measures to control noise from construction activities;

- Measures to minimise and control dust from construction activities;
- Measures to protect watercourses and ground water during construction and to decrease flood risk;
- Investigations to assess for potential geotechnical and contamination constraints;
- Measures to manage surface water run-off during construction;
- Measures to manage surface water and sediment run-off from, and provide drainage for, construction access tracks and temporary tracks;
- On-going monitoring measures of surface water run-off to ensure no sediments enter local watercourses during construction;
- Measures to ensure appropriate construction compound design, including fuel, oil and chemical storage, designated refuelling area, concrete storage and wash-out, waste storage and removal;
- Where possible topsoil stripping shall not be performed during wet weather and all topsoil shall be appropriately stored away from watercourses and avoiding over-compaction;
- Spill kits, absorbant materials and full training on their appropriate use shall be available to all site staff in order to limit potential impact from accidental spillages;
- Vehicles to be regularly checked for leakages and with the exception of emergency repairs, all maintenance shall be undertaken off-site.

OPERATIONAL:

- A speed limit of 20mph to be applied to all site traffic to reduce the likelihood of badger collision and potential fatalities;
- All site staff shall be provided with information regarding the sites' ecological sensitivities as part of the Health and Safety Induction;
- All site staff shall be aware of the need for careful working practices to avoid environmental damage.

Monitoring of all of the above mitigation measures shall be carried out in accordance with CIEEM guidance.

Reason:

To protect the ecology and biodiversity of the site from significant disturbance arising from the construction and subsequent maintenance of the development hereby approved.

- 9 No development shall take place on the site until the applicant has undertaken and reported upon a programme of archaeological work (Archaeological Evaluation by trial trench and Monitored Strip) in accordance with a written scheme of investigation which has been submitted by the applicant (or their agent) and approved by the Planning Authority.

Reason:

In the interests of archaeological and natural heritage.

- 10 No development shall take place on the site unless and until site investigation and foul drainage modelling for the development has been carried out and a report detailing such investigation and modelling shall be submitted to and approved in advance in writing by the Planning Authority in consultation with the Scottish Environment Protection Agency (SEPA). Thereafter, the foul drainage for the site shall be carried out in accordance with the investigation and modelling strategy so approved.

None of the holiday lodges hereby approved shall be brought into use or occupied unless and until the drainage of the site has been carried out in accordance with the investigation and strategy so approved.

Reason:

To ensure adequate drainage of the development hereby approved in the interest of flood prevention, environmental protection and the long term amenity of the area.

- 11 Prior to the commencement of use of any of the holiday lodges hereby approved, a new bus stop shall be provided on each side (north and south) of the A198 classified public road and a safe walking route shall be provided from the bus stops into the site, in accordance with details for the provision of such bus stops and safe walking route, and a timetable for their implementation to be submitted to and approved in advance in writing by the Planning Authority.

Thereafter, the bus stops and safe walking route shall be provided in accordance with the details and timetable so approved, unless otherwise agreed in writing by the Planning Authority.

Reason:

In the interests of ensuring sustainable travel patterns in respect of the holiday lodge development hereby approved and in compliance with Policy T1 of the adopted East Lothian Local Development Plan 2018.

- 12 No development shall take place on the site until details of and a drawing(s) showing the provision of high quality walking and cycling route connections within and to/from the site to the surrounding path

infrastructure has been submitted to and approved in advance in writing by the Planning Authority. The details and drawing(s) shall include, but not exclusively, the provision of public access to the site from the public right of way (Core Path 74, known as Becky's Strip) to the west of the site, including the provision of a formalised footpath route across the site to form a circular route back to Whitekirk. The details shall include a phasing plan for the delivery of the high quality walking and cycling route connections, including the public access and footpath route from Core Path 74 (Becky's Strip). Thereafter the high quality walking and cycling route connections, including the public access and footpath route from Core Path 74 (Becky's Strip) shall be provided in accordance with the details, layout and timetable so approved.

Reason:

In the interests of the amenity of the area, maintaining and improving recreational access for existing users of the public right of way network and for the occupiers of the holiday lodge development hereby approved.

- 13 No development shall take place until there has been submitted to and approved in advance in writing by the Planning Authority details and a drawing showing the form and layout of any proposed external lighting structures. External lighting structures shall be of a low height and a bollard style design unless otherwise approved by the Planning Authority. Thereafter, the lighting structures installed and their layout shall accord with the details so approved.

Reason:

To enable the Planning Authority to control the appearance, materials and finishes to be used to achieve a development of good quality and appearance in the interests of the landscape character and amenity of the area, and the landscape character of the Whitekirk and Balgone Outcrops Special Landscape Area and the setting of the Whitekirk Conservation Area.

- 14 None of the trees, shrubs and hedgerows within and bounding the site shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority.

Reason:

To ensure the retention of vegetation important to the appearance and environment of the development and the landscape character and amenity of the area, and the landscape character of the Whitekirk and Balgone Outcrops Special Landscape Area and the setting of the Whitekirk Conservation Area.

- 15 No development shall take place on site until all existing trees, bushes and hedges to be retained on the site have been protected by temporary protective fencing, in accordance with details to be submitted to and approved in writing in advance by the Planning Authority.

The temporary protective fencing shall comprise Heras, or similar approved, weld mesh enclosed panels joined together with a minimum of two anti-tamper couplings, and supported on preformed weighted footings, stayed and fixed into the ground to withstand impact from machinery and access into the construction exclusion zone, in accordance with British Standard BS5837: 2012 "Trees in relation to design, demolition and construction". The temporary protective fencing shall be 2.3 metres in height, erected prior to works commencing, kept in good condition through the works and shall be retained on site fully intact through to the completion of the site development. The position of this temporary protective fencing shall be outwith the root protection area (RPA) as defined by BS5837:2012 for the existing retained trees.

All weather notices shall be erected on the fencing referred to in paragraphs 1 and 2 of this condition 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 areas so fenced off the existing ground level shall neither be raised or lowered and no materials, temporary buildings, plant, machinery or surface soil shall be placed or stored, no handling, discharge or spillage of any chemical substance, including cement washings, and no fires shall be lit thereon without the prior written approval of the Planning Authority. Planning of site operations shall take sufficient account of wide loads, tall loads and plant with booms, jibs and counterweights (including drilling rigs), in order that they can operate without coming into contact with retained trees. Details of any trenches or services required in the fenced off areas shall be submitted to and approved by the Planning Authority prior to any such works being carried out and such trenches or services shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

Reason:

To ensure the protection of trees within the application site in the interests of safeguarding the landscape character of the area.

- 16 Prior to the commencement of use of the holiday lodge development hereby approved, details for measures to enhance the understanding, appreciation and experience of the cultural heritage assets in and around the area, including the Whitekirk Hill Cairn, from the site whilst encouraging responsible and sympathetic access shall be submitted to and approved in writing by the Planning Authority in consultation with Historic Environment Scotland, and thereafter the measures shall be implemented as so approved.

Reason:

In the interests of safeguarding the cultural heritage assets in and around the area, including the Whitekirk Hill Cairn.

- 17 The holiday lodges and ancillary development hereby approved shall be operated as a single unit under a central management process.

Reason:

To restrict the use to that applied for, to secure the economic and tourism benefits and in the interests of the amenity of the area.

- 18 The occupation of each holiday lodge hereby approved for holiday let accommodation use shall be restricted solely to short term lets of not more than 28 days and shall not be re-let to the party/parties who last occupied them anytime within a period of 2 months following the date on which the previous time of occupancy ends.

Reason:

To restrict the use to that applied for, and in the interests of the amenity of the area.

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

Reason:

To minimise the environmental impact of the development hereby approved.

- 20 Prior to the commencement of development on the site, full details of the proposed Sustainable Drainage System (SuDS), including nature based elements, for the development shall be submitted to and approved in writing by the Planning Authority.

Thereafter, the approved details shall be implemented as approved.

Reason:

To ensure that the final SuDS design complies with Sewers for Scotland 4 (as revised) in the interest of flood prevention, environmental protection and the long term amenity of the area.

- 21 No development shall take place until there has been submitted to and approved in writing in advance by the Planning Authority a scheme of landscaping for the site. Notwithstanding that which is shown on the drawings docketed to this grant of planning permission in principle, the scheme of landscaping shall not include new woodland planting as shown on the Indicative Master Plan drawing no. A_SITE 000 rev D. The landscaping 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. Non thorn shrub species should be located adjacent to pedestrian areas. 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 ten 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. All existing and new planting comprised in the scheme of landscaping shall be retained and maintained 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 and the landscape character of the Whitekirk and Balgone Outcrops Special Landscape Area.

3. PLANNING APPLICATION NO. 19/00995/PM: CHANGES TO PLOT NUMBERS, HOUSE TYPES, GROUND LEVELS, REPOSITIONING OF HOUSES, ERECTION OF AN ADDITIONAL 4 HOUSES AND ASSOCIATED WORKS AS CHANGES TO THE SCHEME OF DEVELOPMENT THE SUBJECT OF PLANNING PERMISSION 13/00519/PM AT LETHAM MAINS, HADDINGTON

A report was submitted in relation to Planning Application No. 19/00995/PM. Ms Taylor presented the report, summarising the key points. The report recommendation was to grant consent.

Ms Taylor responded to questions from Members. In relation to space and massing and whether the proposal made the best use of the area in question she said that in her opinion it did. She clarified that the additional units proposed did not exceed the number originally granted planning permission.

Charles Church, of Mactaggart and Meikel, the applicant, informed Members that the main reason for the change was to meet market demand in East Lothian. There was a demand for smaller houses, which they were trying to respond to, which would also provide greater diversity of accommodation at Letham.

Responding to questions, Mr Church said that in relation to provision of facilities, positive feedback had been received from new residents.

Local Member Councillor McMillan welcomed the report noting that people moving into this development were satisfied that the necessary infrastructure was in place.

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

For: 9

Against: 0

Abstentions: 0

Decision

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

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

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

- a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings;
- b. finished ground and floor levels of the development relative to existing ground levels of the site and 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 Housing completions on the application site and on the site of planning permission 13/00519/PM in any one year (with a year being defined as being from 1st April to 31st March the following year) shall not cumulatively exceed the following completion rates, unless otherwise approved in writing by the Planning Authority:

Year 1- 05 residential units
Year 2- 60 residential units
Year 3- 75 residential units
Year 4- 74 residential units
Year 5- 75 residential units
Year 6- 75 residential units
Year 7- 69 residential units

If less than the specified number of residential units are completed in any one year then those shall be completed instead at Year 8 or beyond and not added to the subsequent Year.

Reason:

To ensure that the completion rate of residential development

- 3 No more than 300 residential units shall be occupied within the allocated Letham Mains site unless and until the school approved by the grant of planning permission 14/00534/PCL has been completed and is made available for use.

Reason:

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

- 4 Landscaping of the site shall be carried out in accordance with that shown on the drawings titled 'Soft Landscape General Arrangement' dwg. no. 171050_LM_Pha1B_S001 rev D; 'Soft Landscape General Arrangement 01' dwg. no. 171050_LM_Pha1B_SE01 rev D; 'Soft Landscape General Arrangement 02' dwg. no. 171050_LM_Pha1B_SE02 rev D; 'Soft Landscape General Arrangement 03' dwg. no. 171050_LM_Pha1B_SE03 rev D; 'Details 01' dwg. no. 171050_LM_Pha1B_D001 rev B; 'Details 02' dwg. no. 171050_LM_Pha1B_D002; 'Details 03' dwg. no. 171050_LM_Pha1B_D003 rev A; 'Details 04' dwg. no. 171050_LM_Pha1B_D004 rev A; 'Details 03 Typical planting layouts' dwg. no. 171050_LM_Pha1_D003; 'General Layout' dwg. no. SC10547-02, all as docketed to this planning permission.

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.

No trees or shrubs, detailed in the approved landscaping plans to be retained on the site, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority.

Reason:

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

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

(i) all adoptable footpaths shall be 2m wide;
(ii) driveways shall have minimum dimensions of 6 metres by 3 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 m length;
(iii) within private parking areas, the minimum dimensions of a single parking space shall be 2.5 metres by 5 metres. All visitor parking spaces within these areas shall be clearly marked for visitors with the remaining private parking spaces allocated to individual dwellings;

(iv) all prospectively adoptable parking bays (i.e. that will form part of the public road) shall have minimum dimensions of 2.5 metres by 6 metres. This can be reduced to a minimum length of 5 metres on the proviso that there is adequate road space to manoeuvre in adjacent to the parking bay;
(v) Vehicle access to private parking areas shall be via a reinforced footway crossing and have a minimum width of 5.5m over the first 10m to enable adequate two movement of vehicles;

Reason:

In the interests of road safety.

- 6 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.

- 7 A Travel Plan shall be submitted to and approved by the Planning Authority prior to the occupation of any of the residential units hereby approved. The Travel Plan shall have particular regard to provision for walking, cycling and public transport access to and within the site, and will include a timetable for its implementation, details of the measures to be provided, the system of management, monitoring, review, reporting and duration of the Plan.

The Travel Plan shall thereafter be implemented in accordance with the details so approved.

Reason:

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

- 8 Prior to the commencement of development, a programme for monitoring the condition of the section of the public road of West Road (the B6471) between the Oak Tree roundabout and the application site, prior to and immediately following the completion of the housing development, shall be submitted to and approved in writing by the Planning Authority. 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 construction of the housing development is rectified.

- 9 A Construction Management Plan 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 Management Plan shall recommend mitigation measures to control noise, dust, construction traffic and shall include hours of construction work and delivery routes. It shall confirm that construction access to the site shall not be permitted via the Knox Place junction via West Road. All construction access shall instead be taken directly from West Road. The Management Plan shall also include the phasing of the development and restrictions that may be required, particularly for those travelling to existing and/or proposed schools. It shall also include details of how the habitat of the Letham Burn will be protected during the construction phase of the development.

The recommendations of the Construction Method Statement shall be implemented prior to the commencement of development. Development shall thereafter be undertaken in accordance with the details so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

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

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

Reason:

To minimise the environmental impact of the development.

4. PLANNING APPLICATION NO. 19/00978/PCL: CHANGE OF USE OF OPEN SPACE TO FORM CAR PARKING, FORMATION OF STAIRWAY AND ASSOCIATED WORKS AT LAND ADJACENT TO COASTGUARD COTTAGES, DUNBAR

A report was submitted in relation to Planning Application No. 19/00978/PCL. Ms Taylor presented the report, summarising the key points. The proposed decision set out in the report was to grant consent.

Ms Taylor responded to questions. On whether there was anywhere suitable for tree planting to mitigate the loss of the green space she said this was unlikely. As regards the access lane, she advised that once adopted it would come under the control of the Council for maintenance. Regarding the housing land account and if the car park could be precluded for housing in the future, she advised that this was a similar scenario to Abbeylands car park; the use of these sites would not be precluded.

Robbie Yates, a Transportation Planning Officer with the Council, the applicant, outlined the details. The proposal was for the change of use of the area of grassed open space to form a long stay car park adjacent to Coastguard Cottages at the east of Church Street. The proposal included the erection of an associated stair, lighting columns, footpath and bollards. The car park would provide 25 parking spaces including 2 disabled spaces. A new pedestrian access would be formed through the boundary wall on Church Street in a position close to the adjacent building of the Assembly Rooms, and a stairway would lead down from Church Street to the car park. The site was predominately on ground owned by the Council, with neighbours having access rights and the access road would be brought up to standard and adopted. This proposal was in line with the Local Parking Strategy.

Mr Yates responded to questions. He clarified that the car park would be long stay with no time restrictions and parking would be free of charge. On disabled access, he said that people unable to use the stairway would have to use Lamer Street and Woodbush Brae.

Jacquie Bell, representing Dunbar Community Council (DCC), spoke against the application. Dunbar's population was growing and parking provision did need looked at. DCC supported the long standing parking need at the station however objected to this proposal as part of the town centre parking provision. There was no public demand for this. She raised a number of concerns including loss of amenity for local residents, emissions, noise and light pollution, flood risk, road safety issues and the problems around disabled access. On behalf of DCC she asked Members to refuse this application.

Pippa Swan read a statement on behalf of Susan Guy against the application. The statement detailed numerous concerns including removal of green space, considerable increase in traffic movements, and associated noise and pollution; all negative impacts on this quiet cul-de-sac. This proposal would promote car use into Dunbar. Regarding the Assembly Rooms, the Council should either remove the condition stipulating that parking should be provided there or require the developers to come together to look at parking options. A comprehensive whole site plan was needed. The application should be refused.

Responding to a question about whether there would be objections to housing on this site, Ms Swan said there was general consensus locally that sensitive, small, low scale housing would be acceptable.

Alasdair Swan, representing the Dunbar Shore and Harbour Neighbourhood Group, spoke against the application. He supported comments made by his fellow objectors. This site was in an inaccessible part of Dunbar and unsuitable for a car park. He queried whether this was related to the Assembly Rooms development, surmising that there was no other obvious

logic or demand for having a car park on this piece of land. He also highlighted the safety and accessibility issues for disabled people to this proposed car park. He urged refusal.

Opening the debate, the Convener, a Local Member, highlighted parking issues in Dunbar. He appreciated that the proposal was an attempt to identify a site for parking. This site however had poor access from Lamer Street and if the car park was created, there could potentially be many accidents; the proximity to the sea front was an issue. There was a connection between this site and development of the Assembly Rooms, which had been lying derelict for many years. He suggested that Planning Officers should liaise with those developers to try and move this forward. He would not be supporting the application.

Local Member Councillor Kempson remarked that this site was too far away from the station to be of any use to commuters. The stairs were not suitable and no use for disabled people. The loss of green space would be detrimental to the local area. She would not be supporting this application.

Councillor Gilbert stated that as shown at the site visit, access was restricted and difficult. Green open space would be lost. The incongruous stairway was unsuitable for many people. There had to be a better, alternative option. He would not be supporting the application.

Councillor McMillan noted the comments made by the objectors regarding loss of amenity. The main reason however that he would not be supporting the application was because the area was designated as a potential housing site. He added that he and Councillor Goodfellow had met with Veterans Housing Scotland (VHS) recently; they were looking for suitable locations and he would like the Council to explore the possibilities, maybe around the Assembly Rooms, with VHS partnership, as this site would be ideal.

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

For: 1
Against: 9
Abstentions: 0

Decision

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

1. The change of use of the site to a car park would result in the loss of a site which is part of the Established Housing Land Supply within the Dunbar Cluster, contrary to Policy HOU1 of the adopted East Lothian Local Development Plan 2018.
2. The change of use of the site to a car park would result in the loss of an area of openspace, contrary to Policy OS2 of the adopted East Lothian Local Development Plan 2018.

5A. PLANNING APPLICATION NO. 19/01188/P: ERECTION OF CANOPY AT 91 HIGH STREET, HADDINGTON

5B. PLANNING APPLICATION NO. 19/01289/LBC: ERECTION OF CANOPY AT 91 HIGH STREET, HADDINGTON

Reports were submitted in relation to Planning Applications Nos. 19/01188/P and 19/01289/LBC. Neil Millar, Planner, presented the reports, summarising the key points. The proposed decision set out in both of the reports was for refusal.

Mr Millar responded to questions. Regarding removal of a previous stone shelter he stated there was no record of approval for this, no such application had been submitted. He

stressed that this application was markedly different. He clarified that officers had objected to the extension in principle rather than to this particular design. He reported that Historic Environment Scotland had not objected but had also said that this should not be seen as support for the proposal. He confirmed that the John Gray Centre was in the Conservation Area. As regards interpretation of an application like this, for a modern addition to a listed building, he said it depended on the location; this was a sensitive and very visible location.

Keith Macdonald of Somner Macdonald Architects, agent for the applicant, produced display boards showing both the proposal and how the building had looked previously when it had a porch. The transparent structure would not have an adverse impact on the building. The strong prevailing west wind at the entrance was a problem. This was a small scale addition which left the upper floors of the building unchanged. This was a retail town centre and the various street furniture all added to the vibrancy of the High Street.

Falko Burket, the applicant outlined the operational need, highlighting the importance of having an access to the restaurant that was practical for customers and suitable for disabled people. The transparent glass canopy would not detract from the look of the building but would give much needed shelter. Old traditional buildings also needed to be fit for purpose.

Mr Burket and Mr Macdonald responded to questions, clarifying that there would be no loss of outside seating, the glass used for the canopy would be clear, and giving details of how the canopy would be fixed to the wall.

Local Member Councillor Akhtar, not a member of the Planning Committee, said she had brought this application to the Committee as she felt the applicant had put forward a sympathetic proposal that minimised any adverse impact on the character of the building. It would be a good example of the modern and historic coming together.

Local Member Councillor McMillan highlighted the need to encourage business, stating that if the town was to be vibrant, good quality businesses like this one were needed. He disagreed with the officer assessment, he did not think that the canopy would radically disrupt the look of the building. He would be supporting this application.

Councillor Kempson, referring to the site visit, indicated that she could see the value of the canopy. She would be supporting the application.

Councillor McLeod also expressed his support for the application.

Councillor Williamson appreciated the need for the canopy; the materials proposed were acceptable in his opinion. He supported the application.

Councillor Gilbert echoed these comments; he also felt that a shelter was required at that door. He would be supporting the application.

The Convener remarked that the Council took pride in its conservation areas but also had to support practical use of listed buildings. He felt that this proposal was acceptable and would also be supporting this application.

He moved to the vote on the report recommendations (for refusal):

For: 0

Against: 9

Abstentions: 0

Decision

Planning Application No. 19/01188/P / Planning Application No. 19/01289/LBC

The Committee agreed to grant planning permission and listed building consent subject to the following condition:

1. Details of the external finishes and method of fixing of the canopy hereby approved shall be submitted to and approved by the Planning Authority in conjunction with the Convenor of the Planning Committee. The external finishes used shall accord with the details so approved unless otherwise agreed by the Planning Authority.

Signed

Councillor Norman Hampshire
Convener of the Planning Committee