



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

**TUESDAY 12 JANUARY 2021  
VIA A DIGITAL MEETING FACILITY**

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**Committee Members Present:**

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

**Other Councillors Present:**

Councillor A Forrest  
Councillor J Henderson  
Councillor J Goodfellow

**Council Officials Present:**

Mr K Dingwall, Service Manager – Planning  
Mr C Grilli, Service Manager – Legal  
Ms E Taylor, Manager Planning Delivery  
Ms J McLair, Planner  
Mr M Greenshields, Senior Roads Officer  
Mr J Canty, Transport Planner  
Mr R Yates, Transportation Planning Officer  
Ms P Gray, Communications Adviser  
Ms F Currie, Committees Officer

**Clerk:**

Ms A Smith

**Visitors Present/Addressing the Committee:**

Item 3 – Mr R Sutherland, Ms P Kay, Mr C Adamson, Mr G Moodie

**Apologies:**

Councillor F O'Donnell

**Declarations of Interest:**

None

**1. MINUTES FOR APPROVAL – PLANNING COMMITTEE 3 NOVEMBER 2020**

The minutes of the meeting of the Planning Committee of 3 November 2020 were approved.

**2. PLANNING APPLICATION NO. 20/01030/PPM: AMEND CONDITION 30 OF PLANNING PERMISSION IN PRINCIPLE 14/00768/PM AT BLINDWELLS**

A report was submitted in relation to Planning Application No. 20/01030/PPM. Julie McLair, Planner, informed Members that subsequent to the finalisation of the report, the applicant had made two requests in respect of this application. Firstly, the applicant requested that the wording of recommended condition 30 be amended so that the words “Unless otherwise agreed with the Planning Authority, following consultation with Transport Scotland,.....” be added to the start of this condition. This wording, known in planning terms as a tailpiece, would enable the applicant to request minor changes be made in the future to the requirements of the condition by way of an exchange of letters rather than by another planning application. Those changes would only be approved if both Transport Scotland and East Lothian Council were in agreement. Both Transport Scotland and the Council had no objection to this additional wording, and it was therefore recommended that the Planning Committee agree to include this additional wording. The second issue related to the lifespan of this planning permission. If Members approved this Section 42 application, it would create a new planning permission for the Blindwells site. As such, the applicant had requested that the Council make a direction to enable a timescale of 10 years for the submission of subsequent AMSC applications. When planning permission in principal was granted for the Blindwells development in 2018, the Planning Committee decided that the standard 3 year time limit should not apply and to further direct that applications for approval required before development can be begun must be made within 8 years from the grant of planning permission in principle. Given this, it was recommended that whilst the principle of making a direction to increase the length of time for submission of approved matters was acceptable, this should be for 8 years and not 10 years, as requested by the applicant.

Ms McLair then presented the report, summarising the key points. The report recommendation was to grant consent.

Ms McLair and other officers responded to questions from Members. Keith Dingwall, Service Manager for Planning, clarified that no more than 235 units could be occupied before road improvement works were undertaken. The actual commencement date was up to the applicant but he anticipated that work would probably start before occupation of the 235<sup>th</sup> unit. In response to queries about the impact of cars from these 235 units coming onto the A1, Ms McLair advised that Transport Scotland and the Council were satisfied with the applicant’s traffic modelling submission. Regarding active travel from the site and crossing points to Prestonpans and Preston Lodge High School, Ms McLair stated that this was dealt with through other conditions. Marshall Greenshields, Senior Roads Officer, indicated there would be crossing points across the main road to the High School, adding that transportation facilities to take pupils to school until these crossing points were in place would be arranged. He confirmed that safe routes to school would be in place before occupation of the 235 units. He added that this application before Members today was separate from other requirements of the original permission. In relation to timescales for the active travel roll out, he advised that some of the junction works were currently being carried out. On responsibility for the roundabouts in the vicinity of the Blindwells development, Mr Greenshields clarified that the Council had responsibility for the Millerhill roundabout and Transport Scotland had responsibility for the Bankton junction. Mr Dingwall reiterated that the active travel aspect was contained within the many conditions attached to the original planning permission, which included safe routes to school and the phasing plan.

Local Member Councillor Innes stated that Blindwells was one of the most important developments in the Local Plan. It was important that the site moved forward and he was encouraged by the progress now being made. He noted that both Transport Scotland and the Council's Road Services had no objection to the applicant's request regarding the alteration to condition 30. He would be supporting this application.

Local Member Councillor Bruce said that in his opinion the infrastructure should be in place before any buildings were occupied, he had concerns around this and also regarding the phasing. The requests by the applicant were, he felt, a significant change but he would, nonetheless, be supporting the application.

Councillor McLeod remarked that there were some important issues to be considered, however progress was required and he would be supporting the application.

Councillor McGinn echoed comments made by Councillor Innes. He welcomed the opportunity to continue to discuss these plans, particularly the active travel aspect. He would be supporting the application.

Councillor Findlay supported the application but did however still have concerns about the impact of traffic from the first 235 units coming onto the A1, he felt there would be queueing problems. He asked that this be monitored.

Councillor McMillan raised the issue of local employment opportunities, particularly relevant in the current circumstances; he added that as Economic Development spokesperson he would take this forward separately. He would be supporting the application.

The Convener indicated that it was disappointing at this stage for amendments to be requested to conditions. It was important that infrastructure was delivered timeously, the Council had to make sure this came through as detailed. He would be supporting the recommendation to grant planning permission.

The Convener moved to the vote on the report recommendation, to grant consent, taking into account the alterations requested by the applicant detailed earlier by Ms McLair (vote taken by roll call):

For: 11

Against: 0

Abstentions: 0

### **Decision**

The Committee agreed to grant planning permission subject to:

1. A direction to substitute the period of 3 years referred to in Section 59(2)(a)(i) and (3) of the Town and Country Planning (Scotland) Act 1997 (as amended) with a period of 8 years; and
2. The conditions set out below
  - 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 the dwellings and other buildings, the means of access to them, the means of any enclosure of the boundaries of the site and of gardens 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. 13055(PL)100 Rev. D docketed to this planning permission in principle, and shall address the following requirements:
    - a. The provision within the application site of recycling facilities.

- b. Other than in exceptional circumstances where the layout or particular building type does not permit, houses and flats shall be orientated to face the street.
- c. Notwithstanding that shown in the Indicative Master Plan docketed to this planning permission in principle there shall be no integral garages, unless it can be justified as an exceptional design feature, or where the house and garage would not be on a primary street frontage;
- d. The detailed design of the layout shall accord with the principles set out in the Council's Design Standards for New Housing Areas and with Designing Streets;
- e. The external finishes of the residential units shall be in accordance with a coordinated scheme of materials and colours that shall respect the layout of the development and shall promote render as the predominant finish to the walls of the residential units.
- f. Notwithstanding the details shown in the Indicative Site Master Plan referred to above, there shall be a separation distance of at least 9 metres between facing windows of a proposed new building and the garden boundaries of existing or proposed neighbouring residential properties; and a separation distance of at least 18 metres between directly facing windows of a proposed new building and the windows of existing or proposed neighbouring residential properties.
- g. Parking for the residential, local centre and primary school components of the development hereby approved shall be provided at a rate as set out in the East Lothian Council's "Standards for Development Roads- Part 5 Parking Standards" For the local centre and school this shall include for cycle parking. Private parking spaces in the local centre and other private parking areas shall be a minimum of 2.5 metres by 5 metres and spaces on the public road shall be a minimum of 2.5 metres by 6 metres. Access to private parking areas other than driveways shall be via a reinforced footway crossing and have a minimum width of 5.5 metres over the first ten metres. Private driveways shall be a minimum of 6 metres by 2.5 metres, double driveways shall be 5 metres by 6 metres or 3 metres by 11 metres.
- h. All access roads within the new settlement shall conform to East Lothian Council's "Standards for Development Roads" in relation to roads layout and construction, footways and footpaths, parking layout and number, street lighting and traffic calming measures.
- i. Cycle parking shall be included at a rate of 1 space per flat. The parking shall be in the form of 1 locker per flat or communal provisions in the form of a lockable room or shed.
- j. The provision within the local centre of a civic square, which shall be designed as a central meeting point and to provide a multifunctional space for both formal use such as community arts and theatre activities and for informal use.
- k. The provision within the application site of at least 10 hectares of employment land. The buildings within the employment land shall be restricted in use to Classes 4, 5 and 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997.
- l. The provision within the application site of nature based elements such as woodlands, wetlands and SUDS, public open space and boulevard planting.
- m. Vehicle access's to private parking areas (i.e. other than driveways) shall be via a reinforced footway crossing and have a minimum width of 5.5 metres over the first 10 metres to enable adequate two way movement of vehicles;
- n. Details of the implementation and design of infrastructure works onto the A198, including junctions, road widening and delivery timescales shall be submitted to and approved by the Planning Authority. The submitted detail shall include full road safety audits and quality audits. Development should thereafter be carried out in accordance with the details so approved.
- o. Electric vehicle charging points shall be provided around proposed community facilities such as schools and retail areas. Charging points, if considered necessary by the Planning Authority, shall also be provided for electric buses.
- p. There shall be no built development or landscaping within the area defined as being "EMBANKMENT" on drawing number 13055(PL)160 - Masterplan - Rail Embankment.

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 development and of the wider environment and in the interests of road and rail safety.

- 2 The details to be submitted pursuant to condition 1 shall include a delivery schedule and phasing plans that establishes the phasing and timing programme for the proposed development. It shall include the phasing and timing for the provision of education capacity, employment land, the local centre, the transportation works, footpaths and cycleways and Safer Routes to School, external transport works such as offsite path links, Longniddry traffic signals at Coal Road (A198/B6363 Junction) and A198 works and junctions. It must also include for public road links, including paths, to local services (either existing or as these are developed for Blindwells), schools and the public road network. This shall also apply to the provision of drainage infrastructure, recreational facilities, landscaping and open space. The details to be submitted shall also include construction phasing plans.

The phasing of the development of the site shall be carried out in strict accordance with the phasing plan so approved, unless otherwise approved in writing in advance by the Planning Authority.

Reason:

To enable the Planning Authority to control the development of the site in the interests of the good planning of the site.

- 3 No more than 1600 residential units shall be erected on the site.

Reason:

To ensure that there is sufficient education capacity, to restrict the scale of development to that applied for and identified in the applicant's Transport Assessment and to minimise interference with the safety and free flow of traffic on the trunk road.

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

(a) Housing completions in any one year (with a year being defined as being from 1st April to 31st March the following year) shall not exceed the following completion rates:

Year 2020/21	-	24 residential units
Year 2021/22	-	73 residential units
Year 2022/23 to 2030/31	-	97 residential units per annum
Year 2031/32 to 2034/35	-	122 residential units per annum
Year 2035/36	-	102 residential units
Year 2036/37	-	40 residential units

(b) If fewer than the specified number of residential units is completed in any one year then those shall be completed instead at Year 2036 or beyond and not added to the subsequent Year.

Reason:

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

- 5 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. It shall also include details of all planting and landscaping along the boundary of the site with the A1(T) trunk road.

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.

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.

- 6 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 plan shall include details of how

the overall wildlife value of the large body of water known as 'Princes Loch' can be maximised. These details for 'Princes Loch' shall include appropriate marginal and wetland planting, scalloping of edges, connections to adjacent scrub and woodland, creation of small islands, and physical connectivity to the SUDS network. The plan shall also detail measures of how to design the SUDS ponds as habitats and landscape features. The plan shall include a timetable for the implementation of the proposed works. Development shall thereafter be carried out in accordance with the details so approved.

Reason:

To maximise the ecological potential of the proposed development.

- 7 Prior to the commencement of development, a method statement for the translocation and future management of the bee orchids and their habitat within the application site shall be submitted to and approved by the Planning Authority. The method statement shall include a timetable for implementation.

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

Reason:

To maintain the contribution of the bee orchids to the nature conservation value of the local area.

- 8 A Construction Method Statement to minimise the impact of construction activity on the safety and 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 (including routes to/from site) and shall include hours of construction work and routing of traffic. The Construction Method Statement shall also make recommendations in respect of how pedestrians and school children can safely access the new school during construction works. It shall also provide details of utility/service drainage connections.

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.

- 9 The details to be submitted pursuant to condition 1 above shall include full details of all noise mitigation measures. The mitigation measures shall include, but may not be limited to, final heights and locations of any acoustic bunds and/ or barriers, upgraded glazing/ ventilation specification within specific properties and possible re-orientation of residential properties. These mitigation measures shall be such that the following design criteria shall be met:

1. Daytime garden noise levels should not exceed 55 dB (A);
2. Daytime internal noise levels should not exceed 35 dB (A) and night-time internal noise levels should not exceed 30 dB (A); and
3. The Rating Level, LArTr, of noise emanating from any proposed commercial unit (when measured 3.5m from the façade of any existing or proposed residential property shall be no more than 5 dB (A) above the background noise level, LA90T.

The details to be submitted shall also include a further noise report to demonstrate the noise mitigation measures required to ensure compliance with this design criteria, together with a timetable for the implementation of all of the proposed noise mitigation measures.

Development shall thereafter be carried out in accordance with the details so approved.

Reason:

To ensure an appropriate level of acoustic screening in the interests of the amenity of the future occupants of the site.

- 10 No residential unit shall be occupied unless and until details of artwork to be provided on the site or at an alternative location away from the site have been submitted to and approved by the Planning Authority. The details shall include a timetable for the provision of the artwork.

The artwork shall thereafter be provide in accordance with the details so approved.

Reason:

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

- 11 The supermarket hereby approved shall have a gross floor area no greater than 1,035 square metres.

Reason:

In order to retain control of the scale of the supermarket and in the interests of safeguarding the vitality and viability of existing retail provision.

- 12 To ensure that the site is clear of contamination, the following requirements shall be complied with:
- o Prior to commencement of any site development, a targeted contaminated land investigation shall be carried out and a report submitted to and for approval of the Planning Authority. The investigation must also include further rounds of gas monitoring for the site. The subsequent report must include a site-specific risk assessment of all relevant pollutant linkages.
  - o Where the risk assessment identifies any unacceptable risk or risks, a detailed remediation strategy shall be submitted to the Planning Authority for approval. Prior to receipt of approval of the remediation strategy by the Planning Authority no works, other than investigative works, shall be carried out on the site
  - o Remediation of the site shall be carried out in accordance with the approved remediation plan. Any amendments to the approved remediation plan shall not be implemented unless approved by the Planning Authority.
  - o On completion of the remediation works and prior to the site being occupied, a validation report shall be submitted to the Planning Authority confirming that the works have been carried out in accordance with the remediation plan.
  - o 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.

Reason:

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

- 13 The open space to be provided on site shall generally accord with the Indicative Master Plan drawing no. 13055(PL)100 Rev. D docketed to this planning permission in principle. Moreover, the area of open space known as the Town Park shall include within it woodland of a significant size.

Prior to the commencement of development, a timetable for the provision of the open space within the new settlement shall be submitted to and approved in advance by the Planning Authority.

Development shall thereafter be carried out in accordance with the details so approved.

Reason:

To ensure the timely provision of an appropriate amount of open space, in the interests of the amenity of the area.

- 14 Prior to the commencement of development, details of how the areas of open space and equipped areas are to be maintained shall be submitted to and approved in advance by the Planning Authority.

Development shall thereafter be carried out in accordance with the details so approved.

Reason:

To ensure the satisfactory maintenance of open space and equipped play areas, in the interests of the amenity of the area.

- 15 Prior to the commencement of development, details of a new continuous shared use (walking/cycling) path from the western side of the A198 road to Prestonpans Railway Station, including a timetable for its delivery, shall be submitted to and approved in advance by the Planning Authority. The details shall be based on the continuous shared use (walking/cycling) path that is indicatively shown on drawings docketed to this planning permission. The submitted details shall show the footpath being lit and shall include road safety audits and quality audits.

Development should thereafter be carried out in accordance with the details so approved.

Reason: In the interests of road and pedestrian safety.

- 16 Prior to the commencement of development, details of a new 2 metres wide tarmac "active travel path" to be formed for walkers and cyclists on the western side of the hedge at the eastern edge of the application site, parallel to the core path, with link paths connecting from the housing areas to the

tarmac path and to the core path, shall be submitted to and approved in advance by the Planning Authority. The details shall include a timetable for implementation.

Development should thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road and pedestrian safety.

- 17 In the event that the catchment secondary school for the new settlement is Preston Lodge High School, a report assessing walking and cycling routes to this school from the new settlement in terms of safety and quality to include distances, controlled pedestrian/cycle crossings of the A198 and B1361 (also to include a technical assessment of the existing footbridge over the rail line north of Meadowmill Sports Centre) shall be submitted to and approved by the Planning Authority. The details shall include any mitigation measures required and a timetable for their implementation.

Development shall thereafter be carried out in accordance with the details so approved.

Reason:

To reduce children being driven to and from school in private cars, in the interests of road safety and sustainability.

- 18 Prior to the commencement of any ground improvement / remedial works within the application site, proposals for further ground investigations for each phase of the proposed development shall be submitted to and approved by the Planning Authority. These further ground investigations shall be designed to provide comprehensive factual information on the depth of backfill / rock head, level of the ground water table and continuous monitoring of ground gases during the period of the investigations. On completion of the further investigations the applicant shall submit a factual report presenting the findings of the investigations to the Planning Authority for their information. The ground improvement / remediation works shall thereafter be carried out in accordance with the details so approved.

Reason:

To ensure that ground improvement / remediation works are acceptable in order to enable the development to safely and satisfactorily proceed.

- 19 Prior to the commencement of any ground improvement / remedial works within the application site, detailed proposals for the proposed ground improvement / remediation works shall be submitted to and approved by the Planning Authority. The detailed proposals shall include detailed designs and supporting information for the proposed surcharging and consolidation of shallow workings beneath the base of the open cast. It shall also include the surcharge layouts, surcharge heights, surcharge periods, recovery period following removal of the surcharge, proposed monitoring instrumentation, and assessment of predicted settlement at each surcharge location. In respect of the consolidation of the shallow workings the detailed proposals shall provide full details of the proposed consolidation works required to remove the risk of future subsidence. Where appropriate the ground improvement / remedial works shall make provision for percolation / inundation testing to demonstrate that the surcharging has been effective in reducing the risks of such collapses to acceptable levels. The ground improvement / remediation works shall thereafter be carried out in accordance with the details so approved.

Reason:

To ensure that ground improvement / remediation works are acceptable in order to enable the development to safely and satisfactorily proceed.

- 20 Following completion of the ground improvement works / remedial works on each phase of the development site and prior to commencing any construction works the applicant shall prepare a completion report and submit this to the Planning Authority for their approval. This completion report shall provide a detailed account of the ground improvement / remedial works carried out together with a complete record of all monitoring carried out during ground improvement / remediation. The completion report shall provide a detailed assessment of future risks arising from continuing creep and percolation / inundation settlement. Where the risk of future collapse settlement remains, the completion report shall provide conclusions and recommendations for further monitoring / further remedial measures required prior to works commencing. The completion report shall provide conclusions and recommendations for developers in respect of foundation design, drainage design, ground gas defensive measures and other construction related activities. With regard to the consolidation of the shallow workings the completion report shall provide full details of the works carried including the validation of the end product by post treatment probes or other appropriate measures.

Reason:

To ensure that ground improvement / remediation works are acceptable in order to enable the development to safely and satisfactorily proceed.



21 Prior to the commencement of development the following information shall be submitted to and approved by the Planning Authority, following consultation with the Coal Authority:

a) the submission of a layout plan which identifies appropriate zones of influence for the mine entries on site, and the definition of suitable 'no-build' zones, together with indication of the high wall; and

b) The submission of details of investigations and of treatment if necessary for the mine entries on site, shallow coal workings, ground gas, and ground stabilisation of the backfill.

Prior to the commencement of development any identified remedial works shall be fully implemented.

Reason:

To ensure that ground improvement / remediation works are acceptable in order to enable the development to safely and satisfactorily proceed.

22 Prior to the commencement of development, an update of the Surface Water and Flood Risk Report, which shall assess the flood risk within the northwest part of the application site from all sources during a 0.5% AP (1:200) rainfall event, and which shall include proposed mitigation measures that are required to not increase flood risk downstream of the site and to prevent flood risk of any built development in the northwest part of the application site, shall be submitted to and approved by the Planning Authority. The Report timetable for the delivery of all identified mitigation measures shall also be submitted.

Development shall thereafter be carried out in accordance with the details so approved.

Reason:

To ensure that built development within the northwest part of the application site is not at risk from flooding, there is no increase in flood risk elsewhere and appropriate long-term maintenance arrangements are in place.

23 Prior to the commencement of development, a SuDS scheme and Drainage Assessment for the whole development site to meet the vesting requirements of the Statutory Authorities shall be submitted to and approved by the Planning Authority, following consultation with SEPA. The submitted detail shall include a timetable for the delivery of all identified mitigation measures shall.

Development shall thereafter be carried out in accordance with the details so approved.

Reason:

To ensure that built development within the northwest part of the application site is not at risk from flooding, there is no increase in flood risk elsewhere and appropriate long-term maintenance arrangements are in place.

24 Prior to the commencement of development, a full engineering report detailing ground stability and structural integrity shall be submitted to and approved by the Planning Authority. The report, which shall be prepared by an adequately qualified and indemnified engineer, shall identify all necessary remediation works and a timescale for those remediation works being undertaken. Development shall thereafter be carried out in accordance with the details so approved;

Reason:

To ensure that ground improvement / remediation works are acceptable in order to enable the development to safely and satisfactorily proceed.

25 Prior to the commencement of development a strategy for the new speed limits within the application sites and those on the existing road network shall be submitted to and approved by the Planning Authority. The strategy shall assess how these will be developed, including road safety audits and associated infrastructure (i.e. street lighting, signage etc). The strategy shall include full detailed designs for all the works on the existing public road including full road safety audits and quality audits putting particular emphasis on walking & cycling and the safety and attractiveness of these routes (including street lighting review in these areas). This shall extend into the site to offer excellent paths and cycling facilities within the site to ensure walking and cycling are the first modes to be considered for local trips. The strategy shall also detail controlled crossings that are necessary as well as bus stops and shelters. The strategy shall also include a timetable for implementation of any new speed limits as well as when controlled crossings and bus stops and shelters should be provided. Development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road safety.

- 26 Prior to the commencement of development, road safety audits and quality audits for external works and the links within the site shall be submitted to and approved by the Planning Authority. Development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road safety.

- 27 Prior to the commencement of development, a vehicle tracking/swept path analysis for all internal roads and changes to external roads shall be submitted to and approved by the Planning Authority. The vehicle tracking/swept path analysis shall include the large design rigid (in accordance with the FTA associations Designing for Deliveries) over all the roads within the proposal site and large HGV (arctic etc) as well as large buses on main distributor roads and employment areas (including local centre). It shall also include all vehicles types including buses for the external routes/works. Development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road safety.

- 28 Prior to the commencement of development, a general, overarching travel plan framework for the whole settlement (including school and future business/economic uses travel) shall be submitted to and approved by the Planning Authority. The framework shall include tools and mechanisms for each part of the development to use. It shall include measures to be put in place to encourage Public Transport penetration into the new settlement. It shall also include a timetable for implementation, Development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road safety.

- 29 Prior to the commencement of development, a strategy to establish how traffic regulation orders and parking restrictions will be needed, particularly in the town centre around schools, public buildings and shops as well as other areas throughout the site shall be submitted to and approved by the Planning Authority. Development should thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road safety.

- 30 Unless otherwise agreed with the Planning Authority, following consultation with Transport Scotland, development of the application site shall be carried out in accordance with the following requirements:

\* Prior to the occupation of the 236th residential unit hereby approved, the proposed upgrade of the northern and southern roundabouts at Bankton Interchange to traffic signal control, generally as illustrated in WYG's Drawing No. SK002, shall be implemented to the satisfaction of the Planning Authority, after consultation with Transport Scotland.

\* Prior to the occupation of the 236th residential unit hereby approved, the proposed upgrade of the west facing slips at Bankton Interchange to Type B parallel merge / diverge arrangements, generally as illustrated in WYG's Drawing No. SK004, shall be implemented to the satisfaction of the Planning Authority, after consultation with Transport Scotland.

\* Prior to the commencement of the development details of the lighting within the site shall be submitted for the approval of the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority.

\* Prior to the commencement of development, details of the frontage landscaping treatment along the trunk road boundary shall be submitted to and approved by the Planning Authority, following consultation with Transport Scotland;

\* Prior to the occupation of any of the approved development, a barrier/ boundary feature shall be provided and maintained along the proposed boundary of the site with the A1 trunk road, in accordance with details to be submitted to and approved in advance of its provision by the Planning Authority, following consultation with Transport Scotland; and

\* There shall be no drainage connections to the trunk road drainage system.

Reason:

To ensure that: the design layout complies with the current standards; that there will be no distraction or dazzle to drivers on the trunk road; to minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents; to ensure that the efficiency of the

existing trunk road drainage network is not affected; all to ensure that the safety and free flow of traffic on the trunk road is not diminished.

- 31 Prior to the commencement of development details of the Longniddry Junction (junction of A198/B6363 Main Street with Coal Road - traffic signals to provide a left turn to Gladsmuir and vice-versa for return - as a deflection strategy to draw trips away from the A198 frontage at Blindwells) shall be submitted to and approved by the Planning Authority. The details shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road safety.

- 32 Prior to the commencement of development a detailed condition survey of the construction access route from the Bankton interchange shall be jointly undertaken by the developer and East Lothian Council Roads Services. During the period of construction of the development a similar joint inspection shall be carried out to assess the condition of the route on each anniversary of the commencement of development. Any damage identified as a result of construction activities shall be repaired or resurfaced by the developer in compliance with the Council's specifications and requirements at no cost to the Council as Roads Authority.

Reason:

In the interests of road safety.

**3. PLANNING APPLICATION NO. 20/00999/P: ALTERATION TO BUILDING AND ERECTION OF 1 HOUSE AND ASSOCIATED WORKS AT 82 HIGH STREET AND LAND NORTH OF 82 HIGH STREET, NORTH BERWICK**

A report was submitted in relation to Planning Application No. 20/00999/P. Ms McLair presented the report, summarising the key points. The proposed decision set out in the report was to grant consent

Ms McLair responded to questions. Regarding the aluminium clad windows, Councillor Findlay made reference made to a recent refusal for these for a different application by the Local Review Body, asking why these were acceptable in this case. Ms McLair clarified that the difference in this proposal was the contemporary design of a completely new building. Scottish Planning Policy stated this was allowable in these circumstances in a Conservation Area. In relation to his query about changing conditions to apply restrictions to when work could be carried out, Mr Dingwall indicated that it would not normally be appropriate to impose timescale conditions on a small scale development. However, limiting the hours of construction work had been done previously and, if at the vote stage Members were minded to grant planning permission, then the addition of such a condition could be considered. Councillor Williamson asked if restrictions could be imposed to keep this as a family home and not be sold as an airbnb or a holiday home. Ms McLair explained that planning permission was not generally required for rental of a property, adding that the applicant was building this to use as his family home.

Robin Sutherland of Sutherland and Co. Architects Ltd., applicant/agent, responded to questions. He explained that zinc was proposed as the primary cladding as in the context of a contemporary design this was a common material, there were numerous precedents in the North Berwick Conservation Area. Responding to a follow up query challenging this, particularly in relation to the amount of zinc proposed, he said the specific references would need to be checked but there were two recent examples of houses with zinc wall cladding in the Conservation Area.

Penelope Kay, immediate neighbour to the application site, spoke against the proposal. Her reasons for objecting to this application were loss of privacy and use of non-traditional materials. She outlined her concerns regarding overlooking, giving examples from a number of windows of her property and other neighbours' properties. She said the architect's plan did not show some of these windows. As regards the non-traditional materials she stressed

that the expanse of zinc cladding proposed was unmitigated by any other application. She quoted guidance from the North Berwick Conservation Area Character Statement regarding use of materials. This proposal would be highly visible, would dominate the streetscape and would not harmonise with nor preserve the appearance of the Conservation Area.

Colin Adamson, also an immediate neighbour, spoke against the application. He informed Members that this proposal would have a huge impact on neighbours, resulting in significant loss of light, privacy and views. The proposal was too high and too long, it should have been tied into the height of neighbouring buildings. He raised several concerns regarding the roof terrace, outlining how this would impact on his family's wellbeing in terms of loss of privacy and also the associated increased noise. The proposal was a design statement build by the architect. He highlighted the concerns of a neighbour, Mr Pugh, adding that his planning application for windows had been refused. He also raised concerns on behalf of another neighbour, Mr McLean. He hoped the Committee would refuse this application.

Responding to questions from Members regarding comments made about Mr Pugh's application, Mr Dingwall gave details of his planning applications since 2009, adding that there was no record of any application being refused but he would check further. The Convener pointed out that this was not material to determination of this application.

Gordon Moodie, representing North Berwick Community Council, spoke against the application. He outlined the Community Council's reasons for objection: invasion of privacy and overlooking issues, the proposal was an overdevelopment of the site and use of zinc cladding, which was felt to be incongruous in the Conservation Area.

Local Member Councillor Henderson, not a member of the Planning Committee, outlined her reasons for bringing this application to Committee. She highlighted concerns regarding the size of the building, particularly the height; the roof terrace and its positioning; and the finish of the proposal. Her greatest concern was the impact on neighbouring residents as the proposal would severely affect their privacy. She was not convinced this was the best place for a Grand Designs experiment; it was the wrong building in the wrong place. It was not acceptable; every element was barely within tolerance of the rules. She added that just because theoretically something could be done did not mean it should be done. She urged Members of the Committee to reject this application.

Local Member Councillor Goodfellow, also not a member of the Planning Committee, echoed comments and concerns raised by his colleague and the local community. He also had serious reservations regarding loss of privacy, the zinc cladding and overdevelopment of the site. He expanded on all these concerns. He stressed that taking everything into account the proposal was simply too much and he asked the Committee to refuse this application.

Local Member Councillor Findlay stated he had three major concerns with this application. Privacy: there were huge issues, especially with regard to use of the roof terrace. Zinc cladding: the amount of cladding proposed was excessive and not suitable for a Conservation Area. Height: the height of the proposed building constituted an overdevelopment in his opinion. He would not be supporting this application.

Councillor Innes remarked that this was a difficult application. He had listened to Local Members, objectors and the community council. He was inclined to accept the comments from Local Members; the architect had used his skill to design this building but the overall impact would be too significant for the site. The building could have been lower, and without a roof garden. On balance, he would not be supporting this application.

The Convener brought the discussion to a close. He noted the strong feelings expressed against the application but stressed that officers had reviewed the application and found it acceptable. It met all relevant policies as regards overlooking, overdevelopment and use of

new materials in relation to the zinc cladding. He felt the proposal to use zinc was acceptable and the building would be an attractive addition to the Conservation Area. He would be supporting the report recommendation to grant planning permission.

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

For: 5 (Cllrs Hampshire, Gilbert, Mackie, McLeod, Williamson)

Against: 6 (Cllrs Bruce, Findlay, Innes, Kempson, McGinn, McMillan)

Abstentions: 0

**Decision**

The Committee agreed to refuse planning permission for the following reasons (outlined by Mr Dingwall and agreed by Members):

1. The proposed house and its roof terrace would result in overlooking of neighbouring residential properties, harming the privacy and amenity of the occupants of those properties, contrary to Policy DP7 of the adopted East Lothian Local Development Plan 2018.
2. The zinc cladding of the roof and walls of the proposed house would be an incongruous addition that would be harmful to the character and appearance of the North Berwick Conservation Area, contrary to Policy CH2 of the adopted East Lothian Local Development Plan 2018.
3. The proposed house, by virtue of its height, would be an overdevelopment of the site and harmful to the character and appearance of the North Berwick Conservation Area, contrary to Policy CH2 of the adopted East Lothian Local Development Plan 2018.

Signed .....

Councillor Norman Hampshire  
Convener of the Planning Committee