



East Lothian Council

MINUTES OF THE MEETING OF THE PLANNING COMMITTEE

TUESDAY 17 AUGUST 2021
VIA A DIGITAL MEETING FACILITY

Committee Members Present:

Councillor N Hampshire (Convener)
Councillor L Bruce
Councillor J Findlay
Councillor A Forrest
Councillor N Gilbert
Councillor W Innes
Councillor S Kempson
Councillor K McLeod
Councillor J McMillan

Other Councillors Present:

Councillor J Goodfellow
Councillor J Henderson
Councillor F O'Donnell

Council Officials Present:

Mr K Dingwall, Service Manager – Planning
Ms E Taylor, Manager Planning Delivery
Mr C Grilli, Service Manager – Legal
Mr D Taylor, Planner
Ms C McMonagle, Assistant Planner
Mr M Greenshields, Senior Roads Officer
Mr C Clark, Senior Environmental Health Officer
Ms L Hunter, Transportation 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 2 – Mr M Fenny, Mr P Bruce, Ms G Corbel, Mr M Smithwick, Mr S McMillan, Ms A Townsend
Item 3 – Mr T Thomas, Mr A Rankin, Mr D Bell, Mr D Whitlie, Mr E Stewart
Item 4 – Mr P Johnston, Mr P Horsley, Mr O Munden, Ms C Maher

Apologies:

Councillor C McGinn
Councillor K Mackie
Councillor J Williamson

Declarations of Interest:

None

1. MINUTES FOR APPROVAL – PLANNING COMMITTEE 29 JUNE 2021

The minutes of the meeting of the Planning Committee of 29 June 2021 were approved.

2. PLANNING APPLICATION NO. 21/00290/PPM: PLANNING PERMISSION IN PRINCIPLE FOR ONSHORE SUBSTATION, UNDERGROUND ELECTRICITY CABLES AND ASSOCIATED TEMPORARY AND PERMANENT INFRASTRUCTURE TO EXPORT ELECTRICITY FROM THE SEAGREEN OFFSHORE WIND FARM INTO THE NATIONAL ELECTRICITY TRANSMISSION NETWORK AT EDINBURGH ROAD, COCKENZIE

A report was submitted in relation to Planning Application No. 21/00290/PPM. Keith Dingwall, Service Manager for Planning, presented the report, summarising the key points. He informed Members that yesterday afternoon objections had been received from Prestonpans Community Council, which he outlined. He stressed that this was an application for planning permission in principle; if consent was granted the applicant would submit further detailed applications for the infrastructure. This application dealt with the onshore elements only. Marine Scotland, not the Council, would deal with the offshore elements. The report recommendation was to grant consent.

Mr Dingwall responded to questions. He clarified that future ownership of the land was not material to this application. He confirmed the arrangements for construction traffic; the detail would be in the Construction Method Statement. Regarding Prestonpans Community Council's objections, particularly the route for cables, he confirmed there would be consultation. On queries about the Environmental Impact Assessment report he clarified that the assessment could be made at this stage as the basic information was known. The report concluded that in principle there would be no significant landscape or visual impact. The Council's Landscape Officers had also been consulted and were satisfied with that conclusion. On combining cables together from the different companies to create less disruption, Mr Dingwall said this was an issue the Planning Authority had raised before but applicants had advised there were a range of reasons why this was not feasible.

Michael Fenny, representing the applicant, took Members through the background, content and benefits of this proposal for the infrastructure to connect 36 consented turbines to the national electricity transmission system at Cockenzie. Seagreen, a consented offshore wind farm, was 66km off the East Lothian coastline. Enough clean, renewable energy would be provided to power around 1.6 million homes. The offshore element, for an export cable around 108km in length, was the subject of a separate application for a marine licence. This onshore application was for a new substation, cables and associated development. This was a £3 billion capital investment, which would support Scotland's response to Covid-19. SSE/Total had developed good practice measures; there would also be a community benefits package. The application would maximise renewable energy regeneration of offshore wind farms.

Mr Fenny responded to questions. He confirmed that Seagreen had already consulted both community councils in relation to the onshore and offshore applications and would continue to do so. Regarding the remaining 36 turbines he clarified that Carnoustie did not have sufficient capacity for these; an application had been made to the National Grid who had suggested Cockenzie. On ensuring fulfilment of local employment promises he said various events would be planned and also approaches made to local colleges. Regarding bringing cables onshore from the 2 different companies at the same time, he said this was not commercially viable and not practical in an engineering sense. In relation to providing an assurance regarding the redesign when complete, Mr Fenny stressed that at the moment the design was only indicative. He confirmed that Seagreen was committed to working with the Council and both community councils.

The Convener stressed the importance of this site to East Lothian Council and to the county as a whole. Planning Officers and others had done a good job of trying to minimise the land take up. The location was probably the best possible one; he did not think there would be any impact. As mentioned, if approved, further detailed applications, which would include design detail and cable routes, would come forward later. He would be supporting the recommendation.

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

For: 9

Against: 0

Abstentions: 0

Decision

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

1 The submission for approval of matters specified in conditions of this grant of planning permission in principle in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended) shall include details of the layout, siting, design and external appearance of the onshore substation, electricity cables and associated infrastructure, the means of access to them, the means of any enclosure of the boundaries of the site and landscaping (including landscape and visual mitigation) of the site in accordance with the matters listed below. No work shall begin until the written approval of the Planning Authority has been given, and the development shall be carried out in accordance with that approval.

a) Details of the finished ground levels and finished floor levels of the buildings;

b) The total height of any building shall not exceed 18 metres from the finished ground levels, as approved. The finished ground level shall be no higher than the existing ground level of the site;

c) Details of the proposed colour treatment of the onshore substation and any other landscape and visual mitigation (which shall include architectural mitigation) to be incorporated into its design and external appearance;

d) Details of all external lighting proposed;

e) Details of the area and positioning of the substation platform, which shall not exceed an area of 22,000m², and the components of the onshore substation, which shall generally accord with that shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0009 docketed to this planning permission in principle;

f) The layout shall ensure that the substation platform and onshore substation shall be located within the area identified as "Substation Development Zone" on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to this planning permission in principle;

g) Details of the final route of the onshore export cable (with proposed micro siting limits), and the locations of any underground joint bay(s); and

h) Details of the siting, design and external appearance of any permanent above ground features associated with the onshore export cable.

In this condition, the onshore substation means all the electrical equipment, ancillary equipment, internal roads and any perimeter security fence to be located on the substation platform, as indicatively described in Chapter 2 (Development Description) of the Environmental Impact Assessment Report docketed to this planning permission in principle.

No part of the development hereby approved under that application for approval of matters specified in conditions shall be begun on the site until all of the above details pertaining to such development have been submitted to and approved in writing by the Planning Authority.

Reason:

To enable the Planning Authority to control the development in the interests of the amenity of the development and of the wider environment.

2 The development hereby approved shall be undertaken in accordance with the Environmental Impact Assessment Report docketed to this planning permission in principle, except where altered by the approval of

matters specified in the condition above or by the conditions below, or unless otherwise agreed in writing by the Planning Authority.

Reason:

To ensure the reported likely environmental impacts of the development are not exceeded and the specified mitigation measures are fully implemented.

- 3 The development hereby approved shall be used solely in connection with the offshore Seagreen Wind Farm to facilitate the transmission of electricity generated by that development to the grid and for no other purposes, unless otherwise agreed in writing with the Planning Authority. In these conditions the "Seagreen Wind Farm" means the offshore wind farms known as the Seagreen Alpha Offshore Wind Farm and Seagreen Bravo Offshore Wind Farm, both granted consent under section 36 of the Electricity Act 1989 by the Scottish Ministers on 10 October 2014 (and as varied by consent on 18 August 2018), or successor offshore wind farms located within the site of that development.

Reason:

To enable the Planning Authority to regulate and control the use of the land in the interests of the wider land use planning of the area.

- 4 Prior to the commencement of development on any 'Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to this planning permission in principle, a Public Access Management Plan for that Development Zone shall be submitted to and approved in writing by the Planning Authority for such development. The Public Access Management Plan shall include the following details as they relate to each Development Zone:

(i) the proposed route of any temporary rerouting of the Coastal Path incorporating the John Muir Way (Core Path 276) within the northern section of the application site and Core Path 146 within the western section of the application site and the duration of the temporary rerouting;

(ii) the detail of any temporary rerouting of Core Path 284 within the central section of the application site, the duration of the temporary rerouting, and any measures for its permanent diversion (including its new route) if required as a result of the proposed development; and

(iii) a timetable for the implementation of any temporary or permanent diversions of the above Core Paths.

Thereafter, the Public Access Management Plan shall be implemented and complied with in accordance with the approved details, unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure continuity of the core path network in the interests of public access.

- 5 Prior to the commencement of development on any 'Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to this planning permission in principle, a Construction Method Statement (CMS) for development of that Development Zone shall be submitted to and approved in writing by the Planning Authority. The CMS shall identify potential noise and dust impacts that may arise during construction of the proposed development and specify any mitigation measures necessary to minimise any such impacts on sensitive receptors, and shall include hours for construction work.

With regards to Noise the CMS shall adopt "Best Practice Guidance" as recommended in BS 5228-1:2009+A1:2014 "Code of practice for noise and vibration control on construction and open sites" and have regard to potential mitigation measures described within Chapter 10.6 Mitigation of the docketed EIA Report.

With regards to the control of dust the CMS shall include details regarding practicable control measures for reducing visible dust emissions affecting properties beyond the site boundary. Control measures to be considered are identified in Section 8 of the Institute of Air Quality Management Guidance on the assessment of dust from demolition and construction (2014).

The development shall thereafter be carried out in strict accordance with the approved CMS unless otherwise approved in writing by the Planning Authority.

Reason:

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

- 6 Prior to the commencement of any development on the 'Substation Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to this planning permission in principle a Noise Impact Assessment for the operational phase of the development shall be submitted to and approved in writing by the Planning Authority for such development. The Noise Impact Assessment shall be based upon the detailed site layout approved pursuant to Condition 1 and shall identify any mitigation measures considered necessary to ensure specific noise arising from the development does not exceed an absolute free field external Rating Level

of LAr,Tr of 35 dB at any sensitive receptor. All measurements to be made in accordance with BS 4142: 2014 "Methods for rating and assessing industrial and commercial sound".

Reason:

In the interests of the amenity of nearby sensitive receptors.

- 7 Prior to the commencement of development on any 'Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to this planning permission in principle, to ensure that the site is clear of contamination, a Geo-Environmental Assessment shall be carried out for development of that Development Zone and the following information shall be submitted to and approved by the Planning Authority:

1. (i) A Preliminary Investigation incorporating a Phase I Desk Study (including site reconnaissance, development of a conceptual model and an initial risk assessment); and

(ii) A Phase II Ground Investigation (if the Desk Study has determined that further assessment is required), comprising the following:

- o A survey of the extent, scale and nature of contamination, and reporting on the appropriate risk assessment(s) carried out with regards to Human Health, the Water Environment and Gas Characteristic Situation as well as an updated conceptual model of the site;
- o An appraisal of the remediation methods available and proposal of the preferred option(s).

2. Prior to any works beginning on site (and where risks have been identified), a detailed Remediation Statement should be produced that shows the site is to be brought to a condition suitable for the intended use by the removal of unacceptable risks to all relevant and statutory receptors. The Statement should detail all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. It should also ensure that the site will not qualify as contaminated land under Part2A of the Environmental Protection Act 1990 in relation to the intended use of the land following development; and

3. Following completion of the measures identified in the approved Remediation Statement, a Verification Report should be submitted that demonstrates the effectiveness of the remediation carried out.

Reason:

To ensure that the site is clear of contamination and that remediation works are acceptable.

- 8 In the event that unexpected ground conditions (contamination) are encountered at any time when carrying out the permitted development, work on site shall cease and the issue shall be reported to the Planning Authority immediately. At this stage a Site Investigation and subsequent Risk Assessment may have to be carried out, if requested by the Planning Authority. It may also be necessary to submit a Remediation Strategy should the reporting determine that remedial measures are required. It should also be noted that a Verification Report would also need to be submitted confirming the satisfactory completion of these remedial works.

Reason:

To ensure that the site is clear of contamination

- 9 Prior to the commencement of development on any 'Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to this planning permission in principle, a Construction Traffic Management Plan (CTMP) for the construction phase of the development in that Development Zone shall be submitted to and approved in writing by the Planning Authority. The CTMP shall, unless otherwise approved in writing by the Planning Authority, include the following details:

(i) details of measures to reduce the number of construction vehicles;

(ii) details of and controls for access routes to and from the site for large components and day-to-day deliveries/removals associated with the construction and decommissioning phases of the development;

(iii) detailed swept path assessments of large component delivery routes and drawings detailing any required off-site mitigation works;

(iv) drawings showing details of any proposed alterations to the existing vehicular access onto the B6371 and alterations to existing junctions or creation of new junctions with the B1348;

(v) updated information on programme, construction tasks, vehicle types and trip generation;

(vi) updated review of potential cumulative impacts on A198 considering position at that time of new infrastructure, speed limits and traffic generation related to Blindwells;

(vii) frequencies and times of deliveries and arrangements for the removal of materials/plant from the site;

- (viii) details of traffic management at the B6371 and B1348 Edinburgh Road site access points;
- (ix) details of measures including temporary signage, and the management of construction traffic to keep the John Muir Way open to the public throughout the construction period;
- (x) details of temporary signage in the vicinity of the site warning of construction traffic;
- (xi) arrangements for road maintenance and cleaning;
- (xii) details of wheel washing facilities which must be provided and maintained in working order during the period of construction and/or decommissioning of the site. All vehicles must use the wheel washing facilities to prevent deleterious materials being carried onto the public road on vehicle wheels; and
- (xiii) a Green Travel Plan to include measures to minimise dependency on the private car to and from the construction compounds.

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

Reason:

In the interests of road safety and in the interest of the promotion of sustainable modes of transportation.

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

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

Reason:

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

- 11 Prior to the commencement of the development hereby approved a drainage strategy for the development shall be submitted to and approved by the Planning Authority. The drainage strategy shall be designed to accommodate a 1 in 200 annual probability event plus a climate change allowance and shall include a timetable for its installation.

The drainage strategy as so approved shall be implemented in its entirety, unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure the development is appropriately protected against flood risk and does not give rise to increased flood risk elsewhere.

- 12 Prior to the commencement of development on any 'Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to this planning permission in principle, a scheme for the identification of drainage systems (including field drains, culverts, septic tanks and soakaways) and private water supplies within the Zone, and measures for their protection during development and/or mitigation of impacts associated with the development including any necessary alternative facilities as required, shall be submitted to and approved by the Planning Authority.

The scheme shall include a timetable for the implementation of any identified mitigation measures or provision of alternative facilities and development shall thereafter be carried out in accordance with the scheme so approved.

Reason:

To ensure the development is appropriately protected against flood risk and does not give rise to increased flood risk elsewhere.

- 13 Prior to the commencement of development on any 'Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to this planning permission in principle, a scheme of landscaping for development within that Development Zone, taking account of the detailed site layout and other details

proposed or approved under the terms of Condition 1 shall be submitted to and approved in writing by the Planning Authority. The scheme shall provide details of: the height and slopes of any mounding on or re-contouring 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 and details of any to be retained, and measures for their protection in the course of development. It should also address long term management of the approved planting and boundary treatments.

In accordance with the approved scheme, all planting, seeding or turfing 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 managed in accordance with that scheme. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

Reason:

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

- 14 No development shall take place (including demolition, ground works, and vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Planning Authority. The CEMP: Biodiversity shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of "biodiversity protection zones";
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works (drilling and other construction activities within and/or adjacent to the SPA) to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period of the development strictly in accordance with the approved details, unless otherwise agreed in writing by the Planning Authority.

Reason:

To avoid or minimise disturbance of internationally important populations of non-breeding waders, waterfowl and seabirds (SPA populations).

- 15 No development shall take place until a Species Protection Plan for birds, including waterfowl, wading birds and seabirds (SPA species), has been submitted to and approved in writing by the Planning Authority.

The Species Protection Plan must be consistent with the measures proposed in the docketed EIA Report/Habitats Regulations Assessment to minimise disturbance to SPA bird populations and must include, but shall not be limited to the following:

- (i) Details to show the defined area of operation for near-shore vessels and restrictions on vessel speed; and
- (ii) Details of methods to be used to reduce noise levels including the use of sound walls and any required drilling rig modifications.

The development shall thereafter be carried out in strict accordance with the approved Species Protection Plan unless otherwise approved in writing by the Planning Authority.

Reason:

To avoid or minimise disturbance of internationally important populations of non-breeding waders, waterfowl and seabirds (SPA populations).

- 16 Prior to the commencement of development on any 'Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to this planning permission in principle, a scheme of intrusive site investigation works for development of that Development Zone shall be carried out in accordance with detail to be submitted to and approved in advance by the Planning Authority following consultation with The Coal Authority to assess ground stability due to former mine workings at the site. In the event that the intrusive investigation works confirm the need for remedial works and/or mitigation measures to treat any areas of land instability arising from coal mining legacy, development shall not begin until a scheme of remedial works on the

site has been submitted to and approved in writing by the Planning Authority following consultation with The Coal Authority, and thereafter has been fully implemented as so approved.

Reason:

To ensure that the site is clear of coal mining features and hazards prior to any use being made of the development.

- 17 Prior to the development hereby approved coming into use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted and approved by the Planning Authority following consultation with The Coal Authority. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason:

To ensure that the site is clear of coal mining features and hazards prior to any use being made of the development.

- 18 Within 24 months of the permanent cessation of generation at the offshore Seagreen Wind Farm, confirmation shall be given in writing to the Planning Authority whether or not the development hereby approved continues to be required for electricity transmission purposes. Where the development is not required for electricity transmission purposes beyond the operational period of the offshore Seagreen Wind Farm, within 24 months of the permanent cessation of generation at the offshore Seagreen Wind Farm, a decommissioning and site restoration plan (the 'Demolition and Restoration Scheme') shall be submitted to and approved in writing by the Planning Authority. The Demolition and Restoration Scheme shall include details of:

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

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

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

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

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

Reason:

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

3. PLANNING APPLICATION NO. 21/00001/P: EXTENSIONS TO DWELLING AND FORMATION OF DECKED AREA WITH BALUSTRADE AT THE CHALET, TANTALLON, NORTH BERWICK

A report was submitted in relation to Planning Application No. 21/00001/P. Caoilfhionn McMonagle, Assistant Planner, presented the report, summarising the key points. The proposed decision set out in the report was to grant consent.

Ms McMonagle responded to questions. In relation to when an extension became significant she clarified that the planning assessment, given the extent of the extension against the original development, considered that in this case it was not significant. She advised that issues relating to construction traffic were for the Roads Authority, who had raised no objections. On why the site's planning history was not mentioned in the report, she advised this was not required; all the

relevant information pertaining to this application was detailed in the report. She confirmed that some grass banking was proposed, which would reduce the impact of the proposed development.

Tony Thomas, of APT Planning, joint agent for the applicant, informed Members that this proposal was for relatively minor works to the client's property and incorporated a number of changes to the original proposal in line with the advice from the Planning Authority. He drew attention to the adverse and misleading press coverage. He stressed that this was a much loved family home for 40 years and there was no intention to sell it or rent it out. He outlined the detail of the proposal. It had been a collaborative approach and due to this a better solution had been reached and the key design enhanced. The chalet played a negligible role in the broader setting of the bay. The application would not have a detrimental impact on neighbouring amenity or privacy.

David Bell, Planning Consultant for the Evans Trust, spoke against the application. He drew attention to several planning policies, particularly Policy DP5, which he outlined. It was a judgement as regards acceptability. In his view, due to its large scale, this proposal was an overdevelopment and exacerbated due to its elevated position. Canty Bay was an intimate setting. The Trust contested the officer's decision in relation to curtilage and distance. The Trust was not however against a sensitive and carefully designed dwelling. He urged refusal or deferment.

David Whittle, Chair of the Evans Trust, which owned 3 properties at Canty Bay, spoke against the application. The Trust ran a residential centre used by children and youth groups. He took Members through the history of the area since the 1950s. This proposal would substantially and materially change the character of Canty Bay; it would be dominate. He highlighted overlooking concerns given the proximity to the application site. This proposal was grossly excessive in this special landscape area. Given the number of objections, he urged rejection of this application.

Ewan Stewart, owner of a cabin east of Canty Bay, spoke against the application. He was very concerned about the impact of this proposal due to the central and elevated position of the chalet. Canty Bay was special; a beautiful sandy cove. Its scenery and history attracted many tourists and walkers. Redevelopment in such a historical setting had to be done carefully. The design showed no attempt to be sympathetic to its surroundings. The proposal was a vast increase in scale; it was an overdevelopment. It failed to meet relevant planning policies. He also urged refusal.

Local Member Councillor Goodfellow, not a member of the Planning Committee, said this was a very sensitive application which involved a huge amount of subjective judgement. He noted that the applicant had worked with Council Planners and made substantial changes to the application. However this was a special landscape area and supplementary planning guidance applied. He disagreed with the judgement reached by the Planning Officer.

Local Member Councillor Findlay agreed that this was a very special site. Policies DC9 and DP5 were particularly relevant. In relation to Policy DC9 he did think this was an overdevelopment, a 44% increase in the footprint of the existing dwelling was in his view significant. As regards Policy DP5 he felt that the extension proposed would be harmful to the character and appearance of Canty Bay. He would not be supporting the officer's recommendation. He added that he agreed with Mr Thomas that the press coverage had been unacceptable.

Local Member Councillor Henderson, also not a Member of the Planning Committee, therefore not entitled to vote on this application, supported the application and the officer's decision. She could not see any planning reasons for refusal. Most of the objections were not entirely of a planning nature and were subjective. She added that it was not clear why an extension to a home should raise issues of safety and privacy as regards young people.

Councillor McMillan, referring to the site visit, stated that as the site was approached the eye went to the sea view, to the tourist boats and other shipping vessels; at no time did he feel that the eye was drawn to this house. He did not think the proposal would detract from the environment.

Officers had reached a considered decision, this was a well thought out development that would enhance the dwelling. He would be supporting the application.

The Convener agreed this was a beautiful part of the East Lothian coastline. He acknowledged the objections, however, on the site visit the most dominate building was a large white house, not the application building. The applicant had worked with Planning Officers to reduce the scale and design of the original proposal. Members had viewed the site from the road from various angles, the proposal was acceptable; it would integrate, it would not dominate. He felt it would have no impact on the Scouts facility. He would be supporting the report recommendation.

Councillor McMillan, referring to his earlier query about construction traffic, asked about adding a condition requiring a Construction Method Statement. Mr Dingwall indicated this could be added, using the normal wording for such a condition. With regard to re-contouring of the grass banking, he added that Members may also wish to consider adding a condition to ensure this was done.

The Convener stated that both of these additions would be helpful. He moved to the vote on the report recommendation, to grant consent, incorporating the additional conditions as outlined (Construction Method Statement and re-contouring of the grass banking) – taken by roll call:

For: 8

Against: 1 (*Cllr Findlay*)

Abstentions: 0

Decision

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

- 1 Prior to the commencement of development a sample or specification of the external finishes of the extensions hereby approved shall be submitted to and approved by the Planning Authority and the materials used shall accord with the details so approved.

Reason:

To safeguard the character and appearance of the Special Landscape Area.

- 2 Prior to the commencement of development, a Construction Method Statement which sets out how the impact of construction activity on the safety and amenity of the area will be mitigated shall be submitted to and approved by the Planning Authority.

The Construction Method Statement shall include details of:

- * Mitigation measures to control noise, dust, construction traffic (including routes to/from site and delivery times).
- * Hours of construction work
- * Routes for construction traffic
- * Wheel washing facilities.

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

Reason:

To retain control of the operation of construction in the interest of environmental and residential amenity.

- 3 No development shall take place until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping to the north of the dwelling and a timetable for its implementation. The scheme of landscaping shall including the contouring of the land to the north (front) of the dwelling and provide details of: the height and slopes of any mounding on or re-contouring of the site and shall ensure that the contouring shall be carried out in accordance with docketed drawing L(-3)101 and L(-4)102.

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 dwelling or the completion of the development, whichever is the sooner.

Reason:

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

4. PLANNING APPLICATION NO. 21/00564/P: SECTION 42 APPLICATION FOR VARIATION OF CONDITION 1 OF PLANNING PERMISSION 20/01120/P AT 48-52 DUNBAR ROAD, NORTH BERWICK

A report was submitted in relation to Planning Application No. 21/00564/P. David Taylor, Planner, presented the report, summarising the key points. The proposed decision set out in the report was to grant consent.

Mr Taylor responded to questions. He clarified that the other Aldi stores in East Lothian, located at Tranent, Haddington and Musselburgh had no delivery time restrictions. The Haddington store had a condition regarding noise given the nearby residential properties; no breaches had been reported. He further clarified that there had been one complaint in relation to the North Berwick store. Colin Clark, Senior Environmental Health Officer, confirmed this had been in 2017.

Philip Johnston, representing Aldi Stores Ltd., outlined the reasons for this request for a variation of Condition 1. He took Members through the Aldi delivery methodology, explaining how orders were placed, processed and delivered. This system ensured a very efficient and ultra-fresh method of delivery. He outlined the issues if some stores had delivery restrictions in place. North Berwick was the only store in East Lothian where deliveries were restricted. An independent noise assessment had been done which concluded that a delivery at 5.30am would have no further detrimental impact on surrounding properties. He stressed that this change/flexibility would only be for deliveries by Aldi vehicles; other deliveries would still adhere to the 7am timescale.

Mr Johnston responded to questions. He felt that a specific condition regarding switching off reversing alarms was not necessary. He clarified that it was not company policy that a delivery vehicle turned off its reversing alarms; the only time these would not be used would be if it would impact on noise levels. If houses were close to a store drivers would be told to switch these off, this would be done for the North Berwick store; he gave this commitment.

Mr Clark clarified a couple of issues. There had been complaints initially at the Tranent store and it had been agreed that delivery drivers would switch off their reversing alarms; there had been no complaints since. At the North Berwick store there had been issues previously with noise associated with cages but there had been no complaints since internal deliveries had started.

On what impact refusal of this request would have, Mr Johnston stated that the North Berwick store was one of the lowest trading stores. He expanded on the problematic issues refusal would cause given the current situation and the potential outcomes.

Christiane Maher, representing North Berwick Community Council, raised concerns around the effect of this change on residents' health and wellbeing. She took issue with various elements in the acoustic report. She gave Members several examples of noise levels, at different times, with different vehicle numbers. The assertion that there would be no noise disturbance was misleading.

Local Member Councillor Findlay commented that despite only one formal objection local residents had expressed concerns about this proposal. If something could be put in place specifying that refrigeration vehicles had their reversing alarms switched off then he would be prepared to support the application; if this could not be done then he could not support it.

Local Member Councillor Goodfellow, not a member of the Planning Committee, supported the comments made by his colleague.

Mr Dingwall advised that it was not necessary to impose this requirement, as per advice from Environmental Health. Potentially however additional wording could be added to Condition 1. The Convener remarked that Members were simply trying to have some control as commitments made were not always followed through. Mr Clark suggested that another option could be to ask Aldi to submit a Noise Management Plan. Responding to questions from Members, Mr Dingwall clarified that this would be enforceable. He also clarified that 5.30am deliveries could take place every day.

Councillor McMillan, referring to the proximity of houses to the store, remarked that he would like, if permission was granted, a review at the end of the year; this would give residents an opportunity to respond if required. The Convener suggested that if Members had concerns consent could be granted for 1 year only which would enable monitoring of any complaints. Mr Dingwall clarified that this was possible; if this was agreed then after 1 year the permission would revert back to the previous approved delivery hours and the applicant would then have to reapply for a variation.

The Convener moved to the vote on the report recommendation to grant consent, incorporating the additional conditions as outlined (submission of a Noise Management Plan and consent to be granted for 1 year only) – the vote was taken by roll call:

For: 9
Against: 0
Abstentions: 0

Decision

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

- 1 The operation of the store shall comply with all of the following requirements:
 - a) Until the 31 August 2022: the supermarket will not be open to trading outwith the hours of 0800 to 2200 Monday to Saturday and 0800 to 2000 hours on Sundays. No goods delivery vehicles will enter or leave the site or remain parked within the site between 2300 to 0530 hours Mondays to Sundays. No offloading or loading of goods or refuse to or from vehicles or containers will take place to or from the premises during those hours;
 - b) Until the 31 August 2022: No goods delivery vehicles will enter or leave the site or remain parked within the site between 0530 to 0700 hours Mondays to Sundays unless and until a) a Noise Management Plan has been submitted to and approved by the Planning Authority; and b) the mitigation measures set out in the Noise Management Plan so approved are complied with at all times by the said good delivery vehicles; and
 - c) After the 31 August 2022, the supermarket will not be open to trading outwith the hours of 0800 to 2200 Monday to Saturday and 0800 to 2000 hours on Sundays. No goods delivery vehicles will enter or leave the site or remain parked within the site between 2300 to 0700 hours Mondays to Sundays. No offloading or loading of goods or refuse to or from vehicles or containers will take place to or from the premises during those hours.

Reason:
To safeguard the amenity of the occupants of nearby residential properties.

Signed

Councillor Norman Hampshire
Convener of the Planning Committee