



NOTICE OF THE MEETING OF THE PLANNING COMMITTEE

**TUESDAY 15 MARCH 2022, 10.00am
VIA A DIGITAL MEETING FACILITY**

Agenda of Business

Apologies

Declarations of Interest

Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

1. Minutes for Approval: Planning Committee, 7 December 2021 **(pages 1-14)**
2. Planning Application No. 21/01322/PM: Land at Letham Mains – Erection of 43 houses and associated works as changes to the scheme of development the subject of planning permission 13/00519/PM **(pages 15-28)**
3. Planning Application No. 21/01525/P: Section 42 application for Variation to Condition 2 and Condition 3 of planning permission 17/00922/P Bangley Quarry **(pages 29-42)**
Note - this application was called off the Scheme of Delegation List by Councillor McMillan for the following reasons: This is a complex report, based on changes to renewable energy initiatives, economic pressures, and market changes. There are concerns over the effect of traffic movements, road safety and noise and the environmental damage and impact of odours. The report also refers to the future of the Quarry which might impact on many other matters, were it to reopen. I therefore ask that this be brought to Committee for information and wider consideration.
Note - this application was also called off the Scheme of Delegation List by Councillor Hoy for the following reasons: There is significant local concern which should be examined by the committee. These concerns include, but are not limited to: impact of traffic, issues involving vehicle and pedestrian safety, excessive noise, possible pollution and smells generated on site. In light of these this application should be subject to a site visit and full scrutiny by the committee.
4. Planning Application No. 21/00025/P: Alterations, extension to house, erection of greenhouse, domestic studio, shed, 2 holiday let units and associated works, Auburn Walled Garden and Former Art Gallery, Manse Road, Dirleton **(pages 43-90)**
Note - this application was called off the Scheme of Delegation List by Councillor Findlay for the following reasons: To allow the community to express their reservations of the impact of this development in a conservation area and for the Committee to decide the outcome.

Planning applications can be viewed on the Council's website within Planning Online at:

<http://www.eastlothian.gov.uk/site/scripts/documents.php?categoryID=200192>

Planning Committee reports can be viewed on the Council's website within the Committee Pages at:

https://www.eastlothian.gov.uk/meetings/committee/7/planning_committee

Planning Committee meetings can be viewed on the Council's website within the Committee Pages at:

<https://eastlothian.public-i.tv/core/portal/webcasts>

5. Planning Application No.: 21/01474/PPM: Renewal of planning permission in principle 18/00189/PPM for proposed onshore transmission works associated with the Inch Cape Offshore Wind Farm – Former Cockenzie Power Station Site (**pages 91-115**)

**Monica Patterson
Chief Executive
John Muir House
Haddington**

8 March 2022

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Planning Committee

15 March 2022

Document Pack



MINUTES OF THE MEETING OF THE PLANNING COMMITTEE

TUESDAY 7 DECEMBER 2021
VIA A DIGITAL MEETING FACILITY

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Committee Members Present:

Councillor N Hampshire (Convener)
Councillor L Bruce
Councillor J Findlay
Councillor A Forrest
Councillor N Gilbert
Councillor S Kempson
Councillor K Mackie
Councillor C McGinn
Councillor K McLeod
Councillor J McMillan
Councillor F O'Donnell
Councillor J Williamson

Council Officials Present:

Ms M Sullivan, Head of Development
Mr K Dingwall, Service Manager – Planning
Ms E Taylor, Manager Planning Delivery
Mr D Irving, Senior Planner
Ms L Ritchie, Senior Planner
Mr C Kiely, Planner
Ms M Haddow, Transportation Planning Officer
Mr J Canty, Transport Planner
Mr R Yates, Transportation Planning Officer
Mr I Lennox, Team Manager – Assets & Regulatory
Ms J Holland, Senior Solicitor
Ms P Gray, Communications Adviser

Clerk:

Ms A Smith

Visitors Present/Addressing the Committee:

Item 2 – Ms A Kelman, Ms P McKeown, Ms J Bell
Item 3 – Mr D Jewell
Item 4 – Mr M Akgun, Ms B Akgun, Ms S Woodall-Mason, Mr J Lawson, Ms J Bell

Apologies:

None

Declarations of Interest:

The Convener, Councillor Hampshire, declared an interest in item 2 – as Chair of the Community Trust who owned the Hallhill complex – he would therefore take no part in the debate or vote for this planning application. The Vice Convener, Councillor McMillan, would chair the meeting for this item.

1. MINUTES FOR APPROVAL – PLANNING COMMITTEE 2 NOVEMBER 2021

The minutes of the meeting of the Planning Committee of 2 November 2021 were approved.

Sederunt: Councillor Hampshire left the meeting.

2. PLANNING APPLICATION NO. 20/00110/PM: ERECTION OF 197 HOUSES, 48 FLATS AND ASSOCIATED WORKS AT HALLHILL NORTH, DUNBAR

A report was submitted in relation to Planning Application No. 20/00110/PM. Daryth Irving, Senior Planner, presented the report, summarising the key points. The report recommendation was to grant consent.

Officers responded to questions from Members. Mr Irving advised that the cost of the access route would likely have increased since the figure of £1.2 million from 2011 given in the report; updated figures were not available, but it was felt that this was a reasonable figure from which to calculate the developer's contribution. Morag Hadow, Transportation Planning Officer, advised that the sum had been indexed for inflation; the council would expect to make an application to Sustrans or another body for the majority of the cost, and a shortfall would have to be met by the council. Regarding construction access, Mr Irving advised of a requirement for prior approval of a Construction Method Statement by the planning authority, with some roads having to be brought up to useable standard before use by construction traffic. Obtaining updated figures for the cost of the access road in this instance would have involved multiple agencies and may have taken some time. Mr Irving advised that the site operators would be responsible for clearing any debris created by adverse weather.

Mr Dingwall, Service Manager – Planning, added that debris was not subject to planning control but covered by other legislation. He recommended that imposing any condition around this would not be competent, but would be willing to discuss with developers the need to clear any offending materials.

Abby Kelman and Paula McKeown, of Taylor Wimpey, the applicant, responded to questions. They understood Taylor Wimpey's obligation as a responsible housebuilder to clear any debris after adverse weather, and could address this within the Construction Management Plan.

Jacquie Bell, representing Dunbar Community Council, spoke against the application. She raised concerns regarding infrastructure and exacerbation of existing problems with pedestrians and vehicle movements at Hallhill. She raised concerns over the proposals' effect on an increased use of Hospital Road, the access at Bayview Circus, and the use of the narrow Beveridge Row. There was demand for traffic calming measures and on-road parking solutions on Yosemite Park and Brodie Road and concerns over pressure on Spott Road. Existing connections between schemes were poor and in some cases unfinished, and active travel solutions were unclear. There were concerns over the low developer contribution to the access across the railway. No woodland corridors or single-storey homes had been included within the plan, for which there was local demand. Ms Bell suggested that Members consider continuing the application until these issues could be resolved.

Local Member Councillor Kempson took on board the comments of Dunbar Community Council. She congratulated the developers on a more community-friendly development than some that came to the Committee in terms of the paths and connectivity and planning for the bus terminus. She would be supporting the application.

Councillor Findlay felt that an updated study to calculate the developer contribution to the underpass would have been preferable, and proposed that the application be continued until such time as updated figures could be obtained. Councillor Mackie seconded this proposal.

Councillor Mackie also had concerns that the indexed figure from 2011 would not represent the full cost, particularly with rising costs relating to building materials, and that this could result in a high cost to the council that could be avoided. She did not wish for the development to be subject to unnecessary delays, but expressed greater concern for the financial risk posed by the use of outdated figures.

Councillor Forrest sought clarification regarding the right of appeal should there be delays in terms of decision-making on the basis of seeking further information relating to the underpass costs. Mr Irving confirmed that the council and developer had consistently agreed to extensions to the determination of the application, and therefore the developer would be able to exercise their right to appeal against non-determination in the case of continuation of the application.

Councillor McMillan commented that it was one of the best sites he had seen in terms of facilities, with its woodland, paths, and sports facilities, and linked to a fine school. He noted Local Member Councillor Kempson's remarks. He was reassured by agreements between the developer and the council in relation to the transport interventions and did not think that actions by either party would have a detrimental effect. He thought that the questions raised by Ms Bell would be addressed through the course of the development. He brought the discussion to a close, and would be supporting the recommendation to grant planning permission as set out in the report.

Councillor McMillan moved to the vote on the motion to continue the application, as proposed by Councillor Findlay and seconded by Councillor Mackie, which was taken by roll call:

For: 3 (Councillors Bruce, Findlay, and Mackie)

Against: 8

Abstentions: 0

The amendment therefore fell.

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

For: 10

Against: 1 (Councillor Findlay)

Abstentions: 0

Decision

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

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

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

- a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings;
- b. finished ground and floor levels of the development relative to existing ground levels of the site and adjoining land and building(s). The levels shall be shown in relation to an Ordnance Bench Mark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing; and
- c. the ridge height of the proposed shown in relation to the finished ground and floor levels on the site.

Reason:

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

- 2 Notwithstanding that which is stated on the drawings docketed to this planning permission a detailed specification of all external finishes of the houses and flats hereby approved shall be submitted to and approved by the Planning Authority prior to the use of the finishes in the development. The external finishes of the houses and flats shall be in accordance with a co-ordinated scheme of materials and colours that shall in detail promote render as the predominant finish to the walls of the houses and flats, with a use of more than one render colour and with a strongly contrasting difference in the colours such that they will not each be of a light colour, and shall show the roofs being clad in more than one colour of roof tile. All such materials used in the construction of the houses and flats shall conform to the details so approved.

Reason:

To ensure the development is of a satisfactory appearance in the interest of the amenity of the locality.

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

(a) Housing completions on the application site in any one year (with a year being defined as being from 1st April to 31st March the following year) shall not cumulatively exceed the following completion rates, unless otherwise approved in writing by the Planning Authority:

Year 2022/23 - 55 residential units
Year 2023/24 - 55 residential units
Year 2024/25 - 55 residential units
Year 2025/26 - 55 residential units
Year 2026/27 - 25 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 2027/28 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.

- 4 Notwithstanding that shown on the drawings docketed to this planning permission, the boundary enclosures shown on those drawings are not hereby approved. Instead, and prior to the commencement of development, revised details of all boundary enclosures to be erected on the application site, and the timescales for their provision, shall be submitted to and approved in advance by the Planning Authority. Those details shall show 1.8 metre high solid enclosures around rear gardens of the houses hereby approved except where those boundaries are adjacent to a road or pathway where they shall be feature walls to heights and finishes to be approved in advance by the Planning Authority.

Thereafter the boundary treatments erected shall accord with the details so approved unless otherwise agreed in writing by the Planning Authority.

Reason:

To ensure the satisfactory provision of the boundary enclosures in the interest of safeguarding the visual amenity of the area and to safeguard the privacy and amenity of residential properties nearby.

- 5 With the exception of the pine tree proposed to be planted adjacent to plot 88 which shall be replaced with a birch tree, all planting, seeding or turfing comprised in the details of landscaping on drawing nos. 1456/01 Rev C, 1456/02 Rev C, 1456/03 Rev C, 1456/04 Rev C, 1456/05 Rev C, 1456/06 Rev C, 1456/07 Rev C, 1456/08 Rev C, 1456/09 Rev C, 1456/10 Rev C and 1456/11 Rev C all docketed to this planning permission shall be carried out in the first planting and seeding season following the occupation of any of the buildings or the completion of the development, whichever is the sooner. Any

trees which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar species and final size, unless the Planning Authority gives written consent to any variation. No trees detailed in the approved landscaping plans to be retained on the site, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority.

All the new planting shall be maintained in accordance with the maintenance and management programme as detailed in the docketed 'Hallhill North, Dunbar: Planting Notes & Landscape Maintenance and Management Proposals' report dated February 2020 by Brindley Associates.

Reason:

In the interests of achieving an appropriate landscaped setting for the housing development.

- 6 Prior to the commencement of development a Preliminary Ecological Appraisal undertaken by a suitably qualified ecologist shall be carried out on the application site and the results shall be submitted to and approved by the Planning Authority. Any mitigation measures highlighted to be required as a result of the approved appraisal shall thereafter be carried out in accordance with a timetable to be submitted to and approved by the Planning Authority.

Reason:

In the interests of the biodiversity of the area.

- 7 Prior to the commencement of development an assessment of the impact of the development hereby approved on the local deer population shall be submitted to and approved by the Planning Authority. Any mitigation measures highlighted to be required as a result of the approved assessment shall thereafter be carried out in accordance with a timetable to be submitted to and approved by the Planning Authority.

Reason:

In the interests of the biodiversity of the area.

- 8 All the open space recreation areas indicated on the docketed drawings shall be available for use prior to the occupation of the last residential unit on the site. The open space recreation areas, when provided, shall be used for such purposes at all times thereafter unless agreed in writing by the Planning Authority.

Reason:

To ensure the satisfactory laying out of all areas of open space in the interest of the amenity of the future occupants of the dwellings hereby approved.

- 9 In the event that unexpected ground conditions (contamination) are encountered at any time when carrying out the permitted development that was not previously identified, 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 and a subsequent Verification Report.

Reason:

To ensure that the site is clear of contamination.

- 10 Due to noise associated with rail traffic on the East Coast Main Line, mitigation measures in the form of an acoustic barrier shall be provided along the northern boundary of the application site prior to the occupation of any of the residential units hereby approved. The barrier shall be 3 metres in height (timber fence atop an earth bund or equivalent) in accordance with detail to be submitted to and approved in advance by the Planning Authority. Development shall thereafter be carried out in accordance with the details so approved and the acoustic barrier shall thereafter be retained in place.

Reason:

In the interest of safeguarding the residential amenity of future occupiers of the proposed residential development.

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

(i) all roads and paths shall conform to East Lothian Council Standards for Development Roads;

(ii) driveways shall have minimum dimensions of 6 metres by 3 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 m length. Pedestrian

ramps to houses may encroach by up to 300mm on the width (but not the length) provided they are no greater than 150mm in height above the adjacent driveway surface;

(iii) vehicle accesses to private parking areas (i.e. other than driveways) shall be via a reinforced footway crossing. Within private parking areas, the minimum dimensions of a single parking space shall be 2.5 metres by 5 metres;

(iv) cycle parking for dwellings without private back garden with a gate (e.g. flats/mid-terraces), shall be included at a rate of 1 space per dwelling. This shall be in the form of a lockable room or shed.

Reason:

In the interests of road safety.

- 12 Prior to the occupation of the last residential unit hereby approved, the proposed access roads, parking spaces, and footpaths shall have been constructed on site in accordance with the docketed drawings.

Those areas of land shall not thereafter be used for any other purpose than for accessing and for the parking of vehicles in connection with the residential use of the houses and flats and shall not be adapted or used for other purposes without the prior written approval of the Planning Authority.

Reason:

To ensure that adequate and satisfactory provision is made for access and for off-street parking in the interests of road and pedestrian safety

- 13 A visibility splay of 4.5 metres by 70 metres shall be provided and maintained on each side of the proposed new site vehicular access junction with Beveridge Row such that there shall be no obstruction to visibility above a height of 1.05 metres measured from the adjacent carriageway level within the area defined below:

a) A line 4.5 metres long measured along the access road from the nearside edge of the main road carriageway.

b) A line 70 metres long measured along the nearside edge of the main road carriageway from the centre of the access road in both directions.

c) A straight line joining the termination of the above two lines.

Reason:

In the interests of road safety.

- 14 Prior to the occupation of any of the residential units hereby approved, the roadside stone boundary wall on the east side of Beveridge Row shall be repaired/rebuilt along the application site frontage, other than where demolition/realignment is required to facilitate the formation of the new access to the site and required visibility splays and the new footpath/cycleway. Details of the exact position, height, materials and construction of the repair and rebuild of the stone boundary wall shall be submitted to and approved in advance by the Planning Authority and the repair and rebuild carried out shall accord with the detail so approved.

Reason:

To enhance the appearance of the development in the interests of the amenity of the area.

- 15 Prior to the commencement of development a Road Safety Audit for the detailed design of the new pedestrian/cycle connection onto Beveridge Row as hereby approved shall be submitted to and approved by the Planning Authority.

Reason:

In the interests of pedestrian and cycle safety.

- 16 A Construction Method Statement to minimise the impact of construction activity on the amenity of the area, including from the effects of noise and dust, 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 construction traffic and shall include hours of construction work and routes of construction traffic. If Yosemite Park and Brodie Road are identified with the Construction Method Statement as the route for construction traffic, the full length of those roads must be brought up to an adoptable standard prior to their use by construction traffic associated with the development hereby approved.

The Construction Method Statement shall also include details of wheel washing facilities to be provided, and that these facilities shall be maintained in working order during the period of operation of the site. All vehicles must use the wheel washing facilities to prevent deleterious materials being carried onto the

public road on vehicle tyres. The Construction Method Statement shall also detail temporary measures to be put in place to control surface water drainage during the construction of the SuDS.

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

- 17 A Green Travel Plan shall be submitted to and approved by the Planning Authority prior to the occupation of any of the residential units hereby approved. The Green Travel Plan shall have particular regard to provision for walking, cycling and public transport access to and within the site, shall include local bus and train timetables, local cycling and walking maps, information on bike hire / car sharing, and shall include details of how it will be distributed to residents. It shall also include a timetable for its implementation, details of the measures to be provided, the system of management, monitoring, review, reporting and duration of the Plan.

Reason:

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

- 18 Prior to commencement of development, a Factoring Plan shall be submitted to and approved by the Planning Authority which shall clearly indicate the different responsibilities for long-term maintenance including: private and shared private areas, factored areas, and prospectively adoptable roads.

Reason:

In the interests of the amenity of the housing development.

- 19 Prior to their erection, details, including their size, form, position, appearance and colour(s), of all substations and gas governors to serve the development hereby approved shall be submitted to and approved in advance in writing by the Planning Authority, and thereafter any substations and gas governors shall accord with the details so approved.

Reason:

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

- 20 Prior to commencement of development full details of the proposed Sustainable Drainage System (SuDS) scheme including a Surface Water Management Plan for the site, which both must meet the vesting requirements of Scottish Water and be in accordance with the Council's Supplementary Planning Guidance 'Sustainable Drainage Systems (SuDS)', shall be submitted to and approved by the Planning Authority. The details shall include a timetable for the implementation of the SuDS scheme. The development shall thereafter be carried out in strict accordance with the details and Surface Water Management Plan so approved, unless otherwise agreed in writing with the Planning Authority.

Reason:

To ensure that development is not at risk from flooding, there is no increase in flood risk elsewhere and appropriate long-term maintenance arrangements are in place.

- 21 Prior to the commencement of development a detailed Risk Assessment and Method Statement for the diversion of the culverts on the application site shall be submitted to and approved by the Planning Authority. The Risk Assessment and Method Statement shall include an amended design which indicates no sharp angles along the culvert routes and appropriate gradients in line with current best practice negating the prospect of deposition of sediment and shall confirm pipe sizes of the proposed culvert. The Risk Assessment and Method Statement shall also include a timetable for the implementation of the works to divert the culverts. The development shall thereafter be carried out in strict accordance with the detailed Risk Assessment and Method Statement so approved, unless otherwise agreed in writing with the Planning Authority.

Reason:

To ensure that development is not at risk from flooding.

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

Reason:

To minimise the environmental impact of the development.

- 23 Notwithstanding that which is shown on the drawings docketed to this planning permission and prior to the commencement of development, a revised scheme for the provision of car charging points and associated infrastructure for them, where feasible and appropriate in design terms, shall be submitted to and approved in writing by the Planning Authority. The scheme shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the charging points scheme so approved.

Reason:

To minimise the environmental impact of the development.

Sederunt: *Councillor Hampshire joined the meeting.*

3. PLANNING APPLICATION NO. 21/00966/AMM: APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF PLANNING PERMISSION IN PRINCIPLE 18/00937/PPM - ERECTION OF 100 HOUSES AND ASSOCIATED WORKS AT LAND AT WINDYGOUL SOUTH, TRANENT

A report was submitted in relation to Planning Application No. 21/00966/AMM. Linda Ritchie, Senior Planner, presented the report, summarising the key points. The report recommendation was to grant consent.

Officers responded to questions. Ms Ritchie advised that there were three main pockets of affordable housing units, the first of which was to the west of the site; detailed planning permission had already been approved by Committee for 32 houses and 28 flats, with the council's affordable housing service taking forward this development. Around 140 affordable housing units would come forward in total, and Ms Ritchie undertook to provide Local Members with exact figures. Robbie Yates, Transportation Planning Officer, advised that the overall increase of traffic through Tranent High Street and Elphinstone Road when the new spine road opened had been considered as part of the 2018 planning application, and the contributions requested were applied at this stage; this would be taken offline and further information provided to Councillor McGinn. Ms Ritchie reassured Members that controls were in place to ensure factor details would be submitted at the appropriate times. She advised that charge points would be installed at individual houses where possible; for houses where provision could not be made, ducting infrastructure would be available enable future upgrade of parking courts.

David Jewell of Springfield Properties, the applicant, responded to questions. He advised that development on the site would begin ahead of the final handovers on the Area D site in July 2022. The housebuilders for this site would be Walker. Mr Jewell confirmed that upkeep of the parks would come under the factoring arrangements with Scottish Woodlands.

Local Member Councillor McGinn welcomed the affordable housing and the one-bedroom properties in particular. He had long-held concerns about traffic management, but balanced this against the need to provide housing. Tranent was not served by a railway line or park and ride; he called on officers to give serious consideration to a bypass for Tranent as additional traffic should not be encouraged down Tranent High Street, Elphinstone Road, or Ormiston Road. Many of Councillor McGinn's constituents had raised concerns with factor arrangements, and there were few checks on customer satisfaction from developers after handover; developers should have a responsibility to follow up on factoring arrangements and he would pay close attention to this going forward. Councillor McGinn would support the officer recommendation for approval despite having some concerns. The Convener agreed with Councillor McGinn's thoughts on a bypass for Tranent and this would have to be taken through the Local Development Plan.

Local Member Councillor McLeod would be in support of a bypass for Tranent; this would receive support from Tranent residents and East Lothian Councillors, but he had been advised that the Scottish Government were not supportive of this idea. He encouraged the formation of tenants and residents associations to help deal with factoring issues. He shared Councillor McGinn's concerns regarding an increase in traffic on Tranent High Street and the strain on services caused by the population increase in the area. Nevertheless, he welcomed the building of quality houses.

Mr Jewell acknowledged Members' concerns regarding the ongoing monitoring of factoring arrangements and said the developers were acutely aware of this, particularly on such a large site which they would want to look at its best going forward.

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

For: 12
Against: 0
Abstentions: 0

Decision

The Committee agreed to grant approval of matters consent subject to the following conditions:

- 1 The actions to be taken to reduce the carbon emissions from the building and the provisions for electric vehicle charging all as detailed in the 'Reducing Carbon Emissions' report docketed to this approval of matters consent shall be fully implemented on site prior to the occupation of the last house hereby approved and thereafter shall be retained unless otherwise approved in writing by the Planning Authority.

Reason:
To minimise the environmental impact of the development.

- 2 In the event of the presence of any previously unsuspected or unforeseen contamination of the land on the application site being found, development shall not begin, or shall cease to continue, until a scheme to deal with contamination on the site has been submitted to and approved in writing by the Planning Authority. The scheme shall contain details of the proposals to deal with contamination to include:

- 1 the nature, extent and type(s) of contamination on the site,
- 2 measures to treat/remove contamination to ensure the site is fit for the use proposed,
- 3 measures to deal with contamination during construction works,
- 4 condition of the site on completion of decontamination measures.

Thereafter any mitigation measures required shall be implemented as so approved.

Before any of the houses hereby approved are occupied the measures to decontaminate the site shall be fully implemented as approved by the Planning Authority.

Reason:
To ensure that the site is clear of contamination prior to the occupation of the houses.

- 3 All planting, seeding or turfing comprised in the details of landscaping on the drawings titled 'Landscape Proposals Sheets 1 to 5' with drawing numbers 593.02.01b; 593.02.02b; 593.02.03b; 593.02.04b and 593.02.05b docketed to this approval of matters consent shall be carried out in the first planting and seeding season following the occupation or completion of any part of the development hereby approved, whichever is the sooner. Any trees, hedges or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar species and final size, unless the Planning Authority gives written consent to any variation. No trees detailed in the approved landscaping plans to be retained on the site, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority.

All the new planting shall be maintained in accordance with the maintenance programme as detailed on docketed drawing number 593.02.01b titled 'Landscape Proposal (Sheet 1 of 5)'.

Reason

In the interests of achieving an appropriate landscaped setting for the housing development.

- 4 Prior to the occupation of any of the houses hereby approved, a timetable for the provision of all boundary treatments, including the erection of the 1.8 metre high boundary enclosures for the rear gardens of the houses hereby approved, shall be submitted to and approved in advance by the Planning Authority and development shall thereafter be carried out in full accordance with the timetable so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure the satisfactory provision of the boundary enclosures in the interest of safeguarding the privacy and amenity of future residents of the development and residential properties nearby.

- 5 All the open space recreation areas indicated on the docketed drawings shall be available for use prior to the occupation of the last house on the site. The open space recreation areas, when provided, shall be used for such purposes at all times thereafter unless agreed in writing by the Planning Authority.

Reason:

To ensure the satisfactory laying out of all areas of open space in the interest of the amenity of the future occupants of the dwellings hereby approved.

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

(i) All roads and paths shall conform to East Lothian Council Standards for Development Roads;

(ii) driveways shall have minimum dimensions of 6 metres by 3 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 m length. Pedestrian ramps to houses may encroach by up to 300mm on the width (but not the length) provided they are no greater than 15021/mm in height above the adjacent driveway surface.;

(iii) Vehicle accesses to private parking areas (i.e. other than driveways) shall be via a reinforced footway crossing. Within private parking areas, the minimum dimensions of a single parking space shall be 2.5 metres by 5 metres;

(iv) All prospectively adoptable parking bays (i.e. that will form part of the public road) shall have minimum dimensions of 2.5 metres by 6 metres.

(v) Parking for the development shall be provided at a rate as set out in the East Lothian Council Standards for Development Roads - Part 5 Parking Standards. Visitor parking bays should be clearly identifiable.

(vi) Driveways shall have minimum dimensions of 6 metres by 3 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 m length. Pedestrian ramps to houses may encroach by up to 300mm on the width (but not the length) provided they are no greater than 150mm in height above the adjacent driveway surface.

Reason:

In the interests of road and pedestrian safety.

- 7 Prior to the occupation of the last house hereby approved, the proposed access roads, parking spaces and footpaths shall have been constructed on site in accordance with the docketed drawings.

Those areas of land shall not thereafter be used for any other purpose than for accessing and for the parking of vehicles in connection with the residential use of the houses and shall not be adapted or used for other purposes without the prior written approval of the Planning Authority.

Reason:

To ensure that adequate and satisfactory provision is made for access and for off-street parking in the interests of road safety.

- 8 No residential units shall be erected within the yellow shaded area shown in Drawing No. CAR85-902 and titled Air Quality Mitigation Area dated 01.04.2019 docketed to planning permission in principle with reference 18/00937/PPM unless and until such times as an updated Air Quality Assessment, that demonstrates all statutory Air Quality Objectives are being, and will continue to be met, has been submitted to, and approved in writing by, the Planning Authority.

Reason:

To ensure an acceptable standard of air quality in the interests of the amenity of the future occupants of the site.

4. PLANNING APPLICATION NO. 21/01195/P: SITING OF SNACK VAN, SOUTH OF SHORE ROAD CAR PARK, BELHAVEN, DUNBAR

A report was submitted in relation to Planning Application No. 21/01195/P. Ciaran Kiely, Planner, presented the report. He informed Members that if, after deliberation, the Committee was minded to grant planning permission then an additional condition was proposed; this related to no power generator being provided or operated on the site for the purposes of providing power to the proposed snack van, in the interest of residential amenity of neighbouring residential properties. He then summarised the key points of the application. The proposed decision set out in the report was to grant consent.

Officers responded to questions. Mr Kiely advised that no other site had been suggested should the grass become unsuitable to drive over, but that colleagues in Countryside & Recreation could provide advice regarding how best to access the proposed site in times of wet weather. Jon Canty, Transportation Planning Officer, did not consider the snack van to be a destination in itself and therefore it was not expected that it would generate additional traffic.

Bethan Akgun, the applicant, said that the snack van operators wish to be good stewards of the area and would work with local community groups to manage litter. She gave an account of strategies to reduce littering, such as considering the use of branded compostable packaging and writing customers' initials on the packaging. The van had been chosen to minimise manoeuvring when compared to a trailer, and that agreement had been reached to work on batteries to limit noise from a generator, at considerable expense. A limited menu would reduce food odour. The snack van would open in stages, initially 2-3 days per week, and would monitor with council officials any car park surface erosion. The colour and height of the van would blend in with the local surroundings, and the van would be stored in a local storage yard when not in use, avoiding contribution to parking problems. Recycling bins with self-closing lids would be provided, as well as a map of highlighting local bins. Marcos Akgun echoed Ms Akgun's statements and added the applicants intended to meet and possibly join a local litter picking group.

The applicants responded to questions from Members. They would check the weight of the van when fully loaded. Mr Akgun advised that there would be the option to take the van away to charge for one hour to extend trading, and at a later stage the addition of a solar panel was planned. They had spoken with a company in Harrogate who ran a similar operation on battery power. The snack van would serve local produce from East Coast Organics, a Dunbar butcher, and local bakeries, although they had not yet found a coffee supplier from within East Lothian. The applicants hoped to begin trading by the beginning of April 2022 should they be able to source everything required for the operation.

Suzanne Woodall-Mason spoke against the application. She referenced the intrusion of human activity on John Muir Country Park and its effect on the wildlife, the poor upkeep of aspects of the foreshore of Belhaven, and limited public toilet facilities. She raised concerns about the long-term commercialisation of Belhaven Bay and the impact of overflow parking from Shore Road on Winterfield Gardens, Duke Street, and North Street. The snack van would draw in additional visitors, as well as overnight parking of campervans and the potential for late-night antisocial behaviour. The snack van could instead trade from the dead end section of Shore Road. The environmental limits of the area should not be overstepped and she urged Members to consider the natural environment in their decision-making.

John Lawson, nearby resident and representing the Friends of Belhaven Community Group, spoke against the application. No changes appeared to have been made to the vehicle than in previous iterations of the application. He refuted that report's statement that the area was not considered to be at risk for flooding. He believed that policy TC4 of the Local Development Plan had been stretched to include coastal car parks, and refuted the definition of Shore Road as a main road. The impact of parking overspill on North Street was affecting the amenity of neighbouring residents. He raised road safety and environmental issues caused by the increase in monthly vehicle visits to Shore Road. Dunbar Community Council had been informed by the Roads Department that no further developments would be permitted at Shore Road until such time as the road had been widened and the junction improved, and questioned why this response had changed.

Jacque Bell represented both Dunbar and West Barns Community Councils. She described the car park at Shore Road as being an attachment to the residential conservation village of Belhaven. The van was too large to navigate narrow roads and the muddy car park, and its presence would add to the pressure of vehicular movement. Dunbar Against Litter would be happy to work with the applicants should they receive planning permission. She questioned the need for the catering facility when there were alternatives in the town centre, and noted the lack of community engagement and consultation. On behalf of the community councils, she asked Members to reject the application on the basis of the negative impacts of the snack van trading.

Local Member Councillor Kempson noted the unique setting of the Shore Road car park due to its position among residential properties within an area of outstanding natural beauty, with narrow roads. The objectors' concerns were very real, and the High Street was greatly in need of business and easily accessible from the site. She questioned where the van would park when the fragile grass became impassable. She described the siting the snack van in the area as sacrilegious and would not be supporting the officer's recommendation.

Councillor O'Donnell congratulated the applicant and officers for efforts to address the concerns of local residents, and though that lessons had been learned from the previous application for Longniddry Bents.

The Convener acknowledged the concerns of residents and also wished to protect the area. He highlighted the community benefits of the Surf School, which was one of the reasons use of the Shore Road car park had increased significantly. There had been safety concerns with the increase in visitors accessing the beach, hence the building of the walkway by East Lothian Council. He acknowledged issues with the road network around Belhaven, and highlighted that this was currently the case with the popularity of the Surf School rather than being caused by the placement of the snack van. Regarding the junction from Shore Road onto Belhaven Road, this was on the council's work programme but this was not the responsibility of the applicant. He noted that the snack van could be moved if there were instances of flooding in the future. He noted measures taken by the applicants to minimise disruption, and highlighted the demand for catering at this location. He felt the snack van would be an asset to Dunbar and Belhaven, and to visitors to the area, and recommended that fellow Members support the recommendation to grant planning permission.

The Convener moved to the vote on the report recommendation, to grant consent, incorporating the additional condition as outlined earlier - the vote was taken by roll call:

For: 11
Against: 1 (Councillor Kempson)
Abstentions: 0

Decision

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

1 Planning permission is granted for a temporary period of one year, beginning from the date of this grant of planning permission, and after which time all trading from the site shall cease and the mobile snack van shall be removed from the site and the grass area restored to its former condition to the satisfaction of the Planning Authority.

Reason:

To enable the Planning Authority to assess the environmental impact of the operation of this type of temporary use on the locality in the interests of safeguarding the landscape character and amenity of the area.

2 This permission is made personal to the applicant, Matsform Ltd and shall not be capable of being taken up by any other party.

Reason:

To prevent an over-commercialisation of the site in the interests of safeguarding the landscape character and amenity of the area.

3 No more than one mobile snack bar shall trade from the site at any one time.

Reason:

To prevent an over-commercialisation of the car park in the interests of safeguarding the landscape character and amenity of the area, and without detriment to the principle of the use of the car park for the parking of vehicles and the safe accessing and manoeuvring of those vehicles.

4 The mobile snack van hereby approved shall only operate during the hours of 0830 to 1630 from Tuesdays to Sundays from November to February and from 0830 to 1930 from Tuesdays to Sundays from March to October for the duration of its temporary siting, unless otherwise agreed by the Planning Authority.

Reason:

In the interests of safeguarding the landscape character and amenity of the area.

5 Two litter bins, each with a self-closing lid, shall be provided adjacent to the mobile snack van and shall be accessible to customers at all times whilst trading takes place. Prior to any use being made of the snack van details of the two litter bins, as well as a general strategy to minimise the impact of waste, shall be submitted to and approved in advance by the Planning Authority. The details shall show that one bin shall be used solely for recyclable materials and one bin shall be for general waste. The two litter bins shall thereafter be provided in accordance with the details so approved. The area around the snack van shall at all times during trading and at cessation of trading each day, be kept free of litter and any other waste or refuse. The bins and their contents shall thereafter be removed from the site and the site cleared from litter.

Reason:

In the interests of safeguarding the landscape character and amenity of the area.

6 No power generators shall be provided or operated on site for the purposes of providing power to the proposed snack van.

Reason:

In the interests of the residential amenity of neighbouring residential properties.

Signed

Councillor Norman Hampshire
Convener of the Planning Committee

REPORT TO: Planning Committee
MEETING DATE: Tuesday 15 March 2022
BY: Executive Director for Place
SUBJECT: Application for Planning Permission for Consideration

2

Application No. **21/01322/PM**

Proposal Erection of 43 houses and associated works as changes to the scheme of development the subject of planning permission 13/00519/PM

Location **Land At Letham Mains
Haddington
East Lothian**

Applicant Mactaggart & Mickel Homes Ltd

Per Fouin+Bell Architects

RECOMMENDATION Consent Granted

REPORT OF HANDLING

Although this application is for the substitution of house types as changes to the scheme of development the subject of planning permission 13/00519/PM, it has to be determined as a major development type application because the area of the application site is greater than 2 hectares. Accordingly, the application cannot be decided through the **Council's Scheme of Delegation**. It is therefore brought before the Planning Committee for a decision.

This planning application relates to some 2.3 hectares of former agricultural land at Letham Mains, on the western side of Haddington. The application site forms part of a larger area of land allocated by Proposal HN1 (Letham Mains) of the adopted East Lothian Local Development Plan 2018 for a mixed use development of circa 800 houses, education and community facilities, a local centre, infrastructure and associated works.

PLANNING HISTORY

In May 2017, planning permission (Ref: 13/00519/PM) was granted for the erection of

385 houses and 48 flats on the western part of that allocated housing site. That land includes part of the site that is the subject of this current planning application.

Also in May 2017, planning permission (Ref: 14/00089/PM) was granted for the erection of 257 houses, 119 flats and associated works, including a sports pitch and two changing room facility on the eastern part of that allocated housing site.

In June 2015, planning permission (Ref: 14/00534/PCL) was granted for the erection of a primary school on the central part of that allocated housing site.

In December 2017, planning permission (Ref: 17/00105/P) was granted for the erection of 33 houses and associated works on part of the site granted planning permission 13/00519/PM, previously, as changes to that scheme of development.

In March 2018, planning permission (Ref: 17/00900/P) was granted for the erection of 34 houses and associated works on part of the site granted planning permission 13/00519/PM, previously, as changes to that scheme of development.

In August 2018, planning permission (Ref: 18/00218/PM) was granted for the erection of 82 residential units with associated roads, infrastructure and open space as changes to the scheme of development approved by the grant of planning permission 18/00218/PM.

In June 2019, planning permission (Ref: 19/00147/PM) was granted for the erection of 43 houses and associated works on part of the site granted planning permission 13/00519/PM, previously, as changes to that scheme of development. Planning permission 19/00147/PM has not been implemented but remains extant until 26th June 2022. That land is the same part of the site that is the subject of this current planning application.

In October 2020, planning permission (Ref: 20/00677/P) was granted for the substitution of 37 houses, re-positioning of plots and associated works as changes to the scheme of development the subject of planning permission 13/00519/PM.

In March 2021, planning permission (Ref: 20/00678/P) was granted for the substitution of 13 houses, 24 flats, re-positioning of plots and associated works as changes to the scheme of development the subject of planning permission 13/00519/PM.

Planning permissions 13/00519/PM and 14/00089/PM were granted following the conclusion of a Section 75 Legal Agreement to secure (i) affordable housing; (ii) a financial contribution towards (a) upgrading the local path network, (b) primary and secondary education provision, and (c) sports provision in Haddington; (iii) transfer to the Council, at no cost, of ownership of the site for the school that is approved by planning permission 14/00534/PCL; and (iv) the provision of the sports pitch and the two changing room facility.

Development of the two housing sites has commenced and works are ongoing.

PROPOSAL

This application site is on the western part of the site the subject of planning permission 13/00519/PM.

Planning permission is sought for the erection of 43 houses on the site, as a change to the approved scheme of development the subject of planning permission 13/00519/PM. The changes to the approved layout would affect 40 of the house plots within the part of

the Mactaggart and Mickel Homes Ltd component of the site defined as plots MM2-01 to MM2-40 and to the layout of some of the parking and landscaping approved by that grant of planning permission. The proposed development would increase the number of houses to be built on this part of the site by 3 - as has already been established through the grant of planning permission 19/00147/PM. It also proposes changes to the positioning of some of those houses.

The proposed development would comprise of a mix of 3, 4 and 5 bedroomed houses together with internal access roads, parking and landscaping. Of the 43 houses, 33 would be detached and 10 would be semi-detached. All of the houses would be marketed for private sale with 10 of the houses having 3 bedrooms, 23 houses having 4 bedrooms and 10 houses having 5 bedrooms.

The proposed housing would be accessed from the junction of Kerr Loan and William Crescent to the north of the application site. That existing road network was part of the Taylor Wimpey first phase of development and is accessed via the main spine road of Davids Way, approved by planning permission 13/00519/PM, adjacent to the eastern side of the application site.

Subsequent to the registration of this application the applicant's agent has provided revised drawings to address a number of points raised by the **Council's Road Services** department.

The applicant's agent has informed that the change to the house types will increase the number of 4 bedroomed houses. This is to address the market demand for family living with home working accommodation. This is now at the forefront of decision making for house purchasers looking to move to Haddington and the outer areas of East Lothian.

DEVELOPMENT PLAN

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan, unless material considerations indicate otherwise.

The development plan is the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Development Plan 2018.

There are no relevant policies of the approved South East Scotland Strategic Development Plan (SESplan). Proposal HN1, and Policies DP2 (Design), DP4 (Major Development Sites), RCA1 (Residential Character and Amenity), NH8 (Trees and Development), T1 (Development Location and Accessibility) and T2 (General Transport Impact) of the East Lothian Local Development Plan 2018 are relevant to the determination of this application.

Also material to the determination of this application is the Scottish Government Policy Statement entitled "Designing Streets". It provides an overview of creating places, with street design as a key consideration. It advises on the detail of how to approach the creation of well-designed streets and describes the processes which should be followed in order to achieve the best outcomes.

A further material consideration to the determination of the application is the approved development framework for Letham Mains. The framework sets out the land uses expected for the allocated site and how the Council requires the site to be developed.

Also material to the determination of this planning application is the planning history of the site.

REPRESENTATIONS

Eighteen objections and three representations have been received to this application. One of the objections includes a petition signed by 34 of the local residents of Kerr Loan. The objections are made on the grounds that:

- (i) the proposed change to the road layout will significantly increase traffic using Kerr Loan as there would no longer be a second access onto Davids Way to the east of the site (as was approved through planning permissions 13/00519/PM and 19/00147/PM);
- (ii) the volume of traffic using Kerr Loan as a primary route, rather than Davids Way, will have a detrimental impact on the children who play outside and gravitate towards Kerr Loan (as that road is generally quieter than Davids Way and has clearly defined pavements);
- (iii) any increase in vehicles using Kerr Loan will compromise child and pedestrian safety due to the ambiguity between the pavement and the road as they are both at the same level and road space is very narrow;
- (iv) Kerr Loan is not designed for two way traffic - if two cars have to pass each other they have to drive on the pavement;
- (v) the removal of the vehicular access point onto Davids Way will divert traffic from all 43 houses, including delivery vehicles, onto William Crescent. This has the potential to create a bottleneck at the junction of William Crescent and Davids Way - which will encourage vehicles entering/existing M&M phase 2 to use Kerr Loan as a rat run;
- (vi) moving the vehicular access point into M&M phase 2 so that it runs directly across from Kerr Loan (rather than from the first visitor parking bay on William Crescent as per planning permission 19/00147/PM) will exacerbate the situation detailed in point (v) above;
- (vii) the TW phase 1 part of the site also has approx. 43 dwellings. At one point during construction there was only one vehicular access point onto Davids Way. During this time the volume of traffic on Kerr Loan was noticeably more busy;
- (viii) the future occupiers of the proposed new houses will only have one entrance, via the north access road, serving this part of the site resulting in there being no direct route onto the main spine road (i.e. Davids Way);
- (ix) concerns are also raised that there would be increased noise levels, as a result of additional vehicles and delivery vans using the proposed site entrance, which would be exacerbated by the mono-block road surface finish;
- (x) it appears as though the developer wishes to maximise the land for properties at the expense of the residents already present and also providing a poorer road network for the future residents of the proposed new houses;
- (xi) the M&M phase 2 development will erode the privacy of neighbouring residential properties and will increase concerns relating to light pollution and noise;
- (xii) there are less trees shown to be planted within the application site relative to planning permissions 13/00519/PM and 19/00147/PM;
- (xiii) the planning application has not been accompanied by a Design and Access Statement;
- (vx) length of some driveways which are not sufficient to prevent vehicles overhanging the footway.

One of the objectors also raises concerns relating to the location of the existing MacTaggart and Mikel site office building stating that there is daily noise and pollution affecting the occupiers of a neighbouring residential property on a daily basis. It states that, at present, the junction from William Crescent to David's Way is closed due to the site office location and that the only access is via Kerr Loan. It is therefore suggested

that the site office be relocated to the southern end of the Phase 2 site.

Notwithstanding the concern raised by the objector relating to the location of the site office building as outlined above, the site office building is not the subject of this planning application and thus it does not form part of this planning application.

The three representations received to this application state that the original plans showed a sensible layout with two entrances into this part of the new estate, one to north and one to the east which, in turn, will minimise the traffic through existing residential roads and provide options for the occupiers of the proposed new houses within this part of the site. It is also stated that this would be far safer for the younger residents who enjoy playing in the quiet street of Kerr Loan. In addition, one of the representors states that there are currently no speed bumps or speed signs within the estate and that a child was hit by a car on Kerr Loan due to the main spine road of Davids Way being unavailable for use at that time.

The applicant's agent advises that there would be minimal intensification of traffic use and movements to local and wider streets within the housing development as a result of the 43 substitute houses proposed within this part of the application site. He states that the net increase of the traffic movements will be minimal and that there are three constructed access points on the west side of Davids Way which already serve 77 houses within the Taylor Wimpey first phase part of the site and the proposed 43 houses the subject of this planning application.

With regards driveway dimensions a condition can be imposed on any grant of planning permission requiring that driveways are of a specified dimension to ensure that they can accommodate vehicles without overhanging the pavement.

COMMUNITY COUNCIL COMMENTS

None.

PLANNING ASSESSMENT

By the grant of planning permission 13/00519/PM, approval has been given for the erection of 433 residential units on the western part of the land of Letham Mains. However, as a change to the scheme of development approved by that grant of planning permission the number of houses the applicant, Macktaggart and Mickel, built on the northern part of the site was reduced from 45 units to 33 through planning permission 17/00105/P and therefore there has been a reduction in the number of residential units to be built on the larger site by 12. Consequently the increase in the number of houses to be built through this current application by 3 would not result in the number of houses being built on the larger site exceeding the overall number of houses being built on the larger site. Furthermore, through the grant of planning permission 19/00147/PM, the applicant has already been granted planning permission to the increase in the number of houses being built on this part of the site by 3, to 43 houses. What is now proposed is the erection of 43 houses, with some of those houses being positioned differently to those approved by planning permission 19/00147/PM. Consequently, and as there would be no net increase to the 433 residential units already approved there can be no objection in principle to the erection of 43 houses on this part of the application site, as is proposed.

The details now submitted for approval show a layout of development that is different to the layouts already approved by planning permissions 13/00519/PM and 19/00147/PM, but not significantly so. The main difference is that there will now only be one vehicular

access (known as Williams Crescent) into this part of the site instead of two as approved by planning permission 19/00147/PM. However, the second vehicular access approved by that application was itself a change to the approved layout of the original grant of planning permission 13/00519/PM, which had proposed one access road (Williams Crescent) which would link to Kerr Loan, one pending access into a parking court associated with a group of houses fronting onto the main road now known as David's Way and a pedestrian connection at the eastern end of the private shared surface driveway (factored) to the south of plot 30. The applicant's agent has advised that the pedestrian link to the front of plot 30 has been removed as there is a footpath connection to that part of the site through the open space to the south. Otherwise full regard has been had to the terms of the approved Master Plan that relates to the wider site and therefore the layout now proposed conforms with and generally accords with the overall provisions of the Master Plan.

The proposed house types in their proposed groupings, orientations and layout, would generally be consistent with the site layout as previously approved by planning permission 13/00519/PM. The houses now proposed would not cause any incongruous change to the architectural harmony, integrity and character of the scheme of housing development approved for the Letham Mains housing site, provided there is compliance with the scheme of external finishes approved for the development as a whole by the grant of planning permission 13/00519/PM. In this regard, the predominant external wall finish should be render. However, to ensure consistency with the housing development to the north, a limited number of units should be finished in reconstituted stone. This matter can be controlled by a condition imposed on a grant of planning permission for the proposed houses. Subject to the control over their finishes the proposed substitute houses would, by virtue of their size, scale, height, design, finishes and layout, integrate and sit comfortably with the built architectural form and layout of the existing housing of the area and with the scheme of housing development already approved for this part of the Letham Mains housing site.

The application site is capable of accommodating all of the proposed development, including vehicular and pedestrian access, without being an overdevelopment of the site and without being incompatible with the density of existing housing development in the area.

The proposed positioning of the 43 houses and other components of the development would not prejudice the remainder of the housing development already approved in detail by planning permissions 13/00519/PM and 14/00089/PM.

In assessing whether or not a proposed new development would result in harmful overlooking and therefore loss of privacy to existing neighbouring residential properties it is the practice of the Council, as Planning Authority to apply the general rule of a 9 metres separating distance between the windows of a proposed new building and the garden boundaries of neighbouring residential properties and an 18 metres separating distance between directly facing windows of the proposed new building and the windows of existing neighbouring residential properties.

The proposed houses, on the south side of Williams Crescent would be located sufficiently far away from the existing housing to the north so as not to adversely affect the privacy or amenity of their occupants and would not have windows directly facing glazed openings in the south side of those neighbouring houses. The proposed houses would also be sufficiently far away from future housing to the east. Therefore the proposed houses would largely be so sited, orientated and screened such as not to harm the privacy and amenity of any neighbouring residential property.

The proposed houses would also be laid out in such a way that adheres to the normally accepted standards on overshadowing. Therefore there would be no loss of amenity through overshadowing or loss of daylight to the occupants neighbouring properties.

Moreover, the houses would be laid out in such a way to ensure that the future occupants of the proposed houses were afforded an appropriate level of privacy and residential amenity.

The proposals do not impact on the size or locations of areas of open space approved within the wider site. Similarly no changes are proposed to the equipped play areas already approved by planning permission 13/00519/PM.

On the considerations of design, layout and amenity, the proposals are consistent with Proposal HN1, and Policies DP2, DP4 and RCA1 of the adopted East Lothian Local Development Plan 2018, the Scottish Government Policy Statement entitled "Designing Streets" and the approved development framework for Letham Mains.

The **Council's Senior Environmental Health Officer** raises no objection to this planning application.

The Council's **Team Manager for Structures, Flooding and Street Lighting** states that he has reviewed the relevant plans and, as the proposals are for the substitution of house types, raises no objection to this planning application.

The Council's Planning Obligation Officer confirms that there are no additional developer contributions required as the proposals do not exceed more than 215 M&M units (including affordable) being delivered on Letham Mains housing site.

The **Council's Landscape Projects Officer** advises that there is no change in the location of the rear boundary fences for the proposed houses on the western side of the application site and, as such, there will be no greater impact on the existing trees to the west of the site. Accordingly, she raises no objection to this application but recommends that temporary protective fencing be installed to the west of the rear boundaries of plots 2-4 and plots 9-16 in order to retain the existing tree belt to the west of the site and to avoid incursion into the root protection areas of those existing trees. In addition, she recommends that there should be hedge planting along the front gardens of all plots, where possible, and otherwise along the inner side of the low wall to the east of plots 31 and 40. She also recommends that trees be planted to the front gardens of plots 9, 14, 21 and 22 and otherwise within the communal grass areas to the east of plots 6, 14, 15 and 16. Subject to appropriately worded conditions, the proposals do not conflict with Policy NH8 of the adopted East Lothian Local Development Plan 2018.

The **Council's Road Services Officer** states that it is noted that concerns are raised by neighbouring residents regarding additional traffic onto Kerr Loan. However, she does not consider that the removal of the second access onto Davids Way (as was shown in the approved road layout relating to planning permission 19/00147/PM) will generate a significant amount of additional traffic onto Kerr Loan. She advises that the proposed development is generally well laid-out in a manner which will discourage high vehicle speeds. Accordingly, she raises no objection to this planning application but recommends that:

(i) all roads and paths shall conform to East Lothian Council Standards for Development Roads and, in particular, all paths and footways shall have a maximum longitudinal gradients of 5%;

(ii) driveways shall have minimum dimensions of 6 metres by 3 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 m length. Pedestrian ramps to houses may encroach by up to 300mm on the width (but not the length) provided they are no greater than 150mm in height above the adjacent driveway surface;

(iii) within private parking areas, the minimum dimensions of a single parking space shall be 2.5 metres by 5 metres. All visitor parking spaces within these areas shall be clearly marked for visitors with the remaining private parking spaces allocated to individual dwellings;

(iv) all prospectively adoptable parking bays (i.e. that will form part of the public road) shall have minimum dimensions of 2.5 metres by 6 metres. This can be reduced to a minimum length of 5 metres on the proviso that there is adequate road space to manoeuvre in adjacent to the parking bay;

(v) vehicle accesses to private parking areas (i.e. other than driveways) shall be via a reinforced footway crossing. Within private parking areas, the minimum dimensions of a single parking space shall be 2.5m by 5 metres. The circulation lane should be 6 metres wide for nose-in parking - a narrower lane is acceptable for echelon parking;

(vi) all path and footway connections from a zone under construction to the existing settlement shall be constructed to an adoptable standard before the occupation of any units in that particular zone;

(vii) a raised table shall be installed on the road outside plots 24 and 25 with details of the raised table, including a timetable for its installation, to be submitted for approval prior to the raised table being installed;

(viii) prior to commencement of development, a Factoring Plan shall be submitted clearly indicating the different responsibilities for long-term maintenance including: private and shared private areas, factored areas, and prospectively adoptable roads;

(ix) a Quality Audit to independently assess walking, cycling, access and road safety aspects within and around the development shall be submitted and approved by the Planning Authority prior to construction commencing. This will be reviewed after construction is substantially complete and the developer required to make good any issues;

(x) a Travel Information Pack with information for residents to encourage use of sustainable modes of transport such as trains, buses, cycling and walking shall be submitted to and approved by the Planning Authority prior to construction commencing. The Travel Information Pack will include local bus and train timetables, local cycling and walking maps, information on bike hire / car sharing, and shall include details of how it will be distributed to residents;

(xi) a swept path, or vehicle track assessment, of the road layout must be submitted for prior approval to demonstrate how the site can accommodate a large vehicle. The Design Vehicle to be used is the "Large Rigid Vehicle" as outlined in the Freight Transport Association's document "Designing for Deliveries" - the vehicle being 2.5 metres wide with a 6.1 metres wheelbase and an overall vehicle length of 10 metres;

(xii) 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 parking, routes to/from site and delivery times) and shall include hours of construction work;

(xiii) a Wheel washing facility be provided and maintained in working order during the period of operation of the site; and

(xiv) prior to the commencement of development, details of the provision of new electric vehicle charging points, including any infrastructure that may be required for them, shall be submitted to and approved in writing by the Planning Authority. At least one dedicated EV charging point shall be provided per dwelling. The details shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the details so approved.

Subject to appropriately worded conditions, the proposals do not conflict with Policies T1 or T2 of the adopted East Lothian Local Development Plan 2018.

At its meeting on Tuesday 27th August 2019 the Council approved a motion declaring a Climate Emergency. Thereafter, at its meeting on Tuesday 3rd September 2019 the Council's Planning Committee decided that a condition requiring a developer to submit for the approval of the Planning Authority a report on the actions to be taken to reduce the carbon emissions from the building and from the completed development should be imposed on relevant applications for planning permission. The effective measures required to reduce carbon emissions will be secured through the subsequent building warrant process. Such a condition should be imposed on a grant of planning permission for this proposed development.

The **Council's Legal and Procurement Services** has advised that the modification to the Legal Agreement approved by the Council in March 2018 (Ref: 18/00001/OBL) will ensure that the Section 75 Legal Agreement applies in respect of the now proposed development of 43 houses. On this basis planning permission could now be granted subject to the undernoted conditions.

CONDITIONS:

- 1 The levels at which this site shall be built out shall be kept to the minimum required for development and without compromising the visual amenity of the area.

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

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

- a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings including the proposed new spine road and its associated Letham Burn Crossing;
- b. finished ground and floor levels of the development relative to existing ground levels of the site and of adjoining land and building(s) including the new spine road and its Letham Burn Crossing. The levels shall be shown in relation to an Ordnance Bench Mark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing; and
- c. the ridge height of the proposed buildings shown in relation to the finished ground and floor levels on the site.

Reason:

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

- 2 Notwithstanding that which is stated on the drawings docketed to this planning permission, a detailed specification of all external finishes of the houses of the proposed development shall be submitted to and approved by the Planning Authority prior to the use of the finishes in the development. The external finishes of the houses shall be in accordance with a co-ordinated scheme of materials and colours that shall be submitted to and approved in advance by the Planning Authority. This co-ordinated scheme shall in detail promote render as the predominant finish to the walls of the houses, with a use of more than one render colour and with a strongly contrasting difference in the colours such that they will not each be of a light colour. The render colours shall have due regard to the finishes of other residential properties in Haddington. However, to ensure consistency with the housing development to the north a limited number of units shall be finished in reconstituted stone. All such materials used in the construction of the houses shall conform to the details so approved.

Reason:

To ensure the development is of a satisfactory appearance in the interest of the amenity of the locality.

- 3 A timetable for the provision of the erection of the boundary enclosures for the rear gardens of the houses hereby approved shall be submitted to and approved in advance by the Planning Authority and development shall thereafter be carried out in full accordance with the timetable so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure the satisfactory provision of the boundary enclosures in the interest of safeguarding the privacy and amenity of future residents of the development and residential properties nearby.

- 4 Housing completions on the application site and otherwise on the site of planning permissions 13/00519/PM in any one year (with a year being defined as being from 1st April to 31st March the following year) shall not cumulatively exceed the following completion rates, unless otherwise approved in writing by the Planning Authority:

Year 1 (2017/18) - 0 houses
Year 2 (2018/19) - 52 houses
Year 3 (2019/20) - 98 houses
Year 4 (2020/21) - 107 houses
Year 5 (2021/22) - 84 houses
Year 6 (2022/23) - 82 houses
Year 7 (2023/24) - 10 houses

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

Reason:

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

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

Reason:

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

- 6 No development shall take place on site until temporary protective Heras or similar type fencing has been erected to the west of the rear boundaries of plots 2-4 and plots 9-16, at a distance of no closer than 5 metres to the west site boundary as indicated on drawing number (PL)203, titled 'Fencing Plan', in accordance with figure 2 of British Standard 5837_2012 'Trees in relation to design, demolition and construction'. A site plan showing the position, type and height of the temporary protective fencing shall be submitted to and approved in writing by the Planning Authority prior to it being erected in place. The temporary protective fencing shall be fixed into the ground to withstand accidental impact from machinery and positioned outwith the root protection area of the existing trees to the west of the site. Thereafter the temporary protective fencing shall be erected in accordance with the site plan so approved and shall remain on site and intact through to completion of the proposed development.

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

Within the fenced off areas the existing ground level shall neither be raised nor lowered, no

materials, temporary buildings, plant, machinery or surface soil shall be placed or stored and no herbicides shall be used.

Planning of site operations should take sufficient account of wide loads, tall loads and plant with booms, jibs and counterweights (including drilling rigs), in order that they can operate without coming into contact with retained trees.

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

Fires should not be lit in a position where their flames can extend to within 5m of tree foliage, branches or trunks, and due cognisance must be taken of wind speed and direction prior to and during such operations.

Details of any trenches or services in the fenced off areas shall require the prior consent of the Planning Authority and all trenches shall be dug and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

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

Reason:

- 7 In order to ensure the retention of, and health of, the existing retained trees to the west of the site. No development shall take place on site until a scheme of landscaping has been submitted to and approved in writing by the Planning Authority. The scheme of landscaping shall include a programme of planting and details of tree sizes, species, habitat, siting and planting distances. It shall include hedging to all front gardens, where possible, and otherwise along the inner side of the low wall to the east of plots 31 and 40 and fastigiate small species trees to the front gardens of plots 9, 14, 21 and 22 and otherwise within the communal grass areas to the east of plots 6, 14, 15 and 16.

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 completion of the development or occupation of any house hereby approved, whichever is the sooner. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar species and final size, unless the Planning Authority gives written consent to any variation. No trees or shrubs, detailed in the approved landscaping plans to be retained on the site, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority.

Reason:

- 8 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.
- The residential scheme of development shall comply with the following transportation requirements:
- (i) all roads and paths shall conform to East Lothian Council Standards for Development Roads and, in particular, all paths and footways shall have a maximum longitudinal gradients of 5%;
 - (ii) driveways shall have minimum dimensions of 6 metres by 3 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 m length. Pedestrian ramps to houses may encroach by up to 300mm on the width (but not the length) provided they are no greater than 150mm in height above the adjacent driveway surface;
 - (iii) within private parking areas, the minimum dimensions of a single parking space shall be 2.5 metres by 5 metres. All visitor parking spaces within these areas shall be clearly marked for visitors with the remaining private parking spaces allocated to individual dwellings;
 - (iv) all prospectively adoptable parking bays (i.e. that will form part of the public road) shall have minimum dimensions of 2.5 metres by 6 metres. This can be reduced to a minimum length of 5 metres on the proviso that there is adequate road space to manoeuvre in adjacent to the parking bay;
 - (v) vehicle accesses to private parking areas (i.e. other than driveways) shall be via a reinforced footway crossing. Within private parking areas, the minimum dimensions of a single parking space shall be 2.5m by 5 metres. The circulation lane should be 6 metres wide for nose-in parking - a narrower lane is acceptable for echelon parking;

(vi) all path and footway connections from a zone under construction to the existing settlement shall be constructed to an adoptable standard before the occupation of any units in that particular zone;

(vii) a raised table shall be installed on the road outside plots 24 and 25 with details of the raised table, including a timetable for its installation, to be submitted for approval prior to the raised table being installed;

(viii) prior to commencement of development, a Factoring Plan shall be submitted clearly indicating the different responsibilities for long-term maintenance including: private and shared private areas, factored areas, and prospectively adoptable roads;

(ix) a Quality Audit to independently assess walking, cycling, access and road safety aspects within and around the development shall be submitted and approved by the Planning Authority prior to construction commencing. This will be reviewed after construction is substantially complete and the developer required to make good any issues;

(x) a Travel Information Pack with information for residents to encourage use of sustainable modes of transport such as trains, buses, cycling and walking shall be submitted to and approved by the Planning Authority prior to construction commencing. The Travel Information Pack will include local bus and train timetables, local cycling and walking maps, information on bike hire / car sharing, and shall include details of how it will be distributed to residents; and

(xi) a swept path, or vehicle track assessment, of the road layout must be submitted for prior approval to demonstrate how the site can accommodate a large vehicle. The Design Vehicle to be used is the "Large Rigid Vehicle" as outlined in the Freight Transport Association's document "Designing for Deliveries" - the vehicle being 2.5 metres wide with a 6.1 metres wheelbase and an overall vehicle length of 10 metres.

Reason:

In the interests of pedestrian and road safety.

- 9 Prior to the commencement of development 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. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic (including parking, routes to/from site and delivery times) and shall include hours of construction work.

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

Reason:

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

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

Reason

In the interests of road safety.

- 11 Prior to the commencement of development, details of the provision of new car charging points and infrastructure for them shall be submitted to and approved in writing by the Planning Authority. At least one dedicated EV charging point shall be provided per dwelling.

The details shall include a timetable for implementation and confirmation of applicant engagement with electricity providers to ensure that the entire electricity supply infrastructure will have sufficient capacity to enable all chargepoints to operate simultaneously at maximum rated power or via a load management system.

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

Reason:

To minimise the environmental impact of the development.

- 12 Prior to the commencement of development, a report on the actions to be taken to reduce the Carbon Emissions from the build and from the completed development shall be submitted to and

approved in writing by the Planning Authority. This shall include the provision of renewable technology for all new buildings where feasible and appropriate in design terms. The details shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the report so approved.

Reason:

To minimise the environmental impact of the development.

REPORT TO: Planning Committee
MEETING DATE: Tuesday 15 March 2022
BY: Executive Director for Place
SUBJECT: Application for Planning Permission for Consideration

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***Note** - this application was called off the Scheme of Delegation List by Councillor McMillan for the following reasons: This is a complex report, based on changes to renewable energy initiatives, economic pressures, and market changes. There are concerns over the effect of traffic movements, road safety and noise and the environmental damage and impact of odours. The report also refers to the future of the Quarry which might impact on many other matters, were it to reopen. I therefore ask that this be brought to Committee for information and wider consideration.*

***Note** - this application was also called off the Scheme of Delegation List by Councillor Hoy for the following reasons: There is significant local concern which should be examined by the committee. These concerns include, but are not limited to: impact of traffic, issues involving vehicle and pedestrian safety, excessive noise, possible pollution and smells generated on site. In light of these this application should be subject to a site visit and full scrutiny by the committee.*

Application No. **21/01525/P**

Proposal Section 42 application for Variation to Condition 2 and Condition 3 of
planning permission 17/00922/P

Location **Bangley Quarry
Huntington
Haddington**

Applicant Green Forty Development Ltd

RECOMMENDATION Consent Granted

REPORT OF HANDLING

PROPOSAL

The application site is an area of land within Bangley Quarry, which is located in the countryside to the northeast of Haddington. Quarry operations ceased at the site in 2008 with all buildings and structures removed, however planning permission remains extant for ongoing mineral extraction. The site is in an area of the quarry in which the site

owner and former operator, Tarmac, previously operated an asphalt plant during the most recent period of mineral extraction. The site is accessed from the C112 classified public road to the southwest. Within the quarry and to the south of the application site is a Site of Special Scientific Interest, designated for geological reasons.

Residential properties closest to Bangley Quarry are located between some 257 and 330 metres to the southwest, those being Huntington Stable Cottage (Category C listed building), Huntington House (Category A listed building,) and Huntington West Lodge. Ugston Old Farm (Category A listed building), Ugston Farmhouse (Category C listed building) and Ugston Farm Cottages are located some 600 metres to the south. Garleton Lodge, a guest house, is located some 370 metres to the northeast.

In February 2018 planning permission (ref: 17/00922/P) was granted, subject to conditions, for the construction on the application site of an anaerobic digestion plant, ancillary equipment, on-site infrastructure and associated works, hereafter referred to as the Bangley Quarry AD plant.

Planning permission 17/00922/P has been implemented to the extent that works have been initiated to dig and lay the foundations of buildings on site.

Condition 2 of planning permission 17/00922/P states:

"The capacity of the anaerobic digestion plant hereby approved shall not exceed 77,500 tonnes per annum.

Reason:

To restrict the capacity of the plant to that applied for, in the interests of the amenity of the area and road safety."

Condition 3 of planning permission 17/00922/P states:

"No household or commercial food waste or animal by-products shall be transported to, or processed within the anaerobic digestion plant hereby approved.

Reason:

In the interests of the amenity of the area."

Planning permission is now sought through this application for the variation of Conditions 2 and 3 of planning permission 17/00922/P.

The proposed variation to Condition 2 is to allow the capacity of the anaerobic digestion plant to increase to 100,000 tonnes per annum.

The proposed variation to Condition 3 is to allow animal by-products to be transported to and processed within the anaerobic digestion plant.

Submitted with the application is a Planning Statement, a Planning Policy Considerations report, a Transport Assessment, a Transport Safety Assessment & Management Plan, an Odour and Air Quality Assessment including a modelling report and an Overview of Pollution Prevention and Control Process & Considerations report.

In the applicant's submitted Planning Statement, it is stated that since the grant of planning permission 17/00922/P there have been changes in the UK Government Renewable Energy Initiatives, Government and societal drive for sustainability and Feedstock Markets. The Planning Statement informs that, with regard to the UK

Government Renewable Energy Initiatives, the Renewable Heat Incentive (RHI) which was previously the main support mechanism for biomethane injection projects such as the one at the application site has been replaced with the Green Gas Support Scheme (GGSS). These schemes are very similar with the main difference that affected the Bangley Quarry AD plant being:

- o Historically for the RHI, biomethane must be proven and reported to achieve 60% greenhouse gas emissions savings relative to the EU fossil fuel heat average. For the new Green Gas Support Scheme (GGSS) this will be increased to 70%.

The Planning Statement advises that the above amendment encourages the use of more sustainable feedstocks over less sustainable ones, and to do this it assesses the carbon intensity of biomethane produced through life cycle analysis (LCA). To produce the most sustainable biomethane and ensure compliance with the new GGSS scheme, the Bangley Quarry AD plant wishes to process less energy crops and straw in favour of agricultural animal by-products such as chicken litter, farmyard manure and slurries (manures).

With regard to Feedstock Markets, the Planning Statement states that the Bangley Quarry AD plant and their feedstock partners have been approached by various local farmers regarding supply of agricultural animal by-products. Chicken litter, cattle muck and slurries are readily available to the Bangley Quarry AD plant while offering additional environmental benefits when processing compared to energy crops due to the following factors:

- o producing biogas from manures reduces methane emissions from manure spreading (methane is one of the most potent greenhouse gases and is released when manure decomposes in the atmosphere/fields);
- o traditional fertiliser price has increased significantly alongside natural gas prices, meaning farmers are looking for alternative fertilisers such as digestate from the Bangley Quarry AD plant which they can swap for manures and slurries;
- o improved quality of the resultant fertiliser (digestate) when animal by-products are used as a feedstock;
- o developments the agricultural industry is facing regarding ammonia emissions which will impact the use of fertilisers and slurries;
- o increase in the price of cereals in recent years has increased significantly. This alongside wider economic drivers means that farmers are less incentivised to grow energy crops as traditional cereals are so valuable to sell in other markets; and
- o a knock on effect of the increase in costs of traditional fertiliser is that any energy crops are less economically viable for both the growers and the Bangley Quarry AD plant.

The above means that there is now a desire for the Bangley Quarry AD plant to use agricultural animal by-products which are more readily available than they were previously.

The Planning Statement informs that the issues highlighted have in combination driven a decision for the Bangley Quarry AD plant to seek to process agricultural animal by-products. The animal by-products the Bangley Quarry AD plant intends to process would principally be chicken litter, farm yard manure and cattle slurry. The animal by-products feedstocks now proposed to be processed within the Bangley Quarry AD plant are less energy dense (kwh / tonne) than the materials that are approved to be processed meaning one HGV delivery can carry a larger tonnage of animal by-products than feedstocks such as straw.

The Planning Statement further informs that the physical size of the Bangley Quarry AD plant would not increase and it would be constructed as approved by the grant of planning permission 17/00922/P. However it is stated that as a consequence of processing animal by-products materials, which are less energy dense, means that the weight of feedstock materials being processed on the application site would increase, which would result in the Bangley Quarry AD plant having to surpass the capacity limit of processing 77,500 tonnes per annum imposed by condition 2 of planning permission 17/00922/P. The Bangley Quarry AD plant has a physical capacity and hence has a limitation on quantities of feedstocks that can be handled, which is some 100,000 tonnes per annum, and is limited by the size of the digester tanks, which would remain unchanged. Therefore the Bangley Quarry AD plant cannot physically process more than 100,000 tonnes per annum.

It is stated in the applicant's submitted Transport Assessment that the majority of feedstocks would be sourced from the local farming and agricultural markets as available, and it is anticipated that these will consist of energy crops, animal wastes such as cow manure and chicken litter, straw and vegetable processing residues. Agricultural feedstocks would be largely stored off-site, on the existing farms where they are grown. Feedstocks would then be delivered to the site using a 'just-in-time' approach, as and when they are required by the digestion process. The by-product of the process, digestate, will be returned to the farmers as a renewable, low-carbon biofertiliser - an alternative to conventional synthetic fertilisers.

In the Transport Assessment it is stated a 'just-in-time' approach to feedstock delivery would ensure that traffic movements to and from the site would be spread evenly and consistently throughout the year to prevent seasonal spikes in traffic movements. It is also stated that as the feedstocks received would be agricultural, brewery and distillery by-products and residues sourced from the local area, the Bangley Quarry AD plant serves to reroute materials that would originally have been being transported to another end-user.

The applicant's Transport Assessment advises it is anticipated that the frequency of two-way HGV and tractor trailer movements associated with feedstock deliveries would be 55 per day, and that the frequency of two-way vehicle movements associated with the removal of digestate and liquefied CO₂ would be 30 per day. In total this equates to 85 two-way vehicle movements per day.

As planning permission remains extant for mineral extraction at the quarry the applicant has acquired data from the site owner, Tarmac, of what vehicle movements could be were the quarry to become operational again. The applicant advises that this has been factored into a cumulative impact assessment undertaken of the combined impact from traffic from an operational quarry and the operational use of the proposed anaerobic digestion plant on the surrounding road network.

Tarmac have confirmed to the applicant that in the event of a restart of quarry operations, the output would likely be in the order of 100,000 tonnes per annum (equivalent to some 5,000 HGV loads). This equates to some 40 two-way HGV movements per day over 250 working days per year.

In total then, the applicant's Transport Assessment informs that the potential cumulative impact of the vehicle movements from the Bangley Quarry AD plant and a reactivated quarry use could be 125 two-way vehicle movements per day on the road network surrounding the Quarry.

The original Transport Assessment undertaken for planning permission 17/00922/P

predicted 91 two-way vehicle movements per day associated with the operation of the Bangley Quarry AD plant, and when added with a reactivated quarry use would be a total of 131 two-way traffic movements. Based on the revised indicative feedstock mix to include animal by-products, the impact on the Bangley Quarry AD plant traffic two-way movements would be a reduction from 131 to 125, so a reduction of 6.

Therefore were the quarry not to be reactivated then the traffic two-way movements would reduce from 91 as predicted in planning permission 17/00922/P, to 85 as predicted through this application.

Therefore the Transport Assessment concludes that, whether or not the quarry operations were to restart, the proposed variation of Conditions 2 and 3 of planning permission 17/00922/P would not have a harmful impact on the traffic flow, capacity and safety of the road network surrounding Bangley Quarry.

The applicant's submitted Transport Safety Assessment & Management Plan points out that Condition 8 of planning permission 17/00922/P requires that all HGV traffic, including tractor trailers with a maximum gross weight of greater than 15 tonnes, access the site only by way of the A199 public road and the C112 classified public road to the southwest of Bangley Quarry, and not from the A1637 to the east. As a typical unladen tractor trailer weighs some 15 tonnes, the submitted Transport Safety Assessment & Management Plan states that it can reasonably be concluded then that most laden delivery vehicles would use the A199 and the C112 public road to the southwest to access the Bangley Quarry AD plant and would not access the site from the east.

However, in order to alleviate any impact resulting from vehicle movements associated with the Bangley AD plant, the Transport Safety Assessment & Management Plan informs that 9 of the existing passing places on the roads surrounding Bangley Quarry have already been upgraded and improved, as required by Condition 7 of the planning permission 17/00922/P, and the widening and strengthening of those passing places would ensure that local traffic would have sufficient means of accommodating any vehicles associated with the development.

However in any event the applicant has advised it is their intention to make a commitment that all delivery vehicles, including HGV traffic and tractor trailers, shall access and leave the site only by way of the A199 public road and the C112 classified public road to the southwest of Bangley Quarry. This commitment, they state, is in the interests of the amenity of local residents.

The applicant's submitted Odour and Air Quality Assessment states that the anaerobic digestion to include the processing animal by-products has the potential to lead to odorous emissions during the receipt storage and handling of these materials. To address all environmental concerns, appropriate management of these emissions has been integrated into the planning and design stages of the Bangley Quarry AD plant and its associated processes. The Assessment informs that a full Pollution Prevention and Control (PPC) permit would need to be acquired from the Scottish Environment Protection Agency (SEPA). This will require that the plant is designed, constructed, and operated to comply with the regulations set out by SEPA. The implementation of PPC regulations would ensure that a high level of protection is provided to the environment at all times during the lifetime of the plant. Under the PPC, SEPA would monitor and control odour as well as the various other applicable environmental criteria.

The submitted Odour and Air Quality Assessment further states that animal by-product materials such as chicken litter, farm yard manure & cattle slurry would be delivered to site where on arrival to site these would be delivered straight to the already approved

process building where the doors would be closed and the materials would be tipped into the clamp bays within that building. Several mitigation strategies would be in place to ensure odour levels associated with handling of those materials are in keeping with the original permitted development as follows:

- o Operational Methodology - All animal by-product arriving to site would be transported directly to the process building. That building would be held under negative pressure and doors would be opened only for the entry and exit of vehicles. Materials would be tipped into the clamp bays within that building and shovelled from these bays and fed to a dedicated feed system within this sealed and odour treated building. From this feed system the materials would be pumped through enclosed pipework directly to the sealed anaerobic digestion system. Animal by-product materials would be delivered in a just in time manner and would be stored in that building;

- o Outdoor Area Controls - In the outdoor areas no animal by-products would be fed;
- o Process Building Specification - The process building would be held under negative pressure and doors would only be opened for the entry and exit of vehicles. That building would be specified as recommended as the Best Available Technology (BAT) and required for the SEPA PPC Regulations;
- o An Odour Control Unit (OCU) - An OCU is to be installed to provide odour abatement, processing potentially odorous air within the process building. This unit would be chosen based on BAT criteria and would entail significant investment to install, in the range of £400,000 - £600,000, a considerable cost to the project. This odour control unit would take the odorous air and treat to a pre prescribed level so that the expelled air would contain odour levels which are known and measurable;
- o Digestate Storage Tank - The digestate storage tank has an airtight roof / dome so it would not be a source of odour emission;
- o SEPA Pollution Prevention Control permit (PPC) - As previously noted, a Pollution Prevention Control permit would be in place to control all the above alongside wider site activities.

The submitted Odour and Air Quality Assessment concludes that odour would not present a loss of amenity in the surrounding area.

EIA

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 the proposed development falls within the category of a Schedule 2 Development, being one that may require the submission of an Environmental Impact Assessment (EIA). Schedule 3 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 sets out the selection criteria for screening whether a Schedule 2 development requires an EIA. On 2 December 2021 the Council issued a formal screening opinion with the conclusion that the proposed development is not likely to have a significant effect on the environment such that consideration of environmental information is required before any grant of planning permission. It is therefore the opinion of East Lothian Council as Planning Authority that there is no requirement for the proposed development to be the subject of an EIA.

DEVELOPMENT PLAN

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan, unless material considerations indicate otherwise.

The development plan is the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Development Plan 2018.

There are no policies of SESplan relevant to the determination of this application.

Policies NH2 (Protection of Sites of Special Scientific Interest and Geological Conservation Review Sites), NH5 (Biodiversity and Geodiversity Interests, including Nationally Protected Species), NH12 (Air Quality), NH13 (Noise), T1 (Development Location and Accessibility) and T2 (General Transport Impact) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of this application.

It is stated in paragraph 9.6 of the adopted East Lothian Local Plan 2008 that the Council is supportive of Government policy to secure greater energy generation from renewable sources. The benefits will be weighed against the impact on the local environment and features of interest.

Material to the determination of the application are Scottish Planning Policy: June 2014 and Planning Advice Note 51: Planning, Environmental Protection and Regulation (PAN51).

Scottish Planning Policy on renewable energy states that the commitment to increase the amount of electricity generated from renewable sources is a vital part of the response to climate change. In this, there is potential for communities and small businesses in urban and rural areas to invest in ownership of renewable energy projects or to develop their own projects for local benefit. Planning authorities should support the development of a diverse range of renewable energy technologies whilst guiding development to appropriate locations. Factors relevant to the consideration of applications for planning permission will depend on the scale of the development and its relationship with the surrounding area, but are likely to include impact on the landscape, historic environment, natural heritage and water environment, amenity and communities, and any cumulative impacts that are likely to arise.

In terms of the above, it is stated in the applicant's Planning Statement that biomethane injection projects such as the one at Bangleigh Quarry are incentivised to produce gas from wastes (as opposed to energy crops or by-products) for the following reasons:

- o There are no other more sustainable alternative uses for these feedstocks;
- o Lower Carbon emissions associated with gas produced when Total Lifecycle Analysis (TCA) is taken into account; and
- o Eligibility for a wider range of Government Renewable schemes.

Replacing some of the energy crops (Grass and Hybrid Rye) and straw with animal by-product feedstocks will achieve the above and the proposed revised feedstock mix to include animal by-products to replace energy crops and straws results in a biomethane which has much lower carbon emissions overall (some 60% reduction). The proposed variations to the operation of the Bangleigh Quarry AD plant would contribute directly to a key aim of the Scottish Government to mitigate climate change by deriving energy from renewable, low carbon sources. In doing so, the proposed variations would stimulate the sustainable growth of a rural economy by providing a means for farmers to diversify their businesses, reduce emissions and creating new employment opportunities. The wider community would benefit in turn by the security of supply of renewable gas derived from local agricultural wastes into the national gas network in Haddington.

It is stated that when organic wastes and materials are recycled and utilised for

energy/fuels, carbon savings are delivered across multiple fronts. Processing of animal by-products materials at the Bangley Quarry AD plant would give further overall CO2 emissions reductions associated with the project.

PAN51 advises that its central purpose is to support the existing policy on the role of the planning system in relation to the environmental protection regimes. In Paragraph 38 it states that planning decisions should be made on planning grounds in the public interest and should not be used to secure objectives achievable under other legislation or powers. However, the issues controlled under other legislation may be material considerations, for example the impact of a proposal on air or water quality, even though the regulation of emissions or discharges fall to be dealt with under other legislation. Likewise, when SEPA comments on a planning application and is also the environmental regulator, it should assess the land use aspects of the planning application to clarify whether, on the information available at the time, the proposed development is potentially capable of being consented under the (SEPA) licensing regime.

Also material to the determination of the application are the written representations received to it.

REPRESENTATIONS

A total of 15 written objections have been received to this application.

The main grounds of objection can be summarised as follows:

- *the proposed development would lead to increased traffic on a road unsuitable to take such vehicles leading to damage and a major impact on the road network, all of which would constitute a road safety hazard to drivers, pedestrians and horse riders and would result in a loss of amenity;
- * local roads are not suitable for an increase in traffic from large vehicles;
- * the number of vehicle movements in the submitted Transport Assessment are underestimated;
- * no anaerobic digester destined traffic should use the A6137-Bangley Quarry road;
- * additional traffic would lead to increased emissions from the vehicles;
- * there is no real reasoning or justification for the variations that are sought to the original conditions;
- * the proposed development would result in obnoxious smells coming from the Bangley Quarry Plant by using animal by-products;
- * animal by-products are significantly more likely to create odour, nuisance and hygiene issues particularly when being transported - normally by tractor and open trailer;
- * the proposal would undoubtedly have a significant adverse impact on amenity - including health & hygiene - not only in the immediate area around the facility but over a significant wider area over which these bad neighbour waste products will be transported;
- * there would be noise pollution from a mixture of transport vehicles and unloading at the facility would have a significant and deleterious effect on the environment as well as putting unacceptable strain on the roads and existing users;
- * it is questioned whether the proposed quantities of by-product can be sourced locally;
- * granting the requested variation sets a dangerous precedent;
- * the passing places required by Condition 7 of planning permission 17/00922/P have not been constructed to the required specification;
- * conditions of planning permission 17/00922/P must be complied with;
- * the green credentials of the proposed development have not been demonstrated taking into account emissions from vehicles delivering to and from the site;
- * the proposals would have a particular adverse impact on the tourist focused Garleton

Lodge business;

- * planning permission 17/00922/P has expired and thus the application should not be considered;
- * the proposals are not minor variations but material changes to approved scheme of development and should not be determined as mere variations;
- * the proposals would bring about an inevitable and unacceptable increase in HGV/AV movements into and out of the development site via a wholly unacceptable c-class road;
- * there is no mechanism in place to monitor transport movements;
- * changes to the highway code would lead to road and pedestrian safety issues and pose a danger to horse riders and cyclists;
- * the reports submitted with the application cannot be considered truly independent;
- * there have been a proliferation of developments in the area since the grant of planning permission 17/00922/P and thus there would be a direct conflict and adverse interaction between the Bangley Quarry AD plant and additional traffic from those developments;
- * the processing of animal by-products would lead to airbourne pollution and the potential for the widespread release of noxious odours;
- * the entry/exit point to and from the AD plant is dangerous;
- * Bangley Quarry is known to have a presence of several species of birds of prey which should be taken into account; and
- * there is a potential of leakage of polluted waste from the site.

Planning permission 17/00922/P has been implemented and has not therefore expired. It remains extant.

If any future application was submitted to the Council for any further changes to the Conditions imposed on the grant of planning permission 17/00922/P such application(s) would be assessed on their own merits.

The requirement to meet the terms of Condition 7, or any other Condition, of planning permission 17/00922/P is not a material consideration in the determination of this application and would a matter to be investigated by the **Council's Planning Enforcement Service**.

In terms of the impact of the proposed development on tourism, there is no evidence to substantiate the assertion of some of the objectors that the proposed development would harm tourism in East Lothian.

COMMUNITY COUNCIL

Haddington Community Council, as a consultee on the application advise that it is their view that there were good reasons that the planning conditions were imposed in 2017 based on the residents and the Community Councils concern over traffic volumes to and from the site and the impact of the smell on the residents living adjacent to the access roads to the quarry. Therefore, there seems no justification to change or grant the variations sought at this juncture, before the Anaerobic Digestion Plant is built.

The erection and operation of an anaerobic digestion plant, ancillary equipment, on-site infrastructure and associated works on the application site within Bangley Quarry has been established by the grant of planning permission 17/00922/P. That planning permission has been implemented and remains extant. Works commenced on site but were suspended due to the outbreak of COVID-19 and the applicant has confirmed construction is likely to recommence in March 2022.

The determination of this application therefore rests only on the planning considerations

of the likely additional impacts the proposed variation of Conditions 2 and 3 of planning permission 17/00922/P would have on the amenity of the area, including on any nearby residential properties and neighbouring land uses, on traffic movements and road safety and on any biodiversity interests.

NatureScot have been consulted on the application given that Bangley Quarry Site of Special Scientific Interest (SSSI) is located to the south of the application site. NatureScot advise that they have no comment to make to the proposals, being satisfied that they would not affect the SSSI nor have any harmful impact on protected species.

The **Council's Biodiversity Officer** has also been consulted on the application and advises that the proposed development would not have any harmful impact on the biodiversity interests at the site including on any protected species.

On these above considerations the proposed development does not conflict with Policies NH2 or NH5 of the adopted East Lothian Local Development Plan 2018.

The **Council's Public Health and Environmental Protection Officer** advises that the Bangley Quarry AD Plant would be regulated under the terms of a Pollution Prevention and Control (PPC) permit issued and enforced by the Scottish Environment Protection Agency (SEPA). The terms of the permit would include conditions so that matters such as odour and operational process noise would be controlled by SEPA. Therefore, the Public Health and Environmental Protection Officer would have no regulatory role over such matters with regard to the operation of the Bangley Quarry AD Plant as proposed to be altered by the variation of Conditions.

However, the Public Health and Environmental Protection Officer has reviewed the applicant's submitted Odour and Air Quality Assessment and advises he can only advise on potential impacts on those pollutants that fall to the Council to regulate as part of its Local Air Quality Management (LAQM) responsibilities. On this, he is satisfied that LAQM Air Quality Objectives would not be exceeded at any sensitive receptor and thus the proposal would not lead to any harmful impacts on any nearby residential property on the matter of air quality.

The Public Health and Environmental Protection Officer is also satisfied that there would no harmful impact on the amenity of any nearby residential property from odour arising from the operation of the Bangley Quarry AD Plant if animal by-products are to be processed within as proposed through this application. The Public Health and Environmental Protection Officer again advises that SEPA would require the operator of the Bangley Quarry AD Plant to adopt appropriate and effective odour mitigation measures under their regulatory control.

With regard to noise the Public Health and Environmental Protection Officer confirms that the noise control embodied in Condition 6 of planning permission 17/00922/P should continue to apply and would ensure that noise arising from the operation of the Bangley Quarry AD Plant as it would be altered in the manner proposed would not have a harmful noise impact on the amenity of any nearby residential property or land use. That control can be imposed again were planning permission were to be granted for this proposed development.

SEPA have also appraised the submitted Odour and Air Quality Assessment, and advise that odour and emissions have been satisfactorily modelled and on the matter of odour and air quality they do not advise that the operation of the operation of the Bangley Quarry AD Plant as proposed to be altered by the variation of Conditions would harm the amenity of any nearby residential property or land use.

SEPA further confirm that the Bangley Quarry AD Plant would still require to be permitted under their separate regulatory regime, namely the Pollution Prevention and Control (Scotland) Regulations 2012 (PPC) and that it is their view it is likely that a PPC application would be successful for the AD plant to operate under the revised Conditions as proposed.

SEPA could also impose any separate noise control they thought appropriate through their separate PPC permit process.

On the matter of odour arising as a result of transportation of animal by-products to the application site, SEPA have advised that their PPC permit process only regulates activity that takes place within the application site boundary and they cannot exercise control over vehicle movements to and from the site.

Therefore the Public Health and Environmental Protection Officer requested information from the applicant on this matter. The applicant has confirmed that all delivery vehicles of animal by-product materials would be sheeted/covered to mitigate the release of odours in transit and the sheeting/covers would only be removed once the delivery vehicle is inside the process building which has an odour abatement system, and the sheeting/covers would be replaced before vehicles leave the building.

The requirement that all delivery vehicles of animal by-product materials to be sheeted/covered from their point of origin to the process building and that the sheeting/covers would only be removed once the vehicle is inside the process building and the doors of that building are closed to mitigate the release of odours in transit can be imposed as a condition on a grant of planning permission. The Public Health and Environmental Protection Officer is satisfied such control would ensure that odour impacts arising as a result of transportation of animal by-products to the application site would not have an unacceptable impact on the amenity of any nearby residential property, nearby operating businesses or tourism uses or other land uses.

On these foregoing considerations of air quality, odour and noise, the proposed variation of conditions would not have a harmful impact on the amenity of any nearby residential property, nearby operating businesses or tourism uses or other land uses. In this the proposals are consistent with Policies NH12 and NH13 of the adopted East Lothian Local Development Plan 2018 and with Scottish Planning Policy: June 2014 and Planning Advice Note 51: Planning, Environmental Protection and Regulation.

Paragraph 191 of Scottish Planning Policy: June 2014 states that planning authorities should consider the need for buffer zones between dwellings or other sensitive receptors and some waste management facilities. As a guide, appropriate buffer distances may be:

- * 100m between sensitive receptors and recycling facilities, small-scale thermal treatment or leachate treatment plant;
- * 250m between sensitive receptors and operations such as outdoor composting, anaerobic digestion, mixed waste processing, thermal treatment or landfill gas plant; and
- * greater between sensitive receptors and landfill sites.

Notwithstanding the findings of the above assessment of the impact of the proposed variation of Conditions on the operation of the Bangley Quarry AD plant on the amenity of nearby residential properties, businesses and land uses, there are no residential properties within 250 metres of the application site. The proposed development

therefore complies with the 250 metre buffer zone in Scottish Planning Policy: June 2014.

The **Council's Road Services** have appraised the applicant's submitted Transport Assessment and Transport Safety Assessment & Management Plan. Road Services advise that the submitted Transport Assessment demonstrates that there would be a reduction in the overall traffic movements to and from the application site due to differing mix and volumetric densities of material being processed as now proposed with the introduction of processing animal by-products.

Road Services advise that they are content with the findings of the Transport Assessment, satisfied that the predicated reduced level of vehicle trips to and from the site as identified in the submitted Transport Assessment is a reliable basis on which to assess the proposed changes to the operation of the facility, and that the proposed increase in capacity of the Bangley Quarry AD plant to 100,000 tonnes per annum is unlikely to result in any increase in vehicle movements to and from the site. Road Services confirm, as with their assessment of previous planning permission 17/00922/P, that there is ample reserve capacity in the local road network to accommodate the movements associated with trips to and from the site, and that the construction of the roads is of sufficient depth and condition to cope with the level of traffic identified in the submitted Transport Assessment.

Road Services raises no objection to the application, being satisfied that traffic likely to be generated by the proposed development could be satisfactorily accommodated on the local road network and thus it would not result in a road or pedestrian safety hazard. The proposed development does not conflict with Policies T1 and T2 of the adopted East Lothian Local Development Plan 2018.

Road Services acknowledge that the applicant has made a written commitment that all delivery vehicles accessing or exiting the site will do so via the C112 public road to the southwest of the quarry entrance with no delivery vehicles approaching or leaving via the C112 public road to the northeast. Road Services support such a commitment.

As the applicant has made a commitment to route all delivery vehicles from/to the A199 to the southwest it would be reasonable to impose a condition on the grant of planning permission that all delivery vehicles, including HGV traffic and tractor trailers, arriving and leaving the site should do so only by way of the A199 public road and the C112 classified public road to the southwest of Bangley Quarry.

With this condition in place, no delivery vehicles would pass the road serving the guest house of Garleton Lodge and therefore delivery vehicle movements associated with the operation of the Bangley Quarry AD plant would not have an unacceptable impact on the operation or amenity of that business.

In conclusion, the proposal is considered to be in accordance with the provisions of the stated relevant Development Plan policies and there are no material considerations which outweigh the proposal's accordance with the Development Plan.

A revised version of Planning Series Circular 3/2013 (Development Management Procedures) was published by the Scottish Government in September 2015. Annex I of the Circular gives guidance on applications for planning permission under section 42 of the Town and Country Planning (Scotland) Act 1997, as amended. The application that is the subject of this report is made under section 42 of the Act. Annex I states that "Planning authorities should attach to the new permission all of those conditions from the previous permission, where it is intended these should apply and ensure (where

appropriate) that permission is granted subject to the conclusion of any appropriate planning obligation". Therefore, planning permission should be granted for the applied for variation to Condition 2 and 3 of planning permission 17/00922/P and subject to the conditions from planning permission 17/00922/P, where it is intended these should apply. In this case, Conditions 1, 4, 5, 6, 8, 9, 10 and 12 should continue to apply. The wording of some of the conditions require to be altered to accurately reflect the planning permission to which they relate.

CONDITIONS:

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

The above mentioned details shall include a final site setting-out drawing to a scale of not less than 1:200, giving:
 - a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings;
 - b. finished ground and floor levels of the development relative to existing ground levels of the site and of adjoining land and building(s). The levels shall be shown in relation to an Ordnance Bench Mark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing; and
 - c. the ridge height of the proposed shown in relation to the finished ground and floor levels on the site.
Reason:
To enable the Planning Authority to control the development of the site in the interests of the amenity of the area.

- 2 The capacity of the anaerobic digestion plant hereby approved shall not exceed 100,000 tonnes per annum.

Reason:
To restrict the capacity of the plant to that applied for, in the interests of the amenity of the area and road safety.

- 3 No household or commercial food waste shall be transported to, or processed within the anaerobic digestion plant hereby approved.

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

- 4 No delivery vehicles shall access or egress the application site between 11.00pm - 07.00am on any day.

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

- 5 There shall be no outside storage of feedstock or animal by-products.

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

- 6 The anaerobic digestion plant and associated development all as hereby approved shall at all times operate in compliance with the following requirements:
 - (i) the Rating Level, LArTr, of noise emanating from any associated plant or machinery serving the proposed anaerobic digestion plant (when measured 3.5m from the façade of any neighbouring residential property) shall be no more than 5dB (A) above the background noise level, LA90T. All measurements to be made in accordance with BS 4142: 2014 "Methods for rating and assessing industrial and commercial sound";

(ii) noise associated with the operation of any plant and/or machinery within the anaerobic digestion plant and any other part of the development hereby approved shall not exceed Noise Rating curve NR20 at any octave band frequency between the hours of 2300-0700 and Noise Rating curve NR25 at any octave band frequency between the hours of 0700-2300 within any nearby residential property. All measurements to be made with windows open at least 50mm.

Reason:

In the interests of the amenity of any nearby residential property.

- 7 All delivery vehicles including HGV traffic and tractor trailers shall access and egress the site only by way of the C112 classified public road and the A199 public road to the southwest of Bangley Quarry. At no time shall any HGV traffic, including tractor trailers, enter or leave the application site via the C112 public road to the northeast of Bangley Quarry.

Reason:

In the interest of the amenity of the area.

- 8 Within 2 months of the grant of this planning permission a scheme of landscaping in the form of the provision of a tree and shrub planted earth bund to the north of the entrance of Bangley Quarry shall be submitted to and approved in writing by the Planning Authority.

The formation of the bund and the tree and shrub planting 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. The bund shall thereafter remain in place. If any of the new trees or shrubs die, are removed or become seriously damaged or diseased they 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 in the interests of the landscape character and visual amenity of the area.

- 9 Within 2 months of the grant of this planning permission a method statement in accordance with part 3.1.7 of the 'Bangley Quarry AD Plant: Confidential Annex to the Ecology Survey Report' by mbec environmental consulting dated September 2017 docketed to planning permission 17/00922/P shall be submitted to and approved by the Planning Authority in consultation with Scottish Natural Heritage. Development shall thereafter be carried out in accordance with method statement so approved.

Reason:

In the interests of nature conservation.

- 10 Should the anaerobic digestion plant hereby approved not supply gas for a continuous period of 12 months, it shall be deemed to have ceased to be required and, unless otherwise agreed in writing by the Planning Authority, shall be removed from the site, along with all associated plant and equipment. Within one month from the removal of the anaerobic digestion plant and all associated plant and equipment, details of the restoration of the cleared digestion plant site, including a restoration timetable, shall be submitted to and approved in advance by the Planning Authority. The cleared digestion plant site shall thereafter be restored in accordance with the details so approved.

Reason:

To ensure that any development which has ceased to serve its intended purpose is removed from the site, in the interests of the amenity of the area.

- 11 All vehicles delivering loads of animal by-products materials to the application site shall be sheeted/covered from their point of origin to the application site, and the sheeting/covers will only be removed once the vehicle is inside the process building within the application site and the doors of that building are closed. The sheeting/covers will be replaced on all such delivery vehicles prior to leaving the process building.

Reason:

In the interest of safeguarding the amenity of the area affected by the movement of vehicles transporting animal by-products materials to the application site.

REPORT TO: Planning Committee
MEETING DATE: Tuesday 15 March 2022
BY: Executive Director for Place
SUBJECT: Application for Planning Permission for Consideration

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Note: this application was called off the Scheme of Delegation List by Councillor Findlay for the following reasons: To allow the community to express their reservations of the impact of this development in a conservation area and for the Committee to decide the outcome.

Application No. **21/00025/P**

Proposal Alterations, extension to house, erection of greenhouse, domestic studio, shed, 2 holiday let units and associated works

Location **Auburn, Walled Garden and Former Art Gallery
Manse Road
Dirleton
North Berwick
EH39 5EJ**

Applicant Mr Stuart Feather and Ms Sheila Rodgers

Per APT Planning & Development

RECOMMENDATION Consent Granted

REPORT OF HANDLING

PROPOSALS

The site of this application comprises the residential house of Auburn and its garden ground, and the former Gallery building with associated tearoom/laundry buildings and a small area of land of a treed island to the south of the buildings, all comprising part of the same site. The application site is within a predominantly residential area as defined by Policy RCA1 of the adopted East Lothian Local Development Plan 2018. It is also within the Dirleton Conservation Area.

The house of Auburn is a part two storey and part single storey property, which is located to the north side of Church Green in Dirleton and which faces towards Church Green.

The house comprises a main two-storey component with a dual pitched roof and natural stone rubble walls. Attached to the east side of the main two-storey component of the house is a single storey dual pitched roofed component, also with natural stone rubble walls. A single storey flat roofed extension with a rendered finish is attached to the north (rear) elevation of the two storey and single storey dual pitched roofed components. The house has a large walled garden to the north (rear) of it and a smaller enclosed garden to the south (front). The former Gallery building with associated tearoom, and a former laundry building are located to the east of the house of Auburn and its walled garden, on the west side of Manse Road. The former Gallery building is a predominantly two storey flat roofed building with rendered external walls. Attached to its south side is a single storey mono-pitched roofed component comprising a garage for the house of Auburn. To the north of the former Gallery building is a single storey flat roofed building which is in a dilapidated condition. Its west (rear) wall and its flat roof have collapsed.

The house of Auburn and its walled garden are listed as being of special architectural or historic interest, Category B. In that they are buildings within the curtilage of the house of Auburn and that they pre-date 1948, the former Gallery building with associated tearoom and the former laundry building are listed, Category B, in association with the house of Auburn and its walled garden.

The application site is enclosed along its west boundary with the church graveyard by a 1.8 metres high wall. The north boundary of the site with the garden of Beadles Cottage and the east boundary of the site with the property of Beadles Cottage is enclosed by a 2.5 metres high rubble stone wall. There is no means of enclosure of the north boundary of the site with the gravel driveway of the house of Beadles Cottage. There is no means of enclosure of the east boundary of the site with Manse Road. The south boundary of the site is partially enclosed by a low rubble stone wall with white painted timber picket fencing above and shrubs planting behind. Otherwise there is no means of enclosure of the remainder of the south boundary of the site with the triangular shaped treed area of land.

The application site is bounded to the south by the public road of Manse Road beyond which is the grassed open space of Church Green with the Category C listed War Memorial at its centre. Also to the south of the application site is a triangular shaped area of treed land. To the west of the site is the Category B listed building of Dirleton Parish Church Hall and the Category A listed building of Dirleton Parish Church and its graveyard with boundary walls. To the north of the application site is the garden of the house of Beadles Cottage, and to the east of the application site is the residential house of Beadles Cottage and the public road of Manse Road. Beyond Manse Road and further to the east are the residential properties of The Glebe and the house and garden of Dirleton House.

The trees on a triangular shaped area of land to the south of the application site are protected by Tree Preservation Order (TPO) No. 4. There is a further area of trees located outwith the site to the east/southeast on the opposite side of Manse Road at the property of Dirleton House, which are also protected by Tree Preservation Order (TPO) No. 4. There are further fruit trees and other small trees on the north (rear) garden of the application site. Those trees on the north (rear) garden are not protected by a tree preservation order.

A Core Path/Public Right of Way and the John Muir Way passes along Manse Road to the east of the application site.

In February 2020, planning application 19/01106/P was submitted by Mr Stuart Feather and Ms Sheila Rodgers, the applicants for the current planning application (Ref.

21/00025/P) for alterations and extension to the house of Auburn, for the erection of a greenhouse, domestic studio, and shed within the walled garden of the house of Auburn, and for the erection of 3 holiday let accommodation units and a garage, and associated works comprising the formation of hardstanding areas and the erection of gates and walls, on the same application site as that for the current planning application (Ref: 21/00025/P). Through consultation with the **Council's Landscape Officer (Policy and Strategy)** concerns were raised that the proposals would have resulted in a detrimental impact on a tree preservation order protected tree on the triangular shaped area of land to the south of the site to the detriment of the landscape character of the area. The **Council's Road Services** also raised concerns about the formation and use of the new vehicular accesses onto the public road of Manse Road by vehicles associated with the proposed holiday accommodation units. Furthermore, the Planning Officer also raised concerns that the proposed extension to the existing house, by virtue of its positioning, height, size, scale, massing, form, appearance and external finishes would be overly dominant and harmful to the character and appearance of the existing house, and that the proposed three buildings containing the proposed three holiday accommodation units and the proposed garage, by virtue of its positioning, height, size, scale, massing, form, appearance and external finishes would be harmful to the setting of the listed building of Auburn and to the character and appearance of this part of the Dirleton Conservation Area. As a consequence, planning application 19/01106/P was withdrawn by the applicant's agent.

Also in February 2020, listed building consent application 19/01105/LBC was submitted by Mr Stuart Feather and Ms Sheila Rodgers, the applicants for the current planning application (Ref. 21/00025/P) for alterations and extension to the listed building of Auburn, for the erection of buildings, gates, and walls, and the demolition of buildings and walls, on the same application site as that for the current listed building consent application (Ref: 21/00034/LBC). Through consultation with Historic Environment Scotland, the Planning Officer raised concerns that the proposed extension to the existing house, by virtue of its positioning, height, size, scale, massing, form, appearance and external finishes would be overly dominant and harmful to the character and appearance of the existing house, that some of the internal alterations to the listed building would be harmful to the special architectural or historic interest of the listed building and that the proposed buildings containing the proposed holiday accommodation units and the proposed garage, by virtue of its positioning, height, size, scale, massing, form, appearance and external finishes would be harmful to the setting of the listed building of Auburn. As a consequence, listed building consent application 19/01105/LBC was withdrawn by the applicant's agent.

Through this current application, planning permission is sought for alterations and extensions to the existing house of Auburn, for the erection of greenhouse, domestic studio and shed within its north (rear) walled garden, and for the erection of 2 holiday letting accommodation units. Planning permission is also sought for the formation of hardstanding areas and for the erection of walls and gates.

The proposed extensions and alterations to the existing house of Auburn have been reduced in size, scale and massing from those proposed in withdrawn planning application 19/01106/P and the number of new buildings and their architectural form and design has also been amended.

Through separate application 21/00034/LBC listed building consent is sought for the demolition of the former Gallery and laundry buildings fronting on to the west side of Manse Road, for the part demolition of walls, for alterations and extension to the listed building of Auburn, the erection of two new buildings, the erection of a greenhouse/studio/garden store, the erection of gates and walls, and for the formation of

hardstanding areas. A separate report on application 21/00034/LBC is, at this time, on the Committee Expedited List.

With the exception of its western part, which is attached to the north (rear) elevation of the two storey component of the existing house of Auburn, it is proposed to demolish and remove the remaining majority of existing single storey extension that is attached to the north (rear) elevation of the single storey component of the existing house, and to erect a new single storey extension. The proposed single storey extension would have a larger footprint than the existing extension that would be removed.

The proposed single storey extension would have a rectangular shaped footprint and would have a shallow mono-pitched roof. It would extend across the full width of the single storey component of the existing house and would project some 7.3 metres away from that north (rear) elevation.

Attached to its east side would be a further proposed single storey link extension with a flat roof, which would wrap around the south end of the southern-most proposed new two-storey building. The proposed extension would link together the larger proposed rear extension and the southern-most proposed new two-storey building containing the proposed garage and one of the units of holiday accommodation.

All of the proposed extensions would be of a contemporary architectural form and style with large areas of glazing and plain glazed windows. Their external walls would be finished with a combination of lime render, Siberian Larch timber cladding, stonework, and their roofs would be clad with zinc roofing. The windows and their frames and the glazed sliding doors and their frames would be of a proprietary timber framed double glazed construction.

The alterations to the existing house comprise:

- a) the addition of a large flat roofed dormer window to the north (rear) roof slope of the single storey component of the existing house;
- b) alterations to the roof, including the raising of its ridge by some 0.15 of a metre, of the single storey component of the existing house to accommodate the proposed dormer window and to re-surface the south and north slopes of that roof;
- c) re-roofing of the south (front) elevation roof slopes of the two storey and single storey components of the existing house and the re-roofing of the north (rear) elevation roof slope of the two storey component of the existing house;
- d) the enlargement of an existing window opening to form a new door opening on the south (front) elevation of the single storey component of the existing house and the installation of a new solid timber door with timber frame and with a timber framed fanlight window above it in that enlarged opening, and the partial blocking up of an existing door opening of the south (front) elevation of the single storey component of the existing house and the removal of an existing window, and the formation of a new window opening to the west of the position of the new door opening and the installation in that new window opening of the timber framed astragalled window removed to facilitate the formation of the new door opening;
- e) the formation of two new first floor windows on the north (rear) elevation of the two storey component of the existing house; and
- f) the refurbishment of all of the existing windows of the existing two storey and single

storey components of the existing house.

New hardstanding areas comprising a raised patio with steps and footpath would be formed to the north and west sides of the proposed rear extension to the existing house of Auburn and footpaths to the south and west sides of the proposed garden building would be formed within the walled rear garden of the existing house. A further hardstanding area would be formed between the two proposed buildings.

A new opening would be formed in the east boundary wall of the walled garden, and new gates, some 3.5 metres in width and some 2.3 metres in height, would be installed in the new opening. The proposed gates would be steel framed with vertical timber (Siberian Larch) boarding. The proposed new opening and gates would be positioned at the rear of the proposed vehicular access and parking area to serve the proposed two units of holiday letting accommodation.

An existing 8 metres length of 2.5 metres high rubble stone boundary wall that presently abuts the north elevation of the existing former laundry building on the eastern part of the site, is proposed to be taken down and relocated some 3.7 - 4.0 metres further to the north along the north boundary of the site with the driveway of the existing house of Beadles Cottage.

A detached garden building containing a greenhouse, garden store and yoga studio is proposed to be erected at the northern end of the rear walled garden of the existing house of Auburn abutting the north elevation wall of the walled garden. The proposed building would be single storey in height with a linear rectangular shaped footprint and a shallow mono-pitched roof. It would be attached to the north boundary wall with zinc flashing. Its roof would be clad with a combination of zinc roof cladding and glazed roof windows, and its external walls would be finished with a combination of vertical timber (Siberian Larch) cladding, timber framed glazing and timber framed glazed doors.

It is proposed that two new buildings would be erected on the eastern part of the application site and that the east boundary wall of the walled garden of Auburn would form part of the west elevation of those buildings. Those new buildings would contain a triple garage to serve the existing property of Auburn and two units of holiday letting accommodation. To facilitate the erection of those proposed two buildings, the existing garage, former gallery and laundry buildings and their associated connecting roadside boundary wall would be demolished and removed from the site.

The southern-most proposed building would be predominantly two storey in height with a single storey component at its southern end. The two storey component of it would have a flat roofed form and the single storey component of it would have a mono-pitched roofed form. The proposed building would contain a triple garage to serve the existing property of Auburn and one of the proposed units of holiday letting accommodation. The ground floor of the proposed southern-most building would contain the triple garage and two bedrooms, two bathrooms and circulation space of the proposed unit of holiday letting accommodation. The first floor accommodation would comprise one further bedroom and bathroom, a living/dining/kitchen area and a first floor terrace with partially glazed balustrade. The proposed triple garage to serve the existing house of Auburn would be linked to the existing house by the proposed single storey linking extension which itself would be attached to the east side of the proposed rear extension to be added to the existing house of Auburn. The external walls of the proposed southern-most building would be primarily finished with lime render with stone stringcourse and corner detailing and with areas of Siberian Larch timber cladding to the recessed walls of the first floor terrace. The windows and their frames and the first floor glazed sliding doors and their frames would be of timber framed double glazed construction, and the

external doors and their frames would be of solid timber construction. The mono-pitched and flat roofs of the proposed building would be clad with zinc standing seam roofing.

The northern-most proposed building would be single storey in height with living accommodation in part of its roof space. It would have a roughly rectangular shaped footprint with a small rectangular shaped projection extending across roughly half of its west (rear) elevation and projecting outwards by some 1.5 metres. The main rectangular shaped footprint of the proposed building would have a dual pitched roof clad with slates and the rear projecting component would have a mono-pitched roof clad with zinc standing seam roofing. There would be a flat roofed dormer extending across roughly half of the west elevation roof slope of the building and two roof windows on the remaining roof slope. There would be a further two roof windows on the east elevation roof slope of the building. The cheeks and roof of the flat roofed dormer would be clad with zinc cladding. The external walls of the building would be finished with lime render with a rubble stone base course. The frames of the windows, including astragals where relevant, and the frames of the sliding patio doors would be of double glazed timber construction, and the external door and its frames would also be of timber construction. The proposed building would contain one of the proposed units of holiday letting accommodation comprising two bedrooms, a bathroom and living/dining/kitchen area at ground floor level, and a further bedroom and bathroom at first floor level.

The application drawings also detail internal alterations to the existing house however, under the provisions of relevant planning legislation, such alterations are not subject to the need for planning permission and thus they do not form part of the assessment of this application. Rather those internal alterations stand to be considered through the associated listed building consent application (Ref. 21/00034/LBC).

Access to the site would continue to be taken from Manse Road. Access and two on-site parking spaces serving the existing house of Auburn are located to the south side of the existing house. A new vehicular access and two on-site parking spaces to serve both of the proposed two holiday accommodation units (i.e. one parking space each) would be taken from the west side of Manse Road.

Other than the formation of the new opening in the east boundary wall of the walled garden and the erection of the new gates in that opening, and the removal of the former gallery and laundry buildings and their associated connecting roadside wall, and the relocation of a 8 metres length of existing wall that abuts the north elevation of the former laundry building and its relocation some 3.7 - 4.0 metres further to the north along the north boundary of the site with the driveway of the existing house of Beadles Cottage, the existing boundary enclosures of the south, west, north and east boundaries of the site would be retained and would remain unaltered at their present heights.

The application is accompanied by:

- A Planning Statement (dated January 2021, prepared by APT Planning and Development);
- A Design and Access Statement - Rev C (dated 17/5/2021, prepared by Carson & Partners);
- A Conservation Area Statement - Rev A (dated 17/2/2021, prepared by Carson & Partners);
- An Access Statement;
- A Transport Statement (dated January 2021);
- A Bat and Breeding Bird Survey (dated May 2020, prepared by The Wildlife Partnership);
- An Environmental Statement (dated 17/2/2021, prepared by Carson & Partners);
- A new Roof Works Supporting Statement (dated 17/2/2021, prepared by Carson

& Partners);

- A Products and Materials Report (dated 19/5/2021, prepared by Carson & Partners);
- A Foundation Appraisal Report (dated 24/8/2021, prepared by Will Rudd Davidson Glasgow Ltd);
- A Tree Survey and Arboricultural Implications Assessment (dated 19/11/2021, prepared by Donald Rodger Associates Ltd); and
- Window Survey drawings.

In the Planning Statement, the applicant's agent explains the pre-application discussions and planning application history that precedes the current application (Ref. 21/00025/P), and sets out, in general terms, the changes that have been made to the proposed scheme of development since the withdrawal of planning application 19/01106/P and listed building consent application 19/01105/LBC.

The Planning Statement sets out the Local Development Plan policies and other material considerations relevant to the proposed development and the Applicant's Agent's interpretation of those policies and considerations relative to the proposed development for the alterations and extension of the existing house of Auburn and the erection of the proposed two holiday accommodation units and garage and associated works in this location in the village of Dirleton.

The Planning Statement explains that the existing house of Auburn has suffered from years of poor maintenance and is in need of appropriate and wholesale renovation, and that in key public views from the south the existing house would remain largely unchanged. It is further stated that the proposed extension and alterations to the rear elevation of the existing house would be fit for modern living and would be subservient to the main house, being of a scale, design and external finish that would complement the rear elevation of the house and provide a clear delineation between the old and the new. The Planning Statement goes on to explain that the existing former gallery and laundry buildings would be removed from the site and would be replaced by two new buildings, and that those proposed buildings would be modern, attractive and sustainable buildings providing much needed self-catering holiday accommodation for the area.

The Design and Access Statement and the Conservation Area Statement detail the proposed alterations and extensions to the existing house and the erection of the new buildings and other associated works, as well as describing the nature of the changes since the submission of withdrawn planning application 19/01106/P and withdrawn listed building consent application 19/01105/LBC. These two Statements set out the Architect's interpretation of the character of the area, and consider the impacts of the existing buildings on the Conservation Area and other historic assets. In summary, and including the use of 3D visualisations, it concludes that the visual impact of the proposals would not harm the character and appearance of the village and wider Conservation Area, or the setting of the nearby listed buildings.

In a supporting email, the applicant's agent confirms that the proposed development is for the erection of two units of holiday letting accommodation.

Since the application was registered, amended drawings have been received to:

- Clarify the use of the proposed two new buildings fronting Manse Road;
- Clarify the external finishes of the proposed buildings, including the construction materials of the frames of the windows and patio doors;

- Correct errors on the application drawings and in the supporting reports;
- To amend the proposals to remove the use of PPC aluminium framing for the window and sliding patio doors;
- Provide a visual/photo montage of the proposed development in the streetscape of Manse Road to the east of the site;
- Provide missing elements of submitted reports;
- Provide a report to support the re-roofing of the existing house; and
- Clarify the location of parking spaces to serve the existing house and proposed holiday accommodation.

These details and changes are shown on amended application drawings submitted by the applicant's agent.

In addition, following concerns raised by the **Council's Landscape Officer (Policy and Strategy)** regarding the impact on tree 594 of the triangular shaped area of treed land to the south of the site, the Foundation Appraisal Report has been submitted and the Tree Survey and Arboricultural Implications Assessment has been amended.

DEVELOPMENT PLAN

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan, unless material considerations indicate otherwise.

The development plan is the approved Edinburgh and South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Development Plan 2018.

The purpose of the approved Edinburgh and South East Scotland Strategic Development Plan (SESplan) is to set out the strategic planning framework to assist preparation of local development plans. Its policies are generally not relevant for assessing individual applications.

There are no policies of the approved Edinburgh and South East Scotland Strategic Development Plan (SESplan) relevant to the determination of this application.

Relevant to the determination of the application are Policies RCA1 (Residential Character and Amenity), CH1 (Listed Buildings), CH2 (Development Affecting Conservation Areas), CH4 (Scheduled Monuments and Archaeological Sites), DP1 (Landscape Character), DP2 (Design), DP5 (Extensions and Alterations to Existing Buildings), DP7 (Infill, Backland and Garden Ground Development), T1 (Development Location and Accessibility), T2 (General Transport Impact), NH4 (European Protected Species), NH5 (Biodiversity and Geodiversity Interests, including Nationally Protected Species), NH8 (Trees and Development) and DEL1 (Infrastructure and Facilities Provision) of the adopted East Lothian Local Development Plan 2018.

Material to the determination of the application is the adopted East Lothian Local Development Plan 2018 Supplementary Planning Guidance on Cultural Heritage and the Built Environment (adopted 30th October 2018).

Also material to the determination of the application are Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the Scottish Government's policy on development affecting a listed building or its setting, and on development within a conservation area given in Scottish Planning Policy: June 2014.

Scottish Planning Policy echoes the statutory requirements of Section 59 of the Planning (Listed Buildings and Conservation Area)(Scotland) Act 1997 that in considering whether to grant planning permission for development which affects a listed building or its setting a planning authority shall have special regard to the desirability of preserving and enhancing the building, its setting and any feature of special architectural or historic interest which it possesses.

Scottish Planning Policy also echoes the statutory requirements of Section 64 of the Planning (Listed Buildings and Conservation Area)(Scotland) Act 1997 that a planning authority must have regard to the desirability of preserving or enhancing the character or appearance of a conservation area in exercising its responsibilities in the determination of any application for planning permission for development affecting a conservation area. It is stated in Scottish Planning Policy that proposed development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character and appearance of the conservation area should be treated as preserving its character and appearance.

REPRESENTATIONS

A total of sixteen representations to the application have been received. Fourteen of those representations raise objection to the proposed development and one of those fourteen representations is from a community association (the Dirleton Village Association). Eight of those fourteen representations (objection) are from three people. As summarised, the main grounds of objection raised in the fourteen representations are:

1, the alterations to the listed building of Auburn are welcomed however there are serious concerns about the replacement of the existing former laundry (known as the Gallery building) with a building of similar character. The derelict former laundry building is industrial in character, and its design pays no regard to the sensitive nature of its location alongside the historic group of church buildings;

2, the style, scale and character of the proposed southern replacement building bears no relationship to the surrounding listed buildings within whose setting it lies;

3, the proposals on the site of the former laundry would be an unsympathetic over-development of the site which would harm the historic character of the Conservation Area and the setting and views of the adjacent listed buildings, including Dirleton Parish Church;

4, the design of the proposals is not in keeping with its location in the Conservation Area;

5, the greater height and larger size of the proposed northern most building would reduce the existing views towards the church tower from the east;

6, the replacement buildings lack any sense of design unity and the massing and form of the buildings is muddled and not in keeping with the architectural character of the conservation area;

7, commercial development should not be supported, rather the proposals should be

conditioned in a similar manner as those approved by 20/00229/P, which require the equestrian use approved by that application only to be used in connection with the residential use and enjoyment of the residential property of Auburn House and at no time to be used for any business or commercial use;

8, the elevations and images from the east do not show the church tower in its correct position and perspective;

9, the Conservation Statement does not provide analysis of the Conservation Area and does not consider how the proposed design relates to the character of the Conservation Area;

10, the development is not compatible with the historic architectural elements in the village;

11, no details have been provided for the colour of the proposed harling, colours of garage doors, gates, doors and window frames, or the details of the proposed external paving materials. Paving materials should be stone paving or high quality concrete products that replicate stone;

12, the southern-most replacement building would perpetuate the incongruous style of the existing former laundry building;

13, traditional materials and external finishes should be used (i.e. natural stone to match the existing stone buildings of the historic group of church buildings to the west);

14, a flat roofed building is not appropriate;

15, the south wall of the southern-most building should be finished in stone as is presently the case for the former laundry building;

16, the existing wooden fencing and gates to the front (south) garden of Auburn should be restored as an exact copy;

17, the traffic and pedestrian survey is not representative of the amount of vehicular, cycle and pedestrian traffic that uses the road, which is part of the John Muir Way, and the additional garages and holiday accommodation traffic will not realise how busy the road gets and accidents will occur. This would be exacerbated by the use of electric vehicles which make no noise and therefore pedestrians and cyclist won't hear them. A risk assessment should be carried out;

18, the Transport Statement is incorrect to state that (i) the existing lay-by parking spaces on the east side of Manse Road were intended for use in association with the Gallery when those parking lay-bys were for use as visitor spaces for residential properties of The Glebe and in association with the Gallery, and that (ii) there is a useable parking space at the northern end of the site adjacent to the parking area of Beadles Cottage when that area of land would be enclosed by walls on all sides;

19, there would be insufficient on-site parking provision for the proposed holiday letting accommodation;

20, the garages fronting onto Manse Road would be difficult to use due to the narrow width of Manse Road and would not have adequate visibility onto the public road;

21, the relocation of a high wall further to the north, closer to Beadles Cottage, would

hinder the visibility from the existing parking space of Beadles Cottage;

22, how will existing properties be accessed during construction works? Vehicular and pedestrian access to these existing properties should be maintained at all times during construction;

23, the public footpath on the opposite side of Manse Road is not regularly used because it is behind a hedge and this should be addressed by the Council and there should be another footpath in front of the hedge;

24, the proposed development would be harmful to the amenity of neighbouring residential properties through overlooking of neighbouring houses and gardens, noise nuisance, and loss of daylight and would not comply with the Council's guidance on the assessment of such matters;

25, trees on the site should be protected from construction works including apple trees in the walled garden;

26, tree works to cut off the top of tree 594 should not be allowed;

28, bin storage area should not be visible;

29, control of wirescape - new wires to the proposed development should not be 'hung' across Manse Road/the John Muir Way and existing wires and poles that are within the TPO'd group of trees to the southeast of Auburn should be removed;

30, the old cast iron trough/water pump and lamppost to the southeast and east of Auburn should be retained and protected during construction; and

31, existing materials from the down-taking of the existing building should be re-used in the proposed development or retained for re-use elsewhere.

In their representation, the community association make suggestions for alternative designs for the proposed holiday accommodation buildings and associated development.

The two remaining representations neither object to nor support the proposed development but comment that:

a) the visualisations do not correctly represent the height of the proposed development;

b) works have already commenced on the site; and

c) there is a likelihood that asbestos will be found on the site and there is nothing in the submitted application details to indicate how this will be addressed.

The matter of the location of the existing public footpath on the east side of Manse Road and the frequency of use of it by pedestrians or cyclists is not a material consideration in the assessment of this application for planning permission.

The removal and disposal of any asbestos found on the site is controlled by a regulatory regime other than Planning, i.e. Health and Safety Legislation (HSE). Thus, the consideration of the removal of any asbestos that may be found on the application site does not form part of the assessment of this application for planning permission.

Whether or not works have already commenced on the site, this application has to be

determined on its merits or otherwise with due regard to the relevant policies of the development plan and other material considerations.

With regards to the comments received relating to the application containing errors, omissions and lacking information, the drawing(s) and documents submitted with the application are of a satisfactory standard with scale bars and correct red line outline to adequately assess and determine the application. They are in accordance with the validation requirements of East Lothian Council in the validation of planning applications for a non-householder type application.

On the matter raised by an objector of the impact of utility wires serving the proposed development being strung across Manse Road, the proposed development is not of a scale likely to require large numbers of such overhead wires. If any such utility wires were required to be provided above ground, they would be viewed in the context of the existing wires that already cross Manse Road at points southeast of the application site and northeast of the application site (adjacent to the junction with The Glebe). Although such existing overhead wires are limited in number, it is unlikely, given the scale of the proposed development that any such new overhead wires would be of such number as to be prominent in views along Manse Road.

COMMUNITY COUNCIL

Gullane Area Community Council as a consultee advises that they support the views of the Dirleton Village Association, who raise objection to the proposed development and in so doing the Gullane Area Community Council also raise objection to the proposed development and the main grounds of objection as summarised are:

i, the size, design, scale, massing, character and finishes of the proposed buildings are inappropriate for their location in the Conservation Area and would be harmful to the setting of the nearby listed buildings;

ii, the proposals on the site of the former laundry buildings would be an unsympathetic over-development of the site;

iii, commercial development should not be supported, rather the proposals should be conditioned in a similar manner as those approved by 20/00229/P, which require the equestrian use approved by that application only to be used in connection with the residential use and enjoyment of the residential property of Auburn House and at no time to be used for any business or commercial use;

iv, the elevation drawings and images from the east do not show the church tower in its correct position and perspective;

v, the Conservation Statement does not provide analysis of the Conservation Area and does not consider how the proposed design relates to the character of the Conservation Area;

vi, no details have been provided for the colour of the proposed harling, colours of garage doors, gates, door and window frames, or the details of the proposed external paving materials. Paving materials should be stone paving or high quality concrete products that replicate stone;

vii, traditional materials and external finishes should be used (i.e. natural stone to match the existing stone buildings of the historic group of church buildings to the west;

viii, the existing wooden fencing and gates to the front (south) garden of Auburn should be restored as an exact copy;

ix, the traffic and pedestrian survey is not representative of the amount of vehicular, cycle and pedestrian traffic that uses the road, which is part of the John Muir Way, and the additional garages and holiday accommodation traffic will not realise how busy the road gets and that accidents will occur. This would be exacerbated by the use of electric vehicles which make no noise and therefore pedestrians and cyclist won't hear them. A risk assessment should be carried out;

x, the Transport Statement is incorrect to state that (i) the existing lay-by parking spaces on the east side of Manse Road were intended for use in association with the Gallery when those parking lay-bys were for use as visitor spaces for residential properties of The Glebe and in association with the Gallery, and that (ii) there is a useable parking space at the northern end of the site adjacent to the parking area of Beadles Cottage when that area of land would be enclosed by walls on all sides;

xi, there would be insufficient on-site parking provision for the proposed holiday letting accommodation;

xii, how will existing properties be accessed during construction works?;

xiii, the public footpath on the opposite side of Manse Road is not regularly used because it is behind a hedge and this should be addressed by the Council and there should be another footpath in front of the hedge;

xiv, the proposed development would allow for harmful overlooking of the neighbouring houses and gardens and would not comply with the Council's guidance on the assessment of such matters;

xv, the proposed development would result in a loss of daylight to neighbouring properties;

xvi, trees on the site should be protected from construction works including apple trees in the walled garden;

xvii, there are valuable apple trees on the site which should be preserved and protected;

xviii, tree works to cut off the top of tree 594 should not be allowed;

xix, bin storage area should not be visible;

xx, control of wirescape - new wires to the proposed development should not be 'hung' across Manse Road/the John Muir Way and existing wires and poles that are within the TPO'd group of trees to the southeast of Auburn should be removed;

xxi, the old cast iron trough/water pump and lamppost to the southeast and east of Auburn should be retained and protected during construction; and

xxii, existing materials from the dountaking of the existing building should be re-used in the proposed development or retained for re-use elsewhere.

PLANNING ASSESSMENT

The application site is located within the Dirleton Conservation Area. The Character

Statement for the Dirleton Conservation Area given in the Local Development Plan Supplementary Planning Guidance on Cultural Heritage and the Built Environment describes Dirleton Conservation Area as comprising the whole of the very picturesque village with its buildings grouped around a series of open greens, and notes that development impinging on either the greens or the open countryside or woodland at the approaches to the village would adversely affect the Conservation Area. The Statement notes that there are unifying design details to the buildings of Dirleton Conservation Area, including raised gable heads, diamond shaped chimneystacks and skew putts. The Statement also explains that, with the exception of landmark buildings, the majority of buildings are low density and small scale. The Character Statement also notes that extensive mature trees and garden, particularly to the north and west of the village, which allow only glimpses in to the buildings, are also a characteristic of the Conservation Area. The Character Statement further notes that external finishes in the older part of the village are almost exclusively stone, however that within the eastern and western parts of the village harled exteriors are also evident, and that roofs throughout the village are either natural slate or natural clay pantile. The Statement further notes that the loss of existing stone walls would harm the Conservation Area.

The buildings in this part of Dirleton are of various sizes, heights, forms, architectural styles and external finishes. The houses and buildings are predominantly detached however there is a pair of semi-detached houses opposite the application site on the east side of Manse Road (i.e. 1 & 2 The Glebe), and heights vary between single storey, single storey with attic accommodation in their roof space and two storeys. The properties of The Glebe are a more recent addition to this part of the Conservation Area being built with the benefit of planning permission 05/01310/FUL. Whilst the majority of houses have reasonably large sized gardens, those of the houses of The Glebe are more modest in size. With the exception of the former gallery/laundry buildings on the application site, many of the houses and buildings are of a traditional architectural appearance with traditional architectural details such as timber framed astragalled windows, stone skews, chimneystacks and raised gables. External finishes are predominantly natural rubble stone and painted or coloured wet dash render for their external walls, and natural slates or natural red clay pantiles for their roofs. The former gallery/laundry buildings are of a two storey and single storey flat roofed form, and with the exception of their single storey south elevation wall which is finished in natural rubble stone, their external walls are finished in a white painted wet dash render. In all of this, the houses and buildings in the locality are characterised by a mix of varying heights and architectural styles and the ratio of built form to undeveloped garden ground varies. Consequently, the area displays a mixed pattern and density of built form.

Although of some age, the existing single storey extensions attached to the north (rear) elevation of the existing house of Auburn are later additions to the listed building. They are single storey in height with a combination of flat and mono-pitched roofs. The existing flat roofed single storey extension, including its two chimneystacks, attached to the north (rear) elevation of the single storey eastern component of the existing house is proposed to be removed to facilitate the erection of the proposed new extension. That existing single storey extension is a later addition to the listed building with multiple window styles, which contrast with the otherwise uniformity of astragalled windows of the existing house. The existing extension is not of any particular architectural character and merit.

The removal and demolition of the existing single storey extension attached to the north (rear) elevation of the single storey eastern component of the existing house of Auburn is not, in itself, development for which planning permission or conservation area consent is required, and thus its removal does not form part of the assessment of this planning application. Listed building consent would be required for the alteration to the listed

building to demolish/remove the extension and such matter is considered in the assessment report for the associated listed building consent application (Ref. 21/00034/LBC).

The proposed single storey extension to be added to the north (rear) elevation of the single storey eastern component of the existing house of Auburn would have a rectangular shaped footprint. It would extend across the full width of the single storey eastern component of the existing house and would project some 7.3 metres away from that north (rear) elevation. Its western side elevation would attach to the remaining element of existing single storey extension that is attached to the north (rear) elevation of the main two storey component of the existing house. The proposed extension would have a shallow mono-pitched roof clad with zinc standing seam profile roofing and its external walls would be finished with a lime render with a stone base course.

Attached to its east side would be a further proposed single storey link extension with a flat roof, which would wrap around the south end of the southern-most proposed new two-storey building. Its external walls would be finished with Siberian Larch timber cladding with a stone base course and its roof would be finished with zinc roofing. The proposed flat roofed single storey extension would link together the larger proposed rear extension and the southern-most proposed new two-storey building containing the proposed garage and one of the units of holiday accommodation.

All of the proposed extensions would be of a contemporary architectural form and style with large areas of glazing and plain glazed windows. The windows and their frames and the glazed sliding doors and their frames of the proposed extensions would be of timber framed double glazed construction.

Although the proposed rear extension would extend across the full width of the single storey eastern component of the existing house, it would replace an existing single storey rear extension, which similarly extends across the full width of that single storey eastern component of the existing house. The proposed rear extension would have a larger footprint than the existing single storey rear extension that it would replace. However, due to its single storey height, its shallow mono-pitched roofed form, and its position on the north (rear) elevation of the existing house, the proposed extension would be a subservient addition to the listed building that would not be prominent or obtrusive.

The proposed single storey flat roofed link extension would, of itself, have a small footprint, which would link the proposed rear extension with the southern-most of the proposed buildings to be erected on the eastern part of the application site. By virtue of its small scale, massing and single storey height, the proposed flat roofed link extension would be a subservient addition to the listed building that would not be prominent or obtrusive.

Even when combined together, the proposed rear extension and the proposed flat roofed link extension, by virtue of their size, scale, massing, position and single storey height, would be subservient additions to the listed building that would not be prominent or obtrusive. They would not mask or draw focus from any part of the listed building that is of particular special architectural or historic interest and would not result in the loss of any features of special architectural or historic interest of the existing house.

The proposed extensions would be of a contemporary architectural design with large areas of glazing. In this they would be of a contrasting architectural form and design to the existing house. However, they would be secure in their own design and by their contrasting contemporary architectural form and design, they would clearly read as later additions to the listed building, and would contrast in a complementary manner with the

traditional architecture of the listed building. Thereby allowing the listed building to continue to evolve and remain in continuing sustainable use.

Although the proposed extensions would be of a contemporary architectural design with large areas of glazing, they would be predominantly finished in traditional materials (i.e. lime render, natural stone) which would complement the palette of external finishes of the existing house. Furthermore, the existing extension, which is to be removed, has a rendered finish. Subject to the colour of the lime render being appropriate and complementary to its setting and to the colouring of the existing natural rubble stone finish of the walls of the existing house, and the stone to be used for the base course of the proposed extension being a natural stone and being in keeping with the natural stone finish of the walls of the existing house, details that could be controlled by a condition attached to a grant of planning permission, the use of lime render and a natural stone base course would not be harmful to the character and appearance of the house.

The use of zinc roofing material to clad the roof of the proposed extensions would be distinctively different from the existing slate and pantile roof cladding of the existing house. However, the use of such different material would be appropriate relative to the contemporary architectural style of the proposed extensions. The zinc roofing material would contrast harmoniously with the slate and pantile roof cladding of the existing house and would be complementary to it. By its grey colouring, the zinc roofing would sit harmoniously alongside those existing materials and zinc has for many years been used as a roofing material. The use of such material would not appear as a harmfully incongruous addition to the existing house.

The use of timber cladding for the external finish of parts of the external walls of the proposed extensions is not an external finishing material generally evident within this part of Dirleton. The predominant external finishes of this part of Dirleton are natural rubble stone, wet dash render, and ashlar stone detailing. However, the timber cladding (Siberian Larch) would only be on a small part of the external walls of the proposed extensions, and although visible in public views, it would add variety to and would complement the palette of existing external finishes of this part of Dirleton without detracting from it.

Like the existing extension that they would replace, the majority of the proposed extensions to be added to the existing house would not be readily visible in public views from Manse Road to the south and east of the site. The existing house would screen the majority of the proposed extensions in views from the south and the existing former gallery/laundry buildings or the proposed new buildings do/would screen the majority of the rear of the existing house from the east. However, a part of the proposed flat roofed link extension where it wraps around part of the south elevation of the southern-most proposed building would be readily visible in public views from Manse Road and furthermore there would be glimpsed views of the proposed rear extension between the existing or proposed buildings on the eastern part of the application site, and from the Church burial ground to the west of the site. Such views as there would be of the proposed extensions would be for short duration only and in those views the proposed extensions would be viewed against the backdrop of the greater bulk and massing of the existing house, and of the existing or proposed buildings on the eastern part of the application site, and would not appear harmfully prominent, overbearing or obtrusive within the streetscape.

In such circumstances, and as sympathetic and subservient additions to the listed building, by virtue of their size, scale, height, architectural form and finishes and their positioning, the proposed extensions would not be harmful to the special architectural or historic interest of the listed building or its setting, would not appear harmfully prominent,

overbearing or obtrusive within the streetscape and thus would not be harmful to the character and appearance of this part of the Dirleton Conservation Area.

A proposed flat roofed dormer window would be added to the north (rear) roof slope of the single storey eastern component of the existing house and the existing roof of that part of the listed building would be altered to raise its ridge by some 0.15 of a metre to facilitate the addition of the dormer. The proposed dormer would extend across a little over half of the north (rear) roof slope of the single storey eastern component of the existing house, and although at such size it would be a large addition to the north (rear) roof slope, almost half of that roof slope would remain visible, and the proposed dormer would not appear as an overly dominant addition to the roof slope. The proposed dormer would reflect the fenestration pattern and contemporary architectural character of the proposed rear extension alongside which it would be viewed, and in so doing it would be secure in its own design. By its contrasting contemporary character, it would clearly read as a later addition to the listed building that would contrast in a complementary manner with the traditional architecture of the listed building. As a sympathetic and subservient addition to the north (rear) roof slope of the single storey eastern component of the existing house the proposed dormer would not be prominent or obtrusive addition to the listed building. Its external finishes of zinc cladding to its roof, cheeks and facings and its timber framed double glazed windows would be appropriate relative to its contemporary architectural style, and would harmoniously contrast with and complement the existing palette of external finishes of natural stone and natural slate and pantile roofs of the existing house. In all of this the proposed dormer would not appear as a harmfully incongruous addition to the existing house.

The proposed alterations to the roof of the north (rear) roof slope of the single storey eastern component of the existing house to raise its ridge by some 0.15 of a metre would not be readily discernible in the streetscape. The roof ridge as it is proposed to be raised would remain some 0.15 of a metre below the level of the architectural detail at the base of the chimneystack at its eastern end. Such alteration to the roof of the single storey eastern component of the existing house would not be harmful to the architectural character of the house, and would not be prominent or obtrusive within the streetscape.

The south (front) elevation roof slopes of the existing house are clad with natural slates and the north (rear) elevations roof slopes are clad with natural red clay pantiles. It is proposed to re-clad all of the roof slopes of the existing house. A new roof works supporting statement has been submitted with the application. The supporting statement explains that to comply with current standards the existing roof requires to be insulated and appropriately ventilated, and that this requires the removal of the existing finishes and the re-cladding of the roof slopes respectively with natural slates and natural red clay pantiles. In the statement it is explained that the existing roof finishes will be repaired and reinstated.

The south (front) elevation of the existing house is readily visible in public views, and although the north (rear) roof slope is less visible it is still visible in longer range glimpsed views between the buildings on the east side of Manse Road and from Dirleton Parish Church Burial Ground. Subject to the existing natural slates and natural pantiles being re-used, where possible, to re-clad the roof slopes, and that where any new slates or pantiles are required to supplement the existing materials, those new slates or new pantiles being natural slates or natural red clay pantiles (as relevant) and them matching as closely as possible the size, thickness, texture and colour of the existing natural slates and natural red clay pantiles (as relevant) of the existing roofs which are otherwise to be re-used in their re-cladding, the re-cladding of the roofs of the existing house would be in keeping with the architectural form and character of the existing house, and would not be harmful to the character and appearance of the listed building, or to the character and

appearance of the streetscape. This detail could be controlled by a condition attached to a grant of planning permission.

The application drawings detail only the provision of one roof vent on the north (rear) elevation roof slope of the single storey eastern component of the existing house and otherwise no further roof vents are proposed on the roof slopes of the existing house. Roof vents are detailed on the application drawings for the roof of the proposed single storey link extension and for the roofs of the proposed two new buildings. The Products and Materials Report (dated 19/5/2021) details the roof vent proposed for the north (rear) elevation roof slope of the single storey eastern component of the existing house to be a flush fitting in-line roof tile vent designed to replicate the appearance of a pantile. In its position to the west side of the proposed dormer, between it and the east gable of the two storey component of the existing house, it is unlikely that the proposed roof vent would be readily visible in views of the listed building and by its flush fitted appearance and subject to it matching as closely as possible the colour of the pantile roof finish, it would be a discreet addition to the roof of the listed building. Subject to the roof vents and flues being coloured to match as closely as possible the colour of the part of the roof on which they would be installed, a detail that could be controlled by a condition attached to a grant of planning permission, the proposed roof vents and flues would not appear as harmfully dominant and obtrusive features on the roof of the existing house (listed building) or on the roofs of the proposed extensions and new buildings. They would not be harmful to the character and appearance of the listed building or the character and appearance of the streetscape.

Any wall vents or flues, if relevant, installed in the walls of the proposed extensions and proposed new buildings shall be coloured to match as closely as possible the colour of the part of the wall on which they would be installed, and shall be as flush fitting as possible, a detail that could be controlled by a condition attached to a grant of planning permission. Subject to such control any proposed wall vents and flues would not harmful to the character and appearance of the listed building as it is proposed to be extended and altered, or the character and appearance of the streetscape.

Excluding the existing south (front) entrance door with fan light window above and the rear entrance door, both of the two storey component of the existing house, and with the exception of the alterations to the window and door openings of the south (front) elevation of the single storey eastern component of the existing house, which include the removal of a window and the repositioning of another window, the Window Survey drawings submitted with the application propose only the refurbishment in situ of all of the other windows of the existing house. The refurbishment would include, where relevant, localised timber repairs, new putty and repainting. Subject to the refurbished window frames being externally painted white, a detail could be controlled by a condition, the retention and refurbishment of the existing windows of the existing house would be a sympathetic alteration to the existing house that would improve its appearance and would not be harmful to the architectural or historic character and appearance of the listed building.

The proposed two new window openings to be formed on the north (rear) elevation of the two storey component of the existing house would be of a size and proportion in keeping with the size and proportions of the first floor windows of the south (front) elevation of the two storey component of the existing house and would have a stone cills and lintels to match the existing stonework of the existing house. Those existing south (front) elevation first floor windows differ in size and proportion to the existing ground floor windows of that elevation, and similarly the proposed two new first floor windows of the north (rear) elevation would differ from the existing ground floor and staircase windows of that elevation of the existing house. The new windows to be installed in those two new

window openings would each be a pair of side hung casement windows with a six-paned astragalled glazing pattern, which would also be in keeping with the glazing pattern and opening method of the first floor windows of the south (front) elevation. The proposed two new windows would be of timber framed slimlite double glazed construction with 'through' astragals rather than plant on astragals. Subject to them being externally painted white to match the external finish of the existing windows of the existing house, and to the new stone cills and lintels matching the existing stonework of the existing house, and the windows being timber framed and their astragals being 'through' astragals rather than plant on astragals, all details that could be controlled by a condition(s) of a grant of planning permission, the proposed two new first floor windows would be sympathetic alterations to the existing house and would not be harmful to the architectural or historic character and appearance of the listed building. They would not cause the house to appear harmfully prominent or obtrusive within the streetscape.

It is proposed to alter the south (front) elevation of the single storey eastern component of the existing house to enlarge an existing window opening to form a new door opening and the installation in that enlarged opening of a new solid timber door with timber frame and with a timber framed fanlight window above it, and the partial blocking up of an existing door opening and the enlargement of an existing window opening, both to the west of the proposed new door opening, to form a new window opening and the installation in that new window opening of the timber framed astragalled window removed to facilitate the formation of the new door opening. The application drawings detail that such alterations would re-use the existing stone door surround, lintels and jambs at the new door and window openings and that the stone duntakings from the formation of the new door and window openings would be re-used in the infill areas of wall to block up the existing door opening. In their positions on the south (front) elevation of the single storey eastern component of the existing house the proposed alterations to the positions of the door and windows would be readily visible in public views. However, subject to the existing stone surrounds, jambs and lintels being re-used and the existing rubble stone being re-used in the infill areas of wall and if relevant that any new stone, which is required to be used, matching the colour, texture, facing and coursing of the existing rubble stone finish of the south (front) elevation of the single storey eastern component of the existing house and the existing stone surrounds, lintels and jambs, and the pointing of the stonework being a lime mortar, details that could be controlled by a condition, the proposed alterations to the south (front) elevation of the single storey eastern component of the existing house would be sympathetic alterations to the existing house and would not be harmful to the architectural or historic character and appearance of the listed building. They would not cause the house to appear harmfully prominent or obtrusive within the streetscape.

The new hardstanding area in the form of a raised patio with steps and footpath would be located to the north and west sides of the proposed rear extension to the existing house. A further hardstanding area comprising a footpath would be formed to the south and west sides of the proposed garden building. The surface of the proposed hardstanding areas would be finished with sandstone flags. In their positions within the rear garden of the existing house and by their ground level positioning, the proposed hardstanding areas would be wholly contained within the rear garden of the house and would not be readily visible in public views from outwith the site. Any glimpsed views of them in public views would be from the Burial Ground to the west. In their relationship with the existing house, proposed extensions and the proposed garden building, the proposed hardstanding area would not be untypical features for the garden of a residential house. By virtue of their size, form, appearance, surface finish and positioning, the proposed hardstanding areas would be sympathetic additions to the garden of the existing house and would not, in their place and in association with the existing house, be harmful to the setting of the listed building of Auburn or the character and appearance of the area. In

that they would not be readily visible from outwith the site they would not have a perceptible impact on the character and appearance of this part of the Dirleton Conservation Area.

The proposed detached garden building would be single storey in height with a simple rectangular shaped linear footprint and a shallow mono-pitched roofed lean-to form. It would be positioned abutting the south face of the north wall of the walled garden and would be positioned roughly centrally along the length of that wall. It would measure some 16.8 metres in length and would project some 3.9 metres away from the north wall of the rear walled garden.

Although, overall it would have a sizeable footprint the proposed garden building would have a domestic purpose in association with the existing house, and the individual components of it would contain a greenhouse, garden store and yoga studio, all for domestic use in association with the existing house. The north (rear) wall of the walled rear garden is some 2.8 metres in height and at the highest point of its mono-pitched roof the proposed garden building would be some 2.7 metres in height. In its position in the rear walled garden of the existing house, there would be limited views of the proposed garden building from within the Burial Ground to the west. Otherwise, it would not be readily visible in public views within the Conservation Area. Its palette of external finishes of zinc roofing and flashing, glazed roof windows, timber cladding and timber framed windows and doors would be complementary to the palette of external finishes of the existing house and would be appropriate to its location. By virtue of its size, height, form, appearance and external finishes the proposed garden building would not be an untypical feature for the garden of a residential house and would be a sympathetic addition to the garden. It would not be harmful to the setting of the listed building of Auburn or of the other nearby listed building and would not be harmful to the character and appearance of the area. In that it would not be readily visible from outwith the site it would not have a perceptible impact on the character and appearance of this part of the Dirleton Conservation Area.

A new opening, some 3.5 metres in width, would be formed in the east boundary wall of the walled garden of Auburn. A pair of 2.3 metres high steel framed, timber clad (Siberian Larch) gates would be installed at the new opening. The gates would provide access into the rear garden of the existing house of Auburn, which otherwise would be accessed through that existing house. In their proposed position, the new opening and gates would be located at the rear of the proposed vehicular access and parking area that would serve the proposed two units of holiday letting accommodation. In such set back position from Manse Road and positioned between the two proposed buildings there would only be short duration views of the proposed opening and gates when passing the site along Manse Road. There would be nothing unusual in the width and form of the proposed opening and gates, which would be similar to the width of other gateways that can be seen along Manse Road. The boundary walls of the walled garden are listed Category B with the house of Auburn. Although the new opening would result in the removal of a length of the west boundary wall of the walled garden, the majority of that listed boundary wall would remain and the formation of the new opening would not prevent the understanding of the boundary wall as the enclosure of the walled garden, and would not be harmful to the special architectural or historic interest of the boundary walls. Although the proposed gates would be higher than the gates of other such openings on Manse Road, they would be set back from the road and would be positioned between the two proposed buildings and in such locational circumstances, and in that they would maintain the height of the west boundary wall of the walled garden, the gates would not appear harmfully prominent and obtrusive within the streetscape. They would not be harmful to the special architectural or historic interest of the boundary walls or of the listed building of Auburn. By virtue of their size, height, form and appearance, the

proposed new opening and gates would not be an unsympathetic addition to the streetscape. They would not be harmful to the setting of the listed building of Auburn or of the other nearby listed building and would not be harmful to the character and appearance of the area.

All of the proposed alterations and extensions to the existing house would enable the existing house to be brought up-to-date to accommodate modern living standards, whilst retaining significant features of historic interest of the listed building.

In respect of the impact of the proposed development on the setting of the Category A listed Dirleton Parish Church, Gateway and Graveyard Walls, Historic Environment Scotland (HES) advise that they have no comments to make regarding the proposed development.

In their consultation comments during pre-application discussions, HES advise that they would be content with the removal of the later additions to the existing house and with the removal of the existing former gallery/laundry buildings.

In their consultation comments to the associated listed building consent application (Ref. 21/00034/LBC) HES advise that they are pleased that the scale of the proposed extension has been reduced, and that together with improvements to the handling of the historic interior, they now consider the proposals to better retain the significance of the listed building. HES further comment that the proposals do not raise historic environment issues of national significance and therefore they do not object to the application.

Subject to the aforementioned planning controls relating to external finishes, the proposed extensions and alterations to the existing house, the proposed detached garden building, the proposed hardstanding areas and the proposed new opening and gates, by virtue of their size, form, architectural appearance, position and external finishes would, as relevant, be sympathetic, subservient and harmonious additions to the existing house and streetscape that would not harm the architectural character and appearance of the existing house, would not mask or draw focus from any part of the listed building that is of particular special architectural or historic interest and would not result in the loss of any features of special architectural or historic interest of the existing house. Nor would they cause the house as altered and extended to appear harmfully prominent or intrusive within the streetscape or to be harmful to the setting of the listed building of Auburn or the nearby listed buildings of Dirleton Parish Church, Church Hall and Church Session House, and Dirleton House. Nor would they be harmful to the character and appearance of this part of the Dirleton Conservation Area. On these considerations the proposed extensions and alterations to the existing house, the proposed detached garden building, the proposed hardstanding areas and the proposed new opening and gates are consistent with Policies DP2, DP5, CH1 and CH2 of the adopted East Lothian Local Development Plan 2018 and Scottish Planning Policy: June 2014.

It is now necessary to move on to the considerations of the removal of the existing former gallery/laundry buildings and the erection of the two new buildings on the eastern part of the application site.

The buildings in this part of Dirleton are of various sizes, heights, forms, architectural styles and external finishes, though they are of a predominantly dual pitched roofed form with traditional character and features. The existing former gallery and laundry buildings are an exception to this, being of a flat roofed form. They are nonetheless part of the character of this part of the Dirleton Conservation Area.

It is proposed that the existing former gallery and laundry buildings and their associated roadside boundary wall would be removed from the eastern part of the application site to facilitate the erection on that part of the site of two new buildings. Each of the two new buildings would contain a unit of holiday accommodation. The southern-most building would also contain a triple garage for use in association with the existing house of Auburn.

The southern-most building would be predominantly two storey in height with a single storey component at its southern end. At some 6.1 metres in height, its two storey component would be slightly higher by some 0.4 of a metre than the existing two storey component of the existing former gallery/laundry building and the roof pitch of its single storey component would have a shallower pitch, otherwise the proposed building would generally replicate the size, height, scale, massing and form of the existing former gallery/laundry building on the eastern part of the site and would be in keeping with the heights and massing of other buildings in the locality. It would be positioned on the eastern part of the site with its east elevation (roadside) wall on the same alignment with the public road as is the east (roadside) elevation wall of the existing two-storey former gallery/laundry building, and as is the case with that existing building, the east boundary wall of the walled garden would form part of its west elevation wall. The proposed building would have a simple rectangular form and simple architectural detailing with stone string course, base course, and parapet and corner details.

Although the proposed southern-most building would appear architecturally different from the predominantly traditional architectural form and appearance of the houses and buildings of this part of Dirleton Conservation Area, it would generally replicate the size, height, scale, massing and form of the existing former gallery/laundry building on the eastern part of the site, and would be a contemporary interpretation of that existing architectural form. That existing building is an existing component of this part of the Dirleton Conservation Area and thus is part of the character of this part of the Conservation Area.

The frames of its windows would be of double glazed timber construction and its external doors and their frames would also be of timber construction. Other than for the sliding glazed doors of the first floor balcony, the windows of its east (roadside) elevation would be double glazed timber framed casement windows with a two over two or one over one glazing pattern and vertical form. Such pattern of glazing would not be dissimilar to the fenestration of the existing houses of The Glebe on the opposite (east) side of Manse Road. The windows of its north and west elevations would be plain glazed with square or rectangular form that would be of a more contemporary form and appearance. They would not be readily visible in public views or would only be visible in short duration public views. In the limited and short duration views that there would be of these windows they would not appear harmfully prominent or obtrusive within the streetscape. It is proposed that the frames of the windows of the southern-most proposed building would not be painted white but rather would be painted externally in a 'pastel turquoise' colour (RAL 6034) similar to that of the frames of the windows and external doors of the existing former gallery/laundry building. The sliding glazed doors of the proposed first floor balcony would be partially visible in public views from Manse Road however, those doors would be timber framed and would be at first floor level and set back from the edge of the first floor balcony. In this context, although of a different form to other first floor openings in the vicinity, they would be viewed in the context of the different, more contemporary architectural form and appearance of the proposed building and would not be out of keeping with the character of that building or appear harmfully prominent or obtrusive within the streetscape.

Its' palette of external finishes of natural stone base course, lime rendered external walls with stone string course and architectural detailing including window cills, door surrounds and lintels, and timber framed windows and external doors would be in keeping with the palette of external finishes of the existing houses of the area.

The use of zinc roofing material to clad the roof of the proposed southern-most building would be distinctively different from the existing slate and pantile roof cladding of the existing house and neighbouring houses and buildings of this part of the Conservation Area. However, the use of such different material would be appropriate relative to the different architectural style of the proposed building. Furthermore, it would not be dissimilar in appearance and colouring to the roof finishes of existing former gallery/laundry building that would be removed from the site. The zinc roofing material would contrast harmoniously with the slate and pantile roof cladding of the existing house and nearby buildings, in a complementary rather than conflicting manner. By its grey colouring, the zinc roofing would sit harmoniously alongside those existing materials and zinc has for many years been used as a roofing material. The use of such material would not appear harmfully incongruous within the streetscape.

The use of timber cladding for the external finish of parts of the external walls of the southern-most proposed building is not an external finishing material generally evident within this part of Dirleton. However, the (Siberian Larch) timber cladding would only be on a small part of the external walls of the proposed building, and although visible in public views, it would add variety to and would complement the palette of existing external finishes of this part of Dirleton in a complementary rather than conflicting manner. The use of such material would not appear harmfully incongruous within the streetscape.

The proposed southern-most building would incorporate a triple garage at ground floor level to serve the existing house of Auburn, and there would be three vehicular doors on its east (roadside) elevation wall. The proposed vehicular doors would be of steel roller construction with a woodgrain finish and would be painted externally in a 'pastel turquoise' colour (RAL 6034). The existing former gallery/laundry building has a large pair of sliding vehicular doors on its east (roadside) elevation in a similar location towards its southern end and there are other larger openings further north on that elevation wall that provide access and openings onto the enclosed yard between the two existing buildings. In their position on the east elevation of the proposed southern-most building, the proposed three garage doors would be readily visible in public views from Manse Road. Although they would be positioned alongside each other on that elevation of the proposed building, by virtue of their size, form and appearance and by their painted woodgrain effect finish, they would not appear overly dominant or obtrusive on that roadside elevation and in the context of the different architectural form and appearance of the proposed building, they would not cause the proposed building to appear harmful within the streetscape.

Subject to controls on its external finishes, including the colour of its rendered finish, details that could be controlled by a condition(s) of a grant of planning permission, the proposed southern-most building, by virtue of its size, height, scale, massing, form, positioning and external finishes, would not appear harmfully prominent or obtrusive within the streetscape and would not be harmful to the character and appearance of the area.

The proposed northern-most building would comprise one unit of holiday accommodation. It would be single storey in height with accommodation in its roof space. It would have a roughly rectangular shaped footprint with a dual pitched roof with its roof ridge positioned parallel to the public road in the same manner as the roof ridge

of the house of Beadles Cottage to the north. Its footprint would be similar in size to the existing flat roofed single storey building on that part of the site. At some 6.2 metres in height to its roof ridge, and taking into account the slight downward slope of Manse Road in a northerly direction, the proposed northern-most building would be some 1 metre higher than the house of Beadles Cottage. At such height however, it would be in keeping with the single storey and two storey heights of the houses and buildings in the locality and would not appear out of keeping with the heights of the buildings in the locality. It would not at such height and by its 10 metres distance away from the south elevation of Beadles Cottage, and with the intervening land of the application site and of the driveway of Beadles Cottage between, it would not appear harmfully overbearing to the occupiers of that neighbouring property. Furthermore, at such heights, the proposed two buildings would display a subtle gradual stepping down of the roof heights of the buildings on the east side of this part of Manse Road from a two storey height of the southern-most proposed building to the single storey height of Beadles Cottage to the north of the site. At such height and in such position, and with its similar sized footprint and with its east (roadside) elevation positioned on alignment with the position of the east (roadside) elevation wall of the existing building on that part of the application site, and with its traditional dual pitched roofed form, the proposed northern-most building, although of a greater height and massing than the existing building on that part of the site, would be in keeping with the size, height, scale, massing and architectural form of other buildings in the locality.

The proposed northern-most building would generally be of a traditional dual pitched roof form with stone window cills, and door surround/lintel. The windows of its east (roadside) elevation would be of a traditional timber framed multi-paned appearance with through astragals and would be white painted. Those of its other elevations would be of a more contemporary appearance with timber frames. Although some of those windows would be visible in public views, such views would be of short duration and primarily perpendicular to the public road and in this they would not be harmful to the character and appearance of the proposed building or of the streetscape. Its palette of external finishes of natural slates for its roof, lime render for its external walls, natural stone base course, window cills and door surround/lintels, and timber framed windows and external doors would be in keeping with the palette of external finishes of the existing houses of the area.

The use of zinc roofing material to clad the roof of the small projecting component on its west elevation and the cheeks, facing and roof of the flat roofed dormer on its west elevation roof slope would be distinctively different from the existing slate and pantile roof cladding of the existing house and neighbouring houses and buildings of this part of the Conservation Area. However, by its grey colouring, the zinc roofing would contrast harmoniously with the slate roof finish of the dual pitched roof of the proposed building and with the slate and pantile roof cladding of the existing house and nearby buildings, in a complementary rather than conflicting manner and would sit harmoniously alongside those existing materials. Moreover, in that the zinc roofing material would be used on the west (rear) elevation of the proposed building it would not be readily visible in public views, other than from the burial ground of the church to the west. Accordingly, the use of such material would not appear harmfully incongruous within the streetscape.

Subject to the roof windows of its east and west elevation roof slopes being fitted as flush as possible with the upper surface of the roof into which they would be installed and controls on its external finishes, including the colour of its rendered finish, details that could be controlled by a condition of a grant of planning permission, the proposed northern-most building, by virtue of its size, height, scale, massing, form, positioning and external finishes, would not be out of keeping with the character and appearance of the area and would not appear harmfully dominant, prominent or obtrusive within the

streetscape.

The new hardstanding area in the form of the parking area between the proposed two buildings would be finished with monobloc paving. In its position immediately abutting the west side of Manse Road, the proposed hardstanding area would be readily visible in public views. By its ground level form and in its position between the proposed two buildings, and seen as it would be in the context of those proposed two buildings, the proposed hardstanding area would not be an untypical feature within the streetscape, where some off-street parking areas are visible in public views. Hard surfaced areas in this part of the Conservation Area are finished with a variety of materials, including gravel and tarmac. There are also areas of monobloc paving within the development of The Glebe on the east side of Manse Road. Subject to the monobloc paving to be used to surface the proposed hardstanding area being appropriate in terms of its appearance, texture and colour, a detail that could be controlled by a condition attached to a grant of planning permission, the proposed hardstanding area would not, by virtue of its size, form, appearance, surface finish and positioning, be an unsympathetic addition to the streetscape and would not be harmful to the character and appearance of the area or of this part of the Conservation Area or the setting of the nearby listed buildings.

Although the removal of the existing former gallery/laundry buildings would result in the removal of a length of natural rubble stone wall from the streetscape of Manse Road, that length of wall is not a boundary wall but rather is a part of the existing building that is proposed to be demolished/removed. At its short length of some 7.5 metres, and in that it is partially screened in views from the south by the existing trees that are to the south of the application site, the loss of this area of stone wall would not have a detrimental impact on the character and appearance of this part of the Conservation Area or the setting of the listed building of Auburn.

An existing 8 metres length of 2.5 metres high rubble stone boundary wall that presently abuts the north elevation of the existing former laundry building on the eastern part of the site, is proposed to be taken down and relocated some 3.7 - 4.0 metres further to the north along the north boundary of the site with the driveway of the existing house of Beadles Cottage. Although covered with vegetation and directly abutting the north elevation of the existing building, the length of rubble stone wall is part of the character of this part of Manse Road. The proposals are not for its removal but rather they are for its relocation and rebuilding at the same height but some 3.7 - 4.0 metres further to the north. Subject to the rubble stone of the down-taken length of wall being re-used, where possible, in the rebuilding of the length of wall in its proposed position and if any new rubble stone is required to be used that new rubble stone being natural stone to match as closely as possible the coursing, texture, colour and facing of the natural rubble stone of the existing wall, details that could be controlled by a condition attached to a grant of planning permission, the down-taking and rebuilding of the length of wall would not, by virtue of its height, form, appearance, external finish and positioning, have a harmful impact on the character and appearance of the streetscape or this part of the Dirleton Conservation Area or the setting of any nearby listed buildings.

Although the proposed two buildings would be of distinctly different architectural form and appearance, the streetscape of this part of Manse Road and thus also this part of the Conservation Area already displays a mixed character of architectural form and finishes. In this context, it is not essential that the proposed two buildings have the same architectural character, form and appearance. The proposed southern-most building would reflect the existing character and form of the existing former gallery and laundry building whereas the proposed northern-most building would be of a more traditional character similar to that of the house of Beadles Cottage to the north. The use of some of the same external finishes of lime render and natural stone would ensure that the two

buildings would sit comfortably alongside each other, and that together they would sit comfortably alongside the other buildings of this part of Manse Road and of the Conservation Area.

Due to their positioning on the eastern part of the application site, the proposed two new buildings and their associated development would not have a detrimental impact on principal views of, and thus, the setting of, the listed buildings of Dirleton Parish Church, walls and graveyard, Dirleton Parish Church Hall, the Church Session House or the War Memorial in views from the open space of Church Green to the south. The proposed two new buildings and their associated development would be visible in views of the Category A listed building of Dirleton Parish Church, walls and graveyard from the east from Manse Road. Such views of the Parish Church from this part of Manse Road are not views of its principal elevation but rather are views of the tower and roofscape of the listed building, and such views are primarily seen for the most part in views above and between the existing buildings of this part of Manse Road. In that the southern-most proposed building would generally replicate the height and form of the existing former gallery and laundry building on that part of the site, the proposed building would therefore have no different impacts on the views of the church tower and roofscape than does that existing building. Although the additional height of the proposed northern-most building would be an addition to the streetscape on this part of Manse Road and inevitably be seen in views of the church tower and roofscape, such views of the church tower and roofscape are critical to the understanding of the setting of the listed building and the church tower and roofscape would continue to be viewed in the gaps between the proposed northern-most building and Beadles Cottage and between it and the proposed southern-most building. Accordingly, the proposed two new buildings and their associated development would not have a harmful impact on the setting of the Category A listed building of Dirleton Parish Church, its walls and graveyard in views from the east. Nor due to the intervening distance and trees would the proposed two new buildings and their associated development have a detrimental impact on the setting of the listed building of Dirleton House to the southeast.

Historic Environment Scotland has been consulted on the application and advises that they have no comment to make regarding the proposals on the matter of their impact on the setting of the adjacent Category A listed buildings of Dirleton Parish Church, Gateway and Graveyard Walls.

On the matter of the retention and protection of the existing cast iron trough/water pump and lamppost raised by one of the representations, these items are located on the triangular shaped treed area to the south of the site. Other than the lamppost, these items are located outwith the application site and the application drawings do not show these items to be removed, rather they are shown to be retained in situ. In their locations at the roadside edges of the treed area of land these features contribute positively to the character of this part of the Conservation Area and they may be susceptible to damage from construction vehicle movements. The requirement to retain these historic features of this part of the Conservation Area and to protect them during construction work on the site could be controlled by a condition attached to a grant of planning permission.

The proposed development, by its size, scale, design and density, would be sympathetic to its surroundings and would not be an overdevelopment of the site. As development appropriate to its place, subject to condition controls on their external finishes including colour(s), by virtue of their size, height, scale, massing, form and external finishes, the proposed two buildings and the associated works would not have a detrimental impact on the character and appearance of this part of the Conservation Area or on the setting of the nearby listed buildings. The site is of a size that could accommodate all of the proposed development including vehicular access and parking and the proposed

development would not result in the loss of open space important to the recreation and amenity requirements of the area.

Accordingly, on these matters of design and impact on heritage assets, the proposed development does not conflict with Policies DP1, DP2, DP5, DP7, CH1 and CH2 of the adopted East Lothian Local Development Plan 2018, and Scottish Planning Policy: June 2014.

The **Council's Archaeology Officer** advises that the proposed development includes the demolition of significant elements of a historic listed structure, which forms an important part of the historic nature of the village of Dirleton, and that a Programme of Works (Historic Building Recording) should be undertaken to mitigate the impacts of the proposed development on the Historic Environment. This can be secured through a condition attached to a grant of planning permission for the proposed development. This approach is consistent with Scottish Planning Policy: June 2014 and Policy CH4 of the adopted East Lothian Local Development Plan 2018.

Moving on to the considerations of the proposed holiday accommodation use. Notwithstanding that the Conservation Area Statement and the Design and Access Statement, at times, refer to the proposed two new buildings as residential dwellings, the application form states that the two new buildings would be used as units of holiday accommodation and the applicant's agent has confirmed in an email that their use would be as two units of holiday letting accommodation and not as permanent residential dwellinghouses.

The application site is located within an area covered by Policy RCA1 of the adopted East Lothian Local Development Plan 2018, which states that the predominantly residential use of the area will be safeguarded from the adverse impacts of uses other than housing. Development incompatible with the residential character and amenity of the area will not be permitted.

It is proposed to provide a total of two three-bedroom units of holiday letting accommodation within the two new buildings to be erected on the east side of the application site (i.e. one unit of holiday letting accommodation within each of the two new buildings).

The site of the proposed two units of holiday letting accommodation is located within the settlement boundaries of the village of Dirleton and within an area identified as being predominantly of residential character and amenity. The existing house of Auburn has five bedrooms. The authorised use of the buildings on the eastern part of the application site is as a gallery and café, and prior to that they were used as a laundry. Those former commercial uses would have operated from the site within this part of the built form of the village of Dirleton.

The proposed two units of holiday letting accommodation would be a commercial tourism use. In their location as part of the built form of the village of Dirleton, the proposed two units of holiday letting accommodation would be located close to local facilities and services. They would be some 300 metres away from bus stops on the B1345 public road, and would be some 2 miles away from the railway station at North Berwick and some 3 miles away from the railway station at Drem.

In their use as holiday letting accommodation, the use of the proposed two units of holiday letting accommodation would not be dissimilar to the operational use of a house. The proposed holiday letting use is a use that inherently should not generate extraordinary activity harmful to the amenity of neighbouring residential properties in the

locality and thus the proposed holiday letting use would not in principle result in activity harmful to the amenity to any neighbouring residential properties. Nor would it be inappropriate to or incompatible with the predominantly residential use of the area. It would not have an adverse impact on the residential character and use of the area.

The Council seeks where possible, in principle, to support existing and new business enterprises in East Lothian where they would not otherwise be contrary to development plan policies. One of the key aims of the adopted East Lothian Local Development Plan 2018 is to assist the development of tourism and leisure uses, and their contribution to the economic prosperity of East Lothian. The Local Development Plan seeks to ensure through appropriate policies that a balance is found between the encouragement of tourism and the economic benefits it provides, and the protection of, for example, important landscape and nature conservation interests. Proposals for all tourism related development, including holiday accommodation, should be assessed against relevant Local Development Plan policies.

Economic development is a key priority for East Lothian and is at the forefront of the East Lothian Partnership Plan 2017-27, and the East Lothian Community Planning Economic Development Strategy (EDSI) 2012-22 is a reflection of the priority placed on economic development and acts as a guiding framework for future activities. Two major strategy goals of the EDSI are to increase the number of businesses in East Lothian with growth potential and to increase the proportion of East Lothian residents working in and contributing to East Lothian's economy and to increase East Lothian's jobs by an additional 7,500.

The EDSI 2012-22 outlines the importance of tourism to the East Lothian economy with the objective "to become Scotland's leading coastal, leisure and food and drink destination". It identifies tourism as a key sector in terms of employment opportunities and bringing visitors and visitor spend into the local economy, and seeks to increase the numbers of visitors to the area through strong transport links and high quality accommodation to encourage day visitors to stay overnight.

In an email from the applicant's agent it is explained that it is unlikely that the proposed holiday accommodation use would create direct employment, as it is the applicant's intention to manage the operation themselves, however, the applicant's would seek to use local trades and companies for the functions of cleaning, window cleaning, general maintenance and other supplies.

Based on the information provided with the application, although the proposed holiday accommodation use would be unlikely to create direct job roles, once operational it would nonetheless contribute to the tourism accommodation offer of East Lothian and would be likely to have the potential to help to support other local businesses within its supply chain. The proposed holiday accommodation would help to promote tourism within the County and increase the supply of holiday accommodation. In this the proposed development would be likely to support the following strategic goals and objectives of the Economic Development Strategy 2012-2022: (i) to increase the proportion of East Lothian residents working in and contributing to East Lothian's economy; (ii) to increase the number of businesses in East Lothian with growth potential; (iii) to be Scotland's leading coastal, leisure and food and drink destination; and (iv) to provide high quality employment pathways for East Lothian's workforce. Accordingly, the proposed development would generate increased visitor numbers to East Lothian and add value to the local economy. On these foregoing considerations and in these particular circumstances, it is therefore not unreasonable to assume that such proposed holiday accommodation units would be likely to positively contribute towards the wider economy and tourist industry of East Lothian.

Although the proposed two holiday accommodation units are promoted as self-catering holiday letting accommodation they would nevertheless be capable of being used as permanent residential dwellinghouses. As units of holiday letting accommodation, their use would be consistent with development plan policy. However, due to their proximity to each other, being separated by a distance of less than 9 metres between their directly facing windows, and designed and laid out as they would be with family sized accommodation with no private amenity space, if occupied as permanent residences or independent dwellinghouses, the proposed two units of holiday accommodation would not afford the occupiers of them with a sufficient amount of privacy and amenity required by permanent residences/independent dwellinghouses.

However, the proposed two holiday accommodation units are not promoted for use as permanent residences or independent dwellinghouses. Rather they are promoted for use as short stay holiday letting accommodation. In their use as holiday letting accommodation, the people occupying them would only be staying for relatively short periods of time. Therefore, if planning permission is to be granted for the use of the proposed two holiday accommodation units then it should be subject to the occupancy of them being restricted to short term letting only.

To prevent the proposed two holiday accommodation units from being used as separate permanent residences or independent dwellinghouses, the occupation of them should be restricted solely to short term lets of not more than 28 days and each cottage and cabin should not be re-let to the party who last occupied it anytime within a period of two months after that previous time of occupancy. This control can be imposed as a condition attached to a grant of planning permission.

Therefore, subject to the aforementioned planning controls on the matter of occupancy of the proposed two units of holiday accommodation, and subject to the proposals being acceptable on other relevant planning policies and in considering other material considerations, the proposed use of the proposed two new buildings as holiday accommodation units would not be contrary to Policy RCA1 of the adopted East Lothian Local Development Plan 2018.

Local Development Plan Policies DP2 and DP7 require, amongst other considerations, that new development should not result in any significant loss of daylight, sunlight or privacy to adjoining properties as a result of overshadowing or overlooking.

On the matter of the impact of the alterations and extensions to the existing house and the erection of the proposed two holiday accommodation units and the proposed garage on daylight and sunlight on neighbouring properties, guidance is taken from "Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice" by P.J. Littlefair.

By virtue of their height, positioning and distance away from neighbouring residential properties, the proposed alterations and extensions to the existing house of Auburn would not, in accordance with the Guide, give rise to harmful loss of daylight or sunlight to any neighbouring residential properties and therefore would not have a harmful affect on the residential amenity of them.

On the matter of sunlight, by virtue of their positions, and due to their height and orientation, the proposed two units of holiday accommodation and the proposed garage would result in some overshadowing of the rear (north) garden of the existing house of Auburn and the front (west) gardens of the houses of 1, 2 and 3 The Glebe. However, that overshadowing would not be such that it would result in a harmful loss of sunlight to the gardens of those neighbouring properties.

On the matter of sunlight, by virtue of its position, and due to its height and orientation, the proposed two-storey building comprising one of the proposed two units of holiday letting accommodation and the proposed triple garage that would serve the existing house of Auburn would not, in accordance with the Guide, give rise to harmful loss of sunlight to the neighbouring residential property of Beadles Cottage.

On the matter of sunlight, by virtue of its position, and due to its height and orientation, the proposed building comprising the second unit of holiday letting accommodation (the northern-most unit of holiday letting accommodation) and the re-located length of boundary wall would result in some overshadowing of the area of garden ground to the south side of the neighbouring residential property of Beadles Cottage to the north. However, the area of garden ground affected is used as a gravel driveway and parking area, rather than as a private garden for that neighbouring house, and thus that overshadowing would not be such that it would result in a harmful loss of sunlight to the garden of that neighbouring property. The private garden area of the house of Beadles Cottage is primarily located to the west of the northern part of that house.

On the matter of daylight, by virtue of their height, positioning and distance away from neighbouring residential properties, the proposed two units of holiday accommodation and the proposed garage would not, in accordance with the Guide, give rise to harmful loss of daylight to the neighbouring residential properties of Auburn or the houses of 1, 2 and 3 The Glebe.

On the matter of daylight, by virtue of its position, and due to its height and orientation, the proposed two-storey building comprising one of the proposed two units of holiday letting accommodation and the proposed triple garage that would serve the existing house of Auburn would not, in accordance with the Guide, give rise to harmful loss of daylight to the neighbouring residential property of Beadles Cottage.

On the matter of daylight, the proposed building comprising the second unit of holiday letting accommodation (the northern-most unit of holiday letting accommodation) would be positioned in line with and some 10 metres away from the south elevation of the existing neighbouring residential property of Beadles Cottage and the relocated boundary wall would also be positioned in line with and some 6 metres away from that south elevation. There is an existing ground floor window in the existing south elevation of Beadles Cottage. That window serves a bedroom/study. By virtue of its height and positioning, the proposed building comprising the second unit of holiday letting accommodation (the northern-most unit of holiday letting accommodation) would give rise to a loss of daylight to that existing ground floor window of the south elevation of Beadles Cottage. However, the room that the window serves is also served by a further window on the east elevation of Beadles Cottage. Thus the loss of daylight to the bedroom/study would not result in harm to the amenity of the occupiers of the house of Beadles Cottage.

Accordingly, on the matters of the impact of the proposed development on sunlight and daylight received by neighbouring properties, the proposed development would not cause harmful loss of daylight or sunlight to the neighbouring residential properties and therefore would not have a harmful affect on the residential amenity of those properties. In turn, the existing house as it is proposed to be altered and extended would continue to receive a sufficient amount of daylight and its garden a sufficient amount of sunlight. The proposed two units of holiday accommodation would also receive a sufficient amount of daylight and sunlight.

In assessing whether or not a proposed new development would result in harmful

overlooking and therefore loss of privacy to existing neighbouring residential properties it is the practice of the Council, as Planning Authority to apply the general rule of a 9 metres separation distance between the windows of a proposed new building and the garden boundaries of neighbouring residential properties and an 18 metres separation distance between directly facing windows of the proposed new building and the windows of existing neighbouring residential properties.

None of the ground floor and first floor windows and glazed doors of the proposed alterations and extensions to the existing house of Auburn would be within 9 metres of the garden ground of any neighbouring residential property or within 18 metres of any directly facing windows of any neighbouring residential property.

The north elevation of the proposed building comprising the second unit of holiday letting accommodation (the northern-most unit of holiday letting accommodation) would be positioned in line with, and some 10 metres away from, the south elevation of the existing neighbouring residential property of Beadles Cottage. There would be a pair of sliding patio doors with flanking windows at ground floor level of that proposed north elevation. Those glazed doors and windows would be less than 9 metres away from an area of garden ground of the existing house of Beadles Cottage and would be less than 18 metres away from an existing ground floor window of the south elevation of Beadles Cottage. That existing window serves a bedroom/study of the house of Beadles Cottage. It is proposed that an existing boundary wall, some 2.5 metres in height, would be relocated to a positioned some 4 metres to the north of the north elevation of the proposed building comprising the second unit of holiday letting accommodation (the northern-most unit of holiday letting accommodation) along the boundary between the application site and the property of Beadles Cottage. At such height, the relocated boundary wall would be of a sufficient height to prevent harmful overlooking between the ground floor windows and glazed doors of the north elevation of the proposed building and the existing ground floor window of the south elevation of Beadles Cottage. The area of garden ground to the south of the existing house of Beadles Cottage is in use as a gravel surfaced driveway and parking area, rather than as a private garden for that neighbouring house, and is already readily visible in public views from Manse Road to the east. Thus, any overlooking of that area of garden ground would not be harmful to the amenity of the occupiers of Beadles Cottage. Furthermore, the proposed relocated boundary wall would, in any event, prevent overlooking of the area of garden ground to the south of the existing house of Beadles Cottage.

There would be ground floor windows and first floor windows and glazed doors, and roof windows in the east elevations of the buildings comprising the proposed two units of holiday accommodation and the proposed garage. Those windows, glazed doors and roof windows would face towards the public road of Manse Road to the east. All of those windows, glazed doors and roof windows would be more than 9 metres away from the front (west) gardens of the neighbouring properties of Nos. 1 and 2 The Glebe to the east, and furthermore those gardens, including the covered terraces of the west elevations of those houses, are already readily visible from the public footpath on the east side of Manse Road.

All of the ground floor and first floor windows and the roof windows of the east elevations of the buildings comprising the proposed two units of holiday accommodation and the proposed garage are less than 18 metres away from ground floor and first floor windows of the west elevations of the houses of Nos. 1 and 2 The Glebe to the east. The ground floor windows of the west elevations of the houses of Nos. 1 and 2 The Glebe and the covered terraces of those west elevations are already readily visible in public views from the public footpath, which is some 1.9 - 4.2 metres away from the west elevations and terraces of those existing houses. The first floor windows of the west elevations of the

houses of Nos. 1 and 2 The Glebe are either bathroom windows fitted with obscure glazing or are high level windows providing light to ground floor living rooms, which are already readily visible in public views from the public footpath. Thus, in these circumstances, in that the existing windows of the houses of Nos. 1 and 2 The Glebe are already overlooked from the public footpath, the ground floor and first floor windows and the roof windows of the east elevations of the buildings comprising the proposed two units of holiday accommodation and the proposed garage would not allow for harmful overlooking of the neighbouring houses of Nos. 1 and 2 The Glebe.

Albeit that it is concluded that there would be no harmful overlooking between the east elevation windows of the proposed buildings and the west elevation windows of the existing houses of Nos. 1 and 2 The Glebe, the existing 1.6 - 2.0 metres high roadside hedgerow, which is positioned to the west side of the public footpath on the east side of Manse Road would provide screening at ground floor level between the proposed and existing buildings.

The first floor sliding doors of the east elevation of the proposed building comprising the southern-most of the two units of holiday accommodation and the proposed garage would provide access to a first floor balcony of the proposed holiday accommodation unit. Those first floor glazed doors would be more than 9 metres away from the garden of the neighbouring residential house of No.1 The Glebe and would not be within 18 metres of any directly facing windows of that house. The first floor balcony would be less than 9 metres away from the southwest corner of the front (west) garden of the house of No.1 The Glebe. However, that area of garden ground is already visible in public views from the public footpath on the east side of Manse Road as well as from Manse Road itself. The proposed balcony would not be within 18 metres of any directly facing windows of the house of No.1 The Glebe. Thus, in that the garden area is already overlooked, any overlooking from the proposed balcony would not be harmful to the amenity of the occupiers of No.1 The Glebe.

The south elevation of the proposed building comprising the southern-most of the two units of holiday accommodation and the proposed garage would face towards a treed area of land and beyond that towards a part of Manse Road and the Church Green. Thus the windows and balcony of the south elevation of that proposed building would not be within 9 metres of any neighbouring garden ground or within 18 metres of any directly facing windows of a neighbouring residential property.

The north elevation of the proposed building comprising the southern-most of the two units of holiday accommodation and the proposed garage would be only some 8.7 metres away from the south elevation of the proposed building comprising the second unit of holiday letting accommodation (the northern-most unit of holiday letting accommodation), and would be separated by a parking area. There would be windows and doors in those directly facing elevations. However, the proposed buildings are not promoted as private residential properties. Rather they are promoted as units of holiday letting accommodation. In their proposed use as holiday letting accommodation, it is not necessary to provide the proposed buildings with the same high level of requirements for privacy and amenity as is required for a private residential house. Thus, although there would be less than 9 metres between directly facing windows and doors of the proposed two holiday accommodation units, such overlooking would not be harmful in their use as units of holiday accommodation.

The west elevations of the proposed buildings comprising the proposed two units of holiday accommodation and the proposed garage would directly abut the boundary of the rear (north) garden of the existing house of Auburn. There would be ground floor and first floor windows and roof windows in the west elevations of the proposed buildings.

The application drawings show all of the windows and roof windows of the west elevations of the proposed two units of holiday accommodation and the proposed garage to have their bottom sill a minimum of 1.8 metres above the finished floor level of the room served by each window. Subject to such detail, the proposed buildings comprising the proposed two units of holiday accommodation and the proposed garage would not allow for harmful overlooking of the garden of the existing house of Auburn.

Although the proposed two units of holiday accommodation would not harmfully overlook the existing house of Auburn and its associated garden ground, the proposed holiday accommodation use would nonetheless be operated in close proximity to the existing house and garden of Auburn. The only external access to the private rear garden of that existing house that would not involve access through the existing house would be through the proposed new opening to be formed in the east boundary wall of the garden. The access to that new opening would only be across the proposed parking area between the proposed two holiday accommodation units. The access through the proposed access gates into the rear (north) garden of the house of Auburn could only be taken when no vehicles were parked on the parking area of the proposed holiday accommodation units. By the location of this proposed new opening and access into the private garden of the existing house of Auburn there is a close interrelationship between the existing house and garden and the proposed holiday accommodation use, and in such positional circumstances the proposed two holiday letting accommodation units could not be independently used of the existing house without harmfully impacting on the residential amenity of the occupiers of the house. Therefore in order to ensure the compatibility of uses at Auburn the proposed two holiday letting accommodation units should be operated by the occupiers of the existing house of Auburn. This control can be imposed as a condition attached to a grant of planning permission. The applicants have indicated that it is their intention to operate the holiday accommodation use themselves and the applicant's agent has been made aware of this proposed conditional control and has confirmed the applicants agreement to this form of control.

As the application site is within the Dirleton Conservation Area, once built, no additional windows or other openings could be formed in the north elevation of the building containing the northern-most unit of holiday letting accommodation or in the west elevations of each of the proposed buildings containing the proposed two units of holiday letting accommodation and the proposed garage, respectively, without the need for planning permission, and thus the control of the Planning Authority.

Subject to the aforementioned planning controls, on the foregoing matters of overshadowing and overlooking the proposed development is consistent with Policies DP2 and DP7 of the adopted East Lothian Local Development Plan 2018.

The **Council's Senior Environmental Health Officer** raises no objection to the proposed development on matters of amenity.

The **Council's Environmental Health Officer (Contaminated Land)** advises that, given the previous use of part of the site as a laundry, there is the potential for localised areas of contamination on the site, such as asbestos, chemical/fuel spillages from former storage tanks and areas of made ground. Thus, due to the nature of the proposed development (extension to existing house and new build holiday accommodation), further information is required to determine the ground conditions and potential contamination issues impacting on the site (with the minimum of a Phase I Geo-environmental Assessment being carried out). This requirement can be controlled by a condition attached to a grant of planning permission. Subject to such planning control the Environmental Health Officer (Contaminated Land) raises no objection to the proposed development.

Access to the proposed development would be taken from the public road of Manse Road. On-site parking for two cars for the existing house of Auburn is provided to the south of the single storey east wing of the house, and such parking spaces would continue to serve that existing house. On-site parking spaces for two cars to serve the proposed two holiday accommodation units would be provided on the area of land between the two new buildings that would contain those units of holiday letting accommodation. Access to those two parking spaces would be taken from the west side of Manse Road.

In terms of their location and accessibility, the proposed two units of holiday letting accommodation would be within the village envelope of Dirleton and would be located close to local facilities and services, including nearby public transport links and footpath and cycling networks, as well as being accessible by private vehicle.

The Transport Statement (dated January 2021) submitted with the application has been reviewed by the **Council's Road Services**.

Road Services advise that the traffic survey within the submitted Transport Statement is reasonably representative and although carried out during the winter months and during Covid-19 restrictions, those restrictions encouraged people to stay local and use active travel means and it would not therefore be reasonable to assume that vehicular traffic would be any greater at other times of the year as there is no destination other than private residential properties and agricultural fields accessible via Manse Road.

In respect of the proposed two holiday letting accommodation units, Road Services advise that although ELC Standards for Parking do not have specific rates for holiday letting accommodation it is not unreasonable to apply the rates for residential properties of a similar size, and in applying that standard the proposed development would have a requirement for 3 on-site parking spaces. Road Services go on to comment that although the application drawings propose only 2 on-site parking spaces to serve the proposed two units of holiday letting accommodation (i.e. one parking space for each unit) it is necessary to consider the existing authorised use of the buildings on the eastern part of the site as a gallery and café and that such use operated from the site without the benefit of any designated on-site parking and could recommence within those existing buildings. Such existing authorised use of the existing buildings on the site as a gallery and café would have a requirement for 4 on-site parking spaces. Road Services advise that, taking into account that the existing authorised use of the building has a requirement for 4 on-site parking spaces and that no designated on-site parking spaces are provided, although the proposed layout would provide only 2 of the required 3 on-site parking spaces, it would not be reasonable to insist that 3 on-site parking spaces be provided. Thus, Road Services advise that the 2 on-site parking spaces would be sufficient provision to serve the proposed two holiday letting accommodation units.

Road Services also advise that a visibility splay of 2 metres by 20 metres should be provided and maintained for each of the proposed two on-site parking spaces and that the application drawings satisfactorily show this.

Road Services also advise that the visibility from the proposed three vehicular garage doors of the east elevation of the southern-most proposed building would be satisfactory, noting that there is one existing vehicular garage door on the existing building on this part of the site and that the addition of two more vehicular garage doors in this locality on Manse Road would not have a detrimental effect on the operation or safety of the surrounding road network given their likely occasional use. Road Services further advise that the proposed vehicular garage doors of the east elevation of the southern-most

proposed building should be of a type that would not open outwards or encroach into the footway or road. This requirement could be controlled by a condition of a grant of planning permission. The vehicular garage doors detailed on the application drawing would be of a roller-shutter style opening.

In respect of the alterations and extensions to the existing house of Auburn, Road Services advise that those proposed alterations and extensions would have no effect on the parking requirement for that existing house and the existing on-site parking provides is adequate.

Road Services further advise that, due to the narrow width of Manse Road at the location of the application site and it being the primary access to other residential properties, a Construction Method Statement should be submitted and approved by Road Services for the proposed development. They also advise that a Green Travel Plan to minimise private car trips and to encourage use of alternative modes of transport should be provided.

The **Council's Road Services** raises no objection to the proposed development subject to the imposition of planning conditions to:

- i. secure the visibility splays at the proposed 2 on-site parking spaces to serve the proposed two units of holiday letting accommodation;
- ii. that the 2 on-site parking spaces to serve the proposed two units of holiday letting accommodation have minimum dimensions of 2.5m wide by 5.0m long and that they be positioned centrally between the building in the manner shown on the application drawings and that the outside lateral edges of the area of land between the proposed two units of holiday letting accommodation be defined by a low profile permanent fixture to restrict the parking of vehicles in a position which achieves optimum visibility;
- iii. the submission and approval of a Green Travel Plan for the proposed two units of holiday letting accommodation; and
- iv. the submission and approval of Construction Method Statement.

The requirement for these controls can be secure through conditions.

Accordingly, on these considerations, the proposed development does not conflict with Policies T1 and T2 of the adopted East Lothian Local Development Plan 2018.

The proposed development is for tourism development and would have a gross floor area exceeding 100 square metres. Policy DEL1 (Infrastructure and Facilities Provision) of the adopted East Lothian Local Development Plan 2018 requires that development proposals of this size and type, where relevant, makes appropriate provision for infrastructure and community facilities required as a consequence of their development in accordance with Scottish Government Circular 3/2012 (or any revision).

In this case, as tourism development, the proposals should be considered against requirements for the provision of transport infrastructure as set out in the Developer Contributions Framework Supplementary Guidance of the adopted East Lothian Local Development Plan 2018.

In the case of the proposals, the Planning Obligations Officer advises that there would be no justification to seek cumulative transport contributions towards the seven transport interventions as the application site would be outwith the 1.2km buffer of the Segregated

Active Travel Corridor and therefore a contribution would not be justified. Furthermore, the site is a windfall proposal and has not been included as part of the assessment of the Local Development Plan Cumulative Transport Appraisal. This scale of employment related development in Dirleton is unlikely to generate a significant number of peak-time trips at the locations identified for the LDP transport interventions for which contributions are sought through Policy DEL1, and therefore the level of relationship between the development and the interventions is likely to be 'de minimus' and no contributions are justified. Thus, in the particular circumstances of this application, there is no requirement for developer contributions towards transport infrastructure and the proposals do not conflict with Local Development Plan Policy DEL1.

Vehicular and pedestrian access to the application site would be taken from Manse Road. A Core Path/Public Right of Way and the John Muir Way passes along Manse Road to the east of the application site. Manse Road also provides vehicular and pedestrian access to the residential properties of The Glebe to the east of the application site and some five other properties to the north of the application site. The **Council's Access Officer** raise no objection to the proposals noting that although the John Muir Way runs adjacent to the site, the road provides access to a number of other properties and it is unlikely that access would be blocked.

There are fruit trees and other small trees on the application site in the north (rear) garden of the existing house of Auburn. Those trees are not protected by a tree preservation order. The trees on the triangular shaped area of land to the south of the application site are protected by Tree Preservation Order (TPO) No. 4. There is a further area of trees located outwith the site to the east/southeast on the opposite side of Manse Road at the property of Dirleton House, which are also protected by Tree Preservation Order (TPO) No. 4.

Through the procedure for tree works within a Conservation Area, a number of small trees have been removed from the north (rear) garden of the existing house of Auburn, primarily from the west boundary of that rear garden but also some of the existing fruit trees of the orchard. Those trees were identified as not being in good health and being located too close to the west boundary wall of the garden. The removal of those trees does not form part of the assessment of this application.

Other than the removal of the small trees from the north (rear) garden of the existing house of Auburn as explained in the paragraph above, it is not proposed that any other trees on or outwith the site would be felled.

The Tree Survey and Arboricultural Implication Assessment (dated 19th November 2021, prepared by Donald Rodger Associates Ltd) proposes: (i) that tree 594 (lime) be reduced in height by 25% in order to reduce its weight and wind resistance, and that epicormics growth and low branches also be removed from this tree; and (ii) the removal of a cluster of epicormics growth from tree 597 (chestnut).

In his initial consultation response, the **Council's Policy and Strategy Officer** raised concerns that the proposed flat roofed link extension that would wrap along the south elevation of the southern-most proposed new building would be within the root protection area of one of the mature trees (tree 594) that is located on the triangular shaped area of land to the south of the application site, which is protected by Tree Preservation Order (TPO) No. 4, and that such development would have a deleterious effect on the tree's health, vigour and structural integrity, and that due to the proximity of the tree (594) to the proposed development its canopy would overhang the proposed new building and extension with potential pressure for on-going crown reduction works to the protected tree as it continues to grow.

Subsequently the applicant's agent has submitted an amended Tree Survey and Arboricultural Implication Assessment (dated 19th November 2021, prepared by Donald Rodger Associates Ltd) and a Foundation Appraisal Report (dated 24/08/2021, prepared by Will Rudd Davidson Glasgow Ltd).

The Landscape Officer advises that the amended Tree Survey and Arboricultural Implication Assessment (dated 19th November 2021, prepared by Donald Rodger Associates Ltd) clearly states that the roots of tree 594 or any other tree on the triangular shaped area of land to the south of the application site would not be impacted by the proposed development and thus that the report is satisfactory. Subject to the proposed development being carried out in accordance with the tree report and for arboricultural monitoring throughout the construction process, the Landscape Officer raises no objection to the proposed development being satisfied that there would be no deleterious impact on the trees either on or adjacent to the site.

The Landscape Officer recommends that the trees on the triangular shaped area of land to the south of the site should be protected during construction works.

The landscape advice from the **Council's Landscape Officer (Policy and Strategy)** is that the trees along the west boundary of the north (rear) garden of the existing house of Auburn enhance the setting of the burial ground within the Conservation Area, and that some of these trees have been removed through procedure for tree works within a Conservation Area. The landscape advice therefore is that a row of small to medium size trees should be planted along the west boundary of the north (rear) garden of the existing house of Auburn to reinstate the landscaped boundary between the garden and the burial ground and that such trees should be planted as standards 2.5 to 3.0, 8 to 10cms in girth when planted and at 3 metres centres and 2 metres away from the wall.

The Landscape Officer raises no objection to the bin storage area surfaced with permeable slabs laid over the top of the existing ground levels located to the south of the southern-most proposed new building.

The requirements for the proposed development to be implemented in accordance with the Tree Survey and Arboricultural Implication Assessment (dated 19th November 2021, prepared by Donald Rodger Associates Ltd), for arboricultural monitoring during construction works, for the erection of temporary protective fencing and for new tree planting on the west part of the rear garden of the house of Auburn, all details that could be controlled by conditions attached to a grant of planning permission, the proposed development would not have a harmful impact on the trees that are on and adjacent to the site and would not therefore be contrary to Policy NH8 of the adopted East Lothian Local Development Plan 2018.

A Bat and Breeding Bird Survey (dated May 2020, prepared by The Wildlife Partnership) has been submitted with the application. The **Council's Biodiversity Officer** has reviewed this document, and notes that the report found evidence of a single bat roosting in the existing extension of the house of Auburn and that a Bat Mitigation Strategy (Appendix 5) was included in the report. The Bat Mitigation Strategy (Appendix 5) includes timing the works to avoid the active bat season (May - September inclusive each year) and measure to compensate for the loss of the roost sites. The Biodiversity Officer advises that a licence is required given the proposed demolition of the roost and notes that the report indicates that this would be undertaken under a 'Bat Low Impact Licence' given the nature of the roost.

The **Council's Biodiversity Officer** also notes that the report found no active bird nests

but found evidence of birds previously nesting on the site, and that the report includes a Species Protection Plan (Appendix 6), which includes undertaking work outwith the bird breeding season (March to July inclusive each year).

The Biodiversity Officer recommends that: (i) all works be undertaken in accordance with Species Protection Plans; and that (ii) prior to the commencement of development, the applicant should submit either a copy of the relevant European Protected Species Licence or a copy of a statement in writing from NatureScot(licensing authority) stating that the works will be undertaken under a Low Impact Licence.

Subject to the requirements for the works to be undertaken in accordance with Species Protection Plans and the requirement for the submission of a copy of the relevant European Protected Species Licence or a copy of a statement in writing from NatureScot(licensing authority) stating that the works will be undertaken under a Low Impact Licence, details that could be controlled by conditions attached to the grant of planning permission, the proposed development would not have a detrimental impact on biodiversity interests, and the **Council's Biodiversity Officer** raises no objection to the proposed development. Accordingly, the proposals would not conflict with Policies NH4 and NH5 of the adopted East Lothian Local Development Plan 2018.

At its meeting on Tuesday 27th August 2019 the Council approved a motion declaring a Climate Emergency. Thereafter, at its meeting on Tuesday 3rd September 2019 the Council's Planning Committee decided that a report on the actions to be taken to reduce the carbon emissions from the building and from the completed development should be required on relevant applications for planning permission. An Environmental Statement (dated 17/2/2021, prepared by Carson & Partners) has been submitted with the application. The report advises that the proposed development would meet or exceed the relevant building regulations under the Scottish Technical Domestic Building Standards, and that measures reduce the carbon emissions from the building and from the completed development would include improved roof and loft insulation, improved ventilation of the roof space, repairs to existing windows to reduce drafts and aid thermal performance for the existing house, and the use of lime render, high performance glazing, thermally efficient underfloor heating and dual-flush water efficient WC facilities for the proposed new buildings. Electric vehicle charging points are proposed within the proposed garage and for the off-street parking spaces. The effective measures required to reduce carbon emissions will be secured through the subsequent building warrant process. In order to further reduce carbon emissions, it would also be prudent to require the proposals for the provision of new electric car charging points and infrastructure for them to be secured by a condition imposed on a grant of planning permission for this proposed development.

Scottish Water raises no objection to the proposed development. A copy of Scottish Water's comments has been sent to the applicant's agent for their information.

In conclusion, the proposed development is appropriately and acceptably designed for its place and does not conflict with Policies RCA1, CH1, CH2, CH4, DP1, DP2, DP5, DP7, T1, T2, NH4, NH5, NH8, and DEL1 of the adopted East Lothian Local Development Plan (ELLDP) 2018, ELLDP 2018 Supplementary Planning Guidance on Cultural Heritage and the Built Environment, or with Scottish Planning Policy: June 2014.

CONDITIONS:

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

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

- If the Phase 1 Desk Study has determined that further assessment is required, a Phase II site survey (ground investigation, gas monitoring, and sample analysis) and risk evaluation. The Phase II investigation shall include 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, and an appraisal of the remediation methods available and proposal of the preferred option(s).

The Desk Study and Ground Investigation shall be undertaken by suitably qualified, experienced and competent persons and shall be conducted in accordance with the relevant guidance and procedures.

- Phase III - Where risks are identified, a Remediation Strategy shall be produced detailing and quantifying any works which must be undertaken in order to reduce the risks to acceptable levels, and make the site suitable for the proposed use. The Remediation Strategy shall detail all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. It shall 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. The Remediation Strategy shall be submitted to and approved in advance in writing by the Planning Authority prior to the works being undertaken on the site.

Following completion of the measures identified in the approved Remediation Statement, a Validation/Verification Report shall be submitted that demonstrates the effectiveness of the remediation carried out. It must be approved by the Planning Authority prior to commencement of the new use of the land.

In the event that any previously unsuspected or unforeseen ground conditions (contamination) becomes evident or are encountered at any time during the development of the site, work on site shall cease and such unsuspected or unforeseen contamination 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, and it may 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.

Before the proposed extensions, two holiday accommodation units and garage hereby approved are occupied the measures to decontaminate the site shall be fully implemented as approved by the Planning Authority.

Reason

To ensure that the site is clear of contamination prior to the occupation of the proposed extensions, two holiday accommodation units and garage hereby approved.

2 No development shall take place on the site unless and until the applicant has, through the employ of an archaeologist or archaeological organisation, secured the implementation and reporting of a programme of archaeological work (Historic Building Recording) on the site of the proposed development in accordance with a written scheme of investigation which the applicant (or their agent) will submit to and have approved in advance in writing by the Planning Authority. Thereafter, the archaeological works shall be carried out in accordance with the details so approved and the report of them shall be submitted to the Planning Authority.

Reason:

To facilitate an acceptable archaeological investigation of the site, in the interests of archaeological and natural heritage.

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

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

- a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings;
- b. finished ground and floor levels of the development relative to existing ground levels of the site and of adjoining land and building(s). The levels shall be shown in relation to an Ordnance Bench Mark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing; and
- c. the ridge height of the proposed shown in relation to the finished ground and floor levels on the site.

Reason:

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

- 4 Prior to the commencement of development hereby approved, a Construction Method Statement designed to minimise the impact of construction activity and the movement of construction traffic on the safety and amenity of the area shall be submitted to and approved in advance in writing by the Planning Authority. The Construction Method Statement shall include any recommended mitigation measures for the control of noise, dust, construction traffic (including parking, routes to/from site and delivery times) and shall include hours of construction work, and the provision of a wheel wash facility, all of which shall be implemented, as applicable, prior to the commencement of development and during the period of development works being carried out on the application site.

The wheel wash facility or other alternative approved methods, must be provided and maintained in working order during the period of construction. All vehicles must use these to prevent deleterious materials being carried onto the public road on vehicle tyres.

Thereafter, the Construction Method Statement shall be implemented in accordance with the details so approved.

Reason:

To minimise the impact of construction traffic in the interest of pedestrian, cyclist and road safety in the area and in the interests of safeguarding the amenity of the area.

- 5 Prior to the commencement of development, details of the provision of new car charging points and infrastructure for them shall be submitted to and approved in writing by the Planning Authority. The details shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the report so approved.

Reason:

To minimise the environmental impact of the development.

- 6 Prior to the commencement of development on the site, a Green Travel Plan to minimise private car trips and to encourage use of alternative modes of transport such as trains, buses, cycling and walking in association with the proposed holiday letting accommodation use hereby approved shall be submitted to and approved by the Planning Authority. Additionally, the Travel Plan shall include details of the measures to be provided, the methods of management, monitoring, review, reporting and duration of the Plan.

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

Reason:

In the interests of ensuring sustainable travel patterns in respect of the holiday letting accommodation use hereby approved.

- 7 No development shall take place on site until temporary protective fencing to protect the trees on the triangular shaped island of land to the south of the application site has been installed, approved by the arboriculturist and approved in writing in advance by the Planning Authority.

The temporary protective fencing shall be erected in accordance with Figure 2 of British Standard 5837 - 2012: 'Trees in relation to design, demolition and construction' and as detailed in section 4.5

of the Tree Survey and Arboricultural Implication Assessment by Donald Rodger Associates Ltd (dated 19th November 2021) docketed to this grant of planning permission, and the temporary protective fencing shall be erected in accordance with the position shown for it on drawing no. 19521/1 of the Tree Survey and Arboricultural Implication Assessment by Donald Rodger Associates Ltd (dated 19th November 2021) docketed to this grant of planning permission. The temporary protective fencing shall be fixed in situ, erected prior to works commencing and shall be retained on site and kept in good condition throughout the works. All weather notices should be erected on said fencing with words such as "Construction exclusion zone - KEEP OUT". Once erected the temporary protective fencing shall be retained in place until works on the application site have been completed and all plant and machinery associated with those works have been removed from the site.

Within the fenced off areas the existing ground level shall neither be raised nor lowered, no materials, temporary buildings, plant, machinery or surface soil shall be placed or stored and no herbicides shall be used. Planning of site operations should take sufficient account of wide loads, tall loads and plant with booms, jibs and counterweights (including drilling rigs), in order that they can operate without coming into contact with retained trees. Any materials whose accidental spillage would cause damage to a tree should be stored and handled well away from the outer edge of its root protection area (RPA). Fires on site should be avoided if possible. Where they are unavoidable, they should not be lit in a position where heat could affect foliage or branches. The potential size of a fire and the wind direction should be taken into account when determining its location and it should be attended at all times until safe enough to leave. Details of any trenches or services in the fenced off areas shall require the prior consent of the Planning Authority and all trenches shall be dug and backfilled by hand. Any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

Reason:

In order to ensure protection of the trees within and outwith the application site in the interests of safeguarding the landscape character of the area and of the Conservation Area, and of the setting of the listed buildings.

- 8 No development shall take place on site unless and until a person who has, through relevant education, training and experience, gained recognised qualifications and expertise in the field of trees in relation to construction, been employed by the applicant/developer to monitor any works in close proximity of trees on the site, including the installation and maintenance of temporary protective fencing. The arboriculturist shall be required to approve said temporary protective fence and submit written confirmation and photographic evidence that the required fence has been erected prior to the commencement of development on the site for the prior written approval of the Planning Authority. If any tree is damaged and or dies as a result of unauthorised incursions into the root protection area of trees shown to be retained on site, replacement planting will be required in accordance with the details of such replacement planting, including the timescale for such planting, to be submitted to and approved in advance in writing by the Planning Authority.

Reason:

To ensure the retention and maintenance of trees which are an important feature of the area in the interests of safeguarding the landscape character of the area and of the Conservation Area, and the setting of the listed buildings.

- 9 The development hereby approved shall be carried out in accordance with the Tree Survey and Arboricultural Implication Assessment report (dated 19th November 2021, prepared by Donald Rodger Associates Ltd) docketed to this grant of planning permission unless otherwise agreed in writing by the Planning Authority.

Reason:

In the interests of safeguarding the trees on and adjacent to the site, including those protected by Tree Preservation Order no. 4 and the landscape character of the area and of the Conservation Area.

- 10 Prior to the commencement of development on the site, a landscape planting plan shall be submitted for the prior written approval of the Planning Authority detailing additional tree planting to infill the gaps within the treed (west) boundary of the walled garden adjacent to and running the length of the cemetery/church yard. The new trees shall be small to medium sized species, planted as Standards, 2.5 to 3m in height and 8-10cm in girth when planted, and maintained wind firm and weed free until established. The trees shall comprise species similar to, or trees that complement, the existing trees that remain along the length of that boundary. Thereafter, the landscape planting shall be carried out in accordance with the details so approved.

The landscape planting of the approved scheme shall be carried out in the first planting and seeding season following the completion of the development or the commencement of use of the development hereby approved, whichever is the sooner.

Any trees which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar species and final size, unless the Planning Authority gives written consent to any variation.

No trees, detailed in the Tree Survey and Arboricultural Implication Assessment (dated 19 November 2021, prepared by Donald Rodger Associates Ltd) shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority.

Reason:

In order to ensure the implementation of a landscaping scheme to enhance the appearance of the development in the interests of safeguarding the amenity and landscape character of the area, the landscape character of the Conservation Area, and the setting of the listed buildings including the church burial ground.

- 11 Prior to the commencement of the development hereby approved on the site, a copy of the relevant European Protected Species licence, or, a copy of a statement in writing from NatureScot (licensing authority) confirming that the development will be undertaken under a Low Impact Licence or that a licence is not necessary for the specified development shall be submitted to and approved in writing in advance by the Planning Authority.

In accordance with the Bat Mitigation Plan, Appendix 5, prior to the commencement of the development hereby approved on the site confirmation of the employment of a licenced bat ecologist shall be submitted to and approved in advance by the Planning Authority, and all works of the development hereby approved that directly impact the identified bat roost site shall be undertaken under the direct supervision of that licenced bat ecologist.

The development hereby approved shall be implemented wholly in accordance with the Bat Mitigation Plan, Appendix 5, pages 38-39, of the Bat and Breeding Bird Survey dated July 2020 prepared by The Wildlife Partnership docketed to this grant of planning permission.

In accordance with the Bat Mitigation Plan, Appendix 5 the provision of alternative bat roosting habitat shall be provided on the site in accordance with the details of such alternative bat roosting habitat that shall be submitted to and approved in advance in writing by the Planning Authority in consultation with the Council's Biodiversity Officer prior to the provision of such alternative bat roosting habitat, and thereafter the alternative bat roosting habitat provided shall accord with the details so approved and shall be retained in situ in perpetuity, unless the Planning Authority agrees to any variation.

Reason:

To ensure the protection of European protected species from significant disturbance arising from the demolition and construction associated with the development hereby approved.

- 12 The development hereby approved shall be implemented wholly in accordance with the Breeding Birds Species Protection Plan, Appendix 6, pages 40-41, of the Bat and Breeding Bird Survey dated July 2020 prepared by The Wildlife Partnership docketed to this grant of planning permission and no development shall be carried out during the bird breeding / nesting season (March-August, inclusive each calendar year) unless in accordance with the Species Protection Plan, Appendix 6, unless otherwise approved in writing in advance by the Planning Authority.

Reason:

To ensure the protection of wildlife and biodiversity from significant disturbance arising from the demolition and construction associated with the development hereby approved.

- 13 The use of the two units of holiday accommodation hereby approved shall be limited to the use of holiday accommodation and at no time shall the two units of holiday accommodation be occupied as permanent residences or dwellinghouses.

Reason:

To restrict the use of the two units of holiday accommodation to the purpose for which they are intended and to enable the Planning Authority to control the use of the two units of holiday accommodation to safeguard the amenity of the area and the amenity of the occupiers of the two units of holiday accommodation.

- 14 The occupation of the two units of holiday accommodation hereby approved shall be restricted solely to holiday accommodation use for short term lets of not more than 28 days. The two units of holiday accommodation shall not be re-let to the party/parties who last occupied them anytime within a period of two months following the date on which the previous time of occupancy ends. The two units of holiday accommodation shall not be occupied as the sole or main residence of any purchaser/occupier of it.

Reason:

To ensure that the holiday accommodation use applied for is restricted to that use, in the interests of safeguarding the amenity of the area and the amenity of the occupiers of the two units of holiday accommodation.

- 15 Each of the two units of holiday accommodation hereby approved shall be operated only by the owner(s)/occupier(s) of the house of Auburn, Manse Road, Dirleton and by no other party.

Reason:

To ensure the compatibility of use of the property in the interests of safeguarding the residential amenity of the existing house of Auburn.

- 16 Unless otherwise approved in writing by the Planning Authority, the development hereby approved shall comply with the following transportation requirements:

i) the vehicular access junction with the public road of Manse Road, and the hardstanding areas for use as driveway and parking areas shall all have been formed, laid out and made available for use as shown on docketed drawing nos. PL DA 012 and AL(20)009 rev D, and thereafter the vehicular access and the hardstanding area shall be retained in use for the accessing and parking of vehicles for the existing house and the proposed two holiday letting accommodation units and shall not be used for any other purpose.

ii) a visibility splay of 2 metres by 20 metres shall be provided and maintained for each of the two proposed parking spaces at the new vehicular access junction with the public road of Manse Road that would serve the two holiday letting accommodation units, as shown in docketed drawing no. PL DA 012, such that there shall be no obstruction to visibility above a height of 1.05 metres measured from the adjacent carriageway level within the area defined below:-

- a) A line 2 metres long measured into the centre of each marked parking bay from the nearside edge of the main road carriageway,
- b) A line 20 metres long measured along the main road carriageway from the centre of the access road in both directions, and
- c) A straight line joining the termination of the above two lines.

Thereafter that visibility splay shall be maintained and retained.

iii) each of the parking spaces shall measure a minimum of 2.5m wide by 5.0 metres long;

iv) the two parking spaces at the new vehicular access junction with the public road of Manse Road that would serve the two holiday letting accommodation units hereby approved, shall be positioned centrally between the proposed two buildings in a position that achieves optimum visibility and the north and south edges of the pair of parking spaces shall be defined by a low profile permanent fixture to restrict parking to the position shown on docketed drawing no. PL DA 012, all in accordance with the details of such low profile permanent parking restriction fixture that shall be submitted to and approved in writing by the Planning Authority prior to its installation and prior to the commencement of use of the two holiday letting accommodation units hereby approved. Thereafter, the low profile permanent parking restriction fixture installed shall accord with the details so approved and shall be maintain and retain in situ in accordance with the details so approved unless otherwise approved in writing by the Planning Authority.

v) No gates shall be erected at the vehicular access junction with the public road of Manse Road that would serve the two holiday letting accommodation units.

Thereafter, the access and parking areas, including the visibility splay, shall be retained for such uses and kept free from obstruction.

Reason:

To ensure a safe means of access and a satisfactory level of on-site car parking provision to serve the holiday accommodation use hereby approved in the interests of road and pedestrian safety.

- 17 The three vehicular garage doors of the east elevation of the southern-most proposed building hereby approved shall be of a type and opening method that would not open outwards or encroach into the public road or footway unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of road and pedestrian safety.

- 18 The historic water trough/pump located at the southern end of the triangular shaped area of trees to the southeast of the house of Auburn and of the historic lamppost located at the northeast corner of that triangular shaped area of trees shall be retained in the positions shown for them on docketed drawing no. AL(20)009 rev D unless otherwise approved in advance in writing by the Planning Authority.

Prior to the commencement of works on the site, the details for the protection of the said historic water trough/pump and lamppost shall be submitted to and approved in advance in writing by the Planning Authority and thereafter the protection and retention of the historic water trough/pump and lamppost shall accord with the details so approved and the measures to protect them shall be retained and maintained through to completion of development.

Reason:

To ensure the retention of the historic water trough/pump and lamppost in the interests of the character and appearance of this part of the Conservation Area.

- 19 A schedule of materials and external finishes and samples of such finishes, including where relevant colours, for the:-

- a) lime render, including its colour, of the external walls of the extensions and of the proposed two new buildings;
- b) Siberian Larch timber cladding, including if relevant any timber preservative or stain, of the external walls of the extensions and of the southern-most new building;
- c) stone to be used for the architectural detailing of the external walls, the cills and lintels of the windows and external doors and the base course of the external walls extensions and of the proposed two new buildings;
- d) natural slates of the re-roofed existing house and for the roof of the northern-most new building;
- e) natural red clay pantiles of the re-roofed existing house;
- f) zinc roofing of the extensions and of the proposed two new buildings; and
- g) the paint colour to be applied to the external faces of the external doors of the proposed two new buildings, including the vehicular doors;

shall be submitted to and approved in advance in writing by the Planning Authority prior to the use of those materials and external finishes in the development hereby approved.

The stone to be used for the architectural details of the external walls, including the cill and lintels of the window openings, and the basecourse of the development hereby approved shall be a natural stone, and shall match as closely as possible the colour of the natural stone of the listed building of Auburn, unless otherwise approved in writing by the Planning Authority.

The render to be used for the finish of parts of the external walls shall be a traditional lime render, unless otherwise approved in writing by the Planning Authority.

The slates and pantiles shall be natural slates or natural red clay pantiles.

Thereafter, the materials and finishes, including their colour(s) where relevant, used shall accord with the details and samples, including any colouring, so approved.

Reason:

To safeguard the character and appearance of the existing house, the character and visual amenity of the area, including of the setting of the nearby listed buildings, and the character and appearance of this part of the Dirlerton Conservation Area.

- 20 The existing natural rubble stone removed in the formation of the new door and window openings hereby approved for the south elevation of the single storey eastern component of the existing house shall be re-used in the blocking up of the relocated existing door and window openings of that elevation. Where new rubble stone is required to be used (if relevant), such new stone shall be a natural rubble stone and shall match as closely as possible the colour, texture, facing, and coursing of the existing natural rubble stone of that elevation wall of the existing house, in accordance with a sample and details of such new stone that shall be submitted to and approved in

advance in writing by the Planning Authority prior to its use in the development hereby approved, and thereafter, the natural stone used shall accord with the details so approved.

The natural stone surrounds, lintels and jambs of the existing door and windows of the south elevation of the single storey eastern component of the existing house shall be re-used in the alterations hereby approved to form new door and window openings in that elevation wall, in accordance with the details for such re-use set out on docketed drawing no. AA(31)020 rev A, unless otherwise approved in writing by the Planning Authority. If the existing natural stone surrounds, lintels and jambs are unable to be used, any new surrounds, lintels and jambs shall be of natural stone to match as closely as possible the colour, texture, and facing of the existing natural stone surrounds, lintels and jambs in accordance with details of the new natural stone surrounds, lintels and jambs to be submitted to and approved in advance in writing by the Planning Authority prior to their use in the development hereby approved, and thereafter, the new natural stone surrounds, lintels and jambs used shall accord with the details so approved.

The mortar of the new areas of stone walling of the south elevation of the single storey eastern component of the existing house shall be a lime mortar and shall match as closely as possible the colour, texture, thickness and appearance of the existing mortar of the stonework of that elevation wall, unless otherwise approved in writing by the Planning Authority. Details of the lime mortar to be used, including its colour, texture and appearance, shall be submitted to and approved in advance in writing by the Planning Authority prior to its use in the development hereby approved, and thereafter, the lime mortar used shall accord with the details so approved.

Reason:

To safeguard the character and appearance of the existing house, the character and visual amenity of the area, including of the setting of the nearby listed buildings, and the character and appearance of this part of the Dirleton Conservation Area.

- 21 A detailed specification shall be submitted to and approved in advance in writing by the Planning Authority for the re-cladding of the south (front) and north (rear) roof slopes of the existing house prior to such works being carried out.

The existing natural slates and the existing natural red clay pantiles shall be re-used, where possible, respectively on the south (front) and north (rear) elevation roof slopes, and the detailed specification (referred to in paragraph 1 above) shall include details for the careful removal of the existing slates and pantiles by hand and their set aside for re-instatement.

Any slates or pantiles that are beyond repair and cannot be re-used shall be identified in the specification, together with details including a sample of the replacement natural slates and natural red clay pantiles to be used. Those replacement natural slates and natural red clay pantiles shall match as closely as possible the existing natural slates and natural red clay pantiles on the roofs of the existing house. The replacement natural slates and natural red clay pantiles used to re-clad the respective roofs of the existing house shall accord with the samples so approved. Works to the roof shall accord with the specification so approved.

Reason:

In the interests of re-using the existing slates and pantiles to preserve the character and appearance of the listed building and the character and appearance of this part of the Dirleton Conservation Area.

- 22 The refurbishment of the existing windows of the existing house shall be carried out in accordance with the details for their refurbishment shown on docketed drawing nos. AA(31)030, AA(31)031 rev A and AA(31)032, and the timber frames, including their astragals, of the refurbished windows shall be externally painted white, all unless otherwise approved in writing by the Planning Authority.

The new windows to be formed in the north (rear) elevation of the existing house shall be of timber framed slimlite double glazed construction with 'through' astragals that shall match as closely as possible the thickness and profile of the astragals of the existing windows of the house, in accordance with details of the thickness and profile of the astragals of the new windows to be submitted to and approved in advance in writing by the Planning Authority prior to the installation of the windows in the development hereby approved, and the timber frames of the new windows shall be externally painted white, all unless otherwise approved in writing by the Planning Authority. Thereafter, the new windows as installed in the development hereby approved shall accord with the details so approved.

The external face of the frames of the windows, including their astragals, of the southern-most proposed building shall be painted a colour to be approved in advance in writing by the Planning

Authority prior to its use in the development hereby approved and thereafter the paint colour applied to the external face of the frames of the windows of the southern-most proposed building shall accord with the details so approved.

The windows of the northern-most proposed building shall be of timber framed slimlite double glazed construction with 'through' astragals that shall have a similar profile and thickness as the astragals of the existing windows of the existing houses of Auburn and Beadles Cottages, respectively to the southwest and north, in accordance with details of the thickness and profile of the astragals of the windows to be submitted to and approved in advance in writing by the Planning Authority prior to the installation of the windows in the development hereby approved, and the timber frames, including their astragals, of the windows shall be externally painted white, all unless otherwise approved in writing by the Planning Authority. Thereafter, the windows as installed in the northern-most building hereby approved shall accord with the details so approved.

The trickle vents of all existing and new windows, as relevant, of the development hereby approved shall be concealed as much as possible and any visible parts of them shall be painted to match the colour of the frames of the window in which they are installed, unless otherwise approved in writing by the Planning Authority.

Reason:

To safeguard the character and appearance of the existing house, the character and visual amenity of the area, including of the setting of the nearby listed buildings, and the character and appearance of this part of the Dirleton Conservation Area.

- 23 The roof windows to be installed on the pitched roof of the northern-most proposed new building hereby approved shall be conservation style roof windows and shall be installed in a manner that ensures that their upper surface is as near flush as possible with the upper surface of the roof slope into which they will be installed and with minimum flashing. Scale 1:10 or 1:20 section drawings showing the size, appearance and flush fitting of the new roof windows shall be submitted to and approved in advance in writing by the Planning Authority prior to their installation and once installed the new roof windows shall accord with the details so approved.

Reason:

To safeguard the character and appearance of the existing house, the character and visual amenity of the area, including of the setting of the nearby listed buildings, and the character and appearance of this part of the Dirleton Conservation Area.

- 24 The roof vents and flues hereby approved shall:

(i) match as closely as possible the colour of the part of the roof of the existing and proposed buildings and proposed extensions into which they are to be installed, and
(ii) where the proposed roof vents would be installed on a pitched roof they shall be fitted as flush as possible with the upper surface of the part of the roof of the existing and proposed buildings into which they are to be installed, in accordance with details and a sample of the proposed roof vents which shall be submitted to and approved in advance in writing by the Planning Authority prior to such works being carried out.

Reason:

To safeguard the character and appearance of the existing house, the character and visual amenity of the area, including of the setting of the nearby listed buildings, and the character and appearance of this part of the Dirleton Conservation Area.

- 25 Details of any new wall vents and flues, if relevant, to be installed on the development hereby approved, shall be submitted to and approved in advance in writing by the Planning Authority prior to the installation of such vents or flues. Details shall include 1:5 or 1:10 section drawings and brochures showing the size, design, numbers and colour of the proposed wall mounted vents and flues, and such vents and flues shall be concealed as much as possible and visible parts shall match as closely as possible the colour for the part of the building/extension to which they would adjoin.

Reason:

To safeguard the character and appearance of the existing house, the character and visual amenity of the area, including of the setting of the nearby listed buildings, and the character and appearance of this part of the Dirleton Conservation Area.

- 26 A sample(s) of the materials to be used to surface the hardstanding areas to be used as a driveway/parking area, patio, footpaths and steps of the development hereby approved shall be

submitted to and approved in advance in writing by the Planning Authority prior to the use of such ground surfacing within the development, and thereafter the surface materials used shall accord with the samples so approved.

Reason:

In the interests of safeguarding the character and appearance of the development hereby approved, the character and visual amenity of the area, including the setting of the listed building and the character and appearance of the Dirleton Conservation Area.

- 27 The existing natural rubble stone removed in the dountaking of the existing length of wall shall, where possible, be re-used in the rebuilding of the new length of wall on the north boundary of the site with the driveway of the neighbouring house of Beadles Cottage.

The stonework of the rebuilt and relocated length of natural rubble stone boundary wall hereby approved shall be match as closely as possible the colour, texture, facing, and coursing of the existing natural rubble stone wall and the mortar used shall be a lime mortar that shall match as closely as possible the texture, colour, thickness and appearance of the mortar of the existing wall, all in accordance with a sample panel of wall to be provided for the prior written approval of the Planning Authority prior to the erection of the relocated length of rubble stone wall.

Where new rubble stone is required to be used (if relevant), such new stone shall be a natural rubble stone and shall match as closely as possible the size, colour, texture, and facing of the existing natural rubble stone of that boundary wall, in accordance with a sample and details of such new stone that shall be submitted to and approved in advance in writing by the Planning Authority prior to its use in the development hereby approved, and thereafter, the natural stone used shall accord with the details so approved.

Thereafter, the relocated rebuilt length of rubble stone wall shall be built in accordance with the details and samples of materials so approved.

Reason:

To safeguard the character and appearance of the existing house, the character and visual amenity of the area, including of the setting of the nearby listed buildings, and the character and appearance of this part of the Dirleton Conservation Area.

- 28 All replacement and new sections of rainwater goods and down pipes shall be of cast iron construction and externally painted a colour to be approved in advance in writing by the Planning Authority, unless otherwise approved in writing by the Planning Authority. Thereafter, the rainwater goods and down pipes, including the colour of them, shall accord with the details so approved.

Reason:

To safeguard the character and appearance of the existing house, the character and visual amenity of the area, including of the setting of the nearby listed buildings, and the character and appearance of this part of the Dirleton Conservation Area.

- 29 All of the windows hereby approved for the west elevations of the proposed two buildings containing the two units of holiday accommodation and the proposed garage, as detailed on docketed drawing no. AL(22)010 rev A shall have their lower cill a minimum of 1.8 metres above the finished floor level of the rooms served by the respective windows unless otherwise approved in writing by the Planning Authority.

Reason:

To safeguard the privacy and amenity of the existing residential property of Auburn to the west.

- 30 Prior to the commencement of use of the northern-most unit of holiday accommodation hereby approved the length of 2.5 metres high rubble stone wall shall be relocated and erected on the north boundary of the site with the southern edge of the driveway of the property of Beadles Cottage, all in the position and at the height shown for it on docketed drawing nos. AL(20)009 rev D and AL(21)011, and thereafter the length of wall shall be retained at that height and in that position unless otherwise approved in writing by the Planning Authority.

The length of 2.5 metres high rubble stone wall to be relocated and erected on the north boundary of the site with the southern edge of the driveway of the property of Beadles Cottage referred to in the first paragraph of this condition, and as detailed on docketed drawing nos. AL(20)009 rev D and AL(21)011, shall where possible be constructed using the natural rubble stone dountakings from its original position on the site and if additional stone is required such new stone shall be natural rubble stone and shall match as closely as possible the colour, texture, facing and coursing of the existing

rubble stone wall, unless otherwise approved in writing by the Planning Authority.

Reason:

To safeguard the privacy and amenity of the neighbouring residential property of Beadles Cottage and to ensure a satisfactory standard of external finish to the wall in the interests of preserving the character and appearance of the listed building and the character and appearance of the Conservation Area.

- 31 Details and a sample(s) of the paint finish to be applied to the steel posts and framing of the new gates and of any paint, stain or timber preservative, if relevant, to be applied to the Siberian Larch timber cladding of the new gates shall be submitted to and approved in advance in writing by the Planning Authority prior to the use of such finishes on the gates, their posts and framing within the development, and thereafter the paint finish to be applied to the steel posts and framing of the new gates and, if relevant, the paint, stain or timber preservative finish applied to the Siberian Larch timber cladding of the new gates shall accord with the sample(s) so approved.

Reason:

In the interests of safeguarding the character and appearance of the development hereby approved, the character and visual amenity of the area, including the setting of the listed building and the character and appearance of the Dirleton Conservation Area.

- 32 The bin storage area to the south of the southern-most proposed new building shall be surfaced with permeable open joint flag stone paving, laid on top of existing ground levels, as detailed on docketed drawing no. AL(20)009 rev D, unless otherwise approved in writing in advance by the Planning Authority.

Reason:

To ensure the retention of vegetation important to the landscape character and appearance and environment of the development and their protection in the interests of safeguarding the landscape character of the area and of the Conservation Area, and the setting of the listed buildings.

- 33 All tree work shall be carried out in accordance with BS3998:2010 'Tree work - Recommendations' and must be approved in writing by the Planning Authority before work is carried out.

Reason: To ensure the retention of vegetation important to the landscape character and appearance and environment of the development and their protection in the interests of safeguarding the landscape character of the area and of the Conservation Area, and the setting of the listed buildings.

REPORT TO: Planning Committee
MEETING DATE: Tuesday 15 March 2022
BY: Executive Director for Place
SUBJECT: Application for Planning Permission for Consideration

5

Application No. **21/01474/PPM**

Proposal Renewal of planning permission in principle 18/00189/PPM for proposed onshore transmission works associated with the Inch Cape Offshore Wind Farm comprising the construction, operation and decommissioning of an onshore substation, electricity cables and associated infrastructure required to export electricity from the Inch Cape Offshore Wind Farm to the National Electricity Transmission System

Location **Former Cockenzie Power Station Site
Prestonpans
East Lothian**

Applicant

Per Savills

RECOMMENDATION Consent Granted

REPORT OF HANDLING

BACKGROUND

The development proposed in this application is, under the provisions of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, defined as a national development and thus it cannot be decided through the Council's Scheme of Delegation. It is therefore brought before the Planning Committee for a decision.

As a statutory requirement for national development proposals this development proposal was the subject of a Proposal of Application Notice (Ref: 20/00001/PAN) and

thus of community consultation prior to this application for planning permission in principle being made to the Council.

As an outcome of that and as a statutory requirement for dealing with major development type applications a pre-application consultation (PAC) report is submitted with this application.

The PAC report informs that consultation measures have been undertaken in accordance with Scottish Government Guidance: 'Coronavirus (COVID-19): development planning consultation and engagement advice (May 2020)'. The PAC report further informs that consultation comprised a virtual public exhibition from Monday 9th August to Tuesday 31st August 2021, and a live interactive chat facility between 14:00 - 16:00 hrs and 18:00 - 20:00 hrs on Thursday 12th August and Thursday 19th August 2021 with members of the project team available to answer questions on the proposed development. The report informs that four people engaged with the virtual exhibition and three participated in the live chat facility. No online feedback forms were submitted and no direct emails were received regarding the consultation. The development for which planning permission in principle is now sought is of the same character as that which was the subject of the community engagement undertaken through the statutory pre-application consultation of the proposal.

APPLICATION SITE

The application site is located mainly within the western section of the former Cockenzie Power Station site to the north of the B1348 Edinburgh Road. It comprises of an area of land measuring some 10.2 hectares and extends west from the eastern boundary of the former power station site, then from Prestonpans Beach, south over the B1348 Edinburgh Road which bisects the site, to a grassed area to the south of that road with the large existing Cockenzie substation building beyond.

A coastal path, which incorporates part of the John Muir Way, crosses the northernmost part of the application site. An area of grassland and a small area of intertidal rock and boulder shoreline are located within the north western corner of the site. The area of land comprising the northernmost part of the application site where it meets the coast is within the Firth of Forth Special Protection Area and within the Firth of Forth Site of Special Scientific Interest. This area of the application site is also within the Prestonpans Coast Special Landscape Area.

To the south of the site is the existing Cockenzie substation building and a private road (formerly associated with the coal store and former power station) which connects between the B1348 and the B6371 Roads. The private road is gated at each end and there is no public access. The part of the application site located to the south of the B1348 road is within the boundary of the Battle of Prestonpans, a battlefield included within the Inventory of Historic Battlefields.

The nearest residential properties to the site are located at Edinburgh Road, Hawthorn Terrace and Whin Park to the southeast, West Harbour Road to the east and Atholl View to the southwest, albeit the properties on Atholl View have little interaction with the site due to the intervening bund. Also the residential properties of The Antiquaries are located to the west of the site. In addition to residential properties, the Whin Park industrial estate is located to the southeast of the site.

RELEVANT PLANNING HISTORY

Cockenzie Power Station was a coal-fired power station, which was in operation until 2013.

In October 2011 the Scottish Government granted planning permission (Ref: IEC/CKE/001) under Section 36 of the Electricity Act 1989 to Scottish Power for the conversion of the power station building and operation of it as a Combined-Cycle Gas Turbine plant (CCGT) on the land of the former Cockenzie Power Station site. The Power Station has since been demolished.

In August 2015 Scottish Power announced that they would not be progressing with the development of a CCGT on the application site.

In March 2018 Scottish Power sold the former Cockenzie Power Station site to East Lothian Council. The land sold to the Council, which has an area of nearly 100 hectares, includes Preston Links and land to the south of the Cockenzie Coal store. The area of land sold to East Lothian Council also includes the current application site.

Inch Cape Offshore Windfarm, located some 15 kilometres off the Angus coast, was consented by the Scottish Ministers on 10 October 2014 under section 36 of the Electricity Act 1989.

In September 2014 planning permission in principle (ref: 14/00456/PPM) was granted to Inch Cape Offshore Limited (ICOL) for the onshore electrical transmission infrastructure (on-shore cables and substation) associated with the Inch Cape Offshore Wind Farm on land to the immediate east of Prestonpans and to the south of the former Cockenzie Power Station Coal Store. That approved infrastructure would have facilitated the transmission of power from the proposed Inch Cape off shore wind farm to the national electricity grid. That approved onshore electrical transmission infrastructure consisted of up to four export cables from the off shore wind farm that would be brought ashore at the beach adjacent to Preston Links to underground structures, known as transition pits. The on-shore cables would run underground from the proposed transition pits to a proposed electrical sub-station positioned on land to the south of the Cockenzie Coal Store. ICOL subsequently chose not to submit details for approval of matters specified in conditions, and planning permission in principle 14/00456/PPM expired in September 2017.

In February 2018 ICOL instead submitted a new application for planning permission in principle (ref: 18/00189/PPM) for the onshore electrical transmission infrastructure (on-shore cables and substation) associated with the Inch Cape Offshore Wind Farm on the site of the former Cockenzie Power Station. This comprised of the construction, operation and decommissioning of an onshore substation, electricity cables and associated infrastructure required to export electricity from the Inch Cape Offshore Wind Farm to the National Electricity Transmission System. The proposal submissions indicated a sub-station which could be approximately 185 metres by 185 metres, resulting in a footprint of approximately 3.5 hectares (excluding the embankment and landscaping) enclosed by security fencing and two gates, access road, car park, electricity transformation equipment, a switchgear building and a control building. It was indicated that the largest building would be the enclosure for the two harmonic filters, which would be combined with the switchgear and control building. Typically, the control building would have approximate dimensions of 30 metres long by 7.5 metres wide, with an approximate height of 7 metres. Two offshore export cables from the Inch Cape offshore wind farm would be brought ashore on the northwest boundary of the application site, under the existing sea wall, to the immediate east of Preston Links where they would run underground to underground structures, known as transition pits. Each transition pit would typically be 13 metres by 3 metres in size per cable and up to

1.5 metres deep.

On the 9 April 2018 a Direction under the terms of the Town and Country Planning (Scotland) Act 1997 was issued by the Scottish Ministers. This directed East Lothian Council to refer to them for determination the application for planning permission in principle (ref: 18/00189/PPM). In February 2019, Scottish Ministers granted planning permission in principle for the development. In accordance with the timescales and other limitations stipulated by section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended) further details of this development, including details of the layout, siting, design and external appearance of the onshore substation approved as part of that permission will be the subject of future approval of matters specified in conditions applications. To date no approval of matters specified in conditions applications have been submitted.

In August 2021 planning permission in principle (ref: 21/00290/PPM) was granted to Seagreen 1A Limited for onshore infrastructure for the export of electricity from the Seagreen Offshore Wind Farm located in the outer Firth of Forth and Firth of Tay to landfall at Cockenzie. This comprised of an onshore substation, underground electricity cables and associated temporary and permanent infrastructure on land to the west and south of the former Cockenzie Power Station site to export that electricity into the national electricity transmission network.

In December 2021 planning application 21/01448/P was submitted by Swift TG Energy (Scotland) Ltd for the erection of 1 wind turbine, welfare units, plant equipment, fencing and gates for a temporary period of 18 months on land within the former Cockenzie Power Station site to the east of the site of this application. Application 21/01448/P is pending consideration and has not yet been determined.

PROPOSAL

ICOL now seek planning permission in principle through this application for renewal of planning permission in principle (Ref: 18/00189/PPM) for proposed onshore transmission works associated with the Inch Cape Offshore Wind Farm comprising the construction, operation and decommissioning of an onshore substation, electricity cables and associated infrastructure required to export electricity from the Inch Cape Offshore Wind Farm to the National Electricity Transmission System. The existing substation to the south of the B1348 Road would form ICOL's grid connection point. The application is submitted under the provisions of Regulation 11 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 and seeks to extend the time for submission of future approval of matters specified in conditions applications.

In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 further approval of matters specified in conditions applications must be made within 3 years of the date of the planning permission in principle. That date of 21 February 2022 has since been extended by The Town and Country Planning (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2021 to 30 September 2022. The application has been submitted under Regulation 11 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 to extend the time for submission of further approval of matters specified in conditions applications the beyond September 2022.

This application for the renewal is a valid application, as when it was made to the Council on 23 November 2021 a commencement had not been made to the development approved by the grant of planning permission in principle 18/00189/PPM and also the

three-year time period for the submission of matters specified in conditions had not expired. Furthermore, the principles of development remain the same as that approved by the grant of planning permission in principle 18/00189/PPM.

A Planning Statement has been submitted with the application indicating that the proposed development consists of onshore transmission works associated with the Inch Cape Offshore Wind Farm comprising the construction, operation and decommissioning of an onshore substation, electricity cables and associated infrastructure required to export electricity from the Inch Cape Offshore Wind Farm to the National Electricity Transmission System. The basic principles of the development are set out in the application documents.

Application submissions indicate a sub-station enclosed by security fencing, and two gates, access road, car park, electricity transformation equipment, a switchgear building and a control building. The largest building would be the enclosure for two harmonic filters, which would be combined with the switchgear and control building.

Two offshore export cables from the Inch Cape offshore wind farm would be brought ashore on the northwest boundary of the application site, under the existing sea wall, to the immediate east of Preston Links. These would run underground to transition pits. Each transition pit would typically be 13 metres by 3 metres in size per cable and up to 1.5 metres deep. The applicant has indicated that there would be a separate cable transition pit for each of the offshore export cables or that both may be accommodated within, a larger cable transition pit. Typically, the transition pits are constructed from reinforced concrete and would be covered (underground) following construction and the area above restored, as far as practicable, to its original appearance. Each cable transition pit has an associated link pit and link box to allow access for future maintenance to the cable transition pit. The on-shore export cables would be laid in two separate trenches or ducts each measuring approximately 1 metre wide and between 1.5 metres to 3 metres deep. Depending on the final route selected, the onshore export cables between the cable transition pits and the onshore substation are expected to be approximately 100 metres long.

Main access would be taken from an existing access from the B1348 road to the south of the application site.

DEVELOPMENT PLAN AND NATIONAL PLANNING FRAMEWORK

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan, unless material considerations indicate otherwise.

The development plan is the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Development Plan 2018.

Policies 1B (The Spatial Strategy: Development Principles), 9 (Infrastructure), and 10 (Sustainable Energy Technologies) of the approved South East Scotland Strategic Development Plan (SESplan) are relevant to the determination of the application.

Proposals EGT1 (Land at Former Cockenzie Power Station) and EGT3 (Forth Coast Area of Co-ordinated Action), and Policies DC6 (Development in the Coastal Area), DC9 (Special Landscape Areas), OS1 (Protection of Open Space), NH1 (Protection of Internationally Designated Sites), NH2 (Protection of Sites of Special Scientific Interest and Geological Conservation Review Sites), NH11 (Flood Risk), CH5 (Battlefields), T2

(General Transport Impact), T4 (Active Travel Routes and Core Paths as part of the Green Network Strategy), DP1 (Landscape Character) and DP2 (Design) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of the application.

Material to the determination of the application is the Scottish Government's National Planning Framework 3 and Scottish Planning Policy: June 2014.

National Planning Framework 3 (NPF3) refers to the Cockenzie area with regard two national developments. These are National Development 3 (Carbon Capture and Storage Network and Thermal generation) and National Development 4 (High Voltage Electricity Transmission Network). NPGF3 recognises Cockenzie, and the Forth coast extending to Torness, as a potentially important energy hub. There are significant plans for offshore wind to the east of the Firths of Forth and Tay. Proposals for grid connections for these projects are now emerging, requiring undersea cabling connecting with converter stations and substations. The Scottish Government want developers to work together to minimise the number and impacts of these developments by combining infrastructure where possible. Whilst Cockenzie is safeguarded as a site for future thermal generation, it may present significant opportunities for renewable energy-related investment. Developers, East Lothian Council and the key agencies, including Scottish Enterprise should work together to ensure that best use is made of the existing land and infrastructure in this area. Given the particular assets of Cockenzie, if there is insufficient land for competing proposals, priority should be given to those which make best use of this location's assets and which will bring the greatest economic benefits. Whilst National Developments references a Scotland wide rather than a specific location, Cockenzie is nonetheless referenced as within an area of co-ordinated action for energy related development. This ties into the reference in paragraph 3.41 of NPF3 to renewable energy related investment on the site. The need for such development is established through the statement of need and description which states that this infrastructure is vital in meeting national targets for electricity generation, statutory climate change targets and the security of energy supplies.

Scottish Planning Policy on renewable energy states that planning must facilitate the transition to a low carbon economy. The planning system should support the development of a diverse range of electricity generation from renewable energy technologies - including the expansion of renewable energy generation capacity. The consideration of applications for proposals for energy infrastructure developments will vary relative to the scale of the proposal and area characteristics but are likely to include the scale of contribution to renewable energy generation target, landscape and visual impacts, historic environment, effects on the natural heritage and water environment, amenity and communities, and any cumulative impacts that are likely to arise.

Scottish Planning Policy advises that there is a presumption in favour of development that contributes to sustainable development, the presumption in favour of sustainable development is a material consideration in favour of the proposal. Whether a proposed development is sustainable development should be assessed according to the principles set out in paragraph 29.

Scottish Planning Policy further contains policy on protection of environmental assets including cultural assets, landscape and biodiversity. Scottish Planning Policy further states that planning authorities should seek to protect, conserve and, where appropriate, enhance the key landscape characteristics and special qualities of sites in the Inventory of Historic Battlefields.

Following the decommissioning and subsequent demolition of the Cockenzie Power

Station in September 2015 it was acknowledged that the wider former Cockenzie Power site provides an opportunity to redevelop the site for the benefit of the local and wider community. The Council commissioned a masterplanning process (with funding contribution from Scottish Enterprise) for the land formerly in Scottish Power's ownership at the former Cockenzie Power Station, the 'Cockenzie masterplan document'. This was prepared following consultation with the communities.

The Cockenzie masterplan document has not, however, been formally endorsed by the Council or adopted as supplementary planning guidance, and has not been through the necessary technical and environmental assessments (including Strategic Environmental Assessment, Habitat Regulations Assessment) which would allow this. It can therefore be accorded limited weight at this time. However, it is the result of significant community and stakeholder consultation with local communities and stakeholders, including national public sector agencies, industry bodies, businesses and local schools'. Over 330 responses were made to the first stage of consultation.

The masterplan document identifies and utilises key site assets and features within and around the site including the transformer and connection to the national grid, the coal store area, its coastal location and pier, accessibility to the road network and rail siding, the John Muir long distance route, the historic Waggonway and sites associated with the Battle of Prestonpans. The masterplan document shows a potential distribution of uses across the whole NRG1/EGT1 sites, showing how these could be accommodated in a complementary way on the site and the general ambition and aspiration generated.

Also relevant to the determination of the application is the Council's Special Landscape Areas Supplementary Planning Guidance adopted by the council on 30th October 2018.

REPRESENTATIONS

None.

COMMUNITY COUNCIL COMMENTS

Prestonpans and Cockenzie & Port Seton Community Councils have been consulted on the application and have provided no response.

ENVIRONMENTAL IMPACT ASSESSMENT

An Environmental Impact Assessment accompanied planning permission in principle (Ref: 18/00189/PPM) granted by Scottish Ministers in February 2019 in accordance with the requirements of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. That EIA contains chapters on policy and legislation, process and methodology, site selection and alternatives, description of development, ecology, hydrology, geology and hydrogeology, landscape and visual, cultural heritage, noise and vibration, traffic and transport, socioeconomics, tourism, land use and recreation, and air quality. The 2018 EIA Report concluded that 'subject to embedded mitigation measures, for all disciplines except landscape and visual the EIA Report did not identify any potentially significant residual effects (in terms of the EIA Regulations) on any environmental or human receptors during the construction, operation and decommissioning of the OnTW'. This was confirmed following a Public Local Inquiry (Ref: CIN-ELN-001) where the Directorate for Planning and Environmental Appeals (DPEA) Reporter concluded in the report to Scottish Ministers that other than from landscape and visual impact no other significant environmental effects were

identified from the proposed development.

This application is for the renewal of planning permission 18/00189/PPM and is the same project, with the same project description and on the same application site. Therefore and as the previous EIA Report prepared for planning permission in principle 18/00189/PPM is less than 3 years old, ICOL asked for a Scoping Opinion from East Lothian Council to confirm their requirements in terms of an EIA Report to support this application to renew planning permission 18/00189/PPM. In their scoping request ICOL suggested that the Scoping Opinion should review the contents of the existing 2018 EIA Report alongside a review of the current baseline environment, legislation, policies, guidance and current assessment methods to identify any changes which may have occurred since planning permission in principle (Ref:18/00189/PPM) was granted.

A Scoping Opinion dated 27th September 2021 was subsequently issued by the ELC as to the scope and information to be provided in support of a proposed application for OnTW as described in the Scoping Request made by ICOL to ELC on 23 August 2021.

That Scoping Opinion considered the EIA factors set out in legislation with regard to whether or not information is required in the EIA Report for this current application and recognises that the EIA Report submitted in support of Planning Permission in Principle (Ref: 18/00189/PPM) includes detailed information that allows for some issues to be Scoped out of the EIA Report. The Scoping Opinion concluded that, as there had been little baseline changes since that EIA Report was prepared, the following topics included in the EIA Report for planning permission 18/00189/PPM could be scoped out of the EIA submitted for this current application: (i) Population and Human Health, (ii) Biodiversity, (iii) Land Soil, (iv) Water, (v) Cultural Heritage and (vi) Material Assets.

The Scoping Opinion informs that the EIA Report should include a brief list of issues which have been Scoped out to show that they have been considered and a reference to where the more detailed explanation of the reason for this can be found to allow the EIA Report to focus on effects of the proposal deemed to be significant. Consequently chapter 3 of the EIA Report submitted with the application provides a list of the technical topics considered in the Scoping Opinion in accordance with the EIA Regulations and whether they have been subsequently 'scoped in' to the EIA Report.

The Scoping Opinion concluded that the key baseline changes since the granting of planning permission in principle 18/00189/PPM include: i) updated local planning policies and Supplementary Planning Guidance (SPG), in particular changes to the landscape baseline involving the designation of the Special Landscape Areas (Prestonpans Coast) and the updated local landscape character assessment; and ii) potential cumulative landscape and visual effects of the development with the consented Seagreen 1A Limited onshore substation development the subject of planning permission in principle (Ref: 21/00290/PPM). Where cumulative impact with the onshore works relating to the Seagreen 1A windfarm was a potential issue, information available in the EIA for the onshore works related to Seagreen 1A has allowed issues to be Scoped out.

The topics identified in the Scoping Opinion as requiring further detailed assessment through an update to the EIA Report accompanying planning permission in principle 18/00189/PPM include landscape and visual effects and impacts on climatic factors.

With regards the impacts on climatic factors the Scoping Report for planning permission in principle (Ref: 18/00189/PPM) did not request that climate emissions be considered in the EIA. Changes since then include East Lothian Councils declaration of a Climate Emergency in August 2019 and the formal adoption of a Climate Change Strategy in January 2020, alongside the Scottish Governments declaration of a Climate Emergency

in May 2019, focusing on targets for reductions of climate forcing gases that have been the subject of national and international agreements. The Council has undertaken further consultation on a ClimateEvolution Vision and Action Plan, a place-based response to the Council's Climate Change Strategy intended to ensure that a major area of development around East Lothian to include Tranent, Prestonpans, Cockenzie, Port Seton and Longniddry can become a national example of climate friendly development.

Consequently as this application is for the same project, with the same project description and on the same application site, as planning permission in principle 18/00189/PPM and as the EIA Report accompanying that application is less than 3 years old then the EIA Report that has been submitted addresses only those matters identified in the Scoping Report for inclusion and is therefore an addendum to the EIA Report accompanying planning permission in principle 18/00189/PPM. This EIA Report has been duly advertised and consulted on.

The submitted addendum to the EIA Report together with the existing EIA Reports seeks to identify and address the effects of the proposed development on the environment in accordance with Regulation 5 (3) of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 and Scottish Government EIA Planning Guidance as provided within Planning Circular 1/2017 - Guidance on The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. It contains chapters on the method and approach to preparing the Report, relevant policy and legislation, description of the development, site selection and alternatives, landscape and visual impact assessment and climatic factors.

As required by Regulation 5(5)(b) of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, to ensure the completeness and quality of the EIA Report, the applicant has submitted with it a statement outlining the relevant expertise or qualifications of the project team that has contributed to the EIA Report. Based on this submitted information, it can be reasonably concluded that the authors are suitably qualified.

The EIA Report concludes that:

Landscape and Visual –

key changes in the environmental and physical baseline since the grant of planning permission in principle (Ref: 18/00189/PPM) are considered to be:

- o East Lothian Local Development Plan 2018 policies DC9 (Special Landscape Areas), DP1 (Landscape Character) and Supplementary Planning Guidance (SPG) Special Landscape Areas (30th October, 2018) and changes in guidance for Landscape and Visual Impact Assessment; and
- o cumulative landscape and visual effects of the ICOL onshore substation and the consented Seagreen 1A onshore substation.

Climatic Factors -

it is likely that the OnTW as proposed will result in climate forcing gas emissions. The EIA report should include information on the climate impacts of the proposals during the construction, operation and decommissioning phases to include:

- o identification of relevant climate change mitigation issues for the development in consideration of circular economy, use and disposal of materials, soil and vegetation removal or disturbance, and traffic and transport emissions;
- o alternatives as to how or where the proposals are sited and how this would affect emissions
- o how proposals align with the East Lothian Climate Change Strategy, the Scottish Government Climate Change Strategy (including the Update), and Scottish emission

reduction targets.

The EIA Report concludes that subject to relevant mitigation measures, and for all disciplines except for those of landscape and visual as detailed above, no residual significant effects are predicted on any environmental or human receptors during the construction, operation and decommissioning of the OnTW proposed.

PLANNING ASSESSMENT

PRINCIPLE OF DEVELOPMENT

Policy 9 of SESPlan requires local development plans to safeguard land to accommodate the infrastructure required to deliver the Strategic Development Plan. This includes new non-nuclear baseload capacity at Cnockenzie. At the time of preparation of SESPlan, the original Cnockenzie Power Station was still operational, with consent in place for its replacement by the time the plan was approved. Policy 10 requires local development plans to set a framework for renewable energy development to contribute towards meeting renewable energy targets. SESplan in paragraph 124 also notes the need for a higher proportion of energy requirements to be obtained from renewable energy sources, and supports reinforcement of the electricity grid.

Proposal EGT1 of the adopted East Lothian Local Development Plan 2018 covers the majority of the application site, and safeguards that land for future thermal power generation and carbon capture and storage consistent with National Development 3. However it states that land at Cnockenzie may also present significant opportunities for renewable energy-related investment, informing that the Council will work together with developers, the landowner, the relevant agencies, local organisations and interested parties, including local residents to ensure that the best use is made of the existing land and infrastructure in this area. If there is insufficient land for competing proposals, priority will be given to those which make best use of the location's assets and which will bring the greatest economic benefits. Development proposals must avoid unacceptable impact on the amenity of the surrounding area, including residential development.

The wording of Proposal EGT1 makes it clear that the meaning of the words 'safeguard for future thermal generation', in this instance, is not intended to mean that no other use should come forward unless and until the requirements of the safeguarded use including its land-take is known. Therefore, even though it is not possible at this time to know whether a thermal generation use could come forward on this site alongside this proposed development in its proposed location on the EGT1 site, this is not critical to the acceptability or otherwise of the current proposal, thus the principle of National Development 3 and National Development 4 are both suitable within the Proposal EGT1 site, and it is possible to support either type of development in principle without knowing how the other type of development might be brought forward there.

The proposed development constitutes works that are required to connect an offshore windfarm to the national grid, so fall into the category of renewable energy-related investment. There are no active competing proposals for the land of the application site. Moreover, there is nothing to suggest that there is insufficient land for competing proposals on the wider EGT1 site, or that the proposed development would prejudice the future development of the site or the economic potential of the area. In terms of 'best use' for the site the proposed development would provide a significant investment to connect the Inch Cape Offshore Wind Farm to the national electricity transmission system, bringing green renewable energy to thousands of homes in Scotland. The EIA Report submitted as part of planning permission in principle (Ref: 18/00189/PPM)

informs that it is estimated that during the construction phase the proposed development could support between £115 million and £378 million GVA and between £12.5 million and £17.9 million GVA annually during each year of operation. Construction of the OnTW would directly support around 40 full time equivalent (FTE) jobs for a period of approximately 16 to 18 months. ICOL's Offshore Wind Farm could create up to 1,200 jobs in Scotland during construction and around 135 long term operational jobs. Moreover the application site would only comprise a part of the wider EGT1 site, with the remainder able to accommodate other forms of economic development and employment uses. It would be for the Council as Planning Authority to determine any future planning application for the wider site and to decide, amongst other things, whether or not the development proposed makes best use of the location's assets and whether or not it will bring the greatest economic benefits.

The Councils Economic Development Manager was consulted on the application and has offered no response.

In terms of site alternatives, chapter 4 of the submitted EIA Report demonstrates that an extensive site selection exercise was undertaken within the EIA Report submitted as part of planning permission in principle (Ref: 18/00189/PPM) to identify optimum substation and landfall locations and cable routes, with six landfall sites identified. Due to technical and environmental considerations the application site was chosen as the preferred site. As the principles of development remain the same as that approved by the grant of planning permission in principle 18/00189/PPM ICOL has not considered alternative sites for this application. Taking into account the national development status of the proposal, the absence of competing uses and the benefits of the proposed development, it can reasonably be concluded that the proposals represent the best use of the site within the current planning context.

On the above considerations the proposed development does not conflict with Proposal EGT1 of the adopted East Lothian Local Development Plan 2018. As high voltage transmission infrastructure to support renewable energy technology, it is also part of National Development 4 and is thus supported by NPF3.

Cockenzie and the Forth Coast area extending to Torness is identified in NPF3 as an 'area of co-ordinated action' and considered to be a potentially important energy hub within the NPF3 strategy, helping to deliver a low carbon Scotland. While Cockenzie is safeguarded for thermal power generation, it is noted in NPF3 as a location with potential for energy related development and potentially for associated port-related development. As an area of co-ordinated action, an expectation of partnership working is placed on the Council, developers, and key agencies, to make best use of the land and infrastructure in the area and take forward a planned approach to development.

In this regard Proposal EGT3 of the adopted East Lothian Local Development Plan 2018 states that the Council supports the principle of electricity grid connections on the Forth coast from Cockenzie to Torness in order to facilitate off-shore energy generation, provided the following criteria are met:

- 1) infrastructure is combined wherever possible;
- 2) connection to existing infrastructure at Cockenzie and Torness is prioritised; and
- 3) proposals must not have an adverse effect on the integrity of the Firth of Forth SPA or any other European site either alone or in combination with other projects and plans.

In terms of Proposal EGT3 the applicant informs that the OnTW is aimed entirely at facilitating the transmission of renewable electricity generated offshore, the key aim of Proposal EGT3, and that there is no discord with any of the criteria listed. Of particular

relevance the proposed OnTW prioritises connection to existing infrastructure at Cockenzie involving grid connection with the existing substation to the south of the B1348.

Assessment of the effects of the proposals on the integrity of the Firth of Forth SPA or any other European site either alone or in combination with other projects and plans is discussed later in this report and, subject to it being demonstrated that the proposed development would not have an adverse effect on the integrity of the Firth of Forth SPA, the principle of it does not conflict with Proposal EGT3 of the adopted East Lothian Local Development Plan 2018.

LANDSCAPE AND VISUAL IMPACT

The Scoping Opinion issued by the council in September 2021 underlines the requirement to consider any material changes to the landscape and visual baseline environment since production of the 2018 EIA Report. It notes that ICOL have considered the contents of the 2018 EIA Report alongside a review of the current baseline environment, legislation, policies, guidance and current assessment methods to consider any changes that may have occurred since then. Legislative changes involve policies DC9 (Special Landscape Areas), DP1 (Landscape Character) within the adopted East Lothian Local Development Plan 2018, Supplementary Planning Guidance (SPG) Special Landscape Areas adopted by the council on 30th October, 2018) and changes in guidance for Landscape and Visual Impact Assessment. The only development identified within that Scoping Opinion as requiring consideration in cumulative terms is the consented Seagreen 1A substation development located on the south side of the B1348 Road adjacent to the existing Cockenzie substation building and within 500m of the application site.

A Landscape and Visual Impact Assessment (LVIA) was submitted as a part of the EIA Report (Chapter 8) relevant to Planning Permission in Principle (Ref: 18/00189/PPM). Chapter 6 of the EIA Report submitted with this application updates that LVIA to focus on key changes since that chapter was produced. The LVIA and Chapter 6 of the EIA Report consider the landscape and visual impacts of the OnTW from a number of viewpoints in the surrounding area and further afield in East Lothian, and assesses the likely 'in-addition' and 'in-combination' cumulative effects when considered in addition to similar existing developments.

In addition to an Impact Assessment on the stand-alone effects of the OnTW a Cumulative Impact Assessment is provided within Chapter 6 the EIA Report to consider the cumulative impacts of the construction and operation of the OnTW on landscape character, designated landscapes and visual amenity in relation to the consented Seagreen 1A substation.

The EIA Report and LVIA conclude that:

- i) effects arising from the construction of the landfall and cable route would be short-term, localized and not significant - operational effects of these elements would be negligible;
- ii) impacts of the construction of the onshore substation building would result in significant effects on:
 - *the landscape fabric within the application site;
 - *Special Landscape Area 32 (Prestonpans Coast) as a result of short term localised views of construction from Preston Links and the edge of Prestonpans resulting in localised moderate and mainly slight alteration to some of the SLA special qualities;

- iii) operational phase of the onshore substation building would result in the following significant effects:
 - o Musselburgh / Prestonpans Coast LCA - the introduction of a large building and associated infrastructure will alter character in the greenspaces close to the west and south of the application site at Preston Links, Atholl View mound, and Edinburgh Road;
 - o views from residential properties on the western edge of Cockenzie (Edinburgh Road, Whin Park, Hawthorn Terrace);
 - o views enjoyed by recreational users of the John Muir Way and Preston Links and Core Paths 276, 441, 277, 145, 146 and 284 as a result of close and elevated views of the Onshore Substation from the John Muir Way, nearby areas of Preston Links and nearby core paths to the south; and
 - o views from the B1348 public road.
- iv) no significant cumulative effects are identified as a result of the construction or operational stages of the cable routes with the consented Seagreen 1A Limited onshore substation development subject of planning permission in principle (Ref: 21/00290/PPM);
- v) simultaneous or overlapping construction of the ICOL substation and the consented Seagreen 1A Limited onshore substation would result in the following significant effects:
 - o Visual effects on users of the John Muir Way and Preston Links as a result of the short-term construction work on the ICOL Onshore Substation being seen in the foreground against a background including construction activity on the Seagreen 1A substation site;
 - o Visual effects on recreational users of the B1348 as a result of short-term views of construction activity to the north and south when travelling between Prestonpans and Cockenzie
- vi) addition of operational ICOL onshore substation to a baseline that includes the operational Seagreen 1A onshore substation results in largely the same effects as for the introduction of the ICOL onshore substation to the existing baseline.

In their consultation response provided during determination of planning permission in principle (Ref: 18/00189/PM), on the matter of landscape and visual impacts, NatureScot considered that the proposal would lead to a range of adverse landscape and visual impacts which would be experienced from local areas largely due to the siting of the proposed development in a prominent and open area on the coastal side of Edinburgh Road between the settlements of Cockenzie and Port Seton and Prestonpans. They further advised that should that planning permission in principle be granted restoration of land immediately adjacent to the John Muir Way, and between the John Muir Way and the sub-station compound should be secured (including removal of the existing fencing if possible) and that landscape mitigation as set out within the EIA Report should be secured in broad accordance with the proposals set out.

In their consultation response to this application for planning permission in principle, on the matter of landscape and visual impacts, NatureScot advise that as the application seeks a renewal of planning permission in principle (Ref: 18/00189/PPM) and no material change to the project description or to the application site boundary is proposed they rest on advice previously provided for that planning permission in principle and supporting EIA Report and have no further comment.

The onshore export cables and any open cut trenching would be sited underground. Consequently they would have minimal impact on the landscape character and appearance of the area, including that of Preston Links and the Prestonpans Coast SLA.

The proposed development would be within a wider area that remains characterised by energy related infrastructure, notably the existing substation building on the south side of Edinburgh Road. The application site is enclosed by existing fencing and some structural vegetation that contribute to the containment of impacts on neighbouring seascape, landscape and visual receptors. The proposed substation building would be set back

from the B1348 road thereby avoiding structures projecting closer to that road. The indicative substation layout indicates that the substation building could be oriented in a south to north alignment, thereby reducing the apparent mass and volume of the buildings in views experienced by road users on the B1348 public road whilst focusing the greatest extent of building facades within site areas that are enclosed by mitigating screening landforms that limit the degree of their visibility from external viewpoints. It should be noted that the final layout would be presented through later applications for approval of matters specified in conditions were planning permission in principle to be granted.

The **Council's Landscape Projects Officer** advises that she concurs with the findings of chapter 6 of the submitted EIA Report that the effects arising from the construction of the landfall and cable route would be short-term, localised and not significant and that the operational effects of these elements would be negligible. She further concurs with findings that the application site is unchanged from that granted planning permission in principle (Ref: 18/00189/PPM) and that the landscape and visual effects identified in the submitted EIA only differ from the EIA Report submitted with that planning permission in principle in that they are assessed against the current baseline. The main change in this respect is the designation of Special Landscape Areas, and the resultant identification of localized significant effects on SLA 32 Prestonpans Coast during construction and operation of the ICOL onshore substation. She advises that the construction of the onshore substation building would result in significant effects on the landscape fabric within the application site and Special Landscape area (SLA) 32 Prestonpans Coast, as a result of short term localised views of construction from Preston Links and the edge of Prestonpans, resulting in localised moderate and mainly slight alteration to some of the SLA special qualities.

Assessment of the effects of the OnTW works on landscape character and visual amenity within Chapter 8 the EIA report attached to planning permission in principle (Ref:18/00189/PPM) considered predicted changes as a result of the OnTW from a number of viewpoints. That assessment takes account of embedded landscape mitigation designed to offset any significant adverse effects on the landscape and visual amenity arising from the OnTW to include reinstatement of all ground disturbed to install the onshore cables and earth mounding and associated planting of trees, shrub species and ground cover to screen the OnTW. The Landscape Officer advises that such landscape mitigation be carried out to include the retention of existing trees where possible as described in the planning permission in principle (Ref:18/00189/PPM) EIA report and that such landscape mitigation will be implemented through detailed siting and design subject to further applications for matters specified in conditions.

The OnTW will introduce a large scale building with related external structures and components to part of the Musselburgh / Prestonpans Coast on the site of the former Cockenzie Power Station, however subject to above recommendations and appropriately worded conditions to control the materials, design and architectural appearance of the proposed works, the proposed development could successfully integrate into its landscape setting and would not appear harmfully prominent, incongruous or intrusive within the surrounding landscape. It would not be harmful to the special character of the Prestonpans Coast Special Landscape Area and the nature and scale of the proposed development would not have an unacceptable impact on the natural environment.

On these considerations of landscape and visual impact and design the proposed development does not conflict with Policies DC6, DC9, DP1 and DP2 of the adopted East Lothian Local Development Plan 2018 or the Council's approved Special Landscape Areas Supplementary Planning Guidance.

CLIMATIC FACTORS

The Scoping Opinion identified significant environment effects associated with the application relating to climatic factors that are required to be reported on. The Scoping Opinion purports that it is likely that the OnTW as proposed will result in climate forcing gas emissions and that the EIA report should include information on the climate impacts of the proposals during the construction, operation and decommissioning phases to include:

- o identification of relevant climate change mitigation issues for the development in consideration of circular economy, use and disposal of materials, soil and vegetation removal or disturbance, and traffic and transport emissions;
- o alternatives as to how or where the proposals are sited and how this would affect emissions
- o how proposals align with the East Lothian Climate Change Strategy, the Scottish Government Climate Change Strategy (including the Update), and Scottish emission reduction targets.

In consideration of the residual effect over its full lifetime, in construction, operation and eventual decommissioning, the EIA Report informs that potential Green House Gas (GHG) emissions caused by construction of the OnTW would come from:

- i) manufacturing of materials and components used in construction, through the supply chain from extraction of raw materials, processing and fabrication and transport to site. This is often described as the 'embodied carbon' of the materials or components;
- ii) construction and assembly work on site, primarily from fuel and electricity use in site plant and offices.; and
- iii) land-use changes that releases carbon stocks or causes carbon sequestration. The application site does not contain significant undisturbed carbon stocks such as mature woodland or peatland therefore effects from this impact are deemed to be negligible.

Potential GHG emissions during the operation of the OnTW would arise from:

- i) a consequence of maintenance activity involving the carbon constituent of replacement components; and
- ii) from staff travel. Within the context of the operational impact of electricity transmission such GHG emissions are calculated at less than 1% of the annual operational emissions savings comparable to conventional gas-fired power generation; and

Potential GHG emissions during decommissioning would include:

- l) maintenance and eventual recycling or disposal of components - deemed to be insignificant in relation to construction stage impacts and annual beneficial effects during operation phase.

Findings within the EIA report submitted with the application are that the development is considered to have a significant overall beneficial effect and that the beneficial impacts of renewable electricity generated by the offshore wind farm that would be enabled by the OnTW outweighs the adverse impacts of climate forcing greenhouse gas emissions arising during construction and operational stages of both the OnTW and the offshore wind farm, and from any likely decommissioning stage impact.

On these considerations of climatic factors the proposed development does not conflict with East Lothian Council's Climate Change Strategy: January 2020, Scottish Government Climate Emergency Declaration: May 2019 and further national and international agreements.

This application is a resubmission of proposals granted planning permission in principle (Ref: 18/00189/PPM) in February 2019. The Council must be satisfied that any reasoned

conclusion on the significant effects of the application on the environment takes into account current knowledge and methods of assessment. In 2021 IOCL conducted a detailed scoping exercise which involved a comparative review of the baseline environment, legislation, policies, guidance and assessment methods applied to each environmental topic within the EIA Report attached to planning permission in principle (Ref: 18/00189/PPM). The main purpose of this exercise was to scope out those issues which had not changed in the interim period or which did not significantly alter the conclusions of that EIA Report.

The EIA Report Technical Appendix 3A 'Inch Cape OnTW Scoping Progression from 2017-2021, (inc. cumulative considerations)' attached to this application provides a list of issues that have been scoped out to show that they have been considered with reference to where more detailed explanation of reasons can be found.

CULTURAL HERITAGE

The part of the application site located to the south of the B1348 road is within the boundary of the Battle of Prestonpans, a battlefield included within the Inventory of Historic Battlefields.

The EIA Report Technical Appendix 3A informs that significant impacts from the proposed OnTW upon archaeology and cultural heritage are assessed in Chapter 9 of the EIA Report attached to planning permission in principle (Ref: 18/00189/PPM).

Historic Environment Scotland do not object to the application on grounds that historic environment interests have been scoped out of the EIA Report

The Councils Archaeology and Heritage Officer has been consulted on the application and has responded with no comments.

LAND AND SOIL

The EIA Report Technical Appendix 3A informs that during determination of planning permission in principle (Ref: 18/00189/PPM) no significant issues with regard to land or soil were identified. Mitigation involving implementation of a Construction Environmental Management Plan, site investigation to inform the detailed site design, and use of construction drainage systems, and a Sustainable Drainage System are included to remove or mitigate impacts including disturbance of potentially contaminated soils and no significant effects from construction or operation are identified.

The Councils Contaminated Land Officer has been consulted on the application and notes the requirements within an attached condition (9) of planning permission in principle (Ref: 18/00189/PPM) requiring that a site investigation is undertaken prior to the commencement of development in order to establish the exact situation regarding ground conditions on the site and to identify any contaminated land. He further notes that the condition further requires that should site investigations confirm the need for remedial works, details of the proposed remedial strategy shall be submitted to and approved in writing by the Planning Authority and that any such remedial works shall then be undertaken prior to the commencement of development in accordance with these approved details. He confirms the above requirements for the current application and recommends that where a requirement for remediation of the site is 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. Following completion of measures identified in the

approved Remediation Statement, a Validation Report should be submitted that demonstrates the effectiveness of the remediation carried out. It must be approved by the Planning Authority prior to commencement of the new use of the land.

Subject to the above controls the Contaminated Land Officer raises no objection to the application.

FLOOD RISK AND SCOTTISH WATER

A condition (10) attached to planning permission in principle (Ref: 18/00189/PPM) requires that development of the site shall not commence unless and until details of the finished ground levels, finished floor levels, confirmation of the presence of any culverted watercourses, the proposed Sustainable Urban Drainage Scheme, the proposed outfall and the finalised details of the use of any landscape bunds on the proposed site, as informed by the site investigation and designs approved under condition 1, have been submitted to and approved in writing by the Planning Authority, in consultation with Scottish Environment Protection Agency (SEPA). Thereafter the scheme should be completed in accordance with these details.

SEPA were consulted on the application and advise that comments provided within the determination of planning permission in principle (Ref: 18/00189/PPM) with respect to flood risk remain applicable and raise no objection subject to the imposition of the above condition.

The Councils Structures and Flooding Officer has been consulted and offers no objection subject to the above controls.

Scottish Water confirm that there is sufficient capacity in the Castle Moffat Water Treatment Works to service the proposed development and for a foul only connection in the Edinburgh Waste Water Treatment works. They have provided further information to the applicant relating to relevant stand-off distance and access-distance requirements for onsite water and sewer infrastructure.

TRANSPORTATION AND ACCESS

Findings within the EIA Report Technical Appendix 3A inform that there are no baseline changes to traffic and road network flows considered within planning permission in principle (Ref: 18/00189/PPM) and that conclusions regarding the effect of the OnTW on traffic and transport reported in the 2018 EIA Report do not require amendment.

The Councils Roads Services have been consulted on the application and confirm that they have no objection to proposals.

BIODIVERSITY

The EIA Report Technical Appendix 3A informs that the Scoping process for the EIA Report attached to planning permission in principle (Ref: 18/00189/PPM) both the council and NatureScot considered that the application site and wider locality had negligible to low biological value and ecological sensitivity. The 2018 EIA therefore focussed on potential impacts on habitat and qualifying species of the Firth of Forth SPA and the Outer Firth of Forth and St Andrews Bay Complex SPA and any other relevant European Sites. The SEA was accompanied by Habitats Regulation Appraisal which

concluded no adverse effect on any European site, alone or in combination with other plans or projects. Therefore, the effect on European Sites was not considered significant. A relevant condition (2) of planning permission in principle (Ref: 18/00189/PPM) required that development be undertaken in accordance with the EIA Report to ensure that the reported likely environmental impacts of the development are not exceeded and specified mitigation measures are fully implemented.

NatureScot were consulted on the application and have responded with no further comments to those previously provided for planning permission in principle (Ref: 18/00189/PPM) on grounds that the application is for the same development with no change to the application description or to the application boundary.

The councils Biodiversity Officer raises no objection to the application subject to the imposition of mitigating measures included within conditions attached to planning permission in principle (Ref: 18/00189/PPM).

POPULATION AND HUMAN HEALTH

The EIA Report Technical Appendix 3A informs that the EIA Report attached to planning permission in principle (Ref: 18/00189/PPM) considered noise and vibration impacts from construction and traffic movements. Operational sound was also scoped in. Embedded mitigation to include a noise barrier and control of construction activities through a Construction Environmental Management Plan (CEMP) to ensure noise levels meet the required threshold limits during construction and a Construction Noise Management Plan are a requirement of an attached condition (4). Further mitigation involving submission for planning authority approval of a Noise Impact Assessment is a requirement of condition (5) of that planning permission in principle. For the operational phases, embedded mitigation includes enclosures around some of the components to provide noise attenuation, as well as a Landscape Mitigation plan, which includes the use of earth bunds. Predicted noise levels were generally below background levels, but were predicted to be no more than 5dB above background, and were not significant.

The Councils Public Health & Environmental Protective Services have offered no comments on the application subject to the imposition of the above conditions on any planning permission granted. Subject to those planning controls the proposals would not harm the residential amenity of any neighbouring residential properties or any nearby land use.

Potential impacts on air quality reported in the EIA Report attached to planning permission in principle (Ref: 18/00189/PPM) were assessed in relation to the construction stage of proposed development as no direct effects were expected in the operational stage. That EIA Report considered: amenity impacts from dust; health effects from construction and decommissioning and vehicle movements; health effects from release of combustion pollutants; and cumulative impacts of dust, combustion or other airborne particles. Receptors included nearby residential areas. Embedded mitigation included a dust management plan. Embedded mitigation includes requirement by condition (4) of a CEMP which covers air quality and dust, and a traffic management plan as a requirement of condition (6). The EIA Report concluded that there would be no significant effects of dust subject to implementation of the dust management plan and good practice mitigation measures

The EIA Report Technical Appendix 3A states that the baseline in terms of receptors has not materially altered, while baseline air quality has improved due to prolonged Covid-19 lockdowns. Air quality assessment methodology guidance remains similar

though longer term assessment will require to take account of altered baselines as Covid related restrictions end.

The Council's Public Health & Environmental Protective Services' has been consulted on the application and concurs with findings that proposals will have no significant effects on air quality, subject to imposition of the above conditions.

CONCLUSION

Based on the planning assessment given above and subject to the aforementioned planning controls, the proposed development would not conflict with Policies 1B, 9 and 10 of the approved South East Scotland Strategic Development Plan (SESplan), Proposals EGT1 and EGT3 and Policies DC6, DC9, OS1, NH1, NH2, NH11, CH5, T2, T4, DP1 and DP2 of the adopted East Lothian Local Development Plan 2018, the Council's Special Landscape Areas Supplementary Planning Guidance, the Scottish Government's National Planning Framework 3 or with Scottish Planning Policy 2014.

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 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 12.3 metres from the finished ground levels, as approved. The finished ground level shall be no higher than the adjacent average road level of Edinburgh Road;
- c) The proposed route of the temporary rerouted Coastal Path incorporating the John Muir Way within the northern section of the application site boundary;
- d) 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;
- e) Details of all external lighting proposed;
- f) Details of the area of the Onshore Substation, which is not to exceed 2.5ha in total as shown on the drawing titled "Maximum Onshore Substation Area" docketed to planning permission in principle 18/00189/PPM and 21/01474/PPM;
- g) The layout shall ensure that the Onshore Substation is located outside the area identified as "No Onshore Substation Development" on the drawing titled "Maximum Onshore Substation Area" docketed to this planning permission in principle and to planning permission in principle 18/00189/PPM, and the Onshore Substation shall be located within the area identified as "Onshore Substation Site" on the said drawing as close to the south-western boundary of the Application Site as can be accommodated by the approved landscaping (including landscape and visual mitigation); and

h) Details of landscape and visual mitigation (including architectural mitigation) shall not be submitted for approval under this condition 1 without consultation first having been carried out with the Planning Authority, NatureScot, Cockenzie and Port Seton Community Council and Prestonpans Community Council.

In this condition, the Onshore Substation means all the electrical equipment, ancillary equipment and internal roads to be located within the perimeter security fence, as indicatively described in paragraph 8 (Project Elements) of Chapter 5 of the Environmental Impact Assessment Report docketed to planning permission in principle 18/00189/PM and also to the addendum to that EIA Report (November 2021) docketed to this planning permission in principle.

Reason:

To ensure that the matters referred to are given full consideration in the interests of the visual amenity of the area and to accord with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.)

- 2 The development hereby approved shall be undertaken in accordance with the Environmental Impact Assessment Report (EIA Report) docketed to planning permission in principle 18/00189/PPM and also to the addendum to that EIA Report (November 2021) docketed to this planning permission in principle, except where altered by the approval of matters specified in the condition above (including the referenced drawing) or by the conditions below, or unless otherwise agreed with the Planning Authority in writing.

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 Inch Cape 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 "Inch Cape Wind Farm" means the offshore wind farm known as the Inch Cape Offshore Wind Farm, granted consent under section 36 of the Electricity Act 1989 by the Scottish Ministers on 17 June 2019, 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 the development hereby approved and once details of the construction methodology is known, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Planning Authority after consultation with SEPA and NatureScot, and shall address the following requirements:-

- a) Confirmation of the methodology to be used in constructing the Development with particular regard to construction of the substation, any tunnelling activities and the method of constructing the cable trenches;
- b) A construction dust management plan identifying mitigation measures during the construction phase of the Development specifically identifying measures to minimise impacts of fugitive dust emissions on sensitive receptors;
- c) A construction noise management plan identifying mitigation measures during

the construction phase of the Development specifically identifying measures to minimise impacts of construction noise on sensitive receptors;

d) An assessment of vibration impact arising from construction works and the identification of any mitigation measures required to minimise impacts of construction vibration on sensitive receptors, taking account of BS5228-1:2009 and A1:2014 Code of Practice for Noise and Vibration Control on Construction and Open Sites; and

e) Any pre-commencement survey work, as required to re-establish base-line conditions in respect to protected species and any areas sensitive to disturbance including associated mitigation measures, as agreed with and approved by the council in consultation with NatureScot.

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

Reason:

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

- 5 Prior to the commencement of the development hereby approved, a Noise Impact Assessment for the operational phase of the Development shall be submitted to and approved in writing by the Planning Authority. The Noise Impact Assessment shall be based upon the detailed site layout approved pursuant to condition 1 and shall identify the location of noise emitting plant within the site and their accompanying noise emissions. The Noise Impact Assessment shall identify measures to ensure operational noise from the development does not give rise to new or materially different impacts to those assessed in the Environmental Impact Assessment Report docketed to planning permission in principle 18/00189/PPM and renewed by this planning permission in principle ref: 21/01474/PPM, unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of the amenity of nearby sensitive receptors.

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

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

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

c) Details of the proposed vehicular access onto the B1348 for large component deliveries, this should also include the reinstatement of the access once works are completed;

d) Wheel washing facilities shall be provided and maintained in working order during the period of construction and/or decommissioning of the site. All vehicles must use the wheel washing facilities to prevent deleterious materials being carried onto the public road on vehicle wheels.

e) The TMP shall also include vehicle tracking and swept path analysis for

vehicles entering and exiting the site and details of the provision of visibility splays at all vehicular accesses. It shall also include details of any road closures and suitable alternative routes during the road closures.

f) 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 TMP 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.

- 7 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 from the junction of 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.

- 8 Within 24 months of the permanent cessation of generation at the offshore Inch Cape 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 Inch Cape Wind Farm, within 24 months of the permanent cessation of generation at the offshore Inch Cape Wind Farm, a decommissioning and site restoration plan (the 'Demolition and Restoration Scheme') shall be submitted to and approved in writing by the Planning Authority. The Demolition and Restoration Scheme shall have due regard to the Decommissioning Programme prepared in respect of the offshore Inch Cape Wind Farm and shall include details of:

- i) The extent of substation and cable infrastructure to be removed and details of site restoration;
- ii) Management and timing of works;
- iii) Environmental management provisions; and
- iv) A traffic management plan to address any traffic 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 Inch Cape 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 by the Planning Authority in writing.

Reason:

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

- 9 1. Prior to any site development works a Geo-Environmental Assessment shall be carried out, with the Report(s) being made available to the Planning Authority for approval. The Report(s) shall include details of the following:

- o A Preliminary Investigation incorporating a Phase I Desk Study (including site reconnaissance, development of a conceptual model and an initial risk assessment);
- o A Phase II Ground Investigation (if the Phase 1 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 and an updated conceptual model of the site;
 - o An appraisal of the remediation methods available and proposal of the preferred option(s).

The Phase 1 Desk Study and Phase II Ground Investigation must be undertaken by suitably qualified, experienced and competent persons and must be conducted in accordance with the relevant guidance and procedures.

2. Prior to any works beginning on site (and where risks have been identified), a detailed Remediation Statement shall be submitted to and approved in writing by the Planning Authority, which shows how the site is to be brought to a condition suitable for the intended use by the removal of identified risks. The Remediation Statement shall detail all works to be undertaken, proposed remediation objectives and remediation criteria, timetable and phasing (if any) of works and site management procedures. The Remediation Statement shall also ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land following development.

3. Following completion of the measures identified in the approved Remediation Statement, a Validation Report which demonstrates the effectiveness of the remediation carried out shall be submitted to the Planning Authority for approval, prior to the approved development being brought into use.

4. 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/or the Planning Authority notified immediately in accordance with the approved site management procedures approved under condition 9(2). 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 additional remedial measures are required. Following the completion of any additional remedial measures, a Verification Report confirming the satisfactory completion of these remedial works shall be submitted to the Planning Authority.

Reason:

To ensure that the site is suitable for development, and that remedial measures have been undertaken where necessary to ensure that potential risks have been adequately addressed.

- 10 Development of the site shall not commence unless and until details of the finished ground levels, finished floor levels, confirmation of the presence of any culverted watercourses, the proposed Sustainable Urban Drainage Scheme, the proposed outfall and the finalised details of the use of any landscape bunds on the proposed site, as informed by the site investigation and designs approved under condition 1, have been submitted to and approved in writing by the Planning Authority, in consultation with SEPA. Thereafter the scheme should be completed in accordance with these details.

Reason:

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

- 11 With the exception of construction work associated with the installation of the offshore export cables, construction works associated with the Development shall be limited to 0700-1900 Monday to Friday and 0800-1300 on Saturdays, unless otherwise agreed in advance in writing with the Planning Authority. Construction works associated with the installation of the offshore export cables are permitted outwith these hours following prior notification of such works to the Planning Authority at least seven days before the works are due to commence.

Reason:

To safeguard the amenity of nearby residential properties

- 12 Prior to the commencement of the development hereby approved, a detailed Flood Risk Assessment (FRA) shall be submitted to and approved in writing by the Planning Authority in consultation with SEPA. The details shall take account of the site layout approved under condition 1 and shall identify mitigation measures required to protect the site as a minimum from the 1:1000 year flood event, unless otherwise approved in writing by the Planning Authority.

All approved flood mitigation measures must be carried out in accordance with the approved details prior to the Development becoming operational.

Reason:

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

- 13 No development shall take place until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping taking account of

the detailed site layout and other details proposed or approved under the terms of condition 1.

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 of the development being brought into use 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 Prior to the commencement of development details of artwork to be provided on the site or at an alternative location away from the site shall be submitted to and approved by the Planning Authority and the artwork as approved shall be provided prior to the operation of the onshore substation, unless otherwise agreed in writing by the Planning Authority.

Reason:

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

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

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

Reason:

To minimise the environmental impact of the development