



NOTICE OF THE MEETING OF THE PLANNING COMMITTEE

**TUESDAY 16 AUGUST 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 June 2022 **(pages 1-34)**
2. Planning Application No. 22/00393/P: Bayswell Hotel, 16 Bayswell Park, Dunbar – Extensions to hotel **(pages 35-46)**
Note - this application was called off the Scheme of Delegation List by Councillor Collins for the following reasons: local residents have serious concerns over noise and disruption from the installation of the extension and they believe that the design is not in keeping with the character of the area.
3. Planning Application No. 22/00559/P: 6 Lairds Crescent, Haddington – Erection of garden room and heightening of fence (part retrospective) **(pages 47-52)**
Note - this application was called off the Scheme of Delegation List by Councillor McMillan for the following reasons: on the grounds of neighbour concerns.
4. Planning Application No. 22/00460/PM: Edinburgh Road, Cockenzie – Section 42 application to vary conditions 7, 11, 14 and 15 of planning permission in principle 21/00290/PPM **(pages 53-70)**
5. Planning Application No. 22/00622/PM: Barbachlaw Farm, Wallyford – Section 42 application for the deletion of condition 10 of planning permission in principle 10/00341/PPM to remove the requirement for a binding contract to be put in place to complete the stadium (separately approved by planning permission 01/00892/FUL) in advance of work commencing on the houses approved by that planning permission in principle **(pages 71-82)**

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>

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

9 August 2022

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>



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

**TUESDAY 7 JUNE 2022
VIA A DIGITAL MEETING FACILITY**

1

Committee Members Present:

Councillor N Hampshire (Convener)
Councillor L Allan
Councillor C Cassini
Councillor D Collins
Councillor J Findlay
Councillor A Forrest
Councillor N Gilbert
Councillor C McGinn
Councillor K McLeod
Councillor J McMillan
Councillor C Yorkston

Other Councillors Present:

Councillor S Akhtar

Council Officials Present:

Mr K Dingwall, Service Manager – Planning
Ms E Taylor, Senior Planner
Ms J McLair, Planner
Mr D Taylor, Planner
Mr D Irving, Planner
Mr C Grilli, Service Manager – Governance
Mr C Clark, Senior Environmental Health Officer
Ms M Haddow, Transportation Planning Officer
Mr R Yates, Transportation Planning Officer
Mr G McLeod, Transportation Planning Officer
Mr M Greenshields, Senior Roads Officer
Mr J Canty, Transport Planner

Clerk:

Ms B Crichton

Visitors Present/Addressing the Committee:

Items 1-2: Mr B Tait, Ms C Walker, Mr D Lee, and Mr R Hay
Item 3: Mr J Fyall, Mr T Lyons, and Ms J Bell
Item 4: Ms R Nisbet, Mr G Shanks, and Mr A Wilson
Item 5-7: Mr I Slater, Mr B Lindsay, and Mr J Graham
Item 8: Mr J Fraser and Mr K Scott

Apologies:

Councillor S McIntosh

Declarations of Interest:

None

1. PLANNING APPLICATION NO. 22/00266/P: 40 MAIN STREET, GULLANE – CHANGE OF USE OF GARDEN AREA TO OUTDOOR EATING/SEATING AREA (RETROSPECTIVE)

A report was submitted in relation to Planning Application No. 22/00266/P. Keith Dingwall, Service Manager – Planning, presented the report, summarising the key points. The report recommendation was to grant consent.

Officers responded to questions from Members. Mr Dingwall explained that a previous attempt to obtain a certificate of lawfulness to demonstrate that the garden area had been in use as a drinking and dining area for ten years or more had been refused; however, this previous application had not looked at the merits of the proposal being made by the current planning application, which the Committee was being asked to consider. He advised that, although an enforcement officer would not ordinarily be on duty when the outdoor area was in operation in the evening, complaints could still be investigated outwith normal office hours. Mr Dingwall reassured Members that a site visit could be carried out to check compliance with the installation of a self-closing door.

Claire Walker spoke against the application. She highlighted that the garden area was owned by 41 Main Street, and not by 40 Main Street. She thought that the development of the area as a commercial eating and drinking space was harmful to the character of the conservation area. She highlighted potential sources of noise, and noted that although noise in the afternoon would not deprive neighbours of sleep, it would deprive them of amenity in the use of their gardens.

David Lee spoke against the application. He highlighted various sources of increased noise, including the pebbles making even footsteps noisy, which would be to the detriment of his family's enjoyment of their home and garden. Cigarette smoke could also be smelled from inside his children's bedroom, and bright lights had remained on until late at night, necessitating the purchase of blackout curtains. He highlighted the increase in noise affecting the use of local residents' gardens, and said that additional covers in the restaurant would lead to the local area becoming busier.

Responding to a question from Councillor McMillan, Mr Lee advised that he had not called enforcement to report issues, but had spoken to the applicant, Mr Crolla, on a number of occasions.

Councillor Findlay highlighted that, while allowances had been made during periods of Covid restrictions, the Main Course had been a successful business prior to the pandemic and did not require continued use of the outdoor area to survive. He noted the residential nature of the surrounding area and the huge impact of the outdoor area on nearby residents. He was concerned that conditions could not be properly enforced and worried that the same problems would be raised in a year's time; as such, he urged Members to vote against the application.

Councillor McMillan commented that those who held continued concerns about Covid may prefer to sit outside, and noted the economic benefit the restaurant provided to the area. He

expected the owners, given their good reputation, would wish to be respectful of neighbours and maintain good relationships. He noted that, should problems arise, the area would have to comply or close given the condition that permission be granted for one year. He suggested that a notice be displayed to remind patrons about noise, and suggested an earlier terminal hour may alleviate local concerns regarding noise in the evening.

The Convener noted that many people now preferred to sit outside where possible, even though Covid was less active within communities. He accepted that those living within town centres may be affected by the increase in outdoor dining, but highlighted that tourists visiting the area would expect good hospitality facilities. He would support the officer recommendation to grant consent.

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

For:	9	(Councillors Hampshire, Allan, Cassini, Forrest, Gilbert, McGinn, McLeod, McMillan, and Yorkston)
Against:	2	(Councillors Collins and Findlay)
Abstentions:	0	

DECISION

The Committee agreed to grant planning consent, subject to the following conditions:

- 1 Planning permission is granted for a temporary period of 1 year, beginning from the date of this grant of planning permission, and after which time, unless planning permission is granted, the use of the rear garden as an outdoor eating and drinking area shall cease and the tables and chairs shall be removed from it.

Reason:

To enable the Planning Authority to monitor the noise impact of the outdoor seating, eating and drinking area, in the interests of the amenity of nearby residential properties.

- 2 The outdoor seating, eating and drinking area hereby approved shall only be used between the hours of 11:00am and 8:00pm, on any day of the week.

Reason:

To ensure that the use of the outside seating, eating and drinking area does not cause nuisance to neighbouring residential properties to an unacceptable level.

- 3 Any light trespass (onto windows) of neighbouring residential properties, as a result of the proposed lighting at the premise, measured as Vertical Illuminance in Lux, (Ev), shall not exceed 10 between the hours of 0700-2300 and shall not exceed 2 between the hours of 2300-0700.

Reason:

In the interests of protecting the amenity of neighbouring residential properties in the area.

- 4 There shall be no public entertainment, amplified music, amplified vocals or live music played in the outdoor seating, eating and drinking area hereby approved.

Reason:

To ensure that the use of the outside seating, eating and drinking area does not cause nuisance to neighbouring residential properties to an unacceptable level.

- 5 Within 1 month of this grant of planning permission any door(s) providing access to the outdoor seating area from the licensed premises of The Main Course restaurant shall be

made self-closing, and that door(s) shall remain self-closing thereafter unless otherwise approved in writing by the Planning Authority.

Reason:

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

2. PLANNING APPLICATION NO. 22/00267/P: 40 MAIN STREET, GULLANE – ERECTION OF COVERED ROOF AREA (RETROSPECTIVE)

A report was submitted in relation to Planning Application No. 22/00267/P. Mr Dingwall presented the report, summarising the key points. The report recommendation was to grant consent.

Councillor Findlay was concerned about outdoor cooking smells and wished to raise a condition to guard against outdoor cooking taking place. Mr Dingwall thought that it was not the applicant's intention to cook outside, but provided a form of words should Members think it necessary to impose such a condition, namely: no cooking shall be undertaken within the covered roof area hereby approved, unless otherwise approved in advance by the planning authority. The reason for this condition was to safeguard the amenity of neighbouring residential properties.

David Lee spoke against the application. He clarified that a reference made to the west boundary wall on page 10 of the report was a wall of his property, and therefore the outdoor covered area cut off the rear of his property; this rendered three windows inaccessible and scaffolding would have to be erected for their maintenance. He advised that the area had previously been used as a walk-through to the garden area, but had now become an external part of the kitchen with fridge storage and significant footfall. He also highlighted the character of the conservation area. Further, the area now formed a natural extension of the kitchen and food smells emanated from there.

Councillor Findlay agreed that the impact on the surrounding residents and their ability to maintain their properties would be significant. He did not recognise the business need for the outdoor area when it would have a harmful impact on neighbouring properties.

The Convener advised that Mr Lee's ability to maintain his property would be a legal matter and not for consideration by the Committee. He also noted that such occurrences were common in town centres, and it was still possible to build scaffolding to maintain these properties.

Councillor McMillan thanked Mr Lee for bringing his objections to the attention of the Committee. He said that noise and food odour issues would be dealt with by environmental health colleagues. He supported the addition of Councillor Findlay's suggested condition, and encouraged Mr Lee to raise any concerns through the council's enforcement procedures.

The Convener commented that it was difficult to operate a business within a small space, and agreed that the cold storage within the passageway was vital for the business to survive. He did not agree that the outdoor area would have a detrimental effect on the conservation area, or that the properties could not be maintained, but felt that the business would suffer if the outdoor space could not be used.

Councillor McMillan suggested that the proposed condition be amended to include the full outdoor area, but Mr Dingwall advised that as the application related only to the covered

area, planning controls could not be applied outside of the covered area. Councillor McMillan asked the applicant to note his comments.

Councillor Hampshire seconded Councillor Findlay's proposed condition regarding cooking in the outdoor area, and moved to a roll call vote on the addition of this condition. This was supported unanimously by the Committee.

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

For:	10	(Councillors Hampshire, Allan, Cassini, Collins, Forrest, Gilbert, McGinn, McLeod, McMillan, and Yorkston)
Against:	1	(Councillor Findlay)
Abstentions:	0	

DECISION

The Committee agreed to grant planning consent, subject to the following condition:

- 1 No cooking shall be undertaken within the covered roof area hereby approved, unless otherwise approved in advance by the planning authority

Reason:

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

3. PLANNING APPLICATION NO. 22/00357/P: SKATERAW FARM, INNERWICK – CHANGE OF USE OF AGRICULTURAL SHEDS TO STORAGE AND DISTRIBUTION UNITS (CLASS 6)

A report was submitted in relation to Planning Application No. 22/00357/P. David Taylor, Planning Officer, presented the report, summarising the key points. The report recommendation was to grant consent.

Tom Lyons spoke against the application. He said that Skateraw had been a quiet area where children could play safely. He reported that since the purchase of the sheds by another farmer, they had been used for various purposes, including industrial processing, without appropriate planning consent. Mr Lyons was concerned that such uses may continue; although SEPA had been informed, he was not aware that they had followed this up, and significant mess had been caused on neighbouring driveways by clay. He also raised concerns regarding road safety, as the access road was a 20mph exit from the A1. Mr Lyons felt that the application was not within the spirit of Policy DC1 of the 2018 Local Development Plan (LDP), whereby planning permission should be granted for agricultural, forestry, horticulture, infrastructure, or countryside recreation, or to other businesses with a requirement for a countryside location. He summarised that the application would cause considerable upheaval to the local community.

Jacquie Bell spoke against the application on behalf of Dunbar Community Council. She said the application had caused considerable concern to residents of Skateraw, who had experienced a history of issues at the site, passed to planning enforcement. There had already been a loss of amenity caused by considerable dust from lorries driving at speed. She reiterated Mr Lyons' concerns regarding road safety on the main junction and on the cycleway; further lorry movements would cause concern here. She asked that conditions be

imposed on the site, such as no outside storage being allowed, restrictions on the hours of transportation, and requirements for regular road cleaning and dust suppression.

Councillor Collins shared Ms Bell's concerns regarding noise, dust pollution, and road safety. There were also concerns from Skateraw residents that the site would become an Amazon depot, bringing significant vehicle movements each day; as such, she thought that imposing conditions on the site would be prudent.

The Convener commented that previous uses of the site had brought significant vehicle movements, such as when it was used for vegetable storage and as an art exhibition. He had spoken with the farmer on the site visit, who had advised that compost for farming processes was currently being stored, and therefore current operations were agricultural in nature. There had been interest in developments around the site, including cabling for offshore wind farms, a converter station, and two transformer facilities; there would be requirement for storage. He was happy to support the diversification of the farmer's business.

Councillor Allan advised that she had spoken directly with the farmer and had been reassured that there was no intention for the site to become an Amazon depot. She felt reassured that the business diversification would not heavily impact on the surrounding area, and would support the application.

Councillor McMillan commented that the site visit had been instrumental in helping him understand the operational requirement for the countryside location. He felt that the junction was a matter for driver behaviour and supported judicious signposting reminding drivers to take care. He felt that the vehicle movements may be similar in number and type to those associated with prior uses of the site. He wished to support diversity in the rural economy and would support the officer recommendation to grant consent.

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

DECISION

The Committee agreed to grant planning consent, subject to the following conditions:

- 1 Notwithstanding the provisions of Part 3 of the General Permitted Development (Scotland) Order 1992 the use of the buildings and land of the application site shall be limited to uses within Class 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 or any order that subsequently amends or re-enacts this order.

Reason:

To restrict the use of the buildings and land to that which was applied for in the interests of the amenity of neighbouring residential properties.

- 2 No outside storage shall take place within the application site without the prior written consent of the Planning Authority.

Reason:

In the interests of the visual amenity of the area.

4. **PLANNING APPLICATION NO. 21/01604/P: LETHAM HOLDINGS PHASE 3, HADDINGTON – SUBSTITUTION OF HOUSE TYPES ON PLOTS 495-503 AND 506-541, REPOSITIONING OF PLOTS 495-503 AND 506-541 AND ASSOCIATED**

WORKS AS CHANGES TO THE SCHEME OF DEVELOPMENT THE SUBJECT OF PLANNING PERMISSION 19/00643/PM

A report was submitted in relation to Planning Application No. 21/01604/P. Mr Dingwall presented the report, summarising the key points. The report recommendation was to grant consent.

Andrew Wilson spoke against the application, and highlighted the sustained community interest. He highlighted the tapering of the development on the western boundary, and said that the application went only a small way to fulfil the described 10m-wide landscape edge, the 1.5 story house styles, and the retention of existing hedgerow described in the LDP supplementary guidance, and felt this should be revisited. He felt it was unreasonable for nine new properties to surround the bungalow at no. 31; other properties within the application would be surrounded by three houses. He also raised the safety and amenity consequences of changes to a 100m section of the lane, and felt proposals lacked detail. Mr Wilson had commissioned an artist impression of the plans, and described this as changing a quiet country road into an urban road. Mr Wilson felt the plans would discourage active travel, and the existing roads would experience an adverse effect on road safety as a consequence of the development.

Responding to questions from Councillor McMillan, Mr Dingwall highlighted the approved layout at application 19/00643/PM, and noted that the proposed layout was not markedly different. It was officers' view that the proposed layout would not have an unacceptable impact on the property at no. 31.. It was also officers' view that the proposals were not markedly different from the previous application in terms of place-making, and therefore it was not justified to seek modifications. Jon Canty, Transport Planning Officer, advised that the proposals were in accordance with the previous agreement to remove vehicular access onto Letham Mains Holdings Lane. Discussions were ongoing with the applicant regarding the nature of Letham Mains Holdings Lane at the junction with Pencaitland Road; a 30mph speed limit would be introduced onto Pencaitland Road. Work was also underway with the applicant regarding bus stops and a footway on Pencaitland Road.

Councillor Akhtar asked road services to give further consideration to signage. Mr Canty advised that signage to indicate Letham Mains Holdings Lane would become access-only would not be proportional as a response to the planning application. The Convener also voiced concern regarding the increase in properties in the area, and wished to deter drivers from using the narrow lane. Mr Canty responded that the department would not oppose the erection of signage, but would not require it. The Convener suggested that a condition be raised.

Councillor McMillan acknowledged community concerns regarding the increase in vehicular movements. He also raised concern about the increase in traffic to the west road through David's Way, and asked that traffic on the new development and surrounding site be monitored. He felt that maintaining some of the sense of the old Letham Mains Holdings and not overdeveloping the area would help to maintain a sense of a separate boundary and community; the sought the applicant's opinion on fewer houses in the area.

Rebecca Nisbet and Graeme Shanks representing Taylor Wimpey, applicant, were present to answer questions. Mr Shanks said that the proposed development was not materially different to the original application in terms of the number of properties in that area. There was a requirement to remove secondary access and maintain a cycle and pedestrian network in the southern corner, which the applicant had done. The applicant would not look to make any further changes to the current application. Mr Dingwall reiterated that the proposals were not materially different to the 2019 application, and advised that it would not therefore be competent to make some of the suggested changes at this stage. A

continuation of the application would risk non-determination, as the next Planning Committee would convene in August.

Councillor Akhtar was satisfied that signage and footways had been covered by roads services officers and that erection of signage would not be opposed. Councillor McMillan was also in favour of signage. He also welcomed changes around access, but felt that this raised other road safety concerns, and was keen that the area be monitored. He hoped that the development would be sympathetic to the residents of Letham Mains.

It was established between Mr Canty and the Convener that signage would direct drivers that Letham Mains Holdings Lane would be for local access only. It was agreed that Local Members and officers could agree the wording at a later date.

The Convener commented that the application had been improved by removal of the access road onto the lane, which would help to minimise impact on the local residents. He agreed that the development would contribute to traffic on Pencaitland Road, but cited ambitious housebuilding targets which must be delivered upon.

The wording for the condition was agreed upon, namely: Prior to the occupation of any of the houses hereby approved signage shall be installed in the vicinity of Letham Mains Holdings Lane, in accordance with details to be submitted to and approved in advance by the Planning Authority. The reason for this condition would be in the interests of road safety. This condition was proposed by Councillor McMillan and seconded by Councillor Hampshire.

Councillor McMillan called for a road safety audit on the spine road which would carry traffic down to the new development for the safety of Letham Mains residents. Marshall Greenshields, Senior Roads Officer, advised that a safety audit for David's Way was already planned.

The Convener moved to the vote on the addition of the proposed condition, taken by roll call. This was supported unanimously by the Committee.

The Convener then moved to the vote on the report recommendation, to grant consent, taken by roll call. This was also supported unanimously by the Committee.

DECISION

The Committee agreed to grant planning consent, subject to the following conditions:

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

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

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

Reason:

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

- 2 Other than in exceptional circumstances where the layout or particular building type does not permit, the residential units shall be orientated to face the street. Notwithstanding that shown on the docketed drawings where a building is located on a corner of more than one street or road, it shall have enhanced gable(s) to ensure it has an active elevation to each street or road it faces. This includes the gables of the houses to be built on Plots 533 and 534 facing onto the Letham Holdings Road. The details of the enhanced gables shall be agreed with the Planning Authority.

Reason:

In the interests of safeguarding the character of the development.

- 3 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. However, some use of a contrasting wall finish (i.e. reconstituted stone or facing brick) would be acceptable providing it is limited to a distinctively complete feature of the houses and flats and respectful of their design integrity. All such materials used in the construction of the houses shall conform to the details so approved.

Reason:

In the interests of ensuring active frontages and to enhance character and appearance of the area.

- 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 some other form of enclosure such as feature walls or hedges to heights and finishes to be approved in advance by the Planning Authority.

Details submitted shall also include the design, construction and materials of the entrance feature walls at the main accesses to the site. 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 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 the height and slopes of any mounding on or re-contouring of the site, details of tree sizes, species, habitat, siting, planting distances and a programme of planting. It shall also include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development. The scheme shall include hedges of native species to all front gardens to be communally maintained at a minimum of 1 metre in height, tree planting of a mix species sizes with small species trees to front gardens, medium species trees to open spaces along roads and large species trees within open spaces.

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, 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 or shrubs detailed in the approved landscaping plans to be retained on the site, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority.

Reason:

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

- 6 Prior to the occupation of the last of the residential units hereby approved, the proposed site access roads, parking spaces and footpaths shall have been constructed on site, in accordance with that which is shown on the docketed drawings, otherwise the layout shall be subject to the following 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) 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;
 - (viii) 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;
 - (ix) 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
 - (x) 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.

- 7 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.

- 8 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.

- 9 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.

- 10 Prior to the commencement of development, a report on the actions to be taken to reduce the Carbon Emissions from the build and from the completed development shall be submitted to and approved in writing by the Planning Authority. This shall include the provision of renewable technology for all new buildings where feasible and appropriate in design terms. 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.

- 11 Prior to the occupation of any of the houses hereby approved signage shall be installed in the vicinity of Letham Mains Holdings Lane, in accordance with details to be submitted to and approved in advance by the Planning Authority.

Reason:

In the interests of road safety.

5. PLANNING APPLICATION NO. 21/00120/AMM: BLINDWELLS – CONDITIONS 1D, 1H AND 1L (DETAILS OF ROAD, FOOTPATH, CYCLE PATH, LANDSCAPE AND DRAINAGE INFRASTRUCTURE FOR PHASE 2) OF PLANNING PERMISSION IN PRINCIPLE 20/01030/PM

A report was submitted in relation to Planning Application No. 21/00120/AMM. Julie McLair, Planning Officer, presented the report, summarising the key points. The report recommendation was to grant consent.

Jonathan Graham was present on behalf of Hargreaves Land, applicant, to speak to the application. The phase 1 infrastructure was well underway; basins along the central boulevard had been formed, roads and footpaths were being delivered, and residents were already living on the Bellway site. He showed both applications side-by-side and discussed the key points of the new application, which included bringing forward delivery of the main public open spaces around the park and loch to provide a focal point and sense of place for residents.

Representatives answered questions from Members. Mr Graham advised that plot C5 was being marketed to provide employment land, and there would also be employment opportunities in the town centre, which would be brought forward very soon. It was also hoped that the loch area would attract leisure uses. He advised that employment land opportunities were commercially driven, but it was hoped that these would be brought forward in the following 18-24 months and Hargreaves were in discussion with the council's economic development officers. Iain Slater, also representing Hargreaves, added that having a vibrant town centre was a high priority. Mr Slater advised that Network Rail had erected a fence to delineate their land, and landscaping would be managed by factoring. Outside of the 33m woodland boundary strip, there was safeguarded land and potential for future twin-tracking with the East Coast Main Line. Hargreaves would be responsible for the upkeep of amenity land until such time as a residents' association could be put in place. Residents would manage where they lived through the factoring process, and the residents' association would be able to tender for a new factor should they be unhappy with arrangements in place.

The Convener had been pleased that the applicant was building a sense of community through putting infrastructure in place at an early stage. He suggested setting up an interim community council to ensure residents were fully engaged in decision-making with regards to amenity land, and to enable residents to raise any issues for feedback to the council and developers.

Councillor McLeod had been impressed by the site visit, and Councillor McGinn welcomed this latest phase of landscaping and linking with active travel routes for the benefit of residents. Council tenants would be moving in shortly, and Councillor McGinn welcomed the vibrant sense of community being built.

Councillor Forrest also welcomed Hargreaves' promotion of a sense of community and efforts towards delivering on amenity infrastructure; he hoped that other developers would take a similar approach in future.

The Convener moved to the vote on the report recommendation, to grant consent, taken by roll call. This was supported unanimously by the Committee.

DECISION

The Committee agreed to grant planning consent, 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 finished ground 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.

Reason:

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

- 2 Prior to the commencement of development, road safety audits and quality audits for the whole Phase 2 road network within the application site shall be submitted to and approved by the Planning Authority. Development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road safety.

- 3 Details of the proposed bus stops within the Phase 2 core road network shall be submitted to the Planning Authority for agreement prior to commencement of the subject works on site in accordance with the indicative locations shown on the docketed 'Indicative Bus Infrastructure Plan' (Dougall Baillie Associates Drawing no. 21215-SK-15 Revision D) unless otherwise agreed by the Roads Authority, summarised as follows:

- (i) Stops G & H to the north west of the Primary School site;
- (ii) Stops I and J between Plot 6B and 7A;
- (iii) Stops O & P directly to the east of the changing pavilion to the north of Plots 9A & 9B; and
- (iv) Stops Q and R between Plot 5A and Plot 5B.

Reason:

To ensure the provision of necessary infrastructure for sustainable travel in the interests of pedestrian and road safety.

- 4 A report describing the promoted active travel routes to the Blindwells Primary school, including controlled crossings on appropriate desire-lines on the roads bounding the Blindwells Primary school to both the north and the west, shall be submitted to and approved by the Roads Authority. The promoted routes so approved should be completed prior to the opening of the Blindwells Primary school or prior to the road being brought into public use whichever comes first.

Reason:

To ensure the provision of safe and convenient infrastructure for active travel to the school in the interests of pedestrian and road safety.

- 5 Prior to the opening of the Blindwells Primary school all paths, footways and road crossings forming the main routes to the Blindwells Primary school from the residential developments within the wider site shall have been completed in their entirety and made available for use. The paths, footways and road crossing so formed shall thereafter be maintained and retained available for use unless otherwise approved by the Planning Authority.

Reason:

To ensure the provision of safe and convenient infrastructure for active travel to the school in the interests of pedestrian and road safety.

- 6 A Construction Method Statement to minimise the impact of construction activity on the safety and amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic (including routes to/from site) and shall include hours of construction work and routing of traffic. The Construction Method Statement shall also make recommendations in respect of how pedestrians and school

children can safely access the new school during construction works. It shall also provide details of utility/service drainage connections.

The Construction Method Statement shall also make recommendations in respect of how building materials and waste will be safely stored and managed on site.

The recommendations of the Construction Method Statement shall be implemented prior to the commencement of development.

Reason:

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

- 7 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.

6. PLANNING APPLICATION NO. 21/01580/PM: BLINDWELLS – SECTION 42 APPLICATION VARIATION TO CONDITIONS 1, 13, 30 AND DELETE CONDITION 31 OF PLANNING PERMISSION 20/01030/PM

A report was submitted in relation to Planning Application No. 21/01580/PM. Julie McLair, Planning Officer, presented the report, summarising the key points. The report recommendation was to grant consent.

Officers responded to questions from Members. Ms McLair advised that the targets for delivery of housing had been updated since the original planning permission in principle was approved, as the Covid pandemic had had an impact on completion rates. The up-to-date anticipated completion figures were provided in the report.

Mr Slater, representing Hargreaves Land, spoke to the application. He advised that while housing needs had remained constant, work/life balance and shopping patterns had changed since design of the masterplan in 2014. The developer wished to put place-making at the heart of the site, have greater focus on the town centre, and deliver a more sustainable high street. Walking and running tracks would also contribute to enjoyment of the environment. The masterplan retained 54 hectares of open space and 10 hectares of employment land. Mr Slater advised that schooling arrangements would now see a primary school built on the Blindwells site, with secondary provision at the existing Preston Lodge High School. The community sports pitches would now sit in the park area, and primary school pitches would remain within the school footprint.

Councillor Forrest asked whether there was scope for development of supermarkets as the area increased in size. Mr Slater advised that a large supermarket of around 40,000ft² had originally been planned, but it was now felt this was too large for the town. Plans were now being made for a local centre, perhaps including a smaller supermarket of around 15,000ft². Talks were underway, but this would be commercially-led.

Responding to questions from the Convener, Mr Slater advised that the road infrastructure for the primary school site would be available to the council later in the year. Work was underway for the town park to be delivered at the same time as the primary school, but housing would still be coming forward close to the primary school site.

The Convener commented that the development would be an asset to its residents and to East Lothian.

The Convener moved to the vote on the report recommendation, to grant consent, taken by roll call. This was supported unanimously by the Committee.

DECISION

The Committee agreed to grant planning consent, subject to the following conditions:

- 1 The submission for approval of matters specified in conditions of this grant of planning permission in principle shall include details of the siting, design and external appearance of all the dwellings and other buildings, the means of access to them, the means of any enclosure of the boundaries of the site and of gardens and other subdivisions of the site and the landscaping of the site and those details shall generally accord with the Indicative Master Plan drawing no. 13055(S42)001_J docketed to this planning permission in principle, and shall address the following requirements:
 - a. The provision within the application site of recycling facilities.
 - b. Other than in exceptional circumstances where the layout or particular building type does not permit, houses and flats shall be orientated to face the street.
 - c. Notwithstanding that shown in the Indicative Master Plan docketed to this planning permission in principle there shall be no integral garages, unless it can be justified as an exceptional design feature, or where the house and garage would not be on a primary street frontage;
 - d. The detailed design of the layout shall accord with the principles set out in the Council's Design Standards for New Housing Areas and with Designing Streets;
 - e. The external finishes of the residential units shall be in accordance with a coordinated scheme of materials and colours that shall respect the layout of the development and shall promote render as the predominant finish to the walls of the residential units.
 - f. Notwithstanding the details shown in the Indicative Site Master Plan referred to above, there shall be a separation distance of at least 9 metres between facing windows of a proposed new building and the garden boundaries of existing or proposed neighbouring residential properties; and a separation distance of at least 18 metres between directly facing windows of a proposed new building and the windows of existing or proposed neighbouring residential properties.
 - g. Parking for the residential, local centre and primary school components of the development hereby approved shall be provided at a rate as set out in the East Lothian Council's "Standards for Development Roads- Part 5 Parking Standards" For the local centre and school this shall include for cycle parking. Private parking spaces in the local centre and other private parking areas shall be a minimum of 2.5 metres by 5 metres and spaces on the public road shall be a minimum of 2.5 metres by 6 metres. Access to private parking areas other than driveways shall be via a reinforced footway crossing and have a minimum width of 5.5 metres over the first ten metres. Private driveways shall be a minimum of 6 metres by 2.5 metres, double driveways shall be 5 metres by 6 metres or 3 metres by 11 metres.
 - h. All access roads within the new settlement shall conform to East Lothian Council's "Standards for Development Roads" in relation to roads layout and construction, footways and footpaths, parking layout and number, street lighting and traffic calming measures.
 - i. Cycle parking shall be included at a rate of 1 space per flat. The parking shall be in the form of 1 locker per flat or communal provisions in the form of a lockable room or shed.

j. The provision within the local centre of a civic square, which shall be designed as a central meeting point and to provide a multifunctional space for both formal use such as community arts and theatre activities and for informal use.

k. The provision within the application site of at least 10 hectares of employment land. The buildings within the employment land shall be restricted in use to Classes 4, 5 and 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997.

l. The provision within the application site of nature based elements such as woodlands, wetlands and SUDS, public open space and boulevard planting.

m. Vehicle access's to private parking areas (i.e. other than driveways) shall be via a reinforced footway crossing and have a minimum width of 5.5 metres over the first 10 metres to enable adequate two way movement of vehicles;

n. Details of the implementation and design of infrastructure works onto the A198, including junctions, road widening and delivery timescales shall be submitted to and approved by the Planning Authority. The submitted detail shall include full road safety audits and quality audits. Development should thereafter be carried out in accordance with the details so approved.

o. Electric vehicle charging points shall be provided around proposed community facilities such as schools and retail areas. Charging points, if considered necessary by the Planning Authority, shall also be provided for electric buses.

p. There shall be no built development or landscaping within the area defined as being "EMBANKMENT" on drawing number 13055(PL)160 - Masterplan - Rail Embankment.

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

Reason:

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

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

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

Reason:

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

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

Reason:

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

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

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

Year 2021/22	-	120 residential units
Year 2022/23	-	130 residential units
Year 2023/24	-	110 residential units
Year 2024/25	-	120 residential units
Year 2025/26	-	120 residential units
Year 2026/27	-	120 residential units
Year 2027/28	-	120 residential units
Year 2028/29	-	120 residential units
Year 2029/30	-	120 residential units
Year 2030/31	-	150 residential units
Year 2031/32	-	150 residential units
Year 2032/33	-	150 residential units
Year 2033/34	-	70 residential units

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

Reason:

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

- 5 No development shall take place until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping. The scheme shall provide details of: the height and slopes of any mounding on or recontouring of, the site; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. The scheme shall include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development. It shall also include details of all planting and landscaping along the boundary of the site with the A1(T) trunk road.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of ten years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

Reason:

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

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

Reason:

To maximise the ecological potential of the proposed development.

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

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

Reason:

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

- 8 A Construction Method Statement to minimise the impact of construction activity on the safety and amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic (including routes to/from site) and shall include hours of construction work and routing of traffic. The Construction Method Statement shall also make recommendations in respect of how pedestrians and school children can safely access the new school during construction works. It shall also provide details of utility/service drainage connections.

The Construction Method Statement shall also make recommendations in respect of how building materials and waste will be safely stored and managed on site.

The recommendations of the Construction Method Statement shall be implemented prior to the commencement of development.

Reason:

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

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

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

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

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

Reason:

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

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

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

Reason:

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

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

Reason:

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

- 12 To ensure that the site is clear of contamination, the following requirements shall be complied with:

o Prior to commencement of any site development, a targeted contaminated land investigation shall be carried out and a report submitted to and for approval of the Planning Authority. The investigation must also include further rounds of gas monitoring for the site. The subsequent report must include a site-specific risk assessment of all relevant pollutant linkages.

o Where the risk assessment identifies any unacceptable risk or risks, a detailed remediation strategy shall be submitted to the Planning Authority for approval. Prior to receipt of approval of the remediation strategy by the Planning Authority no works, other than investigative works, shall be carried out on the site

o Remediation of the site shall be carried out in accordance with the approved remediation plan. Any amendments to the approved remediation plan shall not be implemented unless approved by the Planning Authority.

o On completion of the remediation works and prior to the site being occupied, a validation report shall be submitted to the Planning Authority confirming that the works have been carried out in accordance with the remediation plan.

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

Reason:

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

- 13 The open space to be provided on site shall generally accord with the Indicative Master Plan drawing no. 13055(S42)001_J docketed to this planning permission in principle. Moreover, the area of open space known as the Town Park shall include within it woodland of a significant size.

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

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

Reason:

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

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

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

Reason:

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

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

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

Reason: In the interests of road and pedestrian safety.

- 16 Prior to the commencement of development, details of a new 2 metres wide tarmac "active travel path" to be formed for walkers and cyclists on the western side of the hedge at the eastern edge of the application site, parallel to the core path, with link paths connecting from the housing areas to the tarmac path and to the core path, shall be submitted to and approved in advance by the Planning Authority. The details shall include a timetable for implementation.

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

Reason:

In the interests of road and pedestrian safety.

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

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

Reason:

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

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

Reason:

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

- 19 Prior to the commencement of any ground improvement / remedial works within the application site, detailed proposals for the proposed ground improvement / remediation works shall be submitted to and approved by the Planning Authority. The detailed proposals shall include detailed designs and supporting information for the proposed surcharging and consolidation of shallow workings beneath the base of the open cast. It shall also include the surcharge layouts, surcharge heights, surcharge periods, recovery period following removal of the surcharge, proposed monitoring instrumentation, and assessment of predicted settlement at each surcharge location. In respect of the consolidation of the shallow workings the detailed proposals shall provide full details of the proposed consolidation works required to remove the risk of future subsidence. Where appropriate the ground improvement / remedial

works shall make provision for percolation / inundation testing to demonstrate that the surcharging has been effective in reducing the risks of such collapses to acceptable levels. The ground improvement / remediation works shall thereafter be carried out in accordance with the details so approved.

Reason:

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

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

Reason:

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

- 21 Prior to the commencement of development the following information shall be submitted to and approved by the Planning Authority, following consultation with the Coal Authority:
- a) the submission of a layout plan which identifies appropriate zones of influence for the mine entries on site, and the definition of suitable 'no-build' zones, together with indication of the high wall; and
 - b) The submission of details of investigations and of treatment if necessary for the mine entries on site, shallow coal workings, ground gas, and ground stabilisation of the backfill.

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

Reason:

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

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

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

Reason:

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

- 23 Prior to the commencement of development, a SuDS scheme and Drainage Assessment for the whole development site to meet the vesting requirements of the Statutory Authorities shall

be submitted to and approved by the Planning Authority, following consultation with SEPA. The submitted detail shall include a timetable for the delivery of all identified mitigation measures shall.

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

Reason:

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

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

Reason:

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

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

Reason:

In the interests of road safety.

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

Reason:

In the interests of road safety.

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

Reason:

In the interests of road safety.

- 28 Prior to the commencement of development, a general, overarching travel plan framework for the whole settlement (including school and future business/economic uses travel) shall be submitted to and approved by the Planning Authority. The framework shall include tools and

mechanisms for each part of the development to use. It shall include measures to be put in place to encourage Public Transport penetration into the new settlement. It shall also include a timetable for implementation, Development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road safety.

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

Reason:

In the interests of road safety.

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

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

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

Reason:

To ensure that the design layout complies with the current standards and that the safety and free flow of traffic on the trunk road is not diminished.

- 31 Unless otherwise agreed with the Planning Authority, following consultation with Transport Scotland, prior to the commencement of the development of each individual Plot / Phase within the overall application site, the following matters will need to be addressed:

a) Prior to the commencement of the development of each individual Plot / Phase, details of the lighting within the site shall be submitted for the approval of the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority.

b) Prior to the commencement of the development of each individual Plot / Phase, details of the frontage landscaping treatment along the trunk road boundary shall be submitted to, and approved by, the Planning Authority, after consultation with Transport Scotland. All landscaping shall be located such that it can be installed and maintained from within the development without requiring access to the trunk road.

c) Prior to commencement of the development of each individual Plot / Phase, details of the fencing / barrier proposals along the trunk road boundary shall be submitted to, and approved by, the Planning Authority, after consultation with Transport Scotland. The fencing / barrier proposals shall be located such that they can be erected and maintained from within the development without requiring access to the trunk road.

d) There shall be no drainage connections to the trunk road drainage system.

Reason:

a) To ensure that there will be no distraction or dazzle to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished.

b) To ensure that there will be no distraction to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished.

c) To minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents;

d) To ensure that the efficiency of the existing trunk road drainage network is not affected.

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

Reason:

In the interests of road safety.

7. PLANNING APPLICATION NO. 21/00449/PM: BLINDWELLS – ERECTION OF 77 HOUSES AND ASSOCIATED WORKS

A report was submitted in relation to Planning Application No. 21/00449/AMM. Mr Taylor suggested an amendment to condition 12 to accord with proposed phasing and to ensure consistency with the housing consents for Blindwells. It was proposed that condition 12 would now read: no more than 235 residential units in combined total on the application site and the wider site, subject of planning application no. 20/01030/PM, shall be occupied, unless and until the proposed upgrade of the northern and southern roundabouts at Bankton Interchange traffic signal control (generally as illustrated in WYG's drawing no. SK002) have been implemented to the satisfaction of the planning authority, after consultation with Transport Scotland, and; no more than 235 residential units in combined total on the application site and the wider site, subject of planning application no. 20/01030/PM, shall be occupied, unless and until the proposed upgrade of the west-facing slips at Bankton Interchange to type-B parallel-merge diverge (generally as illustrated in WYG's drawing no. SK004) have been implemented to the satisfaction of the planning authority, after consultation with Transport Scotland. The reason would be to mitigate the adverse impact of the development on the safe and efficient operation of the trunk road network. Transport Scotland had confirmed they had no objection to this suggested amendment. Mr Taylor then presented the report, summarising the key points. The report recommendation was to grant consent.

Officers responded to questions from Members. Mr Taylor confirmed that there would be 77 electric vehicle chargepoints in total, and each property would have access to an electric vehicle chargepoint; this would be subject to further discussion with roads services officers. Mr Slater confirmed that the SUDS ponds had been designed in consultation with Scottish Water; a co-factoring agreement was in place for maintenance of the SUDS points between the different developers and Scottish Water.

Bruce Lindsay spoke to the application on behalf of Hargreaves Land. He reassured Members that Plot 11 was entirely in-keeping with the design requirements and aspirations of Blindwells. The 77-unit development would include 23 affordable homes, including a variety of cottage flats and terraced units. He made reference to the modern and post-Covid design of the properties, which would match the design of the town centre.

The Convener moved to the vote on the report recommendation, to grant consent, taken by roll call. This was supported unanimously by the Committee.

DECISION

The Committee agreed to grant planning consent, subject to the following conditions:

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

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

- a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings;
- b. finished ground and floor levels of the development relative to existing ground levels of the site and of adjoining land and building(s). The levels shall be shown in relation to an Ordnance Bench Mark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing; and
- c. the ridge height of the proposed 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 Other than in exceptional circumstances where the layout or particular building type does not permit, the approved residential units shall be orientated to face the street. Notwithstanding that shown on the docketed site plan where a building is located on a corner of more than one street, it shall have enhanced gable(s) to ensure it has an active elevation to each street it faces;

Reason:

In the interests of ensuring active frontages and to enhance character and appearance of the area.

- 3 Notwithstanding that which is stated on the drawings docketed to this planning permission, a detailed specification of all external finishes of the houses and flatted block 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 and flatted block 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. 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.

- 4 Notwithstanding that shown on the drawings docketed to this approval of matters, all semi private and defensible spaces in front of or to the side of the residential units hereby approved and to the side of parking courtyards shall be enclosed by walls/hedges/fences/ or railings to define areas of private space from public space.

Details of the form and appearance of all boundary treatments, including the 1.8m high fences within the rear gardens of the houses, shall be submitted to and approved by the Planning Authority prior to the occupation of the first house.

A timetable for the provision of those boundary treatments shall be submitted to and approved in advance by the Planning Authority and 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 appropriate boundary enclosures and in the interest of safeguarding the privacy and amenity of future residents of the development.

- 5 Prior to the commencement of development details of all electric vehicle charging points and required infrastructure, along with a timetable for provision, shall be submitted to and approved in writing by the Planning Authority. Such provision shall involve engagement with electricity providers to ensure that the entire electricity supply infrastructure will have sufficient capacity to enable all chargepoints to operate simultaneously.

The installation of all electric vehicle charging points and required infrastructure shall thereafter be carried out in accordance with the details so approved unless otherwise agreed in writing with the Planning Authority.

Reason

In the interests of sustainability.

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

i) a Quality Audit, to include a Road User Safety Audit, shall be submitted for Planning Authority approval prior to the commencement of development to independently assess walking, cycling, access and road safety aspects within and around the development and to provide details of raised tables across the estate roads;

ii) submission for approval of a Residents Travel Pack prior to first occupation of the first dwelling on the site providing information for residents to encourage use of sustainable modes of transport such as trains, buses, cycling and walking. The Residents Travel Pack shall thereafter be provided to the occupants of each new residential unit; and

iii) submission for approval of a Construction Method Statement prior to commencement of any development to provide details of mitigation measures to be implemented during construction works to control noise, dust, construction traffic (including parking, routes to/from site and delivery times) and hours of construction work. Construction of the site shall thereafter be carried out in accordance with the Construction Method Statement so approved.

Reason:

In the interests of pedestrian and road safety.

- 7 Prior to the commencement of development details of the bin storage facilities for the flatted building hereby approved shall be submitted to and approved in advance by the Planning Authority. Prior to the occupation of any of the flats the bin storage facilities shall have been formed in accordance with the approved details and made available for use. Thereafter, the storage facilities shall be retained in use solely as bin storage areas.

Reason:

To ensure the provision of adequate bin storage in the interest of the residential amenity of the future occupants of the flats hereby approved and the visual amenity of the locality.

- 8 Prior to the commencement of any part of the development hereby approved details shall be submitted for the approval of the Planning Authority of foundation or other mitigating works proposed for structures spanning the area of former highwall, as shown on docketed drawing no.17684-WIE-95-ZZ-DR-C-020 P01 titled 'Plot 11 Proposed Layout Showing Highwall Extents'. The details submitted shall include a timetable for the provision of all mitigation works.

The approved foundation or other mitigating works shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of the safety and amenity of future residents and occupiers of the development.

- 9 To ensure that the site is clear of contamination, the following requirements shall be complied with:

*Prior to any works beginning on site (and where risks have been identified), a detailed Remediation Statement shall be produced and submitted for the prior approval of the Planning Authority. The Statement shall show how the site is to be brought to a condition suitable for the intended use by the removal of unacceptable risks to all relevant and statutory receptors. The Statement 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 Statement must be submitted to the Planning Authority for approval;

*Prior to the commencement of any of the new uses hereby approved, and following completion of the measures identified in the approved Remediation Statement, a Validation Report demonstrating the effectiveness of the remediation carried out shall be submitted to and approved by the Planning Authority.

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

Reason

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

- 10 Prior to the commencement of development details shall be submitted to and approved by the Planning Authority of overlying subsoil/topsoil to be provided to the front and back gardens of the houses hereby approved on a plot by plot basis and on all soft landscaping areas to ensure the provision of a layer of subsoil/topsoil of at least 600 mm in thickness. Thereafter the subsoil/topsoil shall be provided in accordance with the details so approved unless otherwise agreed in writing by the Planning Authority.

Confirmatory testing for both subsoil and topsoil materials is to be included within the Remediation Strategies being produced for the development site, with validation of these results being included within subsequent Verification Reports.

Reason

To ensure the provision of a suitable growing medium for garden areas and other areas of soft landscaping.

- 11 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.

- 12 No more than 235 residential units in combined total on the application site and the wider site, subject of planning application no. 20/01030/PM shall be occupied, unless and until the proposed upgrade of the northern and southern roundabouts at Bankton Interchange traffic signal control (generally as illustrated in WYG's drawing no. SK002) have been implemented to the satisfaction of the planning authority, after consultation with Transport Scotland. No more than 235 residential units in combined total on the application site and the wider site, subject of planning application no. 20/01030/PM shall be occupied, unless and until the proposed upgrade of the west-facing slips at Bankton Interchange to type-B parallel-merge

diverge (generally as illustrated in WYG's drawing no. SK004) have been implemented to the satisfaction of the planning authority, after consultation with Transport Scotland.

Reason

To mitigate the adverse impact of the development on the safe and efficient operation of the trunk road network.

8. PLANNING APPLICATION NO. 22/00009/AMM: LAND TO SOUTH, EAST, AND WEST WALLYFORD – APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF PLANNING PERMISSION IN PRINCIPLE 14/00903/PPM – ERECTION OF 90 FLATS AND ASSOCIATED WORKS

A report was submitted in relation to Planning Application No. 22/00009/AMM. David Taylor, Planning Officer, presented the report, summarising the key points. The report recommendation was to grant consent.

Officers responded to questions from Members. Mr Taylor advised that comments from Wallyford Community Council had been made on the basis of the initial submission; since this time, revised layouts had gone some way to address these points. Mr Taylor advised that one four-story block with elevators would be allocated as 'living well' flats for older people. Mr Taylor also advised that bicycle storage within the blocks of flats could be used for mobility scooter storage and charging.

James Fraser and Kevin Scott, representing EMA Architects and applicant Dunedin Canmore respectively, answered questions from Members. Mr Fraser confirmed that parking had been a well-discussed element of the application, and there would be allocated parking for the shops and adequate parking for residents. Mr Scott confirmed that Dunedin Canmore would be the landlord of the 'living well' properties for over-55s. Mr Fraser advised that a designated service corridor would serve the shops; high volumes of deliveries were not expected to the small units. Noise analysis had identified no detrimental effects on residents of the 'living well' block. Mr Fraser advised that the parking had been reconfigured due to concerns that primary school traffic may use the private bays. Signage would also be provided to indicate that parking was for residents only.

Councillor McGinn welcomed the application and the provision of a variety of housing, particularly the 'living well' flats, and the sizes of the various properties. He said it was clear that a new GP and primary care facility was needed in the area, and this development provided such an opportunity. He called upon NHS Lothian to take up the space and encouraged the Scottish Government to fund the NHS Lothian workforce to take pressure off the Riverside Medical Practice in Musselburgh. He would support the application.

Councillor McMillan thanked the applicant and officers for their collaborative working. He highlighted the provision of facilities for vulnerable people, and hoped residents would feel welcomed into the community. He echoed Councillor McGinn's comments regarding the need for services to help establish a sense of place.

Councillor Forrest also echoed Councillor McGinn's comments regarding the need for GP surgery provision. He also welcomed the variety of housing and thought the 'living well' flats would bring a great quality of life to the residents, particularly with shops in such close proximity.

The Convener echoed the comments made by other Councillors, and commented on the quality of the development. He said the council was delivering on the housing and new schools required by the Scottish Government, but it was essential to provide the other

infrastructure required by these communities, such as health facilities. He called upon the Scottish Government to ensure NHS Lothian could staff a primary care facility in Wallyford.

The Convener moved to the vote on the report recommendation, to grant consent, taken by roll call. This was supported unanimously by the Committee.

DECISION

The Committee agreed to grant planning consent, subject to the following conditions:

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

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

- a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings;
- b. finished ground and floor levels of the development relative to existing ground levels of the site and of adjoining land and building(s). The levels shall be shown in relation to an Ordnance Bench Mark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing; and
- c. the ridge height of the proposed 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 approval of matters specified in conditions, a detailed specification of materials and finishes to be used on the exterior of the flats hereby approved which shall include samples of the brick to be used on the buildings, and a schedule of all other materials and finishes to be used on the other components of the development, including ground surfaces and boundary enclosures, shall be submitted to and approved by the Planning Authority prior to the materials and finishes being used in the development. The materials and finishes used in the development shall accord with the schedule and samples of them so approved.

Reason:

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

- 3 Prior to the occupation of the last flat 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.

- 4 No development shall be commenced on site unless and until written evidence that a contract has been entered into for the provision as affordable housing of all of the 90 flats hereby approved has been submitted to and agreed by the Planning Authority.

Reason:

In order to ensure the development is operated as affordable housing and is therefore compliant with Policy HOU3 of the adopted East Lothian Local Development Plan 2018.

- 5 Prior to the occupation of the flats hereby approved, details, including a timetable for their implementation, showing compliance with the following transportation requirements shall be submitted to and approved in writing in advance by the Planning Authority

(i) all paths and footway connections from the development to adjacent roads shall be constructed to an adoptable standard in accordance with East Lothian Council Standards for Development Roads;

ii) a 1.5 meters wide footpath shall be provided at the northern end of the flatted Block 3 hereby approved;

(ii) details of all the proposed offsite works to include provision of Way finding signage around the site and externally within Wallyford to show active travel routes to the site as well as for those driving;

(iii) details of proposed emergency access strategy.

These transportation requirements shall thereafter be carried out in accordance with the details and timetable so approved.

Reason:

In the interests of road and pedestrian safety.

- 6 Prior to the commencement of development, details of the provision of car charging points and infrastructure for them shall be submitted to and approved in writing by the Planning Authority. No use of the vehicle parking spaces shall commence prior to installation in accordance with details so approved of the car charging points and infrastructure for them unless otherwise approved in writing by the Planning Authority.

Reason:

To minimise the environmental impact of the development.

- 7 Notwithstanding that shown on drawings docketed to this approval of matters specified in conditions, a scheme of landscaping shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development which shall include full details of all new tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting within the application site. Thereafter the scheme of landscaping shall be carried out in accordance with that approved landscaping scheme unless otherwise agreed by the Planning Authority.

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.

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

- 8 All of the landscaping as required by condition 8 above shall be implemented, maintained and managed in accordance with management details to be provided by the landscaping scheme unless otherwise agreed in writing by the Planning Authority.

Reason:

In order to ensure the maintenance and management of the landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area.

- 9 Prior to the commencement of development a Gas Risk Assessment shall be undertaken for the site and a Gas Risk Assessment Report shall be submitted which shall include an evaluation of any gas protection measures that may be deemed necessary. Where risks have been identified, a detailed Remediation Statement should be produced that shows how 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

If the Gas Risk Assessment identifies that protection measures are required then a Verification Report shall be submitted that demonstrates what protection measures are to be undertaken and a timetable for their implementation. It must be approved by the Planning Authority prior to commencement of the new use of the land and the protection measures shall be implemented as so approved.

In the event that 'unexpected' ground conditions (contamination) are encountered at any time when carrying out the permitted development, and if required further Site Investigations and subsequent Risk Assessment may have to be carried out and if necessary a Remediation Strategy and a Verification Report be submitted confirming the satisfactory completion of these remedial works.

Reason:

In the interests of the amenity of the area.

- 10 Prior to the commencement of the development hereby approved a Stage 1 Road Safety Audit shall be undertaken for the preliminary design of all roadworks, footways and cycle paths to be formed. This process shall be completed through Stages 2, 3 & 4 which are Completion of Detailed Design, Completion of Construction & Post Opening Monitoring using 12 months of validated post scheme opening road traffic collision data - all in accordance with GG119 Road Safety Audit Rev1. The Road Safety Audit to include; the proposed roads, junctions, footways, cyclepaths, pedestrian crossings (including controlled crossing) and double 'D' islands where provided. The findings of the Road Safety Audit shall be submitted for the approval of the Planning Authority prior to the implementation of any outcomes arising from them.

The outcomes of the initial Quality and Safety Audits shall be implemented (including the designers response) through the detailed design stages and the full audit processes (i.e. Safety Audit and Quality Audit) completed through the design and implementation stages - including post construction/opening in accordance with a timetable to be agreed with the Planning Authority in advance of the opening of the convenience store (class 1), mixed use units (class 1, 2 & 3/sui generis) and NHS facility building hereby approved.

Reason:

In the interests of road and pedestrian safety.

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

The Construction Method Statement shall include details of:

- * Mitigation measures to control noise, dust, construction traffic (including routes to/from site and delivery times).
- * Hours of construction work
- * Routes for construction traffic
- * Wheel washing facilities or alternative facilities to prevent deleterious materials being carried onto the public road on vehicle tyres.
- * Temporary measures to control surface water drainage during the construction works.

Wheel washing facilities must be provided and maintained in working order during the period of construction operations at 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 make recommendations in respect of how building materials and waste will be safely stored and managed on site.

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 and the wheel washing facilities, or any alternative facility so approved, shall be provided and maintained in working order during the period of construction operations at the site.

Reason:

To minimise the impact of construction traffic in the interests of road and pedestrian safety in the locality.

- 12 Prior to the occupation of any of the flats hereby approved, a Travel Plan shall be submitted to and approved in writing by the Planning Authority in consultation with Road Services. The Travel Plan shall have particular regard to provision for walking, cycling and public transport access to and within the site, including the identification of appropriate Safer Routes to School, and will identify the measures to be provided, the system of management, monitoring, review, reporting and duration of the plan.

Reasons:

In the interest of road safety.

- 13 Prior to the commencement of development details of proposed secure cycle parking shall be submitted to and approved by the Planning Authority.

The secure cycle parking shall be formed and made available for use in accordance with the details so approved and thereafter retained in place unless otherwise agreed by the Planning Authority.

Reason:

To ensure the provision of adequate cycle parking on the site

- 14 Prior to the commencement of any part of the development hereby approved, full details of the 3 adoptable and lit footpath links at points between the northern boundary of the application site and the approved footpath network to the south of Wallyford Learning Campus shall be submitted to and approved by the Planning Authority. The 3 footpath links shall follow a route to the north over an area of landscaping linking them to the east/west pedestrian/cycle corridor along the south side of the site of the Learning Campus.

Thereafter and prior to the occupation of any of the flats the 3 footpath links shall be formed in accordance with approved details unless otherwise approved by the Planning Authority.

Thereafter, the 3 footpath links shall be retained in use as adoptable and lit footpath links.

Reason:

In the interests of the safety and amenity of pedestrians and cyclists.

- 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.

- 16 The drainage scheme as detailed on drawing number 52001 Revision P02, titled 'Proposed Drainage Layout', docketed to this planning permission shall be formed and available for use prior to any part of the development hereby approved coming into use, unless otherwise approved by the Planning Authority. Thereafter the drainage layout shall be retained unless otherwise agreed by the Planning Authority.

Reason:

To ensure that the site is adequately serviced and that surface water and foul drainage from the site can be accommodated.

Signed

Councillor Norman Hampshire
Convener of the Planning Committee

DRAFT

REPORT TO: Planning Committee
MEETING DATE: 16 August 2022
BY: Executive Director for Place
SUBJECT: Application for Planning Permission for Consideration

2

Application No. **22/00393/P**
Proposal Extensions to hotel
Location **Bayswell Hotel
16 Bayswell Park
Dunbar
East Lothian
EH42 1AE**

Applicant Bayswell Hotel
Per Fitzgerald + Associates Ltd

RECOMMENDATION Consent Granted

REPORT OF HANDLING

PROPOSAL

This application relates to the Bayswell Hotel, a predominately three storey flat roofed building and associated land situated on the north side of Bayswell Park in Dunbar. The building is located within a predominantly residential area as defined by Policy RCA1 of the adopted East Lothian Local Development Plan 2018. It is also within Dunbar Conservation Area.

The main three storey hotel building has a two storey flat roofed component with further a single storey component and bin store attached to its east side. Attached to the west elevation of the three storey building is a single storey flat roofed conservatory. There is also a single storey extension attached to the western end of the north elevation of the building.

To the south of the hotel building is land in use as a car park for the hotel which is enclosed by railings. To the north of the hotel building is land within the ownership of the hotel that is steeply sloping and largely laid to grass. At the bottom of the steeply sloping

land is a public footpath (designated as Core path 259) which forms part of the John Muir Way, beyond which is the Firth of Forth. To the east of the hotel premises are neighbouring residential properties, to the south of the car park is the public road of Bayswell Park beyond which there are neighbouring residential properties. To the west of the building is land owned by the hotel beyond which is an area of open space.

In August 1999, planning permission (Ref: 99/00590/FUL) was granted retrospectively for the addition of a single storey, UPVC framed, conservatory onto the north end of the side (west) elevation of the building. The conservatory has been erected.

In October 2008, planning permission (Ref: 08/00808/FUL) was granted for the addition of a single storey flat roofed extension onto the west side elevation of the building to provide an additional private function suite and dining facilities for the hotel, and the formation of an additional car parking area in a position to the west of the hotel building. Planning permission 08/00808/FUL lapsed on 16th October 2013 without it having been implemented.

In September 2014, planning permission (Ref: 14/00631/P) was granted for alterations to building, formation of steps, hardstanding area, raised decked balconies with hot tubs, erection of balustrading and screens, all to the north of the building. Planning permission 14/00631/P has been implemented for some time and the hot tubs, balustrades, screens and steps are in situ.

In November 2020, planning permission (Ref: 20/00886/P) was granted for alterations to the hotel building, a single storey extension to the attached to the side and rear elevations of the main hotel building and for a second floor extension to be added to the 2 storey component attached to the east elevation of the main building. Planning permission 20/00886/P has not been implemented but remains extant until 6th November 2023.

Planning permission is now sought for:

- (i) the addition of a single storey flat roofed extension with decked area that would attach to the side and rear elevations of the main hotel building that would extend some 4.9m further along the rear elevation of the building than the single storey flat roofed extension approved by planning permission 20/00886/P; and
- (ii) the addition of a three storey flat roofed extension that would abut, and integrate with, the side (east) elevation of the main hotel building as a replacement for the existing two storey and single storey flat roofed components that presently exist there. The proposed extension would have balconies with hot tubs projecting out from its north elevation.

The existing two storey and single storey flat roofed components attached to the side (east) elevation of the main hotel building would be removed to facilitate the positioning of the proposed three storey flat roofed extension. The removal of the existing two storey and single storey flat roofed components do not require conservation area consent or planning permission for their demolition and thus they are not the subject of this application.

Subsequent to the registration of this application, the applicant's agent has provided a revised site plan drawing to show how a total of five additional car parking spaces can be accommodated within the application site to address initial concerns raised by the **Council's Road Services** department. The applicant's agent has also submitted a Design and Access Statement and a supporting statement.

The supporting statement submitted with this application states that the principal three

storey hotel building currently has, on its east side, a two storey flat roofed component which accommodates 6 en-suites, private hot tubs serving the ground floor rooms to the rear (north) and a store. It states that the single storey component to the front of the building is used as a preparation area, laundry and store.

It states that planning permission 20/00886/P has not yet been implemented but that it is intended to construct the single storey component of that application. However, the second floor extension that was approved through the grant of planning permission 20/00886/P cannot be implemented because the structure of the existing two storey extension has been found to be incapable of supporting the additional weight (as evidenced in the structural engineers report contained within the submitted Design and Access Statement). It states that it is also incapable of accommodating the quality of suites which today's market demands for a hotel of this standing.

The supporting statement also informs that a private residents and staff car park is positioned to the front (south) of the hotel which provides a total of 26 parking spaces. It also states that, in order to comply with the Council's parking standards, five additional car parking spaces are to be provided to increase the number of parking spaces from 26 to 31. It also confirms that the erected pergola, positioned some 12 metres away from the side (west) elevation of the hotel building, which was erected to provide an outdoor seating, eating and drinking area during the COVID pandemic outbreak will be removed to facilitate the creation of the proposed additional five parking spaces within the grounds of the hotel.

The supporting statement also informs that the proposal seeks to erect a three storey flat roofed extension onto the east side of the main hotel building to replace the existing two storey and single storey extensions. The proposed new extension would accommodate 15 bedroom suites, 9 of which would be hot tub suites facing northwards towards the sea. It states that it will be connected to the main building by a fully glazed stairwell and lift section which would be set back from the front (south) and rear (north) elevations of the main building and that a new internal corridor will be formed at ground floor level in the main building connecting it to the accommodation in the proposed extension. It states that the principal south facing external wall of the extension will be faced in over-sized stone cladding panels (colour to match the existing main building) and will incorporate a vertical section of cedar panelling. The recessed top floor south facing elevation, as well as the gable and north facing external walls, would be clad in k-render. It states that the existing two storey component, which would be replaced by the new three storey side extension, presently abuts the east boundary of the application site and that the new extension will be set back from this boundary by some 2 metres at its north end and some 1.3 metres at its south end. It also states that the second-floor accommodation will be set back from both the south and north elevations of both the ground and first floor levels of the proposed extension and main building which will visually assist in reducing its scale/massing alongside the existing main building whilst also creating room for outdoor hot tub and balcony space. At its highest point, it states that the proposed extension will be in line with that of the main building.

It also states that the other proposed extension would be single storey in height and would enlarge the extension approved by the grant of planning permission 20/00886/P. That single storey extension would have a flat 'sedum' roof and would be largely glazed as was the external finishes of the approved extension the subject of planning permission 20/00866/P.

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). Policies CH2 (Development Affecting Conservation Areas), DP5 (Extensions and Alterations to Existing Buildings), NH1 (Protection of Internationally Designated Sites), NH2 (Protection of Sites of Special Scientific Interest and Geological Conservation Review Sites), NH5 (Biodiversity and Geodiversity Interest, including Nationally Protected Species), 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 the application.

Material to the determination of the application are Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the Scottish Government's policy on development within a conservation area given in Scottish Planning Policy: June 2014.

Scottish Planning Policy echoes the statutory requirements of Section 64 of the Planning (Listed Buildings and Conservation Areas) (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.

REPRESENTATION

Twenty objections to this application have been received. The main grounds of objection are:

- (i) the submitted application drawings do not show neighbouring/surrounding buildings within the context of the site;
- (ii) the proposed alterations and extensions would, due to their size, scale, heights, designs and materials, have an adverse impact on the character of the neighbourhood, the surrounding houses (which are mainly of Victorian era) and would not preserve or enhance this part of the Dunbar Conservation Area;
- (iii) the proposed extension is almost double the size of the existing three storey footprint of the building and would be an over-development of the site;
- (iv) the glazed link and poorly composed extension would be finished in materials that are inappropriate within a Conservation Area;
- (v) the proposed extension would read as an over-scaled block in a residential street;
- (vi) the 9 hot tubs and balconies will look unsightly from the John Muir Way coastal path to the rear of the application site and will not enhance visitor experience of the environment;
- (vii) the noise from the hot tubs will harm the well-being of, and have a negative impact on, the occupiers of neighbouring properties and will disturb local wildlife;
- (viii) the amount of electricity needed to power the hot tubs will be huge and will not be environmentally friendly;
- (ix) the use of the proposed balconies and hot tubs will impact on the privacy and

amenity of neighbouring properties;

(x) the proposed side extension would result in a loss of natural light to the garden of a neighbouring property;

(xi) the proposals include one extra parking space to accommodate 15 new bedrooms and an expanded restaurant which will result in significant parking overspill to nearby residential streets as local car parks at Lauderdale and the swimming pool are already overflowing and should not be relied upon;

(xii) it is likely that heavy construction traffic will add to the already badly worn road surface due to the numerous vans and lorries that already visit the site on a regular basis; and

(xiii) there is likely to be an increased risk of accidents both during and after construction because members of the public use the street to walk their dogs.

Some of the objectors state that they recognise the need for the hotel to be upgraded especially given that it benefits from spectacular views across the sea which will attract visitors from across the globe all year round. However, they state that there is no need for hot tubs and ugly extensions.

Some of the objectors also note that the erected pergola, positioned some 12 metres away from the side (west) elevation of the hotel building, remains in place without planning permission having been sought nor granted for it but are aware that it can remain in place, and be allowed to operate temporarily as an outdoor seating, eating and drinking area, until the end of the September 2022 in accordance with the current advice and guidance from the Scottish Government and Chief Planner.

The matter of the amount of electricity required to power the hot tubs on the extension is not a material planning consideration relevant to the determination of this planning application.

The application drawings are sufficient to allow the determination of this planning application and which include a scaled 1:1250 location plan which depicts the application site in relation to neighbouring residential properties.

COMMUNITY COUNCIL COMMENTS

Dunbar Community Council, as a consultee to this planning application, state that they recognise the need for quality hotel accommodation in the town which will bring forward employment opportunities. However, they state that they object to this application for the reasons outlined below:

- o the mixture of finishes of differing textures and colours is out of keeping with the red sandstone of surrounding buildings within the Conservation Area;
- o the extension will be prominent and visible and detract from the amenity of the John Muir Way which runs below the application site;
- o the extension will be physically heavy and could pull away from the main building (a reason for not going ahead with the application consented in 2020). The site is on soft ground with cliffs that are prone to erosion;
- o there is insufficient provision of fire escapes for the building. There is not sufficient provision for access by emergency vehicles;
- o there is insufficient provision for the maintenance of waste and access for waste disposal vehicles;
- o there seems to be no clear safe route provision for delivery vehicles to the building;
- o there seems to be no provision for plant room/boilers/ water storage and no associated vent/exhausts;

- o there seems to be no provision for the management of exhausts from the kitchen extractor system; and
- o parking provision is inadequate for the combination of hotel bedrooms and increased restaurant capacity. There is limited public transport to the venue. Local residents have already expressed concerns about road safety and speeding in the area to the Community Council which have been raised with ELC Transportation Officers and the Police.

In response to the points raised by Dunbar Community Council set out above, the applicant's agent advises that:

- o the palette of materials represents a render previously approved along with the addition of a sandstone cladding panel which will complement the colour of the existing sandstone building but also provide a clear architectural distinction between old and new;
- o the building height respects that previously approved. However, in this application consideration has been given to stepping back the top floor of the new build facing the John Muir Way to architecturally visually reduce its mass appearance;
- o the reason for removal of the old extension is a simple engineering design solution to accommodate the additional floor. There is categorically no sign of subsidence or the old extension pulling away for the main building;
- o fire escape will be fully compliant within this scheme, indeed a vast improvement on the two external escape routes that currently exist. Emergency vehicle access will not be affected by the proposal and access will be greatly improved with the new extension being built of the east boundary, thus allowing full firefighter access around the building from all sides;
- o waste storage will be vastly improved with the provision of internal storage fully complying with Environmental Health requirements;
- o deliveries for the hotel will remain as existing, with the proposal having no affect on same;
- o existing boilers serving the hotel are currently located in the laundry room and it is proposed to simply re-locate to the new laundry room;
- o the existing kitchen extract is ducted externally via flat roof over kitchen prep room, it is proposed to exit new kitchen canopy duct via a grille above new bar servery; and
- o parking provision has been covered within the supporting planning statement.

Notwithstanding the response received from the agent to the Community Council comments the matters of the need for the extension, fire escape, internal linkages and the ventilation of the building are matters controlled by legislation other than planning. They are not material planning considerations relevant to the determination of this planning application.

PLANNING ASSESSMENT

The Bayswell Hotel is a long standing and well established business operating at Bayswell Park in Dunbar. The proposed extensions would allow for the upgrading and modernisation of that existing hotel business which would facilitate its continued operation offering holiday accommodation to visitors to Dunbar and contribute to the vitality of Dunbar as a holiday and tourist destination.

The proposed single storey flat roofed extension with decked area would largely reflect the single storey extension approved by the grant of planning permission 20/00886/P. The now proposed extension would extend the side (east) elevation of that approved extension such that it would be some 4.5 metres longer than that approved extension. Otherwise it would be some 5.6 metres wide and some 3.4 metres high to the upper

surface of its flat roofed top. The proposed extension would create additional dining space within the restaurant as an enlargement of the existing single storey flat roofed extension the subject of planning permission 20/00886/P. Its flat roof would comprise of a 'sedum' roof and its rear (south) facing elevation would be fully glazed. Its side (east) elevation wall would have a high level, rectangular shaped, window formed within it and otherwise it would be rendered in a terracotta colour.

Through the grant of planning permission 20/00886/P the principle of adding a single storey flat roofed extension onto the side (west) and rear (north) elevations of the hotel building to provide a lounge bar and restaurant for the hotel was established. As is now proposed, the approved single storey extension would be enlarged by some 4.5 metres at its eastern end on the rear (north) elevation of the hotel building at ground floor level. Whilst the proposed single storey extension and its associated decked area would increase the size and scale of the previously approved extension, it would not be so large or extended to such an extent that would result in it being an overdevelopment of the hotel building or its associated garden ground. Moreover, it would be clad in materials to match those of the single storey ground floor extension approved through the grant of planning permission 20/00886/P and would, as an enlargement of that approved extension, appear as a lightweight and contemporary addition to the building. It would not by virtue of its architectural form, size, scale, contemporary design, materials, proportions and position, be an inappropriate addition to the building. Due to its single storey glazed and contemporary form and the relationship it would have with the approved extension the subject of planning permission 20/00886/P, it would not draw focus from the much larger stone built building which would continue to remain the focus of its setting. Although the rear component of the proposed extension would extend beyond the building line of the existing single storey rear extension by some 2 metres with the decking area protruding a further 2 metres, they would not, due to the extent of their projection, compromise the architectural identity of the existing hotel building within its landscape setting or harmfully detract from the character and appearance of this part of the Dunbar Conservation Area. Therefore the proposed extension and its associated decking area would not be harmful to the visual integrity, character and appearance of the existing building or to the character and appearance of this part of the Dunbar Conservation Area.

The proposed three storey side extension would replace the existing two storey and single storey components that is attached to the east side elevation of the main hotel building. It would project some 12.4 metres out from the side (east) elevation wall of the main building and would measure some 13.8 metres long and some 10.5 metres high to the surface of its flat roofed top. It would have a recessed, flat roofed, glazed link component that would abut and integrate with the side (east) elevation of the hotel building. It would be clad in black powder coated aluminium frames. The remaining and larger component part of the proposed three storey extension would predominately be clad in terracotta coloured sandstone panels (to match the external walls of the main building) with some limited use of timber cladding on its front (south) elevation. Its side (east) elevation would be rendered in a terracotta colour and otherwise it would have a long rectangular shaped window formed within it to serve a landing area within each floor of the proposed extension. Its flat roofed components would be clad in a dark grey coloured 'Sarnafil' roofing membrane. Its front (south) elevation would have black coloured Alu-clad framed windows formed within it and its rear (north) elevation would have black coloured Alu-clad framed glazed doors formed within it. The rooms with windows facing northwards would each have a balcony with a hot tub, projecting out from the rear (north) elevation of the proposed extension at each level. Those balconies would each be enclosed by a 1.1 metres high glazed balustrade along their north edges and otherwise by a 1.1 metres high solid timber screen along their east and west edges.

The proposed extension would be a large addition to the east side of the main hotel building. It would be visible from Bayswell Road to the south albeit in short duration views due to its positioning in relation to the existing hotel building and the neighbouring properties to the east. It would be seen in longer distance views from the public core footpath to the north and northwest and also from the area of open space to the west. However, the principle of a second floor extension above the existing two storey component on this side of the building has already been established through the grant of planning permission 20/0088/P. This now proposed extension would replace the existing two storey structure and would be slightly higher than that structure as it was to be extended by the second floor extension approved by the grant of planning permission 20/00886/P. However it would be no higher than the existing main hotel building to which it would attach and integrate with. Moreover, unlike that existing structure, it would be set back some 2 metres from the east boundary of the property and not built up against it as is the current situation. Therefore whilst being a distinctive new component to the hotel building, it would be of a size, scale and positioning that would sit comfortably alongside the existing hotel and would not appear as an overly dominating or inappropriate addition to it. Although with the proposed balconies and hot tubs it would be different in character to the existing hotel building, it would be a contemporary addition to the side of the building that would sit comfortably in its relationship with the existing building. Therefore, by virtue of its architectural form, size, scale, massing, positioning and materials, the proposed three storey side extension and its associated terrace area would not be harmful to the character and appearance of the building or to the character and appearance of this part of the Dunbar Conservation Area.

The proposed extensions would not either individually or cumulatively, in their positions, compromise the architectural identity of the existing hotel building within its streetscape setting or harmfully detract from the character and appearance of this part of the Dunbar Conservation Area.

On these considerations of design, the proposals do not conflict with Policies CH2 or DP5 of the adopted East Lothian Local Plan 2018 or with Scottish Planning Policy: June 2014.

Policy DP5 of the adopted East Lothian Local Development Plan 2018 also requires that a proposed extension should not adversely affect the existing residential amenity of neighbouring properties. Accordingly it should not result in any significant loss of privacy, daylight or sunlight to neighbouring properties as a result of overlooking or overshadowing.

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 development and the garden boundaries of neighbouring residential properties and an 18 metres separation distance between directly facing windows of the proposed new development and the windows of existing neighbouring residential properties.

The full height glazed windows to be formed in the rear (north) elevation wall of the proposed ground floor rear extension would not allow for harmful overlooking as there are no immediate neighbouring residential properties in that direction.

Notwithstanding the high fencing and hedging positioned along the east boundary of the rear garden of the building, the rectangular shaped window to be formed in the side (east) elevation wall of the proposed ground floor rear extension would be positioned some 2.2 metres above the internal floor level of it and thus would not, at that height,

allow for harmful overlooking of any neighbouring residential properties.

Use of the decked area, which would about the base level of the rear (north) elevation of the proposed ground floor extension, would not allow for harmful overlooking of any neighbouring residential properties.

The windows to be formed in the front (south) elevation wall of the proposed three storey side extension would face onto the existing hotel car park and beyond towards the high planting and trees within the existing grounds of the hotel building. Thus they would not allow for harmful overlooking of any neighbouring residential properties on the opposite side of that intervening public road.

The long rectangular shaped window to be formed in the side (east) elevation wall of the proposed three storey side extension would serve a landing area and would not serve any habitable rooms. Therefore it would not allow for harmful overlooking of any neighbouring residential properties in that direction.

The glazed doors to be formed in the rear (north) elevation wall of the proposed three storey side extension would not allow for harmful overlooking as there are no neighbouring residential properties in that direction.

The proposed balconies that would project out from the rear of the proposed three storey extension would be enclosed by a 1.1 metres high, clear glazed, screen. The balconies would project some 3.9 metres out from the glazed doors to be formed within the rear (north) face of the proposed ground floor component of the three storey extension, some 2.9 metres at first floor level and some 2.5 metres at first floor level. Each of the proposed balconies would have a hot tub positioned on it - there would be three hot tubs on each level resulting in a combined total of nine. The proposed terrace areas and their associated hot tubs would have a partition screen erected between them on each floor.

A person sitting on the balconies and facing northwards would face towards the sloping garden of the hotel building and beyond towards the Firth of Forth. Accordingly, they would not allow for harmful overlooking as there are no neighbouring residential properties in that direction.

However any person sitting on the balcony could face, within a distance of 9 metres, towards the east boundary of the rear garden of the hotel building. Although the neighbouring property to the east is a flatted property and its rear garden ground is already overlooked by the first floor windows of the upper floor flat of 17A Bayswell Park, the number of balconies with hot tubs would be greater than what presently exists and would result in an intensification of the resultant overlooking to the rear garden of the ground floor flatted building of 17B Bayswell Park. Accordingly, to safeguard against this, it can be made a condition of any grant of planning permission that the east edge of the first floor and second floor balconies closest to the east boundary of the proposed extension be screened by a 1.5 metres high solid timber screen or other means of enclosure. Subject to such control, the use of the proposed balconies and their associated hot tubs at those levels would not allow for any greater overlooking of the rear garden of that neighbouring flatted building or to any other rear gardens of any other neighbouring residential properties.

Owing to their sizes, forms, heights, orientations and positions in relation to neighbouring residential properties, the proposed extensions, decked area and balconies, would not give rise to a harmful loss of sunlight or daylight received by neighbouring residential properties.

The **Council's Principal Environmental Health Officer** raises no objection to this planning application. Therefore it can be concluded that the proposals would not cause a significant loss of amenity to any neighbouring residential properties. Any complaints if they arise with regards to noise nuisance could be investigated by the **Council's Environmental Health Service** under the relevant statutory nuisance legislation.

On these foregoing considerations of the impact of the proposals on the privacy and amenity of neighbouring residential properties, with regards to the use, overlooking and overshadowing of the proposed extensions, decked area and balconies, the proposals do not conflict with Policy DP5 of the adopted East Lothian Local Development Plan 2018.

The **Council's Access Officer** raises no objection to this planning application.

The **Council's Biodiversity Officer** states that this application site is close to the Firth of Forth SPA boundary. However, she advises that due to the nature of the works on a previously developed site and the distance between the SPA and the existing hotel, the proposed extensions would not have a significant affect on the SPA or any adverse impact on wildlife. She also advises that there are no records of any protected species within this part of the site. Accordingly, the proposals do not conflict with Policies NH1, NH2 or NH5 of the adopted East Lothian Local Development Plan 2018.

The **Council's Road Services** state that the assessment of the proposal identified the only item of concern being whether the extended hotel will be provided with sufficient car parking spaces to meet potential demand associated with the additional rooms and public areas. East Lothian Council parking standards for hotels are based on the number of bedrooms (1 space per bedroom). However, where there is a bar and/or restaurant open to non-residents, some provision is also required for these elements, based on public floor area (1 space per 7m²). The full bar/restaurant provision would not generally be required as many of the users of these facilities will be staying at the hotel, so will be provided for through the hotel bedroom standard.

The Council's Road Services state that the hotel proposals increase the number of bedrooms from 21 to 25 and that the dining/bar area will also be extended from 85 square metres to 118 square metres, an increase of 33 square metres. She notes that the hotel currently has 26 car parking spaces and that drawing number 3998[2] 100 Revision E shows a total of 31 car parking spaces across the re-configured site.

She advises that, in order to comply with the Council's parking standards provision, the increased number of bedrooms and dining/bar area brings with it a theoretical requirement for an additional 9 parking spaces to be provided. However, she states that the parking assessment submitted with this application is accepted by the Council's Road Services and that the shortfall of 4 spaces can be mitigated by the following measures listed below:

- o cycle parking will be provided on site in line with ELC standards (which will help encourage more staff to cycle to work);
- o a Travel Plan will be developed aiming to minimise trips to the hotel by private car;
- o better management and operational use of the existing car park will be undertaken;
- o the hotel is accessible for staff and guests by foot, cycle and public transport (within 100 metres of the nearest bus stops, 600 metres of stops served by a wider selection of services and a short taxi ride to Dunbar station); and
- o the nearby Lauderdale car park generally operates at around 50% capacity and

lies within 100 metres of the hotel.

Accordingly, the Council's Road Services consider that the potential demand for 4 additional spaces can readily be accommodated off-street in the Lauderdale car park. However, they state that the demand for these should be minimised through a Travel Plan to be submitted to, and approved in writing by, the Planning Authority prior to the use and/or occupation of the proposed extensions. The Travel Plan should also include details of cycle parking provision and a management strategy for the existing car park. In addition, she recommends that suitable secure and undercover cycle parking provision be made a condition on a grant of planning permission and that a Construction Management Plan to include details of contractor parking and delivery areas to be accommodated off the public road be submitted for approval prior to the commencement of works. Subject to such controls, the proposals do not conflict with Policies T1 or T2 of the adopted East Lothian Local Development Plan 2018.

On these foregoing considerations, and subject to the above aforementioned controls, the proposals are consistent with Policies CH2, DP5, NH1, NH2, NH5, T1 or T2 of the adopted East Lothian Local Development Plan 2018. Therefore, the proposals are 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.

RECOMMENDATION:

That planning permission be granted subject to the undernoted conditions:

- 1 Samples of the external finishes of the extensions hereby approved shall be submitted to and approved in advance by the Planning Authority prior to their use in the development. The materials used shall accord with the samples so approved.

Reason:

To safeguard the character and appearance of the building and the character and appearance of the Dunbar Conservation Area.

- 2 Notwithstanding what is shown on the docketed drawings, no use shall be made of the first and second floor balconies hereby approved unless and until a 1.5 metres high solid timber screen or other form of enclosure has been erected along the full length of their side (east) edges in accordance with a sample of that enclosure to be submitted to and approved by the Planning Authority prior to its use on the development. Thereafter, the 1.5 metres high solid timber screens shall be retained in place in their entirety, unless otherwise agreed in writing by the Planning Authority.

Reason:

To safeguard the privacy and residential amenity of the neighbouring flatted building to the east.

- 3 A Travel Plan to minimise private car trips and to encourage use of alternative modes of transport such as buses, walking and cycling shall be submitted to and approved by the Planning Authority prior to the use or occupation of the extensions hereby approved. Additionally, the Travel Plan shall include details of the measures to be provided for cycle parking, the methods of management, monitoring, review, reporting and duration of the Plan.

The approved Travel Plan shall be implemented prior to the use or occupation of the extensions.

Reason:

In the interests of ensuring sustainable travel patterns in respect of the use or occupation of the extensions.

- 4 Prior to the commencement of development hereby approved, a Construction Management Plan designed to minimise the impact of construction activity on the safety and amenity of the area shall be submitted to and approved in advance by the Planning Authority. The Construction Management Plan shall include details of contractor parking and delivery areas to be accommodated off the public road and mitigation measures to control noise, dust, construction traffic (including routes to/from site) and shall include proposed hours of construction work and details of any temporary measures to be put in place throughout the duration of the construction process.

The construction of the development hereby approved shall be carried out in strict accordance with the approved Construction Management Plan.

Reason:

To minimise the impact of construction traffic and activity in the interests of residential amenity and road safety.

- 5 Prior to the use or occupation of the extensions hereby approved, the five additional car parking spaces shown on docketed drawing number 3998[2] 100 Revision E, shall be fully formed and made available for use. Thereafter the car parking spaces shall be retained in place in their entirety for use for the parking of vehicles.

Reason:

To ensure the provision of adequate car parking facilities are available in the interests of road safety.

- 6 Prior to the use or occupation of the extensions hereby approved, a plan detailing a secure and undercover cycle parking area shall be submitted to and approved in advance by the Planning Authority. The cycle parking spaces shall thereafter be implemented in accordance with the approved plan and retained in place, unless otherwise approved by the Planning Authority.

Reason:

To ensure the provision of adequate cycle parking on the site in the interests of promoting sustainable transport modes.

REPORT TO: Planning Committee
MEETING DATE: 16 August 2022
BY: Executive Director for Place
SUBJECT: Application for Planning Permission for Consideration

3

Application No. **22/00559/P**

Proposal Erection of garden room and heightening of fence (part retrospective)

Location **6 Lairds Crescent
Haddington
EH41 3FP**

Applicant Mr Craig Smith

RECOMMENDATION Consent Granted

REPORT OF HANDLING

PROPOSAL

The property to which this application relates to is a two storey, detached house with associated garden. The property is located within a new modern development in Haddington and as such is located in a predominantly residential area.

The property is bounded to the north, east and west by neighbouring residential properties, and to the south by an area of open space and the classified A6093 road beyond.

Planning permission is sought retrospectively for a single storey garden room building that has been erected in the northeast corner of the garden. Planning permission is also sought for the heightening of the rear (east) garden boundary fence of the property.

The erected garden room is of a rectangular shape with a mono-pitched roof. It measures some 5 metres long and some 3 metres wide, and is some 3.37 metres in height to the highest point of the mono-pitched roof. In terms of materials, the garden room is clad in Siberian larch, its doors are UPVC framed and dark grey in colour and its roof is single ply membrane dark grey in colour.

The side (east) elevation of the garden room contains 1 window and the front (south)

elevation contains 2 windows and double glazed doors. The rear (north) and side (west) elevations do not contain any glazed openings.

The existing east boundary fence is some 1.8 metres high. The proposed heightening of the fence would increase the height of the fence to some 2.3 metres. The heightened fence would be of a wooden timber construction to match the existing fence.

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). Policy DP2 (Design) of the adopted East Lothian Local Development Plan 2018 is relevant to the determination of the application.

REPRESENTATIONS

There have been 13 written representations received to the application, all of which raise objections to it. The main grounds of objection can be summarised as follows:

- i) The proposal goes against the adopted East Lothian Local Development Plan;
- ii) The garden room will result in a loss of sunlight in neighbouring residential properties;
- iii) Allowing such a development would set a precedent which would allow further similar development within the new development;
- iv) Privacy of neighbouring residents will be lost due to the platform and windows of the garden room;
- v) The garden room is of a size and scale that would not fit in with the character and appearance of the residential development;
- vi) The garden room will create overlooking on to neighbouring properties;
- vii) The structure is of a size that will be overbearing and cause intimidation of surrounding properties;
- viii) The proposed heightening of the fence would look out of place and create an uneven alignment of fences;
- ix) As a result of the structure a loss of views from neighbouring properties has occurred.
- x) Aesthetically the garden room does not appear well within the design of the existing houses;
- xi) The gutters on the garden room have caused drainage issues which will impact the existing wall between the properties;
- xii) The value of the surrounding properties will be affected by the development;
- xiii) Quality of life of the occupants of the neighbouring properties will suffer;
- xiv) The title deeds received from CALA state no buildings should be constructed within the gardens of the properties;
- xv) The building will have a detrimental impact on the load bearing capacity of the existing wall;

Issues relating to title deeds are a legal civil matter and are not material planning considerations in the determination of this application.

Concerns regarding property value, loss of views and quality of life of neighbouring

properties are not material planning considerations in the determination of this application.

With regards to the proposals setting a precedent for the development, any forthcoming application for an outbuilding within the gardens of any neighbouring property would be assessed individually and on its own merits.

PLANNING ASSESSMENT

The applicant's house is part of a modern housing development within Haddington. The proposed garden room is situated within the north eastern corner of the applicant's rear garden. The garden room is visible in public views from the public road of the A6093 to the south and the adjacent public footpath. In views of it from the public road and footpath it is seen against the backdrop of, and in the context of the much larger two storey houses of the development of which the applicant's house is a part of, and therefore is relatively well absorbed into its surroundings. By virtue of its architectural form, height, scale, proportions, materials, and positioning the garden room is appropriate to its rear garden setting and does not appear as a harmfully dominant, overbearing, intrusive or incongruous feature within the rear garden of the house. Neither does it result in an overdevelopment of the rear garden of the property. Consequently it is not harmful to the character and appearance of the house or to the character and appearance of the area.

There is no evidence to suggest that the garden room would be used for a business use. However, given the size of it, a condition can reasonably be imposed on the grant of planning permission that the garden room shall be used only for purposes incidental to the residential use and enjoyment of the residential property that is 6 Lairds Crescent and shall at no time be used for any business, trade or other commercial use.

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 a planning authority to apply the general rule of a 9 metres separation distance between the windows of a 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.

The level of the garden decreases to the rear (east) of the site, therefore in its location, the garden room sits on higher ground than the residential properties of Buchanan Avenue to the east. On the front (south) elevation double glazed doors with window panels are installed which would face over the applicants rear garden and are not within 18 metres of any directly facing windows of any neighbouring residential property. Therefore they would not allow for harmful overlooking of any neighbouring properties. There are no windows formed within the side (west) elevation of the garden room. Additional windows or glazed openings could be formed within this elevation at a later date without the need for planning permission. If formed within the side (west) elevation the window or glazed opening would face towards the existing house and would not allow for harmful overlooking of neighbouring residential properties.

Due to the slope and change in ground level between the applicant's rear garden and the garden of the neighbouring property to the east, the window formed within the side (east) elevation of the garden room is above the height of the rear garden boundary fence and therefore allows for overlooking of the neighbouring garden to the east. This would continue to be the case even if the existing east boundary fence was heightened in the manner proposed. It would therefore be prudent to condition that the window formed in

the side (east) elevation of the garden room be obscurely glazed in order to protect the privacy and amenity of the neighbouring residential property to the east. It would also be prudent to condition that no other windows or glazed openings are formed within the side (east) elevation of the garden room in order to protect the privacy and amenity of the neighbouring residential property to the east. Such control can be imposed as conditions on a grant of planning permission.

There are no proposals to form windows or other glazed openings in the rear (north) elevation of the proposed garden room. Windows or other glazed openings could be formed at a later date with permitted development rights and thus without the need for planning permission. If formed within the rear (north) elevation, the openings would face over the boundary fence and beyond to the rear garden of the neighbouring residential property to the north and as such would allow for harmful overlooking. It would therefore be prudent to remove permitted development rights for the formation of windows or glazed openings in the rear (north) elevation of the garden room to protect the privacy and amenity of the neighbouring residential property to the north. Such control can be imposed as a condition on a grant of planning permission.

Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice by P.J. Littlefair gives guidance on the impact of a proposed development on the daylight and sunlight received by neighbouring properties.

Application of the sunlight test demonstrates that there would be a gradual increase in overshadowing of the rear garden on 4 Lairds Crescent between the hours of 08.00 and 11.00, the rear garden of 5 Buchanan Avenue between the hours of 11.00 and 14.00 and the rear garden of 4 Buchanan Avenue between the hours of 14.00 and 17.00. However, due to the size of the neighbouring gardens, the garden room would not lead to more than 50% of each neighbouring garden area being overshadowed at any time. Therefore, and in accordance with the Guide, the shadow cast would not be for such an extent or for such a length of time to harmfully impact on the amenity of the neighbouring residential properties.

Owing to its size, form and positioning the garden room would not give rise to a harmful loss of sunlight or daylight to any neighbouring residential properties.

At present, the eastern boundary treatment with the neighbouring house of 4 Buchanan Avenue is formed by a 1.8 metre high fence. The proposed heightening of the fence would match the height of the existing north boundary fence. The heightening of the fence in the manner proposed would not harm the setting of the house or the character and appearance of the area. By virtue of its physical form, height and position the heightened fencing is appropriate to its place and well integrated into its surroundings. It would not appear as a harmfully dominant, intrusive or incongruous feature and would not harm the setting of the house or the character and appearance of the area.

The proposed heightening of the fence would not significantly increase any overshadowing of the neighbouring residential property to the east. Application of the sunlight test demonstrates that there would be an increase in overshadowing of the rear garden of 4 Buchanan Avenue. While there would be a small increase in overshadowing, it would not be of such an extent that would harmfully impact on levels of sunlight or daylight received by to the rear garden of 4 Buchanan Avenue.

Owing to its size, form and positioning the proposed heightening of the fence would not give rise to a harmful loss of sunlight or daylight to any neighbouring residential properties.

On all of the above considerations the proposals are consistent with Policy DP2 of the adopted East Lothian Local Development Plan 2018.

In conclusion, the proposals are 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.

RECOMMENDATION:

That planning permission be granted subject to the undernoted conditions:

- 1 Within 3 months of the date of this grant of planning permission, the window formed in the side (east) elevation of the garden room hereby approved shall be fitted with obscure glazing in accordance with a sample of the obscure glazing to be submitted to and approved in advance by the Planning Authority. The glazing of that window shall remain obscurely glazed in accordance with the approved sample, unless otherwise approved by the Planning Authority.

Reason:

In order to protect the privacy and amenity of the neighbouring residential property to the east.

- 2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended by Part 1 of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011), or of any subsequent Order amending, revoking or re-enacting the 1992 Order, no other windows or other glazed openings shall be formed in the side (east) elevation of the garden room hereby approved, unless otherwise approved by the Planning Authority.

Reason:

To safeguard the privacy and residential amenity of the neighbouring residential property to the east.

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended by Part 1 of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011), or of any subsequent Order amending, revoking or re-enacting the 1992 Order, no windows or other glazed openings shall be formed in the rear (north) elevation of the garden room hereby approved, unless otherwise approved by the Planning Authority.

Reason:

In order to protect the privacy and amenity of the neighbouring residential property to the north.

- 4 The garden room hereby approved shall only be used for purposes incidental to the residential use and enjoyment of the dwelling house that is 6 Lairds Crescent, Haddington and shall at no time be used for any business, trade or other commercial use.

Reason:

To enable the Planning Authority to control the use of the development in the interests of safeguarding the character and residential amenity of the area and that of the dwelling house of 6 Lairds Crescent, Haddington.

REPORT TO: Planning Committee
MEETING DATE: 16 August 2022
BY: Executive Director for Place
SUBJECT: Application for Planning Permission for Consideration

4

Application No. **22/00460/PM**

Proposal Section 42 application to vary conditions 7, 11, 14 and 15 of planning permission in principle 21/00290/PPM

Location **Edinburgh Road
Cockenzie
East Lothian**

Applicant Seagreen 1A Limited

RECOMMENDATION Consent Granted

REPORT OF HANDLING

As the area of the application site is greater than 2 hectares, what is proposed in this application is, under the provisions of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, defined as a major development type proposal and thus it cannot be decided through the Council's Scheme of Delegation. The application is therefore brought before the Planning Committee for a decision.

APPLICATION SITE

The application site lies to the west and south of the former Cockenzie Power Station site. It comprises of an area of land measuring some 22.9 hectares and extends from Prestonpans Beach, south over the B1348 Edinburgh Road which bisects the site, then eastwards to the B6371 public road. On the north side of the B1348 Edinburgh Road the current land uses within the application site include a small car park located next to Prestonpans Beach and an amenity grassland area. On the south side of the B1348 the site is comprised of a mixture of amenity grassland areas and rough grassland with small areas of trees and vegetation, the hardstanding associated with a former gasholder which is currently occupied by a car wash business, the large 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. The private road is gated at each end and there is no public access.

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.

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 battlefield site includes the 1722 Tranent to Cockenzie Wagonway.

The coastal path, which incorporates part of the John Muir Way, crosses the northernmost part of the application site. Also within the site is a core path which runs from Whin Park around the south side of the existing Cockenzie substation building connecting to the core path which runs along the outside of the acoustic screening bund on the southwest side to the site.

The nearest residential properties to the site are located at Whin Park to the northeast and along 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 southwest of the site. In addition to residential properties, the Whin Park industrial estate is located immediately northeast of the site.

RELEVANT PLANNING HISTORY

The Seagreen Offshore Wind Farm was consented in 2014 and is located in the outer Firth of Forth and Firth of Tay. That consent covers 150 wind turbines and the associated offshore infrastructure to export the energy generated by 114 of the turbines to landfall at Carnoustie in Angus. Separate planning permission has been secured for the onshore works to connect these 114 wind turbines to the national electricity transmission network at Tealing in Angus and construction of this onshore infrastructure is now underway.

The Seagreen 1A project sought consent for the onshore and offshore infrastructure required to connect the remaining 36 turbines to the national electricity transmission system. An application was made to the National Grid in October 2019 and the project was offered a grid connection at Cockenzie.

The offshore infrastructure will comprise one export cable, approximately 110km in length, from the Seagreen Offshore Wind Farm to the landfall at Cockenzie. The offshore export cable is the subject of a separate application for a marine licence to Scottish Ministers via the Marine Scotland Licensing and Operations Team (MS-LOT).

On 17 August 2021 planning permission in principle (ref: 21/00290/PPM) was granted for the onshore infrastructure associated with Seagreen 1A project, comprising of the construction and operation of an onshore substation, underground electricity cables and associated development. Together, the proposed offshore and onshore infrastructure will facilitate full export capacity from the Seagreen Offshore Wind Farm, thereby maximising its contribution towards renewable energy generation and reducing greenhouse gas emissions.

The application drawings for planning permission in principle 21/00290/PPM showed the application site broken up into 'Development Zones, consisting of the landfall development zone, onshore export cable development zone, substation development zone, grid connection zone, access development zone and construction compound

development zone.

It was indicated in planning permission in principle 21/00290/PPM that a substation platform could have a maximum footprint of approximately 22,000 m² and would be located within the onshore substation development zone within the application site. A substation housing the electrical infrastructure would be located on the substation platform and the electrical infrastructure could have a maximum height of some 18 metres. The application submissions in planning permission 21/00290/PPM informed that the substation is likely to comprise:

- o Outdoor electrical equipment including shunt reactors and transformers;
- o A building housing dynamic reactive compensation (DRC) equipment;
- o A building housing gas insulated switchgear and a control room;
- o A building housing harmonic filter (HF) equipment;
- o Earthing equipment;
- o Operational circulation roads; and
- o Operational phase car parking for servicing vehicles.

Planning permission in principle 21/00290/PPM was granted subject to the imposition of a number of conditions.

Of those, Condition 7 states:

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

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

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

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

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

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

Reason:

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

Condition 11 states:

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

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

Reason:

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

Condition 14 states:

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

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

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

Reason:

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

Conditions 15 states:

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

The Species Protection Plan must be consistent with the measures proposed in the docketed EIA Report/Habitats Regulations Assessment to minimise disturbance to SPA

bird populations and must include, but shall not be limited to the following:

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

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

Reason:

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

PROPOSAL

Through this current application planning permission is now sought for the variation to conditions 7, 11, 14 and 15 of planning permission in principle 21/00290/PPM. The applicant informs that the wording of most of the pre-commencement planning conditions attached to planning permission in principle 21/00290/PPM are such that they allow information necessary to discharge the condition to be submitted for different phases of the project separately. This has been enabled by tying these conditions to the different 'Development Zones' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to planning permission in principle 21/00290/PPM. The exceptions to this approach are pre-commencement conditions 7, 11, 14 and 15 which require the information necessary to discharge the conditions to be submitted for the full site rather than enabling the specific requirements relevant to each Development Zone to be discharged separately. Therefore the purpose to vary the wording of Conditions 7, 11, 14 and 15 is so that they enable phased development works to take place. The applicant further informs that the variations would not affect the overall purpose or integrity of any of the conditions.

Therefore it is proposed that the varied conditions would read as follows:

Condition 7

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

1. (i) A Preliminary Investigation incorporating a Phase I Desk Study (including site reconnaissance, development of a conceptual model and an initial risk assessment); and
- (ii) A Phase II Ground Investigation (if the Desk Study has determined that further assessment is required), comprising the following:
 - o A survey of the extent, scale and nature of contamination, and reporting on the appropriate risk assessment(s) carried out with regards to Human Health, the Water Environment and Gas Characteristic Situation as well as an updated conceptual model of the site;
 - o An appraisal of the remediation methods available and proposal of the preferred

option(s).

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

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

Reason:

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

Condition 11

Prior to the commencement of the development on the 'Substation Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to this planning permission in principle, a drainage strategy for the Substation Development Zone shall be submitted to and approved by the Planning Authority. The drainage strategy shall be designed to accommodate a 1 in 200 annual probability event plus a climate change allowance and shall include a timetable for its installation.

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

Reason:

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

Condition 14

Prior to the commencement of development on the 'Landfall Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to this planning permission in principle, a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Planning Authority for the Landfall Development Zone. The CEMP: Biodiversity shall include the following:

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

competent person; and
h) Use of protective fences, exclusion barriers and warning signs.

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

Reason:

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

Condition 15

Prior to the commencement of development on the 'Landfall Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to this planning permission in principle, a Species Protection Plan for birds, including waterfowl, wading birds and seabirds (SPA species), shall be submitted to and approved in writing by the Planning Authority for the Landfall Development Zone.

The Species Protection Plan must be consistent with the measures proposed in the docketed EIA Report/Habitats Regulations Assessment to minimise disturbance to SPA bird populations and must include details of methods to be used to reduce noise levels associated with the trenchless installation of the export cable at landfall including the use of sound walls and any required drilling rig modifications.

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

Reason:

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

THE 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.

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

Policies NH1 (Protection of Internationally Designated Sites), NH2 (Protection of Sites of Special Scientific Interest and Geological Conservation Review Sites), NH11 (Flood Risk) 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.

REPRESENTATIONS

There have been no written representation received to this application.

COMMUNITY COUNCIL COMMENTS

Community Councils have been consulted on the application however no responses have been received.

ENVIRONMENTAL IMPACT ASSESSMENT

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 19 May 2022 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.

PLANNING ASSESSMENT

Condition 7 was imposed on planning permission in principle 21/00290/PPM as in his assessment of that proposal, the **Council's Environmental Health Officer (Contaminated Land)** advised that there is the potential for areas of contamination to exist on the application site given the nature of previous land uses both on the site and in proximity to it, and thus there is therefore the potential for pollutant linkages to exist on the site that may impact upon the proposed development

In respect of the proposed variation to Condition 7 of planning permission in principle 21/00290/PPM, the first part of the condition is clear that the Geo-Environmental Assessment can be carried out and submitted for approval on a phased basis for each 'Development Zone' identified in the planning permission in principle. The applicant informs however, that the wording of part 2 of Condition 7 requires a Remediation Statement to be produced (if required) prior to any works beginning on the full site where risks have been identified in the Geo-Environmental Assessment. It is proposed to amend parts 2 and 3 of Condition 7 to enable the Condition to be discharged separately for each Development Zone of the site. The proposed varied wording would not result in any changes to the scope of information that would be required to discharge Condition 7.

The Council's Environmental Health Officer (Contaminated Land) raises no objection to the proposed variation to Condition 7. On this consideration the proposal is consistent with Policy DP2 of the adopted East Lothian Local Development Plan 2018.

The purpose of Condition 11 of planning permission in principle 21/00290/PPM is to ensure that the final drainage strategy for the operational onshore substation is designed to accommodate a 1 in 200 annual probability event (including an appropriate climate change allowance) without causing flooding of vulnerable areas. The applicant informs that given that the onshore substation is the only element of the development approved by the grant of planning permission in principle 21/00290/PPM which could potentially result in increased flood risk, they consider that the requirement to submit a drainage strategy for the other elements of the development is unreasonable and unnecessary. It is therefore proposed that the wording of Condition 11 be varied so that a drainage strategy only requires to be submitted and approved for the 'Substation Development Zone'.

The **Council's Civil Engineer Technician - Flooding** advises that he has no objection to the proposed variation of Condition 11 and on this consideration the proposal is not contrary to Policy NH11 of the adopted East Lothian Local Development Plan 2018.

With regard to Conditions 14 and 15 of planning permission in principle 21/00290/PPM, the reasoning for the imposition of them is to avoid or minimise disturbance of internationally important populations of non-breeding waders, waterfowl and seabirds associated within the Special Protection Areas (SPAs) of the Firth of Forth, Outer Firth of

Forth and St Andrews Bay Complex, Forth Islands and Imperial Dock Lock, Leith.

The applicant informs it is their preference for the landfall works in the intertidal and near shore area to be undertaken as far as practicable outwith the winter months when the qualifying bird species associated with the designated SPA sites would be at their most numerous. Notwithstanding, the applicant states that if installation at landfall is required within the wintering period, Chapter 6: Ornithology of the EIA Report docketed to planning permission in principle 21/00290/PPM identifies that the main source of potential disturbance to non-breeding waterbirds would result from near shore vessel activity and unpredictable noise events associated with the trenchless drilling operations for the shore end export cable and that such activities may result in moderate (though not significant) adverse effects to non-breeding waterbirds, therefore the likelihood of disturbance to intertidal and near shore waterbirds of the SPAs is predicted to be minor/negligible, with all such activities taking place in terrestrial habitats above Mean High Water Springs (MHWS).

In light of the above, the applicant considers that the requirement to submit a CEMP: Biodiversity and Species Protection Plan for the onshore export cable and substation construction works as required by Conditions 14 and 15 of planning permission in principle 21/00290/PPM is not reasonable or necessary because the likelihood of disturbance to intertidal and near shore waterbirds of the SPAs is considered to be negligible. It is therefore proposed that the wording of conditions 14 and 15 be varied so that a CEMP: Biodiversity and the Species Protection Plan that focus on the protection of non-breeding waterbirds in the intertidal and nearshore area only require to be submitted and approved for development of the 'Landfall Development Zone'.

However, the applicant advises that within the other 'Development Zones' they would be willing to provide a more 'typical' CEMP setting out the other mitigation and procedures to be adopted to ensure that all construction activities with potential to affect the environment (not just non-breeding birds associated with the SPA sites) are appropriately managed. The applicant considers that the requirement for such a CEMP could be secured through amending the current wording of Condition 5 of planning permission in principle 21/00290/PPM.

The **Council's Biodiversity Officer** advises raises no objection to the proposed variation of Conditions 14 and 15, advising such variation would have no adverse effects on the integrity of the SPAs of the Firth of Forth, Outer Firth of Forth and St Andrews Bay Complex, Forth Islands and Imperial Dock Lock, Leith subject to varying Condition 5 of planning permission in principle 21/00290/PPM to include for the submission of a CEMP for the other 'Development Zones'.

Subject to the above control, the proposal does not conflict with Policies DC6 (Development in the Coastal Area), NH1 (Protection of Internationally Designated Sites) and NH2 (Protection of Sites of Special Scientific Interest and Geological Conservation Review Sites) of the adopted East Lothian Local Development Plan 2018.

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 subject to the applied for variation of the wording of conditions 7, 11 14 and 15 of planning permission in principle 21/00290/PPM and subject to all of those conditions from that planning permission in principle where it is intended these should apply. In this case, all the other conditions should continue to apply.

The wording of the proposed varied conditions and of some of the other conditions require to be altered to accurately reflect the planning permission in principle to which they relate. It is also required to add an additional condition requiring the submission of a Construction Method Statement for development of the 'Landfall Development Zone' due to the varied wording of Condition 5.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 The submission for approval of matters specified in conditions of this grant of planning permission in principle in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended) shall include details of the layout, siting, design and external appearance of the onshore substation, electricity cables and associated infrastructure, the means of access to them, the means of any enclosure of the boundaries of the site and landscaping (including landscape and visual mitigation) of the site in accordance with the matters listed below. No work shall begin until the written approval of the Planning Authority has been given, and the development shall be carried out in accordance with that approval.
 - a) Details of the finished ground levels and finished floor levels of the buildings;
 - b) The total height of any building shall not exceed 18 metres from the finished ground levels, as approved. The finished ground level shall be no higher than the existing ground level of the site;
 - c) Details of the proposed colour treatment of the onshore substation and any other landscape and visual mitigation (which shall include architectural mitigation) to be incorporated into its design and external appearance;
 - d) Details of all external lighting proposed;
 - e) Details of the area and positioning of the substation platform, which shall not exceed an area of 22,000m², and the components of the onshore substation, which shall generally accord with that shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0009 docketed to planning permission in principle 21/00290/PPM;
 - f) The layout shall ensure that the substation platform and onshore substation shall be located within the area identified as "Substation Development Zone" on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to planning permission in principle 21/00290/PPM;
 - g) Details of the final route of the onshore export cable (with proposed micro siting limits), and the locations of any underground joint bay(s); and
 - h) Details of the siting, design and external appearance of any permanent above ground features associated with the onshore export cable.

In this condition, the onshore substation means all the electrical equipment, ancillary equipment, internal roads and any perimeter security fence to be located on the substation platform, as

indicatively described in Chapter 2 (Development Description) of the Environmental Impact Assessment Report docketed to planning permission in principle 21/00290/PPM.

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

Reason:

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

- 2 The development hereby approved shall be undertaken in accordance with the Environmental Impact Assessment Report docketed to planning permission in principle 21/00290/PPM, except where altered by the approval of matters specified in the condition above or by the conditions below, or unless otherwise agreed in writing by the Planning Authority.

Reason:

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

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

Reason:

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

- 4 Prior to the commencement of development on any 'Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to planning permission in principle 21/00290/PPM, a Public Access Management Plan for that Development Zone shall be submitted to and approved in writing by the Planning Authority for such development. The Public Access Management Plan shall include the following details as they relate to each Development Zone:

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

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

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

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

Reason:

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

- 5 Prior to the commencement of development on the 'Substation Development Zone', the 'Onshore Export Cable Development Zone', the 'Grid Connection Development Zone', the 'Access Development Zone' and the 'Temporary Construction Compound Development Zone' all as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to planning permission in principle 21/00290/PPM, a Construction Environmental Management Plan (CEMP) for

development of that Development Zone shall be submitted to and approved in writing by the Planning Authority. The CEMP shall include the following details:

(i) a Construction Method Statement (CMS) which shall identify potential noise and dust impacts that may arise during construction of the proposed development and specify any mitigation measures necessary to minimise any such impacts on sensitive receptors, and shall include hours for construction work.

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

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

(ii) pollution prevention monitoring and mitigation measures for all construction activities, having regard to potential mitigation measures described within Chapter 7.6 Mitigation of the EIA Report docketed to planning permission in principle 21/00290/PPM;

(iii) a Site Waste Management Plan, setting out how resources will be managed and waste controlled for all construction activities.

The development of each of the Development Zones shall thereafter be carried out in strict accordance with the CEMP approved for it, unless otherwise approved in writing by the Planning Authority.

Reason:

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

- 6 Prior to the commencement of any development on the 'Substation Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to planning permission in principle 21/00290/PPM a Noise Impact Assessment for the operational phase of the development shall be submitted to and approved in writing by the Planning Authority for such development. The Noise Impact Assessment shall be based upon the detailed site layout approved pursuant to Condition 1 and shall identify any mitigation measures considered necessary to ensure specific noise arising from the development does not exceed an absolute free field external Rating Level of L_{Ar,Tr} of 35 dB at any sensitive receptor. All measurements to be made in accordance with BS 4142: 2014 "Methods for rating and assessing industrial and commercial sound".

Reason:

In the interests of the amenity of nearby sensitive receptors.

- 7 Prior to the commencement of development on any 'Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to planning permission in principle 21/00290/PPM, to ensure that the site is clear of contamination, a Geo-Environmental Assessment shall be carried out for development of that Development Zone and the following information shall be submitted to and approved by the Planning Authority:

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

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

o A survey of the extent, scale and nature of contamination, and reporting on the appropriate risk assessment(s) carried out with regards to Human Health, the Water Environment

and Gas Characteristic Situation as well as an updated conceptual model of the site;

- o An appraisal of the remediation methods available and proposal of the preferred option(s).

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

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

Reason:

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

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

Reason:

To ensure that the site is clear of contamination

- 9 Prior to the commencement of development on any 'Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to planning permission in principle 21/00290/PPM, a Construction Traffic Management Plan (CTMP) for the construction phase of the development in that Development Zone shall be submitted to and approved in writing by the Planning Authority. The CTMP shall, unless otherwise approved in writing by the Planning Authority, include the following details:

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

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

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

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

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

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

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

(viii) details of traffic management at the B6371 and B1348 Edinburgh Road site access points;

(ix) details of measures including temporary signage, and the management of construction traffic

to keep the John Muir Way open to the public throughout the construction period;

(x) details of temporary signage in the vicinity of the site warning of construction traffic;

(xi) arrangements for road maintenance and cleaning;

(xii) details of wheel washing facilities which must be provided and maintained in working order during the period of construction and/or decommissioning of the site. All vehicles must use the wheel washing facilities to prevent deleterious materials being carried onto the public road on vehicle wheels; and

(xiii) a Green Travel Plan to include measures to minimise dependency on the private car to and from the construction compounds.

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

Reason:

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

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

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

Reason:

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

- 11 Prior to the commencement of development on the 'Substation Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to planning permission in principle 21/00290/PPM, a drainage strategy for the Substation Development Zone shall be submitted to and approved by the Planning Authority. The drainage strategy shall be designed to accommodate a 1 in 200 annual probability event plus a climate change allowance and shall include a timetable for its installation.

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

Reason:

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

- 12 Prior to the commencement of development on any 'Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to to planning permission in principle 21/00290/PPM, a scheme for the identification of drainage systems (including field drains, culverts, septic tanks and soakaways) and private water supplies within the Zone, and measures for their protection during development and/or mitigation of impacts associated with the development including any necessary alternative facilities as required, shall be submitted to and approved by the Planning Authority.

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

Reason:

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

- 13 Prior to the commencement of development on any 'Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to planning permission in principle 21/00290/PPM, a scheme of landscaping for development within that Development Zone, taking account of the detailed site layout and other details proposed or approved under the terms of Condition 1 shall be submitted to and approved in writing by the Planning Authority. The scheme shall provide details of: the height and slopes of any mounding on or re-contouring of, the site; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. The scheme shall include indications of all existing trees and hedgerows on the land and details of any to be retained, and measures for their protection in the course of development. It should also address long term management of the approved planting and boundary treatments.

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

Reason:

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

- 14 Prior to the commencement of development on the 'Landfall Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to planning permission in principle 21/00290/PPM, a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Planning Authority for the Landfall Development Zone. The CEMP: Biodiversity shall include the following:

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

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

Reason:

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

- 15 Prior to the commencement of development on the 'Landfall Development Zone' as shown on

drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to planning permission in principle 21/00290/PPM, a Species Protection Plan for birds, including waterfowl, wading birds and seabirds (SPA species), shall be submitted to and approved in writing by the Planning Authority for the Landfall Development Zone.

The Species Protection Plan must be consistent with the measures proposed in the EIA Report/Habitats Regulations Assessment docketed to planning permission in principle 21/00290/PPM to minimise disturbance to SPA bird populations and must include details of methods to be used to reduce noise levels associated with the trenchless installation of the export cable at landfall including the use of sound walls and any required drilling rig modifications.

Development within the Landfall Development Zone shall thereafter be carried out in strict accordance with the approved Species Protection Plan unless otherwise approved in writing by the Planning Authority.

Reason:

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

- 16 Prior to the commencement of development on any 'Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to planning permission in principle 21/00290/PPM, a scheme of intrusive site investigation works for development of that Development Zone shall be carried out in accordance with detail to be submitted to and approved in advance by the Planning Authority following consultation with The Coal Authority to assess ground stability due to former mine workings at the site. In the event that the intrusive investigation works confirm the need for remedial works and/or mitigation measures to treat any areas of land instability arising from coal mining legacy, development shall not begin until a scheme of remedial works on the site has been submitted to and approved in writing by the Planning Authority following consultation with The Coal Authority, and thereafter has been fully implemented as so approved.

Reason:

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

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

Reason:

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

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

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

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

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

The Demolition and Restoration Scheme shall include details of:

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

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

Reason:

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

- 19 Prior to the commencement of development on the 'Landfall Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to planning permission in principle 21/00290/PPM, a Construction Method Statement (CMS) for development of that Development Zone shall be submitted to and approved in writing by the Planning Authority. The CMS shall identify potential noise and dust impacts that may arise during construction of that Development Zone and specify any mitigation measures necessary to minimise any such impacts on sensitive receptors, and shall include hours for construction work.

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

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

Development of the Landfall Development Zone shall thereafter be carried out in strict accordance with the approved CMS unless otherwise approved in writing by the Planning Authority.

Reason:

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

REPORT TO: Planning Committee
MEETING DATE: 16 August 2022
BY: Executive Director for Place
SUBJECT: Application for Planning Permission for Consideration

5

Application No. **22/00622/PM**

Proposal Section 42 application for the deletion of condition 10 of planning permission in principle 10/00341/PPM to remove the requirement for a binding contract to be put in place to complete the stadium (separately approved by planning permission 01/00892/FUL) in advance of work commencing on the houses approved by that planning permission in principle.

Location **Barbachlaw Farm
Wallyford
Musselburgh
East Lothian
EH21 8QH**

Applicant AR (Wallyford) Ltd

Per Ryden LLP

RECOMMENDATION Consent Granted

REPORT OF HANDLING

As the area of the application site is greater than 2 hectares, what is proposed in this application is, under the provisions of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, defined as a major development type proposal and thus it cannot be decided through the Council's Scheme of Delegation. The application is therefore brought before the Planning Committee for a decision.

APPLICATION SITE

This application relates to some 6 hectares of land, which was formerly farmland, located at Barbachlaw, to the southwest of Wallyford and which forms part of a larger area of land defined by Proposal PROP MH12: Barbachlaw, Wallyford of the adopted East Lothian Local Development Plan 2018 as being for mixed uses. It is bounded to the northeast by residential properties and the former agricultural buildings of Barbachlaw

Steading, to the southeast by a length of Salters Road and beyond by the southern part of the strategic housing and mixed use development site of Proposal MH9 of the adopted East Lothian Local Development Plan 2018 on which land development has commenced on a mixed use development including circa 1,450 homes, a new local centre, a new primary school as well as other community uses, infrastructure and associated works. It is bounded to the southwest by agricultural land which forms part of the Edinburgh Green Belt. To the northwest of the site is a strip of land being developed with a landscaped bund and beyond that a site which until very recently contained a partially completed greyhound stadium. Beyond that is a scaffolding depot, and a waste water pumping station serving Wallyford and beyond these installations is a public path linking Pinkie, Musselburgh to Wallyford train station and also the east coast main rail line. A single track road (known as Victory Lane), which runs on a northwest to southeast axis and which provides access from Salters Road to the land of the formerly partially completed greyhound stadium, the scaffolding depot and the pumping station, bisects the site into two parts, a northeast part and a southwest part. Victory Lane forms part of a right of way between Salters Road and Pinkie, Musselburgh.

The site is within the wider designated area of Pinkie Battlefield and within a Coal Authority Low Risk Area. The land of the application site is also within a wider area defined by the Macaulay Capability for Agriculture (LCA) classification system as being prime agricultural land.

RELEVANT PLANNING HISTORY

The application site and the land around it have a complex planning history. The Council granted planning permission (ref: 01/00892/FUL) for the erection of a greyhound stadium as part of a new development area also intended to provide land for business and industry (which is the land the subject of this current application), and new housing (the now developed land to the northeast of the site of this application), with a landscaped strip along the interface with the green belt. That permission was subject to a Section 75 Agreement, concluded in November 2004, which required the steel structure for the stadium to be erected and the business land serviced before any housing could be constructed. The steel structure was erected, but house construction commenced without the required servicing of the business land. During discussion between the Council and the developer on this matter, it emerged that the developer had encountered difficulties in financing the completion of the stadium. The Council agreed in late 2005 to amend the Section 75 Agreement to allow house construction to continue without the prior servicing of the business land, which was deferred until April 2006, in order to achieve the completion of the stadium. Notwithstanding this concession by the Council, there was no further progress on the construction of the stadium, nor servicing of the business land.

In April 2010 planning permission in principle 10/00341/PPM was sought for the residential development of the land which was intended to provide land for business and industry and for the formation of a car park, to serve the greyhound stadium, on land to the southwest of that land (which was land outwith the site of the previous application). The principle of the housing was promoted by the applicant as a necessary provision of enabling development to secure the balance of funding necessary to complete the greyhound stadium. The car park was proposed as a relocation of the stadium car parking which had been intended to be located on the northeast part of the business land but which land was, through planning permission in principle application 10/00341/PPM, now being promoted for residential development instead. In February 2011 the Council refused planning permission in principle for the following reasons:

- 1 The proposed housing development would result in the loss of business land that

is part of the business land supply of Wallyford to the detriment of East Lothian's economy and the greater Lothian economy, contrary to Policy ECON1 of the approved Edinburgh and the Lothians Structure Plan 2015, Policy BUS2 of the adopted East Lothian Local Plan 2008, and Government policy guidance given in Scottish Planning Policy: February 2010.

2 If approved the proposed housing development would set an undesirable precedent for the development of new housing and other uses not within Class 4 and 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 on land elsewhere in East Lothian that is allocated for such business and industrial uses, the cumulative effect of which would be the depletion of Council's supply of allocated land for business and industrial use to the detriment of the economy of East Lothian and the greater Lothian economy.

3 The proposed car park would result in a harmful encroachment of development into the Edinburgh Green Belt, and is therefore contrary to Policy ENV2 of the approved Edinburgh and the Lothians Structure Plan 2015 and Policy DC2 of the adopted East Lothian Local Plan 2008.

4 If approved the proposed car park would set an undesirable precedent for development to further encroach beyond the western settlement boundary of Wallyford, the cumulative effect of which would further undermine the objectives of the Edinburgh Green Belt.

In May 2011 the then applicants appealed to the Scottish Government's Directorate for Planning and Environmental Appeals (DPEA) against the refusal of East Lothian Council to grant planning permission in principle for the proposed development. The appeal (DPEA reference PPA-210-2018) was allowed and on 30th September 2013, following the conclusion of a Section 75 Agreement to secure financial contributions towards additional accommodation at Wallyford Primary School and Musselburgh Grammar School; towards a Heritage Implementation Plan for the Battle of Pinkie site; to secure the provision of 24 affordable houses within the application site and to secure the provisions to put in place a binding contract to complete the stadium prior to the start of house building, planning permission in principle (ref: 10/00341/PPM) was granted subject to 10 conditions.

In March 2017, approval of matters specified in conditions of planning permission in principle 10/00341/PPM was consented (reference 16/00751/AMM) for the erection of 94 houses and the construction of the relocated parking for Victoria Lane Stadium and associated engineering and landscape works on the site of planning permission in principle 10/00341/PPM. Approval of matters consent 16/00751/PPM has been implemented to the extent that preliminary site works have been carried out on site.

In 2018, permission was granted (reference 18/00081/OBL) for modifications to clauses 1, 5, 6, 7, 8, 9, 10 and 12 of the S75 Agreement on planning permission in principle ref: 10/00341/PPM relating to affordable housing and the heritage contribution. The effect of these modifications was to permit the possible use of mid-market rent as a possible form of affordable housing as part of the housing development and to remove the requirement for a financial contribution towards a Heritage Implementation Plan for the Battle of Pinkie site. Funding for such work had been secured post grant of planning permission and information boards have been erected and therefore the contribution was no longer required.

Following further discussions between the Council and the owner of the greyhound stadium site the Council accepted in 2021 that despite concerted efforts over a 20 year

period to try to deliver the stadium, the developer would not be able to deliver it. Discussions were entered into between the owner of the greyhound stadium site and Council officers to explore the possibility of modifications taking place to the Section 75 Agreement which would still guarantee the delivery of an economic development use for the stadium site prior to housing commencement. In August 2021 permission was granted (reference 21/00001/OBL) to further modify the S75 Agreement associated with planning permission in principle 10/00341/PPM and also a new 'Class 4/5' S75 Agreement was entered into by all parties and submitted for registration, the effect of all of which is to ensure that the stadium site will be used for economic development use and therefore the provision of jobs offsetting the original loss of the business park land for housing under planning permission 10/00341/PPM and instead of the economic benefit of the stadium. On this basis the development of the housing units could commence. This is in line with the Reporter's decision regarding the need for clause 11 of the S75 agreement associated with 10/00341/PPM.

Since then a planning application (reference 22/00033/P) has been submitted by John Gilmour Butchers for the erection of a building for (Class 4) food processing facility and (Class 1) retail unit and associated works on part of the site of planning permission 01/00892/FUL (the greyhound stadium site) and three separate planning applications (references 22/00075/P, 22/00076/P and 22/00077/P) have been submitted by Ambassador Residential Limited for a total of 97 residential units on the site of the 94 house residential development the subject of planning permission in principle 10/00341/PPM and approval of matters consent 16/00751/AMM. All of these 4 separate planning applications are pending consideration.

Planning permission (reference 22/00074/P) has also recently been granted, on the 22nd July 2022, for the formation of a landscape bund and associated works all of which occupies the long, narrow, rectangular area of ground between the site of this current application (the residential site the subject of planning permission in principle 10/00341/PPM and approval of matters consent 16/00751/AMM and the current planning applications for an alternative scheme of residential development as detailed in the paragraph above) and the remainder of the greyhound stadium site the subject of planning permission 01/00892/FUL (and the current planning application for the erection of a building for (Class 4) food processing facility and (Class 1) retail unit and associated works).

PROPOSAL

Planning permission in principle 10/00341/PPM was granted on appeal following the conclusion of a Section 75 Agreement and subject to 10 conditions. Condition 10 of planning permission 10/00341/PPM states:

"No work (other than preliminary site preparation works) shall be begun on the houses approved in this permission until a binding contract has been put in place to complete the stadium for use, in accordance with the relevant terms of the section 75 agreement.

Reason: To ensure that the housing development does not proceed without reasonable assurance that the stadium will be completed, as this is the principal reason that has justified accepting a change of use of business land to housing, as a departure from the terms of the development plan."

Condition 10 was imposed by the Reporter in his decision on planning appeal PPA-210-2018 on planning permission in principle 10/00341/PPM. This condition 10 was in addition to the 9 conditions which were suggested by the Council in the event that the Reporter would take the decision to grant planning permission in principle for the housing

development. The Reporter explained in his decision notice that he had taken the decision to impose this additional condition for the avoidance of doubt, and mindful of the council's concern about the need to ensure that the housing development does not proceed until there is adequate assurance that the stadium will be completed, and about the effectiveness of the proposed section 75 agreement. He concluded that it would be appropriate to do so and that it would provide a further safeguard and assurance for the council on this point.

It is proposed through this current application that condition 10 of planning permission in principle 10/00341/PPM be deleted to remove the requirement for a binding contract to be put in place to complete the stadium (separately approved by planning permission 01/00892/FUL) in advance of work commencing on the houses approved by that planning permission in principle.

The applicant's agent has submitted a written statement with the application explaining that the reason for the application is that they consider this condition is no longer relevant to the development proposal. It is claimed in the applicant's statement that the stadium development proposal has been superseded and will not be implemented, that circumstances have changed and the Barbachlaw farm area is an established and committed location for further housing development and that the part implemented stadium will be dismantled and demolished and the site of it is subject to separate application for industrial business uses.

The applicant's written statement also makes reference to the modifications to the Section 75 Agreement approved through modification application 21/00001/OBL and points out that this refers to the changed circumstances and agreement that the stadium is effectively null and void.

The applicant's written statement points out that the effect of granting permission for this Section 42 application would be such that a new and separate permission would exist for the development with different (or no) conditions attached. The statement explains that it is the applicant's intention only to alter permission in specific regard of condition 10.

ENVIRONMENTAL IMPACT ASSESSMENT

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 the 4th July 2022 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.

THE 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 (ELLDP)

together with its adopted supplementary guidance.

The purpose of 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 planning applications.

Proposal MH12: Barbachlaw, Wallyford of the ELLDP states "Land at Barbachlaw, Wallyford is allocated for circa 94 homes and a stadium to reflect a planning appeal decision. No work (other than preliminary site preparation works) shall be begun on the houses until a binding contract has been put in place to complete the adjacent stadium for use." Other than PROP MH12 there are no policies or proposals of ELLDP of particular relevance to the proposal to delete condition 10 of planning permission in principle 10/00341/PPM however, as well as PROP MH12, relevant to the overall residential and stadium car park development proposal are PROP ED1 (Musselburgh Cluster Education Proposals), Policy CH4 (Scheduled Monuments and Archaeological sites), Policy CH5 (Battlefields), Policy DP1 (Landscape Character), Policy DP2 (Design), Policy DP3 (Housing Density), Policy DP4 (Major Development Sites), Policy DP8 (Design Standards for New Housing Areas), Policy OS3 (Minimum Open Space Standard for New General Needs Housing Development), Policy OS4 (Play Space Provision in new General Needs Housing Development), Policy HOU3 (Affordable Housing Quota), Policy HOU4 (Affordable Housing Tenure Mix), Policy DEL1 (Infrastructure and Facilities Provision), Policies T1 (Development Location and Accessibility), Policy T2 (General Transport Impact), Policy W3 (Waste Separation and Collection), Policy NH7 (Protecting Soils), Policy NH10 (Sustainable Urban Drainage Systems), Policy NH11 (Flood Risk), Policy NH12 (Air Quality) and Policy NH13 (Noise).

A material consideration in the determination of this application is Scottish Planning Policy: June 2014. One of the main outcomes of Scottish Planning Policy is to create a successful, sustainable place by supporting sustainable economic growth and regeneration, and the creation of well-designed, sustainable places. This is reflected in paragraph 25 of Scottish Planning Policy in which it is stated that the Scottish Government's commitment to the concept of sustainable development is reflected in Scottish Planning Policy's Purpose.

Scottish Planning Policy highlights that new housing developments should be integrated with public and active travel networks, such as footpaths and cycle routes, rather than encouraging dependence on the car. There should be connectivity between new and existing streets with walking and cycling networks, and allow for links into future areas of development.

Further material considerations to the residential development of the site are Scottish Government Policy Statement Designing Streets, and Planning Advice Note 67: Housing Quality. They provide an overview of creating places, with street design as a key consideration. They advise on the detail of how to approach the creation of well-designed streets and describe the processes which should be followed in order to achieve the best outcomes. PAN 67 states that the planning process has an essential role to play in ensuring that the design of new housing reflects a full understanding of its context in terms of its physical location and market conditions, reinforces local and Scottish identity, and is integrated into the movement and settlement patterns of the wider area. The creation of good places requires careful attention to detailed aspects of layout and movement. Developers should think about the qualities and the characteristics of places and not consider sites in isolation. New housing should take account of the wider context and be integrated into its wider neighbourhood. The quality of development can be spoilt by poor attention to detail. The development of a quality place requires careful consideration, not only to setting and layout and its setting, but also to detailed design,

including finishes and materials. The development should reflect its setting, reflecting local forms of building and materials. The aim should be to have houses looking different without detracting from any sense of unity and coherence for the development or the wider neighbourhood.

Also material is East Lothian Council Supplementary Planning Guidance 'Design Standards for New Housing Areas' approved by the Council in May 2020. This guidance states that new developments vary significantly in scale and location, and the key aims for the built environment will therefore change depending on these. Development at the upper end of the scale including the creation of new urban centres, require careful balancing of environmental and physical change to support the long-term success of places. Design at this scale is often highly complex and requires solutions that will sustain the vitality and vibrancy whilst managing regular change. Below this, there may be a mixed-use development created that includes a new local centre or community facility such as a school with housing around it. Design must focus on how new residents living on the site will access any local facilities, and services in the wider area.

REPRESENTATIONS

There have been no written representation received to this application.

COMMUNITY COUNCIL COMMENTS

Wallyford Community Council have been consulted on the application however no response has been received from them.

PLANNING ASSESSMENT

The principle of the erection of a residential development of 94 houses and relocated parking for the stadium has been established by the grant of planning permission in principle 10/00341/PPM. Since then approval of matters consent 16/00751/AMM for the detail of the erection of 94 houses and the construction of the relocated parking and associated engineering and landscape works on the site of planning permission in principle 10/00341/PPM has been granted and the approval of matters consent 16/00751/PPM has been implemented but only to the extent that preliminary site works have been carried out on site.

The determination of this application therefore rests only on the planning consideration of the consequences of deleting the planning condition which prevents the housing development proceeding without reasonable assurance that the stadium will be completed.

Through the determination of application 21/00001/OBL to modify the Section 75 Agreement associated with planning permission in principle 10/00341/PPM and the conclusion of a new 'Class 4/5' Section 75 Agreement, controls have been put in place to guarantee that the stadium land would be developed for an economic development use in return for allowing the housing development to commence. That is what the original S75 agreement clause 11 did by requiring a binding contract for the construction of the stadium to be entered into prior to the commencement of the housing units. The modifications set out in the revised clause 11 restrict the completion of housing units until the new Class 4/5 Land S75 Agreement has been entered on the application record at the Land Register of Scotland. That Registration of the new Class 4/5 Land S75 Agreement at the Land Register of Scotland has since taken place (on 27th August 2021).

In summary, Clause 4 of the Class 4/5 S75 agreement requires the removal of the steel structure from the stadium land (Planning Agreement Subjects) by September 2022 and prior to 1st August 2026, the construction and commenced commercial operation of 3,500 square metres gross floor area of class 4 (business) or class 5 (general industrial) use. This replaces the binding construction contract for the stadium with a guarantee of the removal of the stadium structure and the completion and operation of an economic use class facility on the stadium site.

If the class 4/5 use is not completed and operational prior to 1 August 2026 (or a later date agreed between parties), the then landowner is required to transfer the stadium land to the Council for zero consideration. The Council will then use the site for economic development purposes - creation of a class 4 or class 5 business use that will be subject to a separate planning process. As the Council cannot enforce a S75 agreement against itself, then clause 4.4.6 gives the option to the then landowner of the stadium site when disposing to the Council to restrict the use of the land for class 4 or 5 use. Therefore if 3,500 square meters has not been developed in 5 years' time, and there has been no agreement to extend that date, then the Council will own the land and will ensure its use for economic development and the requirement imposed by the reporter in the original S75 agreement that housing can only commence if the stadium land is guaranteed to be developed.

These requirements had to be included in a new S75 agreement over the stadium land and not introduced as a modification to the existing S75 agreement because the planning agreement subjects of the existing S75 agreement do not cover the stadium site. Therefore to register obligations against the stadium land subjects required a new S75 agreement registered against the stadium land title. An application to modify the existing S75 by extending the subjects which it covered to incorporate the stadium site may not have been accepted by Registers of Scotland.

The remaining modification to the existing S75 agreement related to removing commitments to develop the stadium and car parking land.

With these modifications and new 'Class 4/5' Section 75 Agreement now in place and accepted by Registers of Scotland, the planning control imposed through condition 10 of planning permission in principle 10/00341/PPM is no longer in accordance with the modified controls in place through the modified Agreement and the new Agreement and nor is the condition now necessary as the required controls are in place through that modified Agreement and new Agreement to guarantee the economic development of the former stadium site.

The modified Section 75 Agreement which applies in respect of planning permission in principle 10/00341/PPM does not refer to this current planning application. The **Council's Planning Obligation Officer** has been consulted on this application for the deletion of condition 10 of planning permission in principle 10/00341/PPM. The Planning Obligations Officer raises no objections to it and confirms that there is no requirement to further modify the S75 in relation to the removal of the Stadium, however there is a need to conclude a 'S75A' application to further modify the S75 associated with planning permission in principle 10/00341/PPM to tie this new application to it. If the Council are minded to grant planning permission for this current application, that Agreement needs to be modified so that the definition of "planning permission" in the Agreement is also inclusive of the new planning permission in principle that would be created through the granting of this application. Doing so would ensure that the S75 obligations, including those for financial contributions towards education provision and the provision of affordable housing on the site, applies to this and any other new permissions which may be minded to be granted. The Council's Planning Obligations Officer has been consulted

on the application and is satisfied that the legal agreement associated with planning permission in principle 10/00341/PPM can be modified to ensure that it will cover the new planning permission which would be created if the Council are minded to grant planning permission for this current application. On 27th July 2022 an application (reference: 22/00007/OBL) was validated to modify the planning obligations on planning permission in principle 10/00341/PPM to incorporate this current application and the three other current planning applications (22/00075/P, 22/00076/P and 22/00077/P) for an alternative 97 house development of the site into the Section 75A Legal Agreement. The Planning Obligations Officer advises that planning permission should be granted for this application subject to the prior conclusion of the required Section 75A Legal Agreement.

In accordance with the Council's policy on time limits for completion of planning agreements the decision also is that in the event of the Section 75A Agreement not having been executed by the applicant, the landowner and any other relevant party within six months of the decision taken on this application, the application shall then be refused for the reason that it would not be regulated by the terms and obligations set out in the S75A agreement.

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, it is recommended that planning permission should be granted for the applied for deletion of condition 10 of planning permission in principle 10/00341/PPM subject to the necessary modifications being made to the S75 Agreement associated with planning permission in principle 10/00341/PPM to encompass this application and any further planning applications associated with the subjects prior to their determination and the submission and receipt for registration of such modifications being made to the Land Registry of Scotland against the land title and subject to all of the remaining conditions from planning permission in principle 10/00341/PPM where it is intended these should apply. In this case, all the other conditions should continue to apply with the exception of condition 7 as the requirements of this condition have been complied with. The wording of some of the other conditions require to be altered to accurately reflect the planning permission in principle to which they relate. It is also recommended that an additional condition be added requiring the 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. This is in accordance with the motion approved by the Council at its meeting on Tuesday 27th August 2019 declaring a Climate Emergency and thereafter, at its meeting on Tuesday 3rd September 2019 the Council's Planning Committee deciding 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. Therefore such a condition should be imposed on a grant of planning permission in principle for this proposed development.

RECOMMENDATION:

It is recommended that planning permission be granted subject to:

1. The following conditions;
2. The prior conclusion of a satisfactory modification, under Section 75A of the Town and Country Planning (Scotland) Act 1997, of the existing Section 75 Agreement associated with planning permission 10/00341/PPM, as previously modified through applications references 18/00081/OBL and 21/00001/OBL, to encompass this and any further planning applications associated with the subjects to ensure the Section 75 obligations continue to apply; and
3. That in accordance with the Council's policy on time limits for completion of planning agreements the decision also is that in the event of the Section 75A Agreement not having been executed by the applicant, the landowner and any other relevant party within six months of the decision taken on this application, the application shall then be refused for the reason that it would not be regulated by the terms and obligations set out in the S75A agreement.

1 The submission for approval of matters specified in conditions of this grant of planning permission in principle in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended) shall include details of the siting, design and external appearance of the residential units, the means of access to them, the means of any enclosure of the boundaries of the site and the landscaping of the site. Those details shall generally comply with the Indicative Masterplan docketed to planning permission in principle 10/00341/PPM, but additionally shall comply with the following requirements:

a. The houses shall be predominantly two storeys in height, and shall in no case be higher than three storeys in height.

b. Other than in exceptional circumstances where the layout or particular building type does not permit, houses should be orientated to face the street.

c. Notwithstanding that shown in the Masterplan Document docketed to this planning permission in principle there shall be no integral garages, unless it can be justified as an exceptional design feature, or where the house and garage would not be on a primary street frontage.

d. The external finishes of the residential units shall be in accordance with a co-ordinated scheme of materials and colours that shall respect the layout of the development and shall promote render as the predominant finish to the walls of the residential units.

e. The car park hereby approved shall be enclosed by only simple wire fencing, details of which shall be submitted to and approved by the Planning Authority in advance of its erection on site.

f. Details of the play area, including the equipment to be provided within it and a timetable for installation, shall be submitted to and approved in advance by the Planning Authority and the play area shall be installed in accordance with the details so approved.

g. The open space adjacent to the site for the greyhound stadium shall be designed to accommodate ball games.

h. Parking for the housing development hereby approved shall be provided at a rate as set out in the East Lothian Council Standards for Development Roads- Part 5 Parking Standards.

i. The existing footpath along the site frontage with Salter's Road shall be relayed and widened to 2 metres. Street lighting shall also be extended along this section of road.

j. A signalised pedestrian crossing shall be introduced at the Double D island on Salter's Road adjacent to 12 Fa'side Buildings.

k. Driveways shall have minimum dimensions of 6 metres by 2.5 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres wide by 11 metres length.

l. The greyhound stadium approved by the grant of planning permission 01/00892/FUL shall not operate unless and until the car park hereby approved has been formed and made available for use. The car park shall thereafter be kept available for parking use in association with the operation of the greyhound stadium, unless otherwise approved in writing by the Planning Authority.

Reason:

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

- 2 No development shall take place until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping. The scheme shall provide details of : the height and slopes of any mounding on or recontouring of, the site including SUDS basin/pond details; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. The scheme shall include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development. Non-thorn species should be located adjacent to pedestrian areas. Specific planting details shall include hedges to front gardens.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of ten years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

Reason:

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

- 3 The details submitted pursuant to Condition 1 shall address the following requirements:
- a. An acoustic barrier comprising a boundary wall 140 metres long and 4 metres high shall be provided along the northwest boundary of the site.
 - b. The orientation of any house along the northwest boundary of the site shall be such that private garden areas should be southeast facing and sheltered from noise from the adjacent greyhound stadium;
 - c. Any windows of habitable rooms of any house along the northwest boundary of the site facing the greyhound stadium shall be provided with suitable acoustic insulation with a sound reduction index equivalent to 30dB Rwa;
 - d. The orientation of any house along the southwest boundary of the site shall be such that private garden areas should be northeast facing and sheltered from traffic noise from Victory Lane;
 - e. Any windows of habitable rooms of any house along the southwest boundary of the site facing Victory Lane shall be provided with suitable acoustic insulation with a sound reduction index equivalent to 30dB Rwa.

Reason:

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

- 4 A Travel Plan shall be submitted to and approved by the Planning Authority prior to the occupation of any of the residential units hereby approved. The Travel Plan shall have particular

regard to provision for walking, cycling and public transport access to and within the site, and will include a timetable for its implementation, details of the measures to be provided, the system of management, monitoring, review, reporting and duration of the Plan.

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

Reason:

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

- 5 A Construction Method Statement to minimise the impact of construction activity on the safety and amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic (including routes to/from site) and shall include hours of construction work and routing of traffic.

The Construction Method Statement shall also make recommendations in respect of how building materials and waste will be safely stored and managed on site.

The recommendations of the Construction Method Statement shall be implemented prior to the commencement of development.

Reason:

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

- 6 No residential unit shall be occupied unless and until details of artwork to be provided on the site or at an alternative location away from the site have been submitted to and approved by the Planning Authority and the artwork as approved shall be provided prior to the occupation of the final residential unit approved for erection on the site.

Reason:

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

- 7 Prior to the commencement of development details of the proposed integrated sustainable urban drainage scheme (SUDS) for the application site shall be submitted in writing for approval by the planning authority. The integrated sustainable urban drainage scheme (SUDS) for the application site shall thereafter be fully implemented in accordance with the details as approved by the planning authority.

Reason:

To ensure the provision of a satisfactory sustainable urban drainage scheme for the application site.

- 8 Prior to the commencement of housing 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.