



## MINUTES OF THE MEETING OF THE PLANNING COMMITTEE

TUESDAY 16 AUGUST 2022  
VIA A DIGITAL MEETING FACILITY

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**Committee Members Present:**

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

**Other Councillors Present:**

None

**Council Officials Present:**

Mr K Dingwall, Service Manager – Planning  
Ms E Taylor, Team Manager – Planning Delivery  
Mr D Irving, Senior Planner  
Ms L Ritchie, Senior Planner  
Mr N Millar, Planner  
Mr S Robertson, Planner  
Mr C Grilli, Service Manager – Governance  
Mr C Clark, Senior Environmental Health Officer  
Mr R Yates, Transportation Planning Officer  
Mr G McLeod, Transportation Planning Officer  
Ms P Gray, Communications Officer

**Clerk:**

Ms B Crichton

**Visitors Present/Addressing the Committee:**

Item 2: Mr S Flame, Mr G Sanders, Mr J Brennan, Mr J Scott, and Ms J Bell  
Item 3: Mr C Smith, Ms K Kasprowicz, and Ms D Copeland  
Item 4: Mr M Fenny and Ms A Townsend

**Apologies:**

Councillor L Allan

**Declarations of Interest:**

None

**1. MINUTES OF PLANNING COMMITTEE MEETING, 7 JUNE 2022**

The minutes were agreed as an accurate record of the meeting.

**2. PLANNING APPLICATION NO. 22/00393/P: BAYSWELL HOTEL, 16 BAYSWELL PARK, DUNBAR – EXTENSIONS TO HOTEL**

A report was submitted in relation to Planning Application No. 22/00393/P. Neil Millar, Planner, presented the report, summarising the key points. The report recommendation was to grant consent.

Officers answered questions from Members. Responding to a question from Councillor McIntosh, Mr Millar advised that information about renewable technologies that may be used to ensure the development could mitigate any environmental impact had not been submitted. He indicated this could be provided at a later date, but it was not required to extend an existing building.

Responding to a question from Councillor Cassini, Mr Millar advised that installation of solar panels would require planning permission in the conservation area, which would have to be sought as a separate planning application should the applicant wish to do so.

The Convener asked about the height of the balcony surrounds and felt these should be raised to 1.8m to guard against overlooking into neighbouring gardens. Mr Millar noted that the first floor flat's garden to the east of the development was overlooked by first floor windows and therefore did not currently benefit from a significant degree of privacy. He confirmed it would be acceptable to impose a condition that screening be 1.8m in height. Mr Millar also confirmed that he was satisfied that there would not be a harmful loss of daylight to the neighbouring building to the east; a sunlight/daylight test had been undertaken as part of a previous application, although in that application, the extension had been significantly closer to the neighbouring flat.

Simon Flame, applicant and owner of the Bayswell Hotel, spoke to the application. He advised that the application was essentially a variation on the November 2020 application, making the restaurant slightly larger, and replacing the basic 1970s building with a more sympathetic structure. He said that points made by objectors had been addressed, and the application was in accordance with all relevant policies. He noted that only guests staying in the rooms could use the hot tubs, usually couples. He was unaware of any neighbour complaints in the nine years since the installation of the four hot tubs currently in place. He raised the possibility that water from the hot tubs could be used as grey water for flushing toilets, etc., but noted that it was up to the energy company to source renewable energy. He highlighted the investment being made to the hotel and the employment of 30 members of staff, and asked that Members approve the application.

Councillor Findlay questioned whether having such a number of outdoor hot tubs was necessary, and raised the issue of noise. Mr Flame replied that the hot tubs were incredibly popular and that visitors from all over Scotland used them; they hotel would sell out the proposed nine hot tubs. Mr Flame also said that use of the hot tubs was managed by the hotel, and music was not allowed. He argued that the perception the hot tubs would generate a lot of noise was incorrect. Mr Flame hoped the build could be undertaken in the coming winter, but if this was unrealistic, the restaurant would come forward in the winter and the new build would take place in the following year.

Graham Sanders spoke against the application. He lived in the flat immediately to the east of the Bayswell Hotel. He supported hotels trying to improve their offer, but argued that the application was in conflict with planning policy. He was alarmed that there would be hot tubs

on three levels; this would not sit comfortably within the conservation area and would be visible from the John Muir Way. He pointed to planning policy RCA1 and argued that the balconies and hot tubs would lead to a significant loss of both privacy and sunlight. Although his garden was currently overlooked by respectful neighbours, he argued this was a different situation to being overlooked by many hotel guests. He agreed that screens would help, but was concerned that changes could be made to plans only by written agreement with the planning authority and without recourse to public or Committee scrutiny. Although a wall protected his property from the noise of the current hot tubs, neighbours who did not benefit from this protection had been upset by noise.

John Brennan spoke against the application. He lived close to the hotel and was a professor of sustainable architecture. He said that the loss of a mature tree was not referenced in the report. He said the parking proposal was not fit for purpose; under council policy, the increase to restaurant covers and bedrooms would require an increase of 15 spaces, but proposals were for only five additional spaces, including one disabled space being offered rather than three. He argued this would lead to overspill into the neighbourhood; he did not have faith in the transport plan and had been amazed that use of Lauderdale car park 180m away had been suggested when it did not allow overnight parking. The nine hot tubs would bring an additional 230kg of carbon emissions each month. He argued that environmental impact needed to be a material consideration in light of the council's climate change strategy. He said the proposal was an ill-thought-out overdevelopment, the layering of the balconies was incongruous, and it did not respect the character of the conservation area.

Responding to a question from Councillor Findlay, Robbie Yates, Transportation Planning Officer, advised that the increase in rooms would require four additional spaces and the restaurant would require five additional spaces. Road services felt that the shortfall of four spaces was mitigated by the condition of submission of a travel plan.

John Scott spoke against the application. He was in favour of improving hotel accommodation in Dunbar, but felt the development was not in-keeping with the area. He noted significant growth since the initial proposal, with the whole development being driven by a desire to construct balconies with hot tubs. He felt the development did not comply with East Lothian's Climate Change Strategy. He said the whole council should be responsible for the implementation of the strategy; aims to reduce energy demand would only be achieved if the council was prepared to act. He described the development as a waste of resources, and said refusal of the application was the right thing to do.

Jacquie Bell spoke against the application on behalf of Dunbar Community Council. She noted that the large-scale modern extension would be a one-off in the residential conservation area, a dominant structure, and visible from the John Muir Way. She said the suggested screening height was not sufficient. Parking was also insufficient to serve the proposals, and noted concern about the busyness and opening hours of Lauderdale car park; the Green Travel Plan would not be easy to action. She also noted that works may impact on the root structure of a mature ash tree. She said that Dunbar Community Council were supportive of local development but felt this application was not a good solution. She highlighted considerable representation from the community and felt their concerns were justified, and asked that the application be refused.

Councillor McIntosh suggested a condition be added to protect the mature ash tree.

Councillor Collins was fully in support of tourism and businesses in Dunbar improving their offer, but was concerned about noise from the hot tubs and loss of privacy to neighbours. She supported a condition being raised to erect higher screens. She was also concerned about the environmental impact of the hot tubs, and the 800 litres of water per cycle which would have to be replaced for new guests. She noted concern about pollution caused by emptying the hot tubs, and the impact this could have on marine wildlife and the local fishing

industry. On the basis of these concerns and the lack of parking, she felt that the application should be rejected in its current form.

Councillor McMillan said the development was on a site of importance; he felt that the building was not dominant from the war memorial, and felt that the development would not take away from the views of the area. He understood concerns about the hot tubs, but said that this could become a popular spot for cycle tourists and part of a wellbeing economy. He hoped there would be an official report made if there were concerns regarding the disposal of waste water. On balance, he was minded to support the officer recommendation to grant consent, but hoped that through conditions the tree could be preserved, carbon emissions could be considered, and fewer car journeys could be encouraged.

Councillor Forrest echoed Councillor McMillan's statement; he felt the building would not be overbearing, and wanted to encourage the business to grow and create local jobs. He would support the officer recommendation.

Councillor Gilbert commented that he had been in support of the application, but felt there were too many negatives associated with the hot tubs and would not be supporting the officer recommendation.

Councillor McIntosh felt the extension would feel looming over the garden of no. 17B. She did not think the development would encourage sustainable tourism, and said the John Muir Way should be protected. She felt the energy use of the hot tubs was profligate in the current climate. She would not support the application in its current form. Councillor Findlay agreed that the hot tubs were unnecessary and this meant he would not support the application. However, should the application be granted, he thought a condition to raise the screens to 1.8m would be helpful. Councillor Cassini also felt she could not support the application with the hot tubs, and was concerned about water waste, noise, and overlooking onto properties on the east side of the building.

The Convener commented that the Bayswell Hotel was an important part of Dunbar's tourist industry, and felt that the hotel could be lost without the investment. He understood concerns about the hot tubs, but said they were incredibly desirable for the hotel. He also noted that the 3-storey extension had already been agreed in principle, and there were no concerns regarding overlooking on the north side. He agreed that a condition to protect the mature ash tree should be put in place. He noted that there had been other instances where developments had been allowed despite a lack of parking, and sometimes such decisions had to be made to ensure businesses were not lost from the area. He also expected the development would be approved if taken to appeal. The Convener then proposed three conditions: that the applicant provide an energy efficiency plan to officers; that the barrier on the first and second floors on the eastern elevation be increased to 1.8m; and that temporary protective fencing remain in place around the mature ash tree throughout the development.

Keith Dingwall, Service Manager – Planning, advised that it would be competent to change the height of the barrier. He said it would be possible to remove the opportunity for the applicant to agree changes in writing with the planning authority, and therefore any changes would have to be made through an application for planning permission. He advised that use of the hot tubs causing harm to the amenity of the area would be a competent reason for refusal of the application, but that in his view, citing the necessity of their use would not be competent. There was no development plan policy on which to found a refusal on the basis of the carbon impact of the development, but it would be possible to raise a condition so that the developer must reduce carbon emissions. Mr Millar also proposed the wording for the tree protection condition.

Councillor Forrest seconded the Convener's proposed three conditions.

Mr Dingwall gave a suggested reason for refusal, should Committee vote to refuse the application, which was that the use of the proposed hot tubs would be harmful to the amenity of the area by residential properties, contrary to the policy DP5 of the adopted East Lothian Local Plan 2015.

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

For: 7 (Councillors Hampshire, Cassini, Forrest, McGinn, McLeod, McMillan, and Yorkston)  
Against: 4 (Councillors Collins, Findlay, Gilbert, and McIntosh)  
Abstentions: 0

## DECISION

The Committee agreed to grant planning consent, subject to the following 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 1.8 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 1.8 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.

- 7 No development shall take place onsite until a plan has been submitted and approved by the planning authority detailing the position of the required temporary protective fencing in accordance with Figure 2 of British Standard 5837/2012 - Trees in Relation to Design, Demolition, and Construction. The fencing must remain in place until completion of the development.

Reason

To ensure retention of the existing ash tree positioned within the southeast end of the site in the interests of the character, amenity, and appearance of the Dunbar conservation area.

- 8 Prior to the commencement of development hereby approved, 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 measures to be taken to reduce energy consumption and water use from the hot tubs, provision of renewable technology, 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.

**3. PLANNING APPLICATION NO. 22/00559/P: 6 LAIRDS CRESCENT, HADDINGTON – ERECTION OF GARDEN ROOM AND HEIGHTENING OF FENCE (PART RETROSPECTIVE)**

A report was submitted in relation to Planning Application No. 22/00559/P. Scott Robertson, Planner, presented the report, summarising the key points. The report recommendation was to grant consent.

Responding to questions from Councillor McMillan, Mr Robertson said that although the garden room was not finished in the same way as the surrounding houses, the materials were modern and complementary to the setting of the garden. He felt they sat nicely within

the surroundings of a modern development. He felt that the room did not appear dominant when compared to the surrounding buildings. Responding to another question on building materials from Councillor Gilbert, Mr Robertson advised that he had not seen a garden room that would match the finish of the surrounding houses.

Responding to questions from the Convener and Councillor McGinn, Mr Robertson advised that drainage was not included in the report because this would normally be considered under an application for a building warrant, but understood that the applicant intended create a gravelled area to help with drainage concerns. He also advised that the proposed heightening of the fence and the garden room would increase overshadowing at the same time of day. As less than 50% of the garden would be overshadowed, the structures passed the test.

Councillor Findlay asked whether the garden room could be approved without granting permission to raise the height of the fence. Mr Dingwall, and Carlo Grilli, Service Manager – Governance, confirmed that it would be competent to refuse a section of the application by conditions, provided that the majority of the development was acceptable.

Craig Smith, applicant, spoke to the application. He acknowledged the 13 submitted objections but felt comfortable that all material planning considerations could be addressed through the application, and felt the rest of the decision was down to taste. He noted that some housing developers advertised garden rooms as part of their package and expected that they would become a common site. The room had been built to provide additional living space for his family. He highlighted the property's severely sloped garden and situation at the top of the hill, meaning the structure would look downwards on neighbouring gardens. He noted the high specification of the garden room, and he had thought it met permitted development requirements when it was erected. He was happy to lay gravel, and had agreed to frosted glazing of a small window to protect privacy of neighbours.

Responding to a question from Councillor McMillan, Mr Smith advised that levelling the ground to lower the height of the garden room was an expensive process, and felt that lowering the height by 500mm would make little difference to the objections lodged. The placement of the garden room had been considered so that as little of the neighbouring garden would be overshadowed as possible. Responding to Councillor Yorkston's questions, Mr Smith advised that the raised fence height had been added following discussion with the residents of 4 Buchanan Avenue, to protect their privacy. Mr Robertson advised that the gravelled area would have to be present within an agreed timeframe after planning permission was granted, should a condition be added.

On the topic of lowering the height of the garden room, Mr Dingwall warned against imposing a condition which it may not be possible for the applicant to comply with, but advised that Members could continue the application to allow the applicant to undertake technical work to establish feasibility. Mr Dingwall also advised that the application had to be decided on its planning merits; it would not be competent to add a condition that the applicant and neighbours would come to an agreement over the height of the fence, however, Members could impose a condition which set the height of the fence.

Kate Kasprovicz spoke against the application. Her garden was directly behind the garden room. The objectors were all new residents and one of the group was an experienced town planner. She advised that three stairs to access the garden room provided a platform with a view into her property's kitchen, dining room, and garden, and felt this was an invasion of privacy. She did not accept the report's recommendations based on the site visit as valid because the site visit had not taken in her property, and said officers had shown a lack of concern for her quality of life. She said that had standards been properly applied, the application would be refused, and thus would be legally challengeable if granted. She noted concern over the small gardens, closeness of houses, that the garden room was in line with

the top of some of the houses sitting at a lower level, and that granting the application would set a precedent. She asked that the drainage problem be addressed, the height of the fence be agreed to protect her privacy, and that no other windows be permitted.

Responding to a question from Councillor Findlay, Ms Kasprovicz confirmed that she was happy with the proposed height of the new fence.

Doreen Copeland spoke against the application. She wished to have good relations with neighbours and to feel a sense of community in the area, but had been shocked when the garden room had been erected. She described it as overpowering and obtrusive, sitting at more than 5ft above the height of the existing fence. She would not have erected any structure without first consulting neighbours. She felt that the application left the door open for further such structures to be erected. She noted that the applicants had chosen to build the structure on stilts, which allowed views into her kitchen, dining room, and garden, making her feel overlooked and as though her privacy was being invaded. She noted that many neighbours had chosen to level their gardens; had the applicants done so, the garden room height would not be causing issue and she would not be objecting.

Councillor McMillan commented that the site visit had been helpful and the building well finished. He was disappointed that the structure had been erected; he disagreed that the room was absorbed well into its surroundings and felt instead that it was dominant and felt overbearing. He commented that it was a lovely building, but in his view it was incongruous. He would vote against the officer recommendation to grant consent.

Councillor Forrest acknowledged the planning officer's points, but said that the structure nevertheless felt overbearing and stuck out in the surrounding area. He was concerned that the raising of the fence would cause further overshadowing. He noted that the applicant had thought the structure was within the permitted development, but said officers were always available to check whether this had been the case prior to commencement. He would also vote against the officer recommendation.

Councillor McGinn commented that garden rooms were now a common sight in residential gardens. He valued use of garden space, and felt it was important that young people had a place to call their own. However, he also felt that neighbours must be able to enjoy their gardens, and said that the development's impact on sunlight in their garden between 2pm-5pm swayed his decision not to support the officer recommendation.

Councillor Cassini felt that the applicant would not have built something so obviously expensive without seeking advice, and felt that a decision should not be made until it was clear who had provided advice.

The Convener commented that the garden room sat within a high quality development on a sloped site. The nature of the property meant that the garden room had to be on a higher level compared to the neighbouring properties because it would be expensive to cut into the banking and build a retaining wall. He commented that the structure was attractive, and overlooking would not be an issue with the proposed heightened fence. He recommended that the Committee support the officer recommendation, with the inclusion of a condition to assist with drainage concerns. Mr Dingwall proposed a form of wording for the condition, and Councillor McLeod seconded the condition.

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

For:	8	(Councillors Hampshire, Cassini, Collins, Findlay, Gilbert, McIntosh, McLeod, and Yorkston)
Against:	3	(Councillors Forrest, McGinn, and McMillan)



Abstentions: 0

## DECISION

The Committee agreed to grant planning consent, subject to the following 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.

- 5 Within one month of the date of the grant of this planning permission, details of measures for drainage provision shall be submitted to and approved by the planning authority. Those details shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the details so approved.

Reason

To ensure proper drainage provision in the interests of the environment.

**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**

A report was submitted in relation to Planning Application No. 22/00460/P. Daryth Irving, Senior Planner, presented the report, summarising the key points. The report recommendation was to grant consent.

Responding to questions from Councillor Gilbert, Mr Irving explained that the landing site for the cables and substation were not fixed, due to this being an application in principle and the work not having been carried out yet, but would be fixed within the zone shown indicatively within the previous grant of planning permission. Mr Irving said that it had been indicated in the previous debate for the grant of planning permission in principle 21/00290/PPM that the landing zone could not be shared with the development of another onshore substation the subject of a separate planning application. He thought the construction site probably could be shared, but advised that this was unclear given the early stage of the development.

Responding to further questions, Mr Irving explained that conditions were such that officers had to be satisfied that all technical work and environmental impact assessments were in place prior to the commencement of development; it would not therefore matter which zone would be constructed first. Mr Irving also advised that a scheme of landscaping would be implemented at the conclusion of the development.

Michael Fenny and Amy Townsend, agents, were present and answered a question from Councillor McMillan. Mr Fenny said that the applicants were fully committed to local employment on the site insofar as possible, and were happy to engage with East Lothian Council on this.

The Convener welcomed the beginning of the works on this important part of the Cockenzie development. He then moved to the vote on the report recommendation, to grant consent, taken by roll call.

**DECISION**

The Committee unanimously 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 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 22,000m<sup>2</sup>, 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+a1:2014 "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<sub>Ar,Tr</sub> 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 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.

- 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.

**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**

A report was submitted in relation to Planning Application No. 22/00622/PM. Linda Ritchie, Senior Planner, presented the report, summarising the key points. The report recommendation was to grant consent.

Responding to questions from Councillor McIntosh, Ms Ritchie advised that only site preparation works should be ongoing at this stage. She also advised that no conditions to protect trees had been attached to previous planning applications, it had been accepted that for the development to proceed, some trees would have to be lost, but a scheme of landscaping would be put in place. Councillor McIntosh expressed that she felt this was not in keeping with East Lothian Council's climate emergency declaration, and pointed out that some trees had been removed long before work commenced, meaning unnecessary loss of a breeding season for birds. Responding to a question from Councillor Cassini, Ms Ritchie advised that the greyhound stadium structure had been taken down, and there were three ongoing housing applications relating to the site, as well as an application for a meat processing plant and retail unit.

Responding to further questions, Ms Ritchie advised that approval of the carbon emissions report would be delegated to officers, and Councillor McMillan suggested that officers could brief Planning Committee Members on the report.

Responding to a question from the Convener, Ms Ritchie advised that the Section 75 agreement associated with the sites had been modified the previous year. The housing works could commence on the site because there were legal assurances that the commercial land would be developed for economic purposes. Councillor McLeod welcomed the delivery of the employment land in particular.

Councillor McMillan also welcomed the economic development aspect of the site, and he and Councillor McGinn commented that Wallyford Community Council worked hard to integrate new members of the community. Councillor McGinn felt that development of the site was long overdue; it had importance to the growth of the ward and community, and he was keen that it add value to the residents of Wallyford and Whitecraig. The Convener also welcomed the high quality housing and economic development opportunities coming forward as part of the site.

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

## DECISION

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

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.

Signed .....

Councillor Norman Hampshire  
Convener of the Planning Committee

DRAFT

**REPORT TO:** Planning Committee  
**MEETING DATE:** Tuesday 6 September 2022  
**BY:** Executive Director for Place  
**SUBJECT:** Application for Planning Permission for Consideration

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**2**

Application No. **21/00872/P**  
Proposal Erection of two flats and associated works  
Location **Garden Ground Of 6 The Hawthorns  
Gullane  
East Lothian**  
Applicant Mr and Mrs Lorn and Catharine Macneal  
Per Pritchett Planning Consultancy

**RECOMMENDATION** Consent Granted

## **REPORT OF HANDLING**

### **PROPOSALS**

This application relates to part of the garden of the house of 6 The Hawthorns, Gullane, which is located at the western end of the residential cul-de-sac of The Hawthorns. The property of 6 The Hawthorns comprises of two roughly rectangular shaped areas: the eastern part of the plot on which the house and its garage and car port are positioned and the western part of the plot, which is largely planted with trees. The house occupies the northeast part of the eastern part of the plot and its detached garage and car port occupies the southeast part of that area of the plot with garden ground between them and to the west. There are further narrow areas of garden ground to the north and east sides of the house. There are a number of trees on the western part of the plot and on the southwest part of the eastern part of the plot. The trees on the western part of the plot and those on the southwest part of the eastern part of the plot are protected by Tree Preservation Order Nos.42 and 138.

The application site is within a predominantly residential area as defined by Policy RCA1 (Residential Character and Amenity) of the adopted East Lothian Local Development Plan 2018.

In July 2016 planning application 16/00589/PP was registered for planning permission in principle for the erection of one house on a site measuring some 4,340 square metres in area that comprises the western part of the garden of the house of 6 The Hawthorns and the southern third of the eastern garden of that house. Application 16/00589/PP was accompanied by indicative drawings illustrating how a detached house with a rectangular shaped footprint might be positioned towards the western side of the main western part of that application site and how parking for the proposed house and the existing house of 6 The Hawthorns could be provided on a shared driveway area on the eastern part of that site. The advice from the **Council's Landscape Officer (Policy & Projects)** to planning application 16/00589/PP was that the submitted tree report was for tree management purposes only and was now out of date having been prepared in April 2015 and being valid for only 12 months. The Landscape Officer further advised that the indicative layout shown on the application drawings would result in the loss of a significant number of trees from the site, which make a positive contribution to the landscape character of the area and form part of a wider group of trees that extend from Gullane Main Street to the south to Broadgait and linking to the treed areas to the north of the site. The Landscape Officer further stated that the visual importance of this band of trees in the wider area is further underlined by the placing of a TPO on a section of these trees at Broadgait (TPO No. 138). As a consequence the applicant's agent withdrew planning application 16/00589/PP.

In December 2016, the same applicants as for planning application 16/00589/PP, being Mr and Mrs C Chatham, submitted planning application 16/00973/PP for planning permission in principle for the erection of one house on the predominantly treed western part of the house plot of 6 The Hawthorns and with vehicular access being taken across the southern part of the larger eastern part of that house plot. In June 2017, planning application 16/00973/PP was refused with the reason for refusal being that "The placing of a house on the western part of the application site would result in the loss of trees from the application site that, due to their visual significance as a group with the other trees within the wider landscape setting of Gullane, make a significant positive contribution to the landscape setting and amenity of the area, and thus their removal from the site would have a detrimental visual impact on the landscape character and appearance of the area. Consequently, the principle of the erection of a house on the application site conflicts with Policies DP7, DP14 and NH5 of the adopted East Lothian Local Plan 2008 and with Scottish Planning Policy: June 2014".

The decision to refuse planning application 16/00973/PP was subsequently appealed to the Local Review Body. At their meeting of 21st September 2017 the Local Review Body upheld the refusal of planning application 16/00973/PP for the reasons set out in the original decision notice for planning application 16/00973/PP. That reason being that "The placing of a house on the western part of the application site would result in the loss of trees from the application site that, due to their visual significance as a group with the other trees within the wider landscape setting of Gullane, make a significant positive contribution to the landscape setting and amenity of the area, and thus their removal from the site would have a detrimental visual impact on the landscape character and appearance of the area. Consequently the principle of the erection of a house on the application site conflicts with Policies DP7, DP14 and NH5 of the adopted East Lothian Local Plan 2008, and with Scottish Planning Policy: June 2014."

In May 2018, a tree works application for the felling of 48 Scots Pine trees forming part of Tree Preservation Area No.42 on the western part of the garden of the house of 6 The Hawthorns and the replacement planting of trees in a different location on the garden was refused by East Lothian Council. The decision to refuse the tree works application was subsequently appealed to the Scottish Governments Planning and Environmental



Appeals Division (DPEA). In August 2018, the DPEA dismissed the appeal (TWCA-210-2000) and upheld the refusal of the tree works application. The DPEA Reporter concluded that whilst she accepted that the forty-eight Scots pine trees are in poor condition and would benefit from being felled, the safety issues of the trees do not outweigh the adverse effects on the amenity of the area that would result from the replacement planting not being in the same location as the existing trees.

In April 2021 planning permission 20/01434/P was granted for extensions, alterations and sub-division of the house of 6 The Hawthorns to form 2 flats and associated works. Work to implement planning permission 20/01434/P has commenced.

In June 2022 planning application 22/00628/P was registered for alterations to the building to form 2 houses as design changes to the scheme of development the subject of planning permission 20/01434/P. Planning application 22/00628/P is under consideration and stands to be determined on its own merits.

Through this current application, planning permission is now sought for the erection of a detached flatted building containing two flats and for associated works comprising the formation of hardstanding areas and the erection of boundary enclosures and a bin store.

The land of the current application site comprises an irregular shaped area of land that forms the majority of the garden ground of the house of 6 The Hawthorns. It measures some 3,150 square metres in area and comprises of two parts: the roughly rectangular shaped western part of the garden of the house of 6 The Hawthorns on which there are a number of trees and an irregular shaped eastern part, which comprises of roughly half of the remaining western and southern areas of garden ground of the house of 6 The Hawthorns, including the detached garage and car port. The land of the application site slopes downwards gradually to the north before levelling out on the northern part of the site roughly aligned with and to the west of the position of the existing house.

The current application site incorporates more of the garden of the house of 6 The Hawthorns than did withdrawn planning application 16/00589/PP and refused planning application 16/00973/PP.

The current application site is bounded to the north in part by land of the southwest part of Muirfield Golf Club and in part by the house of 6 The Hawthorns and what would remain of its garden ground. To the west the site is bounded in part by the single storey with attic accommodation house of Mossdale Muir and its garden ground and in part by the single storey house of The Howes and its garden ground. To the east is the house of 6 The Hawthorns and what would remain of its garden ground and the public road of The Hawthorns. To the south the site is bounded in part by the single storey house of The Howes and its garden ground and the two storey house of 5 The Hawthorns and its garden ground. To the southwest, is the house of Mossdale and its garden ground, and further to the east is the house and garden of 7 The Hawthorns.

An informal public footpath passes to the north of the site along the edge of the land of Muirfield Golf Club. Further to the north beyond the informal footpath is a further tree belt.

The application site is enclosed along its north boundary with the land of Muirfield Golf Club by a combination of 1.8 metres high timber 'hit & miss' vertical board fencing and a blockwork wall some 1.1 metres high. The west boundary of the site with the property of Mossdale Muir is enclosed by 1.6 metres high timber horizontal board fencing. The south and west boundaries of the site with the house and garden of The Howes and the house and garden of 5 The Hawthorns are enclosed by timber fencing some 1.8 - 2.0

metres in height. The east boundary of the site with the public road of The Hawthorns is open for vehicular access to the existing detached garage and car port, which otherwise enclose that boundary. The parts of the east and north boundaries of the site with what would remain of the garden of the house of 6 The Hawthorns are not presently enclosed.

The now proposed detached flatted building would provide accommodation over two floors and would contain two flats, each comprising of 3-bedrooms. The proposed flatted building would be positioned to the west of the position of the existing house of 6 The Hawthorns and on a general alignment with that existing house so that its north and south elevations would be on a similar alignment to the north and south elevations of the existing house of 6 The Hawthorns. Its roof would be part steep mono-pitch and part flat. An entrance porch would project on its east side and an external first floor terrace would project on its west side. Solar panels would be installed on its flat roof. Its external walls would be finished with a combination of white render and larch timber cladding and its roofs would be finished with a combination of zinc and single-ply roofing membrane.

Each of the proposed two flats would benefit from an area of garden ground with the ground floor flat retaining the majority of garden ground, including the woodland area to the west of the position of the proposed flatted building.

A timber enclosure comprising a bin storage area to serve the two proposed flats would be located at the western end of the parking area.

New areas of hardstanding would be formed to the south, west and east sides of the proposed flatted building.

Access to the proposed flatted building would be taken from the public road of The Hawthorns via the existing vehicular access to the existing detached garage and carport on the southeast part of the site. A new parking area with space to accommodate 9 cars would be formed on the southeast part of the site. That parking area would provide parking for the proposed flatted building the subject of this application, and for the two flats to be formed through the sub-division and alteration of the existing house of 6 The Hawthorns approved by the grant of planning permission 20/01434/P. To facilitate the formation of the proposed vehicular access and parking area, the existing garage and carport would be demolished and removed. The demolition and removal of the existing garage and carport is not development for which planning permission is required and thus does not form part of the assessment of this application for planning permission.

Since the application was registered the proposals have been amended to:

- 1) Show the positions of solar panels and air source heat pumps on the application drawings;
- 2) Provide a drawing showing elevations of the proposed bin storage area;
- 3) Provide a drawing showing a streetscape elevation of the proposed development alongside the existing houses in views from the north;
- 4) Clarify details on the application drawings;
- 5) Clarify that the use of the proposed flats is as residential properties and not as holiday letting accommodation;
- 6) Correct errors on the application drawings;

- 7) Provide drawings showing sections through the southern part of the application site;
- 8) Provide clarification on the number of trees proposed to be felled, their locations, and the locations of new tree planting;
- 9) To move the proposed flatted building further to the east on the application site;
- 10) Reduce the footprint of the northwest single storey component of the proposed flatted building and the orientation of its external staircase; and
- 11) To move the proposed vehicular access further to the south and change the layout of the proposed car parking spaces.

All of these changes are shown on revised and additional drawings submitted by the applicant's agent.

In addition, the Design Statement has been amended to reflect the changes to the application drawings.

Following consultation with the **Council's Biodiversity Officer**, a bat survey and breeding bird assessment has been submitted for the proposed development.

Furthermore, following consultation with the **Council's Road Services**, the position of the proposed vehicular access from the public road of The Hawthorns has been amended and moved some 4 metres further to the south so that it would now be adjacent to the property of 5 The Hawthorns, and as a result of this the on-site parking and turning arrangement has been amended so that the majority of parking spaces would also be adjacent to the boundary with the neighbouring property of 5 The Hawthorns.

The changes to the vehicular access position and the on-site parking and turning arrangement and the changes to the size and position of the footprint of the proposed flatted building are significant changes to the proposals, and therefore are material changes to the proposed development, and because of this the application has been re-registered and accordingly neighbours were again notified and the application was again advertised.

A Supporting Planning Statement, a Design Statement, a Carbon Reduction report, a Bat Assessment and Breeding Birds report, a Transportation Overview report, a Tree Survey report, and a Woodland Management Plan have been submitted in support of the application.

The Supporting Planning Statement explains that the importance of the trees on the site in the wider urban and rural context is not disputed however, the application seeks to put forward proposals which will lead to the enhancement of the tree belt by increasing its diversity and longevity taking into account previous decisions and the desirability of replacing 48 Scots pines. The Statement purports that the proposed development would result in visual enhancement to the area through the development of the proposed flats and the new tree planting. It is further argued that the proposed tree planting would reinforce the links between the trees on the site and trees that are established to the south, and that the aim is to enhance the TPO and to ensure its long term viability and management.

The Supporting Planning Statement refers to the planning history of the site including the tree works appeal to the Scottish Governments Planning and Environmental Appeals

Division (DPEA), and sets out the relevant planning policies and guidance and other material considerations relevant to the proposed development and the Applicant's Agent's interpretation of those policies and considerations relative to the proposed development for the erection of a flatted building containing two flats on the application site.

The Design Statement explains that the proposed development would create a high quality living environment that would be of a scale and design that would be attractive to people looking to reside in the village for the first time or for those that may be downsizing but looking for high quality bespoke housing which has a contemporary feel.

## **DEVELOPMENT PLAN**

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

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

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

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

Policies RCA1 (Residential Character and Amenity), DC6 (Development in Coastal Areas), DC9 (Special Landscape Areas), DP1 (Landscape Character), DP2 (Design), DP7 (Infill, Backland and Garden Ground Development), T1 (Development Location and Accessibility), T2 (General Transport Impact), NH3 (Protection of Local Sites and Areas), NH4 (European Protected Species) and NH8 (Trees and Development) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of the application.

Also relevant to the determination of the application is planning policy guidance on urban infill housing development given in Scottish Planning Policy: June 2014 and Planning Advice Note 67: Housing Quality.

PAN 67 explains how Designing Places should be applied to new housing. In PAN 67 it is stated that the planning process has an essential role to play in ensuring that: (i) the design of new housing reflects a full understanding of its context - in terms of both its physical location and market conditions, (ii) the design of new housing reinforces local and Scottish identity, and (iii) new housing 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 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 to the determination of the application is Scottish Government's Control of Woodland Removal Policy.

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

## **REPRESENTATIONS**

A total of 35 public representations to the application have been received (27 to the original proposals and 8 to the amended proposals). Twenty-four of those representations have been submitted by eight representors. All of the 35 representations raise objection to the proposed development and the main grounds of objection as summarised are:

- i) the loss of trees from the site and the importance of the trees on the site in their wider context. The trees on the site should not be viewed in isolation as they form part of a spinal feature running from Muirfield Golf Course, through the application site and down through the town, and the replanting proposals would be significantly different in shape and tree composition, breaking up the tree belt feature that contributes significantly to the local amenity;
- ii) woodland areas should not be destroyed to enable 2 houses to be built;
- iii) the loss of trees would have a detrimental impact on wildlife, including roosting bats, nesting owls and other birds;
- iv) previous planning applications to develop the site at the expense of the TPO have been refused by the Council and Scottish Government Appeals Division has refused tree works as well;
- v) noise, light and odour impacts from the car parking area would be detrimental to the amenity of neighbouring properties;
- vi) parking congestion is likely to be exacerbated and to result in emergency vehicles, deliveries, and refuse vehicles not being able to access the cul-de-sac and the application drawings do not take account of current parking density at the turning head at the west end of the cul-de-sac;
- vii) the parking provision would be inadequate to accommodate visitors to the proposed two flats and the two flats already approved to be formed through the sub-division of the existing house;
- viii) the proposals would result in road safety hazards;
- ix) the proposed flats would not be for residential use but would be used as rented holiday accommodation which would be incongruous with the residential purpose of the street;
- x) the loss of trees from the site would have a detrimental impact on the landscape character and amenity of the area;
- xi) new trees planted to replace those removed would not be protected by the TPO and some are proposed to be planted in an already congested part of the woodland;

xii) the nature of the proposed dwellings would further compound the crisis of non-availability of affordable homes within the Gullane and North Berwick area;

xiii) the proposals would not accord with Local Development Plan Policy DP7 and the supporting statement is misleading in respect of that policy;

xiv) the proposals are contrary to East Lothian Councils Climate Action Strategy;

xv) the proposals would be highly visible and would be harmful to the character and appearance of the area;

xvi) nuisance from construction to users of the footpath to the north of the site;

xvii) the terms of the Feu Disposition require the agreement of the majority of properties within the Muirfield Park estate and should be satisfied before planning permission can be granted;

xviii) contrary to the supporting statement the proposals conflict with Policies DP7 in that trees must be removed to accommodate the proposals, the proposed flats would be at odds with the single residencies otherwise on the street, scale of development would be unsympathetic to its surroundings, and the proposals would result in the loss of green space;

xix) the site is not allocated for residential development, could not be safely accessed and serviced, would be on the edge of a coastal area that is protected from development, and close to two SSSI's, and the proposals would be contrary to Policies DC6 (Development in Coastal Areas), DC8 (Countryside Around Towns), DP2 (Design), DP7 (Infill, Backland and Garden Ground Development) and T2 (General Transport Impact); and

xx) the validity and accuracy of the tree report is questionable as none of the trees have succumbed to the storms of earlier this year and the report inaccurately shows trees on the adjacent house plot.

Some of the representations refer to the terms of sale for the area of woodland, highlighting that the TPO protected woodland was sold by East Lothian Council in 1972 and the terms of sale included that "no building or structure..... should be built" and that it be used "in all time" as "a plantation of trees to be ....properly maintained... and any contravention and the agreement becomes null and void without declaration or other process of law"...."returning ownership to East Lothian Council".

The matter of the content and wording of the deed of sale for the woodland area is a civil matter between the relevant parties and is not a material planning consideration in the determination of an application for planning permission.

Some of the public representations to the application suggests that the proposed two flats could be used as holiday accommodation. What is applied for through this application is that the proposed two flats would be permanent residential accommodation. The application does not propose the use of the proposed two flats as holiday accommodation. Once built, if any of the proposed two flats were to be used as holiday accommodation, such use would be a material change in the use of the proposed two flats, for which a further application for planning permission would be required. Should any such application be forthcoming, such development would be assessed on its own merits.

Whether or not the woodland management report inaccurately plots the location of the trees on the adjacent land does not materially affect the assessment of this application for planning permission and the Landscape Officer has not raised concerns regarding the impact of the proposed development on the trees on neighbouring land.

## **COMMUNITY COUNCIL**

Gullane Area Community Council has been consulted on the proposals however no response has been received from them.

## **PLANNING ASSESSMENT**

The application site is not allocated for residential development in the adopted East Lothian Local Development Plan 2018. All of it is part of a larger area covered by Local Plan Policy RCA1. The principal purpose of Policy RCA1 is to ensure that the predominantly residential use of its area of coverage is safeguarded against the impacts of other land uses. Policy RCA1 does not actively promote the development of land for new build residential development. Policy RCA1 does state that infill and backland development will be assessed against Policy DP7 of the adopted East Lothian Local Development Plan 2018.

With respect to infill, backland and garden ground development Policy DP7 of the adopted East Lothian Local Development Plan 2018 states that such development should, amongst other principles of development, be of a scale, design and density sympathetic to its surroundings and not be an overdevelopment of the site. This is in line with the requirements of Scottish Planning Policy: June 2014 that planning authorities should ensure that where infill sites are assessed as suitable for development, proposals respect the scale, form and density of the surroundings and enhances the character and amenity of the community.

The application site is part of the curtilage of the residential property of 6 The Hawthorns. It is within a predominantly residential area and is surrounded by residential properties to three sides. Due to such locational circumstance, development of the site for the erection of a flatted building containing two flats would be urban infill housing development.

At present The Hawthorns is characterised by reasonable sized houses set in reasonable sized gardens. However, planning permission 20/01434/P approves the alteration, extension and sub-division of the existing house of 6 The Hawthorns to form two flats, and that grant of planning permission is currently undergoing construction.

The proposed development for the erection of a flatted building containing 2 flats on part of the garden of 6 The Hawthorns would continue the existing residential use of the site however with a higher intensity of use due to the flatted nature of the proposed development. Whilst undoubtedly the development of part of the garden of 6 The Hawthorns for the erection of a flatted building containing two flats would result in a higher level of occupancy and thus a higher associated generation of movement to and from the site, those higher levels of occupancy and movement would not themselves be harmful to the residential character and appearance and amenity of The Hawthorns. Furthermore, the movements associated with the proposed two flats on the application site would be unlikely to be so different as to appear to materially change the character of the site or the area. Thus, in these circumstances, the residential use and activities of the proposed flatted building comprising 2 flats would not in principle have a detrimental impact on the amenity of neighbouring residential properties and thus would not change the residential character and amenity of the area.

Accordingly, the proposed development, being urban infill housing development within a residential area is, in principle, consistent with Policies RCA1 and DP7 of the adopted East Lothian Local Development Plan 2018 and current Scottish Government planning policy guidance on urban infill housing development given in Scottish Planning Policy: June 2014.

Thereafter, the principal determining factor in this case is whether or not, having regard to national, strategic and local planning policy and guidance and other material considerations, the principle of fitting a building containing two flats onto the application site as urban infill housing development, is acceptable, with due regard to the impact such development would have on the character, appearance and residential amenity of the area, including its impact on neighbouring residential properties, whether or not such a new flatted building could be acceptably accessed and provided with a satisfactory on-site parking provision, whether or not such development would have any harmful environmental impacts, whether or not such a development would have a detrimental impact on the character of the coastal area and the adjacent Special Landscape Area, and whether or not such a development would have an adverse impact on the trees that are on the site, including those protected by Tree Preservation Order Nos.42 and 138, and the landscape character of the area.

There are a number of trees on the application site. Those on the western two-thirds of the application site and along the western edge of the eastern part of the application site are protected by Tree Preservation Order Nos.42 and 138. It should be noted that although the area of TPO No.42 extends eastwards to a point aligned with the west boundary of the site with the property of The Howes, the trees do not extend over all of that land but rather are set back on their eastern edge by some 6 - 9 metres from the eastern edge of the area identified as being the area of the TPO. The Council's Landscape Officer (Policy and Projects) advises that the woodland area on the western part of the application site forms an important component of the landscape character of the area. Being visible from the Golf Club land to the north and in glimpsed views from neighbouring streets. The area of woodland is read in conjunction with the woodland area on the Golf Club land to the north and with other groups of trees and individual trees which form a disjointed line of vegetation extending south to the A198 classified public road (Main Street).

Withdrawn planning application 16/00589/PP indicatively proposed the erection of a house on the western half of the western treed part of the garden of 6 The Hawthorns.

Refused planning application 16/00973/PP indicatively proposed the erection of a house on the eastern two thirds of the western treed part of the garden of 6 The Hawthorns, with replacement tree planting indicatively shown on the western third of the western treed part of the garden and on land to the east of that application site on what would remain of the garden of the house of 6 The Hawthorns.

Although in both cases the applications were for planning permission in principle only, it was apparent that the majority of the trees on the western treed part of the garden would be removed and that replacement trees would not be planted in the same area of the garden. Thus, disrupting the contribution that the woodland area on the western part of the application site makes to the landscape character of the area.

The current application differs from the previous applications for planning permission in principle (Refs: 16/00589/PP and 16/00973/PP) in that the now proposed detached flatted building would not be positioned wholly on the western treed part of the garden of 6 The Hawthorns but rather would be positioned further to the east with only a relatively



small part of its footprint being within the area of the site identified as land of TPO No.42.

Although, as stated earlier in this assessment report, the position of the proposed flatted building differs from the indicatively proposed houses of the previous planning applications (Refs. 16/00589/PP and 16/00973/PP) to development the western area of garden of the house of 6 The Hawthorns, nonetheless the application proposes the removal of 48 trees from the site including 47 Scots pine trees protected by Tree Preservation Order (TPO) No.42 and a Sycamore tree. The Tree Survey Report concludes that the Scots Pine trees on the western part of the site (those protected by TPO No.42) are in very poor and declining condition with tall spindly trunks and very small live crowns, and that these trees have a limited life expectancy and that further deterioration and wind-blow is inevitable over the next 10 to 20 year period. The Sycamore tree proposed to be removed is described as having a multi-stemmed crown form, suppressed crown development with bias to the east and with significant crown death and die-back, and being in terminal decline.

The Woodland Management Plan submitted with the application proposes the removal of the 48 existing trees from the woodland area on the western part of the application site and the planting of 48 replacement trees, shrubs and hedging, as well as maintenance of the retained trees on the site.

The Scottish Government Reporter's decision on tree works application appeal TWCA-210-2000 accepted that the Scots pine trees on the western treed part of the garden of 6 The Hawthorns would benefit from felling, and that thinning and/or the phased removal of those trees would increase the risk of wind-blow of the remaining Scots pine trees due to the exposed coastal location. However, the Reporter also concluded that due to the Scots pine trees being quite prominent in views from vantage points in this part of the village, should these (Scots pine) trees be felled, they should be replaced on a like-for-like basis and that the location of such planting should be at the same location as the felled trees or in their immediate vicinity (i.e. within the area covered by TPO No.42).

The original proposals the subject of this application positioned the proposed flatted building further to the west on the application site and the footprint of the proposed flatted building was larger. It also included the removal of a larger number of trees being the 48 Scots Pine trees and the Sycamore tree on the western part of the site and the 13 Scots Pine trees on the southeast part of the site that are protected by TPO No.138, and the planting of replacement trees on a different part of the site and primarily of a different species (i.e. not Scots Pine).

In respect of the original proposals, the **Council's Landscape Officer (Policy and Projects)** advised that the proposals would result in the loss of trees protected by the tree preservation orders and that there was a lack of replacement of these trees on the same location, thereby leading to the loss of a landscape feature important to the amenity and landscape character of the area. The Landscape Officer advised that should the Scots Pine Trees be removed, given their protection by TPO for their visual amenity value, to retain the landscape feature and offer the same landscape character in future years their replacement would have to be in the same location and of species that offer the same visual amenity value. The Landscape Officer notes that the original position of the proposed flatted building would prevent new tree planting in the location of the existing pine trees. Accordingly, the Landscape Officer advised that the original proposals could not be supported in landscape terms due to the loss of TPO tree cover, loss of integrity of the woodland and change to the landscape character of the area, which would have a negative effect on the local area in terms of its character and appearance and the impact on both the local and wider character and setting of Gullane, particularly in views from the coast and the North Berwick to Seton Sands Coast Special

Landscape Area to the north of the site.

As a result of these landscape comments, the footprint of the proposed flatted building has been reduced on its western side and the building has been moved further to the east. In addition, the number of trees to be removed has been reduced from 61 to 48. Furthermore, the replacement tree planting has been increased to 48 trees, including 27no Scots Pine trees planted on the location of the trees that are proposed to be removed and along part of the northern edge of the woodland area of TPO No.42 and to the southeast of it providing a connection to the retained Scots Pine trees on the southeast part of the site.

On these revised proposals for the proposed flatted building, the Council's Landscape Officer (Policy and Projects) comments that although the proposed flatted building would extend into the defined TPO area there are no existing trees at this location on the TPO area. The Landscape Officer also comments that although the tree survey report categorises the Scots Pine trees on the western part of the application site as being in poor condition, it classifies them as being Category C trees, not for immediate removal. However, the Landscape Officer further comments that the replacement of these trees would enable a proper managed woodland to be developed as part of the proposed development.

The landscape advice is that the revised proposals for the proposed flatted building address concerns regarding the proximity of the proposed development to the existing retained trees and the proposed trees, and that the now proposed replacement tree planting would, in the main, be undertaken on the location of the trees to be removed and would comprise of 48no trees to replace the 48no trees proposed for removal, including the planting of 27 Scots Pine trees to be planted on the location of the existing Scots Pine trees that are proposed to be removed and along part of the northern edge of the woodland area of TPO No.42 and to the southeast of it providing a connection to the retained Scots Pine trees on the southeast part of the site. The Landscape Officer notes that the Tree Survey report finds that the existing TPO trees on the western part of the application site have been planted in close proximity to each other and as a consequence the trees are overcrowded and suppressed. The Landscape Officer goes on to note that the spacing of the proposed tree planting would give a more sustainable spacing between the trees for their future growth.

The Landscape Officer comments that although the trees are categorised as Category C trees, not for immediate removal, the replacement of the Scots Pine trees would enable a proper managed woodland to be developed as part of the proposed development.

Subject to conditions being imposed to secure that only the trees identified by red dashed lines and tag numbers on the tree removal plan being removed, and to the replacement trees, shrub and hedge planting being carried out in accordance with the Woodland Planting proposals, the provision of the woodland management plan, and to the retained trees being protected during construction, the Landscape Officer does not raise objection to the proposals on landscape grounds.

There is potential for drainage, including SUDS, and the installation of other utility services to have a harmful impact on the TPO protected trees that are on the site. If not appropriately designed and positioned such drainage, including SUDS, and other utility services could potentially have a harmful impact on the protected trees. It would therefore be prudent to impose a condition on a grant of planning permission requiring details and layout of the drainage, including SUDS, and other utility services for the proposed development to be submitted for the prior approval of the Planning Authority.

Although the removal of the 48 trees from the TPO area of the application site would have an immediate impact on the landscape character and amenity of the area, subject to the replacement tree planting being undertaken as is proposed through this application and the woodland thereafter being monitored and managed, also as proposed through this application, details that could be secured through planning conditions, in time once the replacement tree planting has become established, in general views from the main public vantage points, including from the Golf Course land to the north, the treed area would not appear to be dissimilar to the present views of the TPO area. In contrast to the previous withdrawn and refused planning applications (respectively, Refs. 16/00589/PP and 16/00973/PP) half of the trees of the western part of the woodland area would be retained. Furthermore, all of the trees of the southeast part of the site would be retained. Thus, once that new tree planting becomes established the proposed tree removals would not have a detrimental impact on the amenity of the neighbourhood in terms of its landscape character and appearance. Accordingly, subject to the controls on the number of trees to be felled, the erection of temporary protective fencing to protect the retained trees during construction, the replacement tree, shrub and hedge planting being undertaken, and the trees thereafter being managed in accordance with the woodland management plan, the proposed development would not have a detrimental impact on the amenity of the area in terms of its landscape character and appearance and would not conflict with Policy NH8 of the adopted East Lothian Local Development Plan 2018 or with Scottish Government's Control of Woodland Removal Policy.

Once completed and occupied, the proposed flatted building and its garden ground would benefit from permitted development rights for alterations to the proposed flatted building and for the erection of structures and boundary enclosures within its curtilage. In order to ensure that any such further domestic development of the flatted building or its garden curtilage would not have a detrimental impact on the trees that are to be retained on the site and the new trees that are to be planted, and in order to protect the woodland character of the treed area of the site and to guard against increased pressure to remove the trees from the site, which would result in the loss of these important landscape features and would open up views of the proposed flatted building, it would be prudent for the Planning Authority to remove permitted development rights under the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (as amended) for any further development on the site other than that detailed in this application for planning permission. This matter could be controlled by a condition of a grant of planning permission.

The **Council's Biodiversity Officer** notes that the 'Bat Assessment and Breeding Birds Report' found that none of the trees surveyed had any potential for roosting features but that heavy ivy found to be growing on nine of the trees may provide roosting opportunities for individual bats, and that three further trees were found to have evidence of breeding birds (likely to be woodpigeon). On this basis, the Biodiversity Officer supports the recommendation of the report that the felling of trees on the site should be undertaken between October and March to avoid any impacts on bat species or breeding birds. This matter could be controlled by a condition of a grant of planning permission.

The Council's Biodiversity Officer further comments that the tree (including native species) and hedge planting are welcomed and would be likely to increase the biodiversity of the site.

Accordingly, the Biodiversity Officer raises no objection to the proposed development. Thus, the proposals would not have a detrimental impact on biodiversity and do not conflict with Policies NH3 and NH4 of the adopted East Lothian Local Development Plan 2018.

It is now necessary to consider the position, density, height, architectural form and finishes of the proposed detached flatted building.

With respect to infill, backland and garden ground development, Policy DP7 of the adopted East Lothian Local Development Plan 2018 states that, amongst other principles of development, it must, by its scale, design and density be sympathetic to its surroundings and not an overdevelopment of the site, and that landscape and boundary features important to the character of the area must where possible be retained.

Policy DP2 of the adopted East Lothian Local Development Plan 2008, amongst other things, requires that all new development must be well designed and integrated into its surroundings, and that physical or natural features that are important to the amenity of the area should be retained or adequate replacements provided where appropriate.

Whilst it is not essential to replicate existing building styles to build successfully in a Conservation Area or indeed in other locations, both national planning and development plan policy nevertheless state that in designing proposed new buildings developers should think about the qualities and the characteristics of places. The development should reflect its setting and 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.

The houses and other buildings of The Hawthorns and the houses to the west of the application site on Erskine Loan and on the north side of Erskine Road to the southwest of the site, within the context of which the proposed flatted building would be predominantly viewed are generally reasonable sized houses set within reasonable sized gardens. The main exception to this being the house of 6 The Hawthorns which has a larger garden than its neighbouring properties. That larger garden includes the wooded areas on which the trees are protected by tree preservation orders. The house of 5 The Hawthorns to the south of the application site had a similarly larger garden and with the benefit of planning permissions granted (Refs. 05/00957/OUT, 07/01129/FUL, 10/00707/P and 13/00669/P) a new house (now known as 5A The Hawthorns) was erected on part of its larger garden. In all of this the density of development of The Hawthorns is one of generally reasonable sized houses set within reasonable sized gardens.

Notwithstanding this, some of the existing houses are built up to or close to their side boundaries with neighbouring properties, and in some instances the built form of the existing houses and their associated garages extends across almost the full width of their plot. The houses of The Hawthorns, Erskine Loan and the north side of Erskine Road (to the west and southwest of the application site) and Muirfield Park to the east and southeast of The Hawthorns vary between single and two storeys in height and are of mixed architectural form and design, including dual pitched and asymmetrical roofs. Their external walls are predominantly finished with render and many have gable or other architectural detailing accented by horizontal or vertical board cladding. Their roofs are predominantly clad with natural slates. In the nearby streets of Muirfield Park and Erskine Road, roofs are also clad with red clay pantiles or concrete tiles.

In that the existing houses of The Hawthorns are positioned set back at varying distances away from the public road of The Hawthorns, there is thus no uniform building line to which the proposed flatted building should align itself. Nonetheless the proposed detached flatted building the subject of this application would be positioned to the west of the position of the existing house of 6 The Hawthorns and on a general alignment with that existing house so that its north and south elevations would be on a similar alignment

to the north and south elevations of the existing house of 6 The Hawthorns. In such position, the proposed flatted building would respect the positions of the houses of The Hawthorns relative to the public road and to their rear garden boundaries with the land of Muirfield Golf Club.

Moreover, although the proposed development would result in the sub-division of the existing garden ground of 6 The Hawthorns, as that area of garden ground is larger than that of the other properties of The Hawthorns, and that the plot retained by 6 The Hawthorns would not be dissimilar in size to that of the neighbouring house of 7 The Hawthorns, the proposed flatted building would not significantly increase the density and ratio of built form to garden ground of the area.

In the position proposed for it, to the west of and alongside the existing house of 6 The Hawthorns, which with the benefit of planning permission 20/01434/P is being subdivided to form 2 flats, the proposed flatted building would be well contained within its site, and would be positioned on a similar alignment to that existing house. Although the proposed flatted building would not have a direct frontage with the public road of The Hawthorns, the existing house of 6 The Hawthorns has only direct frontage with the public road at its vehicular access to its garage/carport and otherwise that existing house is set back from the public road. The house of 5A The Hawthorns also does not have a direct frontage with the public road of The Hawthorns but rather is similarly set back from the public road with its only frontage being that of its shared access driveway with 5 The Hawthorns. The proposed flatted building would maintain a similar frontage with the public road of The Hawthorns as that which exists for the existing house of 5A The Hawthorns and the property of 6 The Hawthorns.

On its east side the two storey part of the proposed flatted building would be positioned only some 0.9 to 1.3 metres away from the east boundary of the site with what would remain of the garden of the existing house of 6 The Hawthorns and the single storey porch component of the proposed flatted building would abut that east boundary. At such distance the two storey component of the proposed flatted building would be only some 3.6 metres away from a single storey component of the neighbouring house to the east. The house of 6 The Hawthorns is with the benefit of planning permission 20/01434/P presently undergoing construction works to sub-divide it to form two flats, including alterations to that existing single storey part of the building. Although positioned close to the east boundary with what would remain of the garden of 6 The Hawthorns and thus in close proximity to that existing house which is in the process of being converted to form 2 flats, the proposed flatted building would be positioned at a splayed angle to the existing house of 6 The Hawthorns and to that existing building as it is proposed to be extended and altered to form 2 flats. Thus, in that the east/southeast elevation of the proposed flatted building would splay away from the west/southwest elevation of the existing building of 6 The Hawthorns it would create space between the two buildings and in such position, the proposed flatted building would not appear harmfully overbearing or dominant to the occupiers of the neighbouring building of 6 The Hawthorns either as a house or as it is proposed to be extended and altered to form 2 flats.

The proposed flatted building would be predominantly two storeys in height, with a maximum height of some 8.3 metres to the highest part of its mono-pitched. At such height the proposed flatted building would be in keeping with the varied heights of the houses and other buildings in the locality.

The existing house of 6 The Hawthorns is not readily visible in public views from the road of The Hawthorns. Views of it are predominantly from the informal footpath that passes along the Golf Club land to the north. Similarly, the proposed flatted building would only

be partially visible in public views from the road of The Hawthorns but would be readily visible in views from the informal footpath that passes along the Golf Club land to the north of the application site. In such views as there would be of it the proposed flatted building would be seen in the context of the existing building of 6 The Hawthorns and the adjoining houses of 5 and 7 to 10 The Hawthorns and the houses of Erskine Loan further to the west. It would also be viewed in the context of the trees that are to be retained on the site and the woodland area outwith the site to the north, and in time, once established, the new tree, shrub and hedge planting will also contribute to the landscape setting of the proposed flatted building. In all of this the proposed flatted building would be of a similar scale, massing and positioning to the existing houses of The Hawthorns and the wider locality and would not appear out of keeping or overly dominant within the streetscape.

The houses and buildings of The Hawthorns, Erskine Loan and the north side of Erskine Road, and of Muirfield Park are of mixed architectural form and design, including dual pitched, mono-pitched and asymmetrical roofs. In terms of its architectural form and design, the proposed flatted building would have a contemporary form comprising steep mono-pitched and flat roofed components. In the context of the mixed architectural form of the houses and other buildings of The Hawthorns, Erskine Loan, the north side of Erskine Road and Muirfield Park, the proposed flatted building would not be out of keeping with the architectural form and composition of other houses and buildings in the locality, and would add to and complement that existing mixed architectural form. It would be a contemporary interpretation of the mixed architectural form and design of the existing surrounding built form.

The use of a white rendered finish for parts of the external walls of the proposed detached flatted building would be in keeping with the finish of the external walls of the existing house of 6 The Hawthorns and with the finish of the external walls of the other houses and buildings of The Hawthorns and wider locality.

The use of vertical board larch timber cladding for the finish of parts of the external walls of the proposed flatted building is not a material used on the external walls of the houses and buildings of The Hawthorns. However, it would not be dissimilar to the board cladding used to accent gables and other features of some of the houses in the locality, and would add to and complement the palette of existing finishes of the buildings of the area. It would sit comfortably alongside the otherwise white rendered finish of the building. The predominant finish of the external walls of the proposed flatted building would still be white render.

The use of a profiled zinc roof cladding for the surface finish of its pitched roofs is not a material used on the roofs of the houses and buildings of The Hawthorns, and it would be used on the east facing roof slope of the mono-pitched roof of the proposed flatted building. In such position on the proposed flatted building the zinc roofing material would be likely to be partially visible in public views from the public road of The Hawthorns and to be visible in public views from the informal footpath on the land to the north of the site. However, zinc cladding is a traditional roofing material and in such public views as there would be of it, its grey colouring would not be dissimilar to the grey colour of the existing slate roofs of the neighbouring houses and buildings. Moreover, the use of a profiled zinc roofing material would not be out of keeping with the contemporary architectural character of the proposed flatted building. In all of this, the use of zinc roof cladding would sit comfortably alongside the natural slate roofs of the existing neighbouring houses and buildings and would not cause the proposed flatted building to appear harmfully prominent and intrusive within the streetscape.

The single ply roofing membrane that would be used to clad the flat roofs of the

proposed flatted building would not be dissimilar to the grey colour of the existing slate roofs of the neighbouring houses and buildings, and due to its use on the flat roofs would only be partially visible in public views.

Accordingly, the palette of external finishes of white render, vertical board larch timber cladding, zinc roof cladding and single ply roofing membrane would not be harmful to the character and appearance of the existing houses and building in the locality or the character and appearance of the streetscape. Such proposed finishes would complement and harmoniously contrast with the existing palette of external finishes of the existing houses and buildings of the streetscape and wider area and would not cause the proposed flatted building to appear harmfully prominent or intrusive within the streetscape. Rather the proposed flatted building would sit comfortably alongside the existing built form of the area.

The proposed solar panels would be installed on the flat roof of the proposed flatted building and would comprise only a small feature on the roof of the proposed flatted building. In their position on the flat roof of the proposed flatted building, they would not be readily visible in public views, and in any partial views of them, the proposed solar panels would appear as a subservient component on the roof of the flatted building and would be viewed in the context of the greater massing and bulk of the proposed flatted building. They would not cause the proposed flatted building to appear harmfully prominent and intrusive within the streetscape.

An air source heat pump unit is proposed for each of the proposed 2 flats. The proposed air source heat pump units would be positioned at ground level adjacent to the northeast elevation of the proposed flatted building. In such position they would not be readily visible in public views and would be a subservient component of the flatted building, which would be seen in the context of the greater massing and bulk of the proposed flatted building. By virtue of their size, form, appearance and positioning, they would not cause the proposed flatted building to appear harmfully prominent and intrusive within the streetscape.

The **Council's Senior Environmental Health Officer** raises no objections to the application. They have however recommended that the proposed solar panels should be fitted with bird-proofing measures in the form of wire or netting so as to prevent vermin birds gaining access under the panels for roosting/nesting. They also state that a condition should be attached to any consent requiring that noise associated with the operation of the air source heat pumps shall not exceed Noise Rating curve NR20 at any octave band frequency between the hours of 23:00-07:00 and Noise Rating curve NR25 at any octave band frequency between the hours of 07:00-2300 within any neighbouring residential property. All measurements to be made with windows open at least 50mm. A condition can be attached to any consent issued to control the noise associated with the proposed air source heat pumps. Pending compliance with such a condition, the proposed air source heat pumps would not have a detrimental impact on neighbouring residential amenity.

However, in respect of the bird-proofing measures for the solar panels, it has not been the Council's approach to insist on such netting in previous instances for the installation of solar panels and the Council's Senior Environmental Health Officer has not provided any evidence in this instance to demonstrate that birds would be a particular problem in this instance. As such, the imposition of such a condition would not be reasonable in this instance.

The boundary enclosures in the locality vary in height and form, including low timber fencing, high hedging and high rendered walls to the street frontage and timber fencing

of varying heights along the dividing boundaries of gardens. In addition, the houses of The Hawthorns have a variety of hardstanding areas within their front and rear gardens.

It is proposed to remove the existing garage and car port at the street frontage of the application site and to form a new access to the site at that location. The vehicular access would be positioned immediately adjacent to the neighbouring property of 5 The Hawthorns. A low wall with landscape area would be erected to the north side of the vehicular access. Otherwise the boundary enclosure at the southern end of the eastern part of the plot, being high rendered wall and a black metal pedestrian gate, would be retained. A parking area with space for 9 cars would be formed on the southern part of the eastern part of the site. A bin storage area to serve the two flats the subject of this application would be formed at the western end of that parking area.

This layout of vehicular access and parking area would be readily visible in the streetscape from the western end of the public road of The Hawthorns. However, the majority of the houses of The Hawthorns have a driveway and parking area between it and the public road, which is visible in the streetscape and those driveways and parking areas vary in size. Subject to the low roadside boundary wall to be formed to the north side of the vehicular access being of a height, form, appearance and finish in keeping with the streetscape, a detail that could be secured through a planning condition, although the proposed parking area would be of a greater extent than those existing driveway and parking areas, in its location at the western end of the public road of The Hawthorns it, along with the low roadside boundary wall, would not appear harmfully prominent and intrusive within the streetscape to such an degree as to be harmful to the character and appearance of the streetscape or of the area.

Otherwise, the proposed boundary enclosures comprise the erection of 1.5 metres high horizontal slatted timber fencing along parts of the east and south boundaries of the garden of the flatted building respectively with what would remain of the garden of 6 The Hawthorns and with the proposed parking area, and the formation of two openings in the north boundary of the site and the erection of two pedestrian gates in those openings to provide access from the site to the Golf Club land to the north. In their positions on the site and by virtue of their height, form and materials, the proposed 1.5 metres high timber fencing, in its relationship with the proposed flatted building and in the context of the existing boundary enclosures of the area would not be out of keeping with those existing boundary enclosures, would not appear harmfully prominent and intrusive within the streetscape, and would not be harmful to the character and appearance of the streetscape or of the area. No details of the proposed pedestrian gates have been provided. Subject to the two pedestrian gates to be erected in the north boundary of the site being of a height, form, appearance and finish in keeping with the character of the area, a detail that could be secured through a planning condition, the proposed boundary enclosures, seen as they would be in the context of the proposed flatted building and the neighbouring buildings and enclosures, would not appear harmfully prominent and intrusive within the streetscape to such an degree as to be harmful to the character and appearance of the streetscape or of the area.

The proposed hardstanding areas, in their relationship with the proposed flatted building, and in the context of the existing hardstanding areas of the streetscape, would not be out of keeping with the existing hardstanding areas of the locality, and would not appear harmfully prominent and intrusive within the streetscape and would not be harmful to the character and appearance of the streetscape or of the area.

The bin storage area would be located at the western end of the parking area, some 22 metres away from the public road of The Hawthorns. It would comprise a 1.5 metres high horizontal board timber fenced enclosure. In its position the proposed bin storage



area would be viewed against the backdrop of the trees on the western part of the eastern part of the site and in the context of the proposed flatted building and the existing 1.8 - 2.0 high boundary fencing. In this context and by virtue of its position, form, appearance and finish, the proposed bin storage area would not appear harmfully prominent and intrusive within the streetscape and would not be harmful to the character and appearance of the streetscape or of the area.

Subject to details of the low roadside boundary wall to be formed to the north side of the vehicular access and of the pedestrian gates being submitted for the approval of the Planning Authority, details that could be secured through planning conditions, the proposed vehicular access, parking area, boundary enclosures, hardstanding area, and bin storage area would not appear harmfully prominent and intrusive within the streetscape to such an degree as to be harmful to the character and appearance of the streetscape or of the area.

The proposed flatted building would be surrounded by garden ground on all sides and would be subdivided to provide garden ground for each of the proposed two flats. Most of the garden ground would be overlooked by windows of both of the proposed two flats within the building, however this is not an uncommon occurrence for flatted properties.

Accordingly, on all of these foregoing considerations of positioning, density, height, architectural form and design and external finishes, the proposed detached flatted building, by virtue of its size, scale, height, positioning, form, design, and external finishes would comfortably fit into the mixed pattern and density of the existing built form of the area, and would not harmfully alter the pattern and density of the established layout and built form of the houses and other buildings of The Hawthorns and the wider locality. The proposed flatted building and its associated works would sit comfortably in their relationship with the neighbouring buildings and would not be a crammed form of infill housing development. It would have a similar plot density to the other buildings in the surrounding streets. In its positional circumstance and by virtue of its size, scale, height, positioning, form, design, and external finishes, the proposed flatted building and associated works would appear appropriate within their context and location and would not be harmful to the character and appearance of the surrounding streetscene or wider area. The proposed development would not constitute an overdevelopment of the site or of the garden of the existing house of 6 The Hawthorns.

There is sufficient land within the site to accommodate all of the proposed development and to provide each proposed flat with a sufficient sized garden and adequate parking provision and vehicular access without there being an overdevelopment of the site. Development of the site would not result in any loss of open space important to recreation or amenity requirements.

The application site is also part of the developed coast as defined by Policy DC6 of the adopted East Lothian Local Development Plan 2018. Policy DC6 states that new development within the developed coast will be supported in principle if it complies with other relevant Plan policies. The site is also immediately adjacent to the North Berwick to Seton Sands Coast Special Landscape Area as identified by Policy DC9 of the adopted East Lothian Local Development Plan 2018.

As appropriate development on part of the garden of the existing house of 6 The Hawthorns and otherwise within the built form of The Hawthorns and the wider urban area of Gullane, that would not be harmful to the character and appearance of the streetscape or of the wider area, the proposed flatted building and its associated development would not be harmful to this part of the East Lothian coast area and would not therefore conflict with Local Development Plan Policy DC6 on matters relating to

development within the Developed Coast. Nor would it be harmful to the setting of the North Berwick to Seton Sands Coast Special Landscape Area and as such it would not conflict with Local Development Plan Policy DC9 on matters relating to development within the a Special Landscape Area.

On all of these considerations, the proposed development would not conflict with Policies DP1, DP2, DP7, DC6 and DC9 of the adopted East Lothian Local Development Plan 2018.

Policies DP2 and DP5 of the adopted East Lothian Local Development Plan 2018 require, amongst other considerations, that new development should not result in any significant loss of daylight, sunlight or privacy to adjoining properties as a result of overshadowing or overlooking.

On the matter of the impact of the proposed flatted building on daylight and sunlight on neighbouring properties, guidance is taken from "Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice" by P.J. Littlefair.

In its position relative to the existing house of 6 The Hawthorns, to the east of the site, the proposed flatted building would not sit parallel to that existing house, rather it would be positioned at a splayed angle to the existing house, being closest at its northern end and further away at its southern end. The proposed flatted building, at its closest, would be only some 3.6 metres away from the single storey northern part of the existing house of 6 The Hawthorns, and otherwise would be some 11 metres (minimum) away from the two storey southern part of that existing house. That existing single storey northern component of the existing house has ground floor windows in its southwest elevation wall, and there are further ground floor and first floor windows in the southwest elevation of the two storey southern part of that existing house. By the grant of planning permission 20/01434/P the existing house of 6 The Hawthorns has permission to be converted into two flats. Under that approved scheme of development, there would be no windows in the single storey northern component, which would be the same distance, 3.6 metres (minimum), away from the proposed flatted building. The approved scheme of alteration and sub-division of the existing house of 6 The Hawthorns to form 2 flats would also include the provision of ground floor and first floor windows on its southwest two storey component, which would be a minimum of 7.0 metres away from the proposed flatted building. Construction works to implement the grant of planning permission 20/01434/P have commenced on the house of 6 The Hawthorns. By virtue of its height, positioning and orientation, the proposed flatted building would result in a harmful loss of daylight received by the windows of the approved scheme of sub-division of the existing neighbouring house of 6 The Hawthorns to form two flats (Ref. 20/01434/P).

Planning application (Ref. 22/00628/P) seeks to vary the grant of planning permission 20/01434/P for the sub-division of the existing house of 6 The Hawthorns to form two flats and proposes extension and alteration to that approved scheme of development including a change to the means of sub-division to now form two semi-detached houses rather than two flats. That scheme of development proposes altered window arrangements on the southwest elevations of the single storey and two storey components of the altered and extended building of 6 The Hawthorns. Planning application 22/00628/P is at this time not determined and stands to be determined on its own merits. The proposed flatted building would impact on the daylight received by ground floor windows now proposed for the southwest elevation of the proposed altered scheme of development for the existing house of 6 The Hawthorns (planning application ref. 22/00628/P). However, the windows affected would serve a bathroom, study and entrance porch, and the Guide does not define the windows of such rooms as being light

sensitive. Thus, in accordance with The Guide the impact on the daylight received by these ground floor windows is not deemed to be a harmful loss of daylight.

Thus, by virtue of its height, positioning and orientation, the proposed flatted building would not result in a harmful loss of daylight received by the windows of the existing house of 6 The Hawthorns, or to the approved scheme of sub-division of that existing neighbouring house to form two flats (Ref. 20/01434/P), or to the proposed scheme of sub-division of that existing neighbouring house to form two houses (Ref. 22/00628/P) or to any other neighbouring residential property.

By virtue of its height, positioning and distance away from neighbouring residential properties, the proposed flatted building would not give rise to a harmful loss of sunlight to any neighbouring house to the west and south.

By virtue of its height, positioning and distance away from neighbouring residential properties, the proposed flatted building would impact on the sunlight received by the garden of the existing house of 6 The Hawthorns, the garden of the scheme of development approved by the grant of planning permission 20/01434/P and the garden of the now proposed scheme of development the subject of planning application 22/00628/P. However, in accordance with The Guide at least half of the garden of that neighbouring property would receive sunlight for at least 2 hours, and thus, the impact on the sunlight received by that neighbouring garden ground is not deemed to be a harmful loss of sunlight. Therefore, the proposed development would not have a harmful affect on the residential amenity of that neighbouring property.

In turn, the proposed flatted building would receive a sufficient amount of daylight and its garden a sufficient amount of sunlight.

In its position only some 3.6 metres (minimum) away from the existing house of 6 The Hawthorns and the approved and proposed schemes of sub-division of that house, and with its two storey component being only some 0.9 of a metre to 5.0 metres away from the east boundary of the site and its single storey porch abutting the east boundary of the application site, the proposed flatted building would be positioned close to that neighbouring property. However, in that the southeast elevation of the proposed flatted building would splay away from the southwest elevation of the existing building of 6 The Hawthorns it would create space between the two buildings and in such position, the proposed flatted building would not appear harmfully overbearing to the occupiers of the neighbouring building of 6 The Hawthorns.

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

There are no residential properties to the north of the application site. Therefore the windows and glazed doors of the north elevation of the proposed flatted building would not allow for harmful overlooking of any neighbouring residential properties to the north.

The west elevation of the proposed flatted building would be some 39 metres away from the west boundary of the site with the garden of the property of Mossdale Muir and thus would not allow for harmful overlooking of that neighbouring residential property to the west.

The south elevation of the proposed flatted building would be some 20 metres away from the south boundary of the site with the garden of the property of The Howes and some 40 metres away from the garden of the property of 5 The Hawthorns, and thus would not allow for harmful overlooking of those neighbouring residential properties to the south.

The windows and glazed doors of the northeast/east elevation of the proposed flatted building would be less than 9 metres away from the east boundary of the site with the garden of the existing house of 6 The Hawthorns. The application drawings propose the enclosure of the east boundary with what would remain of the garden of 6 The Hawthorns with 1.5 metres high horizontal board timber fencing with 50mm gaps between the fencing boards. Such fencing would not be of a sufficient height or solidity to prevent overlooking between the ground floor windows of the northeast/east elevation of the proposed flatted building and the windows of the house and garden of 6 The Hawthorns or that building as it is proposed to be altered to form 2 flats.

The application drawings show that the side-light window of the entrance door of the main northeast/east elevation and the first floor windows of the main northeast/east elevation of the proposed flatted building would be obscurely glazed. Such obscure glazing would be sufficient to prevent harmful overlooking of the neighbouring residential property and its garden ground from those windows. However, such obscure glazing would also require to apply to the ground and first floor windows of the projecting northeast/east facing return of the western part of the proposed flatted building, which would be only some 7 metres away from the northeast/east boundary of the site. The requirement for the installation of obscure glazing could be made conditional of a grant of planning permission.

Subject to the installation of obscure glazing to all of the ground floor and first floor windows of the main northeast/east elevation of the proposed flatted building and to the ground floor and first floor windows of the projecting northeast/east facing return of the western part of the proposed flatted building, a detail that could be controlled by a condition of a grant of planning permission, the ground and first floor windows of the northeast/east elevations of the proposed flatted building would not allow for harmful overlooking of the neighbouring property(ies) to the east and its garden ground.

The proposed flatted building would be surrounded by garden ground on all sides and would be subdivided to provide garden ground for each of the proposed two flats. Most of the garden ground would be overlooked by windows of both of the proposed two flats within the building, however this is not an uncommon occurrence for flatted properties.

The proposed first floor roof terrace of the western part of the proposed flatted building would overlook garden ground of the proposed flatted building. However, it is not uncommon for flatted properties to not have garden ground/amenity space that is not overlooked by another flatted property within the flatted building. Other than the garden of the proposed flatted building, the proposed first floor roof terrace, by virtue of its orientation and distance away from neighbouring properties to the west, south and east, would not be within 9 or 18 metres of any neighbouring garden or house, and thus would not allow for harmful overlooking of any neighbouring property.

Notwithstanding the above assessment, once built, further windows or other glazed openings, including roof windows, could be formed at ground or first floor or attic level in the northeast/east elevation of the flatted building without the need for planning permission for them. Such ground or first floor or attic level windows or other glazed openings, including roof windows, would have the potential to allow for harmful overlooking of the neighbouring property of 6 The Hawthorns to the east. Therefore, it

would be prudent for the Planning Authority to remove permitted development rights for the formation of further ground or first floor windows or other glazed openings, including roof windows, in the northeast/east elevation of the building that would comprise the proposed two flats. This matter could be controlled by a condition attached to a grant of planning permission for the proposed development.

The ground floor and first floor window of the neighbouring building of 6 The Hawthorns would be less than 9 metres away from the east boundary of the site and less than 18 metres away from directly facing windows of the proposed flatted building. The ground and first floor windows of the proposed flatted building are shown on the application drawings to be obscurely glazed, a detail which could be secured by a condition attached to a grant of planning permission. Furthermore, the area of garden ground that would be overlooked would be a narrow strip of the eastern part of the garden of the proposed flatted building primarily used for the footpath accesses to the proposed two flats and would be already overlooked by both the proposed two flats and thus is not private amenity space.

Subject to the aforementioned planning controls relating to the obscure glazing of the ground and first floor windows of the northeast/east elevations of the proposed flatted building and the removal of permitted development rights for the formation of additional ground and first floor or attic level windows in the northeast/east elevations of the proposed flatted building, the proposed development would not allow for a harmful loss of privacy or amenity to any neighbouring residential property. The proposed flatted building would also benefit from a satisfactory amount of privacy and amenity.

There is potential for external lighting to be installed at the proposed parking area. If not appropriately designed, positioned and finished such external lighting could potentially have a harmful impact on the amenity of the neighbouring residential property to the south of the site. It would therefore be prudent to impose a condition on a grant of planning permission requiring details of any proposed external lighting to be submitted for the prior approval of the Planning Authority.

Subject to the aforementioned planning controls, on these considerations of loss of sunlight and daylight, and privacy and amenity the proposed development is consistent with Policies DP2 and DP7 of the adopted East Lothian Local Development Plan 2018.

The **Council's Senior Environmental Health Officer** has no comment to make on the application and raises no objection to it.

The **Council's Environmental Health Officer (Contaminated Land)** advises that, although there do not appear to have been any historically potentially contaminative use associated with the site, there is the possibility that undocumented areas of made ground may exist that could contribute to localised areas of contamination and due to the proposed use of the site as residential properties, it is recommended that further information on the ground conditions and potential contamination issues of the site be submitted. The requirement for such ground investigations could be controlled by a condition attached to a grant of planning permission. Subject to such control, the Environmental Health Officer (Contaminated Land) raises no objection to the proposed development.

Vehicular access to the proposed flatted building would be taken from the western end of the public road of The Hawthorns at the location of the current vehicular access to the existing garage and carport. The access would be taken over the southern part of the existing vehicular access and a driveway, parking and turning area would be formed on the southern part of the eastern part of the site. Parking spaces for 9 cars would be

formed, comprising two parking spaces for each of the two proposed flats the subject of this planning application and two parking spaces for each of the two flats to be formed through the alterations and sub-division of the existing house of 6 The Hawthorns, and one additional visitor parking space. The visitor parking space would be of sufficient dimensions for accessible parking. The application drawings indicate that infrastructure for electric vehicle charging would be installed. The parking area and vehicular access would be hard-surfaced with a tarmac finish.

The **Council's Road Services** have considered the Transport Assessment submitted with the application.

Road Services advise that the provision of the proposed nine on-site parking spaces in the location proposed would be sufficient on-site parking spaces to serve the proposed two flats and the two flats to be formed through the sub-division of the existing house of 6 The Hawthorns approved by the grant of planning permission 20/01434/P. The parking spaces should have minimum dimensions of 2.5 metres by 5.0 metres. This detail can be controlled by a condition attached to a grant of planning permission.

Road Services recommend that provision should be made for electric vehicle charging, and that cycle parking should be provided at a rate of 1 space per flat. These requirements can be secured by conditions attached to a grant of planning permission.

Road Services advise that they are satisfied that in the position proposed for it the proposed vehicular access would not obstruct use of the existing garage of No.7 The Hawthorns that is located to the north of the proposed vehicular access, and that subject to visibility to and from that garage being maintained with no obstruction above a height of 1.05 metres immediately adjacent to the north side of it, the first 2 metres of the vehicular access being hard-formed to prevent loose material entering the public road, and vehicle strike protection being installed at the existing street lighting column on the south side of it, the proposed vehicular access would be of a satisfactory standard. These requirements can be secured by conditions attached to a grant of planning permission.

The Council's Road Services also requires that a construction traffic method statement to minimise the impact of construction activity on the safety and amenity of the area should be submitted to and approved in advance by the Planning Authority prior to the commencement of development.

Subject to the aforementioned planning controls, the Council's Road Services are satisfied that the layout of the parking spaces, including their access from the public road is acceptable and would not result in a road safety hazard and that a sufficient amount of on-site parking would be provided. Accordingly, the Council's Road Services raise no objection to the proposed development. Thus, subject to the aforementioned planning controls, the proposed development would not conflict with Policies T1 and T2 of the adopted East Lothian Local Development Plan 2018.

Waste Services raise no objection to the proposed development.

At its meeting on Tuesday 27th August 2019 the Council approved a motion declaring a Climate Emergency. Thereafter, at its meeting on Tuesday 3rd September 2019 the Council's Planning Committee decided that a report on the actions to be taken to reduce the carbon emissions from the building and from the completed development should be required on relevant applications for planning permission. The applicant has submitted a report advising what measures they intend to take to reduce carbon emissions, including where feasible, renewables. Photovoltaics will be installed on the roof of the proposed

flatted building and each of the proposed two flats would be served by an air source heat pump. The report explains that the flatted building has been designed to be site specific and to benefit from solar gain, high levels of insulation, airtight building fabric, reduced thermal bridges, low e-rated double glazed units, and natural ventilation. The effective measures required to reduce carbon emissions will be secured through the subsequent building warrant process. In order to further reduce carbon emissions, it would also be prudent to require proposals for the provision of new electric car charging points and infrastructure for them. This could be secured by a condition imposed on a grant of planning permission for this proposed development.

Scottish Water has been consulted on the application and raise no objection to the proposed development. Copies of Scottish Water's comments have been forwarded by email to the applicant's agent.

On all of the foregoing considerations, the proposed flatted building and its associated development, by virtue of its size, scale, height, positioning, form, design and external finishes, would not be an incongruous or overly dominant addition to the streetscape of The Hawthorns, and would fit comfortably within the pattern of built form of the area. Although it would result in the loss of some trees from the site, new tree planting would be carried out to mitigate for the loss of those trees. In all of this, the proposed development would not appear incongruous within its setting and would not be harmful to the character and appearance of the area, or of the developed coastal area or the North Berwick to Seton Sands Coast Special Landscape Area. Accordingly, on these foregoing considerations, the proposed development does not conflict with Policies RCA1, DC6, DC9, DP1, DP2 and DP7, NH3, NH4, NH8, T1 and T2 of the adopted East Lothian Local Development Plan 2018, Scottish Planning Policy: June 2014, and Planning Advice Note 67: Housing Quality.

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.

## **RECOMMENDATION:**

That planning permission be granted subject to the following conditions:

- 1 Prior to the commencement of the development hereby approved on the site, a suitable Geo-Environmental Assessment shall be carried out, and the report of the Geo-Environmental Assessment shall be made available to the Planning Authority for its written approval prior to development proceeding on the site. The Geo-Environmental Assessment report shall include details of the following:
  - A Preliminary Investigation incorporating a Phase I Desk Study (including site reconnaissance, development of a conceptual model and an initial risk assessment);
  - A Phase II Ground Investigation (if the Phase 1 Desk Study has determined that further assessment is required) incorporating a site survey of the extent, scale and nature of any contamination, (ground investigation, sample analysis and gas monitoring), reporting on the appropriate risk assessment(s) carried out with regards to Human Health, the Water Environment and Gas Characteristic Situation as well as an updated conceptual model of the site, and an appraisal of the remediation methods available and proposal of the preferred option(s).;
  - Phase III - where risks are identified, a Remediation Strategy shall be produced detailing and quantifying any works which must be undertaken in order to reduce the risks to acceptable levels 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 Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land following development. The Remediation Strategy shall be submitted for the prior approval of the Planning Authority prior to such works being carried out. Thereafter, the remediation works shall be carried out in accordance with the details so approved.

The Desk Study and Ground Investigation must be undertaken by suitably qualified, experienced and competent person(s) and must be conducted in accordance with the relevant guidance and procedures.

Should the Geo-Environmental Assessment report indicate that remedial works be required, and following the completion of the measures identified in the approved Remediation Statement, then prior to either of the two flats hereby approved being occupied, a Validation Report confirming the remedial works have been carried out in accordance with the Remediation Strategy shall be submitted to the Planning Authority for its prior approval in writing.

In the event of the presence of any previously unsuspected or unforeseen contamination of the land of the application site being found, such contamination of the land shall be brought to the attention of the Planning Authority and development shall not begin, or shall cease to continue, until further investigations have been carried out to determine if any additional remedial measures are required and if relevant a scheme to deal with that contamination on the site has been submitted to and approved in writing by the Planning Authority.

Reason

To ensure that the site is clear of contamination prior to the occupation of either of the two flats hereby approved.

- 2 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.

- 3 Prior to the commencement of development a Construction Method Statement designed to minimise the impact of construction activity and the movements of construction traffic on the amenity of the area shall be submitted to and approved in writing in advance by the Planning Authority. The Construction Method Statement shall include any recommended mitigation measures for the control of noise, dust and construction traffic, including hours of construction works, routing of vehicles and delivery time restrictions, and a health and safety method statement. The Construction Method Statement 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.



All of the recommendations of the Construction Method Statement shall be implemented, as applicable, prior to the commencement of development and during the period of development works being carried out on the application site.

The recommendations of the Construction Method Statement shall be implemented in accordance with the details so approved.

Reason:

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

- 4 Prior to either of the two flats hereby approved being brought into use, the vehicular access, parking and turning arrangements shall be laid out as shown on docketed drawing no. 19.19 / PL(2)04-F, and thereafter the access, parking and turning areas shall be retained for such uses.

Visibility to/from the existing garage of No.7 The Hawthorns shall be maintained to the north side of the vehicular access with no obstruction within that visibility splay above a height of 1.05 metres measured from the surface of the adjacent carriageway, and such visibility shall thereafter be maintained and retained to the north side of the vehicular access unless otherwise approved in writing by the Planning Authority.

Each parking space shall have dimensions of 2.5m wide by 5.0m long.

Any gates erected at the vehicular access shall only open inwards onto the site and shall not obstruct visibility of the existing garage of No.7 The Hawthorns.

Reason:

To provide a satisfactory provision of on-site parking and turning arrangement for the proposed development and to ensure that adequate visibility is provided at the access junction with the public road in the interest of road safety.

- 5 No use shall be made of the vehicular access hereby approved unless and until the first 2 metres of the vehicle access driveway to be formed, measured from the back edge of the carriageway and across the full width of the vehicular access driveway, has been hardsurfaced. The first two metres of the vehicle access driveway shall thereafter remain hard surfaced unless otherwise agreed by the Planning Authority.

Reason:

To prevent loose materials entering the public road in the interest of road safety.

- 6 Prior to the commencement of use of either of the two flats hereby approved, vehicle strike protection hoop barriers shall be installed at the street lighting column on the south side of the vehicular access hereby approved in accordance with the details shown on docketed drawing no. 19.19/PL(2)04-F, and details of the vehicle strike protection hoop barriers shall be submitted to and approved in advance in writing by the Planning Authority prior to its installation, and thereafter the vehicle strike protection hoop barriers shall be installed as so approved, and shall be retained and maintained in accordance with the details so approved.

Reason:

To ensure an adequate protection of the street lighting column.

- 7 Details, including metric scale drawings, of the roadside boundary wall hereby approved to be erected on the east boundary of the site (to the north side of the vehicular access) shall be submitted to and approved in writing in advance by the Planning Authority prior to the erection of the length of wall in the development hereby approved. The details shall include the height, form, appearance and finishes of the roadside boundary wall. Thereafter, the wall shall be erected in accordance with the details so approved.

The length of roadside boundary wall accord with the visibility splay requirements of condition 4 of this grant of planning permission.

Reason:

To ensure that the external finishes are appropriate in the interest of safeguarding the character and appearance of the area and in the interest of road safety.

- 8 Prior to the commencement of use of either of the two flats hereby approved, cycle parking at a rate of a minimum of one space per flat shall be provided for each of the two flats, and details of the cycle storage for each of the proposed two flats shall be submitted to and approved in advance in writing by the Planning Authority prior to its installation, and thereafter the cycle storage shall be installed as so approved, and shall be retained and maintained available for use in accordance with the details so approved.

Reason:

To ensure an adequate provision of on-site cycle parking spaces.

- 9 Prior to the commencement of development, details and a layout of the drainage system, including SUDS, and of other utility services for the proposed flatted building and associated works hereby approved shall be submitted to and approved in advance in writing by the Planning Authority, and thereafter, the drainage system, including SUDS, and other utility services installed shall accord with the details so approved.

Reason:

In order to ensure the retention of and health of trees or shrubs on the application site which are important to the landscape character and amenity of the area.

- 10 Details and a drawing showing the form and layout of any proposed external lighting structures of the proposed parking and turning area shall be submitted to and approved in advance in writing by the Planning Authority prior to the installation of any proposed external lighting. External lighting structures shall be of a low height and a bollard style design unless otherwise approved by the Planning Authority. Thereafter, the lighting structures installed and their layout shall accord with the details so approved.

Reason:

To enable the Planning Authority to control the appearance, materials and finishes to be used to achieve a development of good quality and appearance in the interests of the character and amenity of the area and the amenity of neighbouring residential properties.

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

Reason:

To minimise the environmental impact of the development.

- 12 A schedule and samples of the materials, including their colours, to be used as external finishes for the proposed flatted building hereby approved, including the colour of the frames of the windows, external glazed doors and external doors, and for the surface finishes of the hardstanding areas comprising parking and turning areas, footpaths and patio areas also hereby approved, shall be submitted to and approved in advance in writing by the Planning Authority prior to their use in the development hereby approved and thereafter the materials and colours used shall accord with the schedule and samples so approved.

Reason:

To ensure that the external finishes are appropriate in the interest of safeguarding the character and appearance of the area.

- 13 Prior to the occupation of either of the two flats of the flatted building hereby approved, the ground and first floor windows of the northeast/east elevation of the flatted building including the ground and first floor living room windows of the projecting northeast/east facing return of the western part of the proposed flatted building shall be obscurely glazed, in accordance with a sample of the obscure glazing to be submitted to and approved by the Planning Authority in advance of its use on the flatted building. The obscure glazing of the windows shall accord with the sample so approved. Thereafter the ground floor and first floor windows of the northeast/east elevation of the flatted building, including the ground and first floor living room windows of the projecting northeast/east facing return of the western part of the proposed flatted building shall continue to be obscurely glazed unless otherwise approved by the Planning Authority.

Notwithstanding that shown on the docketed drawings the ground floor and first floor windows to be installed on the northeast/east elevation of the flatted building hereby approved, including the ground and first floor living room windows of the projecting northeast/east facing return of the western part of the proposed flatted building, shall be fixed pane non-opening windows. Thereafter, those windows shall remain as fixed pane non-opening windows unless otherwise approved by the Planning Authority.

Reason:

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

- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended by The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011, or any subsequent Order amending, revoking or re-enacting the 1992 Order, no further ground or first floor windows or attic level roof windows or other glazed openings, other than those detailed on the docketed drawings, shall be formed at ground floor, first floor and attic level in the northeast/east elevation wall of the flatted building hereby approved, unless otherwise approved by the Planning Authority.

Reason:

In the interests of safeguarding the privacy and amenity of the garden of the neighbouring residential property(ies) to the east.

- 15 Noise associated with the operation of the air source heat pump hereby approved shall not exceed Noise Rating curve NR20 at any octave band frequency between the hours of 23:00 to 07:00 and Noise Rating curve NR25 at any octave band frequency between the hours of 07:00 to 23:00 within any neighbouring residential property. All measurements to be made with windows open at least 50mm.

Reason:

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

- 16 Details, including metric scale drawings, of the two pedestrian gates hereby approved to be erected in the north boundary of the site shall be submitted to and approved in writing in advance by the Planning Authority prior to the erection of the two pedestrian gates in the development hereby approved. The details of the two pedestrian gates shall include the height, form, appearance and finishes of the gates. Thereafter, the two pedestrian gates shall be erected in accordance with the details so approved.

Reason:

To ensure that the external finishes are appropriate in the interest of safeguarding the character and appearance of the area.

- 17 Notwithstanding that which is annotated on docketed drawing no. 1187\_001 Rev F (Woodland Planting Proposals), only the trees shown with a dashed red line on the 'Tree removals plan' docketed drawing no.19.19/PL(2)03 rev E shall be removed from the site. All other trees shall be retained and protected during development.

No trees to be retained on the site shall be damaged or uprooted, felled, lopped or topped without the prior written consent of the Planning Authority.

Reason:

To ensure the retention and health of trees or shrubs on the application site which are important to the landscape character and amenity of the area.

- 18 No development shall take place on site until temporary protective fencing in accordance with Figure 2 of British Standard 5837\_2012 "Trees in relation to design, demolition and construction" has been installed, approved by the arboriculturist and approved in writing by the Planning Authority. The temporary protective fencing shall be positioned on the site as shown for it on docketed drawing no. 19.19/PL(2)04-F ('Proposed Site Plan' drawing), shall be positioned outwith the Root Protection Area (RPA) as defined by BS5837:2012 for all trees and shall be approved in writing by the Planning Authority. The temporary protective fencing must be fixed in to the ground to withstand accidental impact from machinery, erected prior to site start and retained on site and intact through to completion of development.

All weather notices should be erected on said fencing with words such as "Construction exclusion zone - Keep out". Within the fenced off areas creating the Construction Exclusion Zones the following prohibitions must apply:-

- \_ No vehicular or plant access;
- \_ No raising or lowering of the existing ground level;
- \_ No mechanical digging or scraping;
- \_ No storage of temporary buildings, plant, equipment, materials or soil;
- \_ No hand digging;
- \_ No lighting of fires;
- \_ No handling discharge or spillage of any chemical substance, including cement washings.

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

Reason

In order to form Construction Exclusion Zones around retained trees and protect retained trees from damage.

- 19 All tree planting comprised in the approved details of landscaping on the 'Woodland Planting Proposals' docketed drawing no. 1187-001 rev F shall be carried out in the first planting and seeding season (October to March inclusive each calendar year) following the removal of the trees approved for felling as detailed on the 'Tree removals plan' docketed drawing no.19.19/PL(2)03 rev E.

No pine tree shall be planted closer than 10m away from the internal living space of the flatted building hereby approved.

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

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

Thereafter, the woodland shall be managed in accordance with the Woodland Management Plan (prepared by Donald Rodger Associates Ltd, dated July 2022) docketed to this grant of planning permission, unless the Planning Authority agrees to any

variation.

Reason

To ensure establishment of a landscape scheme that retains the character of the area.

- 20 All tree felling identified on drawing no. 19.19/PL(2)03-E shall be carried out outwith the bird breeding / nesting season (April - September, inclusive), unless it is implemented wholly in accordance with a Species Protection Plan which shall be submitted to and approved in writing in advance by the Planning Authority, and thereafter, the development shall be carried out in accordance with the Species Protection Plan so approved.

Reason:

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

- 21 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended by The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011, or any subsequent Order amending, revoking or re-enacting that Order, no development other than that hereby approved, or approved in compliance with the above planning conditions shall take place within the curtilage of the flatted building hereby approved or elsewhere on the application site without the prior permission of the Planning Authority.

Reason:

To safeguard the treed areas from possible future domestication in the interests of the character and visual amenity of the area and its landscape setting, and the integrity of Tree Preservation Order Nos.42 and 138.



**REPORT TO:** Planning Committee  
**MEETING DATE:** Tuesday 6 September 2022  
**BY:** Executive Director for Place  
**SUBJECT:** Application for Planning Permission for Consideration

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**3**

Application No. **22/00651/AMM**

Proposal Approval of matters specified in conditions of planning permission in principle 14/00903/PPM - Erection of 87 houses and associated works

Location **Land At Area 4  
Land To South, East And West  
Wallyford  
East Lothian**

Applicant Dandara East Scotland Limited

**RECOMMENDATION** Consent Granted

### **REPORT OF HANDLING**

Although this application is for the approval of matters specified in conditions of planning permission in principle 14/00903/PPM it is required to be determined as a major development type application because the area of the application site is greater than 2 hectares and the number of dwellings detailed is greater than 49. Accordingly, the application cannot be decided through the Council's Scheme of Delegation. It is therefore brought before the Planning Committee for a decision.

### **SITE HISTORY**

On 30 November 2009 planning permission in principle (Ref: 09/00222/OUT) was granted for a mixed use development on some 86 hectares of predominantly agricultural land to the east, south and southwest of Wallyford. The site included Wallyford Community Woodland, the public roads of Salters Road and Inchview Road, and land to the south of Fa'side Avenue South, to the south of the existing village. The land is the allocated housing site of Proposal MH9 of the adopted East Lothian Local Development Plan 2018.

Planning permission in principle (Ref: 12/00924/PPM) was subsequently sought for the renewal of planning permission in principle 09/00222/OUT, as submitted to the Council

on 26 November 2012. On 1 April 2014 the Council resolved to approve the application subject to the required Section 75 Agreement and planning permission in principle was duly granted with conditions on 14 November 2014 following the registration of that agreement.

Subsequent to this the applicant sought and was granted planning permission for the following variations to the conditions of planning permission in principle 12/00924/PPM:

- Variation of condition 2 of planning permission in principle 12/00924/PPM to allow for the development and occupation of residential units from both the western (A6094 - Salters Road) and northern (A199) ends of the site (Ref: 14/00913/PM);
- Variation of condition 5 of planning permission in principle 12/00924/PPM to allow for up to 90 units to be completed in Year 1, up to 150 units in Year 2, up to 150 units in Year 3 and up to 60 units in Year 8 (Ref: 14/00916/PM).

In September 2015 planning permission in principle (Ref: 14/00903/PPM) was granted for amendments to planning permission in principle 12/00924/PPM, including an increase in number of residential units from 1050 up to a maximum of 1450, relocation and redesign of open space, development for residential purposes of areas previously proposed as open space and relocation and redesign of the proposed local centre.

The elements of the approved mixed use development include residential development, community buildings including a new school and community facilities, office units, a restaurant, business units, general industrial units, storage and distributions units, trade counter units, a residential institution, a non-residential institution, hot food takeaways, playing fields, open space, allotments, landscaping and associated infrastructure provision.

Condition 1 of planning permission in principle 14/00903/PPM requires that the development of the site should generally accord with the indicative masterplan docketed to this planning permission in principle.

Condition 4 states that no more than 1450 residential units shall be erected on the application site.

However, in December 2020 planning permission in principle 15/00537/PPM was granted for residential development with associated educational and community facilities and open space on the land, known as Dolphinstone to the immediate south and east of the site the subject of planning permission in principle 14/00903/PPM. Through a condition attached to that grant of planning permission in principle 15/00903/PPM the number of residential units on the combined sites the subject of planning permission in principle 14/00903/PPM and 15/00537/PM was limited to no more than 2050.

In October 2015 approval of matters specified in conditions (Ref: 15/00136/AMM) was granted for infrastructure associated with the residential development of the Wallyford site. The approved infrastructure includes the formation of an acoustic bund, and spine road that will provide access to much of the larger Wallyford development. Development of the infrastructure is well underway.

In October 2016 approval of matters specified in conditions (Ref: 16/00537/AMC) was granted for the erection of 26 houses and 18 flats on land to the south of Fa'side Avenue South. Development of the site is largely complete.

In September 2017 approval of matters specified in conditions (Ref: 17/00384/AMM) was



granted for the erection of 185 houses on land to the east side of Wallyford - to the east of the new spine road approved by the grant of approval of matters specified in conditions (ref: 15/00136/AMM). Development of the site is well underway.

In November 2017 approval of matters specified in conditions (Ref: 17/00432/AMM) was granted for the erection of 245 houses on land to the southwest of Wallyford and thus on part of the larger site to which planning permission in principle ref: 14/00903/PPM and the masterplan docketed to that permission relate. Development of the site is well underway.

On June 4th 2019 approval of matters specified in conditions (Ref: 18/01283/AMM) was granted for the erection of 74 houses and 16 flats on land to the south of Fa'Side Terrace, Wallyford and thus on the larger site to which planning permission in principle ref: 14/00903/PPM and the masterplan docketed to that permission relate. Development of this site has not yet commenced.

In June 2019 application ref 19/00003/OBL to modify the S75 legal agreement that is associated with planning permission in principle 14/00903/PPM was approved. This gave approval for modifications to that S75 legal agreement which was the mechanism by which the provision within the residential development of 1450 residential units of 25% affordable housing (i.e. 363 units of the proposed 1450 units) was secured. Additionally, the plan docketed to the Section 75 agreement indicated where within the parts of the overall Wallyford development site that the affordable housing would be provided.

On June 14 2019 approval of matters specified in conditions (Ref: 18/01328/AMM) was granted for the erection of 141 houses and associated works on Land South of Faside Terrace, Wallyford to the south of the new spine road approved by the grant of approval of matters specified in conditions (ref: 15/00136/AMM). Development of the site is underway.

In January 2020 approval of matters specified in conditions (Ref: 19/00926/AMM) was granted for the erection of 69 houses and associated works on Land to the South, East and West of Wallyford and thus on the larger site to which planning permission in principle ref: 14/00903/PPM and the masterplan docketed to that permission relate. Development of the site is well underway.

In May 2021 approval of matters specified in conditions (Ref: 21/00069/AMM) was granted for the erection of 105 houses and associated works on Land West Of 33 Fa'side Terrace, Masons Way, Wallyford and thus on the larger site to which planning permission in principle ref: 14/00903/PPM and the masterplan docketed to that permission relate. Development of this site has not yet commenced.

In August 2021 planning permission (Ref: 21/00693/P) was granted for substitution of house types and erection of 12 additional houses and associated works as changes to the scheme of development the subject of planning permission 18/01283/AMM.

In September 2021 approval of matters specified in conditions (Ref: 21/00219/AMC) was granted for the erection of 42 houses and associated works on Land To South, East And West, Wallyford and thus on the larger site to which planning permission in principle ref: 14/00903/PPM and the masterplan docketed to that permission relate.

Also in September 2021 approval of matters specified in conditions (Ref: 21/00468/AMM) was granted for the erection of 149 houses and associated works Land To South, East And West, Wallyford and thus on the larger site to which planning permission in principle (Ref: 14/00903/PPM) and the masterplan docketed to that permission relate.

Development of this site is underway.

In May 2022 approval of matters specified in conditions (Ref: 22/00009/AMM) was granted for the erection of 90 flats and associated works on Land To South, East And West, Wallyford and thus on the larger site to which planning permission in principle (Ref: 14/00903/PPM) and the masterplan docketed to that permission relate.

In May 2022 approval of matters specified in conditions (Ref: 22/00133/AMC) was granted for a local centre to include the erection of a convenience store (class 1), mixed use units (class 1, 2 & 3/sui generis), 1 NHS facility building (class 2), and associated works on land shown as Area 5 on the masterplan docketed to planning permission in principle (Ref: 15/00537/PPM).

Also in May 2022 approval of matters specified in conditions (Ref: 00345/AMC) was granted for the construction of an infrastructural link road, footpath and associated works on Land To South, East And West, Wallyford.

## **PROPOSAL**

Planning permission is now sought for approval of matters specified in conditions of planning permission in principle (Ref: 14/00903/PPM) for the erection of 87 houses and associated works on Land To South, East And West, Wallyford.

The application site is located to the south and east of Wallyford. It relates to an irregular-shaped area of land of some 2.7 hectares that slopes gradually from north east to south west. It has a rough grass finish and has no trees or any other landscape features present on it.

To the north of the application site is the land of the link road, footpath and associated works approved by approval of matters specified in conditions (Ref: 22/00345/AMC) with a completed housing development the subject of approval of matters specified in conditions (Ref: 17/00384/AMM) beyond. To the west is the main distributor spine road of Masons Way with land approved by approval of matters specified in conditions (Ref: 22/00133/AMC) for the new local centre beyond. To the south of the application site is a SUDS detention basin approved by approval of matters specified in conditions (Ref: 15/00136/AMM) with a large housing development approved by approval of matters specified in conditions (Ref: 21/00468/AMM) and currently under construction. To the east is the eastern boundary of the wider Wallyford development site with land of Dolphingstone, the subject of planning permission in principle (Ref: 15/00537/PPM), beyond.

The principal vehicular access to the proposed 87 houses would be taken from 2 points formed on the east side of the spine road to the west. Footpath connections would also be provided into the site from the spine road. Additional vehicular access would be taken from the link road to the north and points formed to provide future footpath connections to the east.

All of the 87 houses to be erected within the site would be private houses for sale and would be comprised of 12 different house types. They would be comprised of 53 terraced/semi-detached houses and 34 detached houses. Ten of the proposed terraced/semi-detached houses would have 2 bedrooms, 28 would have 3 bedrooms and 15 would have 4 bedrooms. Of the proposed 34 detached houses 1 would have 3 bedrooms, 21 would have 4 bedrooms and 12 would have 5 bedrooms.

The submitted details also include for the internal access roads, footpaths, garages,

parking courts, boundary treatments, landscaping and associated area of open space.

A Design Statement has been submitted as a part of the application.

The following have also been submitted in support of the application:

- \*Consolidation of Abandoned Mineworkings Completions Report (Mason Evans, January, 2017);
- \*Earthworks and Validation Report (Wardell Armstrong, February, 2018);
- \*Geo-Environmental Report Addendum (Wardell Armstrong, August, 2021);
- \*Geotechnical Investigation Report (Wardell Armstrong, October, 2015);
- \*Radon Report (British Geological Survey, September, 2021);
- \*Specification and Construction Quality Assurance Plan (Wardell Armstrong, August, 2015);
- \*Drainage Statement (Indev Consult, March, 2022);
- \*Road Safety Audit (Drummond Black Consulting, August 2022); and
- \*Car Parking Allowance Plan.

Since the application was first registered updated drawings showing revisions to the proposed site layout, updated landscape proposals and a revised Drainage Statement have been submitted.

## **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).

There are no policies of the approved South East Scotland Strategic Development Plan (SESplan) relevant to the determination of the application. Proposal MH9: (Land at Wallyford) of the adopted East Lothian Local Development Plan (ELLDP) 2018 and Policies DP1 (Landscape Character), DP2 (Design), DP3 (Housing Density), DP4 (Major Development Sites), T1 (Development Location and Accessibility), (T2 (General Transport Impact), Policy DP8: Design Standards for New Housing Areas, Policy DP9: Development Briefs, Policy DCN2: Provision for Broadband Connectivity in New Development, Policy HOU1: Established Housing Land, Policy HOU3: Affordable Housing Quota, Policy W3: Waste Separation and Collection, Policy SEH2: Low and Zero Carbon Generating Technologies, OS3 (Minimum Open Space Standards for New General Needs Housing) and OS4 (Play Space Provision in new General Needs Housing Development) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of this application.

Also material to the determination of this application is Scottish Government Advice given in Planning Advice Note 67: Housing Quality. Planning Advice Note 67 explains how Designing Places should be applied to new housing. In PAN 67 it is stated that the planning process has an essential role to play in ensuring that: (i) the design of new housing reflects a full understanding of its context - in terms of both its physical location and market conditions, (ii) the design of new housing reinforces local and Scottish identity, and (iii) new housing 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 to the determination of this application is the Scottish Government Policy Statement entitled "Designing Streets". It provides an overview of creating places, with street design as a key consideration. It advises on the detail of how to approach the creation of well-designed streets and describes the processes which should be followed in order to achieve the best outcomes.

Also material to the determination of the application is the approved masterplan for the site as approved by the grant of planning permission in principle (Ref: 14/00903/PPM). The masterplan sets out the land uses expected for the allocated site and how the Council requires the site to be developed.

Also material to the determination of the application is the Council's Supplementary Planning Guidance 'Design Standards for New Housing Areas' material to the determination of the application is the Council's approved non-statutory Supplementary Planning Guidance (SPG) on 'Sustainable Drainage Systems (SuDS)' and on 'Design Standards for New Housing Areas'. The Council's SPG expands on policies that are set out in the ELLDP.

## **REPRESENTATIONS**

No written representations have been received in respect of this application.

## **COMMUNITY COUNCIL**

Wallyford Community Council, a consultee, were consulted on the application and raise no objection to the proposals.

## **PLANNING ASSESSMENT**

By the grant of planning permission in principle 14/00903/PPM and 15/00537/PPM approval has been given for the principle of the erection of up to 2050 houses on the combined Wallyford and Dolphinstone sites following technical assessments which demonstrated that local and wider infrastructure, subject to financial contributions and conditions, can accommodate such level of development. To date, approval has been granted for the erection of a total of 1172 residential units on the wider Wallyford site (Ref: 16/00537/AMC, 17/00384/AMM, 17/00432/AMM, 18/01283/AMM, 18/01328/AMM, 19/00926/AMM, 21/00069/AMM, 21/00693/P, 21/00219/AMC, 21/00468/AMM and 22/00009/AMM). Therefore as the cap of 2050 houses has not yet been reached within the combined Wallyford and Dolphinstone sites, there can be no objection in principle to the proposed 87 houses now proposed on this particular part of the larger site.

Consequently, in the determination of this application the Council, as Planning Authority, can only concern itself with the siting, design and external appearance of the housing development, the landscaping of and means of access to the site and the means of any enclosure of the boundaries of the site. In this regard the detailed proposals have to be considered against relevant development plan policy, the approved masterplan of, and conditions attached to planning permission in principle (Ref: 14/00903/PPM).

The proposed residential development would form an extension to, and would be a natural extension of the south-eastern edge of Wallyford. The proposed housing would be seen in relation to the new housing that is under construction on land to the south of this site and the completed housing development to the north. The new housing will also eventually be seen in relation to the other new housing areas that will be to the east of the application site. In all of this, the proposed residential development would be sympathetic to and would not be out of keeping with the character of Wallyford or with other recent housing developments in the Wallyford area.

The houses and associated areas of ground, in their proposed groupings, orientations, and layout would be consistent with the principles of the Scottish Government Policy Statement entitled "Designing Streets". The proposed layout of roads, pathways and parking spaces would also generally be consistent with those principles.

The details now submitted for approval are for a scheme of development comprising a mix of detached, semi-detached and terraced houses, with the houses being two stories in height. The total number of units proposed accords with the planning permission in principle granted for this part of the site and the mix of residential units includes a range of sizes and house types. The layout reflects the surrounding area, which is generally characterised by detached, semi-detached and terraced houses of a mix of single and two-storey. The range of house types proposed would give a variation of architectural form to the development, which coupled with the orientation and layout of the buildings, would give a degree of variety of appearance to the development. The architecture of the proposed houses is of a traditional pitched roof form. It should be ensured that the use of render is the predominant wall finish as this would respect the built form of other housing developments in Wallyford. A condition can be imposed on a grant of approval of matters specified in conditions for the proposed development to address these matters of wall finishes.

The proposed layout is broadly consistent with the layout shown in the Design Concept docketed to planning permission in principle (Ref: 14/00903/PPM). The houses due to their positioning on the application site and by virtue of their height, size and scale, would not appear incongruous in their landscape setting. This coupled with the proposed landscaping would ensure a visually attractive and cohesive development, with the proposed houses visible but not appearing intrusive in their surroundings. The other components of the proposed development would not be harmful to the character and appearance of the area.

The proposed housing development would provide an attractive residential environment for future residents of the proposed houses. The houses are shown to be laid out in such a way that adheres to the normally accepted privacy and amenity criteria on overlooking and overshadowing, whilst affording the future occupants of the houses and flats an appropriate level of privacy and residential amenity.

The application site is capable of accommodating all of the houses without being an overdevelopment of the site and without being incompatible with the density of existing housing development in the area.

The Councils Landscape Officer has been consulted on the application and initially raised concerns over proposed tree planting in private garden areas and the provision of sufficient open space to accommodate the relocation of those trees. However, further to the submission of drawings to provide details of revised tree planting and the provision of soil cells for trees adjacent to hardstanding areas within the site he raises no objection to proposals.

The submission of a detailed scheme of landscaping prior to the commencement of development can be made a condition of a grant of approval of matters.

The **Council's Environmental Health Manager** has been consulted on the application and responds no comment.

On all of these foregoing findings on matters of design, density, layout, landscaping and amenity the details submitted for approval are consistent with Policies DP1, DP2, DP3 and DP4 of the adopted East Lothian Local Development Plan 2018, the Council's approved development framework for Wallyford, Scottish Government's Designing Streets and the Council's Supplementary Planning Guidance 'Design Standards for New Housing Areas'.

The masterplan docketed to planning permission in principle (Ref: 14/00903/PPM) indicates how areas of formal and informal open space, including two community sports pitches, could be located throughout the allocated site.

Policy OS3 (Minimum Open Space Standard for New General Needs Housing Development) of the adopted ELLDP 2018 requires that for developments of 20 and more dwellings the minimum requirement for on-site provision of open space is 60m<sup>2</sup> per dwelling. Policy OS4 (Play Space Provision in New General Needs Housing Development) requires that developments of 50 and more dwellings must provide a play area suitable for children aged 0 - 8.

The site that is the subject of this approval of matters application includes only small areas of land shown on the docketed masterplan as being the location for areas of open space. It does not show areas for play area provision or for sports pitch provision.

However, the site will be bounded to the west by areas identified by the masterplan for planning permission in principle (Ref: 14/00903/PPM) as open space including for the provision of a play park. Furthermore the site is in close proximity to playgrounds and sports pitches associated with the Learning Campus currently under construction to the northwest and the Community Woodland to the southwest, all of which will provide opportunities for outdoor recreation for the residents of the wider Wallyford site including the future occupants of this site.

Consequently, although the proposed development does not include play area provision or the provision of formal areas of open space consistent with Policies OS3 and OS4 of the ELLDP, this is consistent with the docketed masterplan attached to planning permission in principle (Ref: 14/00903/PPM). On this consideration the proposed development is consistent with Policies OS3 and OS4 and with the indicative masterplan docketed to planning permission in principle (Ref: 14/00903/PPM).

The Council's Acting Principal Amenity Officer has been consulted on the application and has not raised any objection.

The principles of the means of accessing the larger development are already decided by the grant of planning permission in principle (Ref: 14/00903/PPM). These include vehicular access to the proposed housing plots being taken from the new distributor road approved by planning permission (Ref: 15/00136/AMM).

The applicant has confirmed that the submitted details for accessing the site are in accordance with these established principles of the means of accessing the larger development approved by planning permission (Ref: 15/00136/AMM).

The **Council's Road Services** have been consulted on the application and advise that the location and amount of parking within the site is acceptable and that the development can be safely accessed by cars and large vehicles. They recommend however that conditions be imposed on any grant of planning permission to ensure that:

i) A visibility splay of 4.5 metres by 70 metres is provided and maintained on each side of each of the proposed access junctions from the application site such that there shall be no obstruction to visibility above a height of 1.05 metres measured from the adjacent carriageway level within the area defined as:-

\*a line 4.5 metres long measured along the access road from the nearside edge of the main road carriageway;

\*a line 70 metres long measured along the nearside edge of the main road carriageway from the centre of the access road in both directions; and

\*a straight line joining the termination of the above two lines;

ii) A visibility splay of 2.5 metres by 70 metres is provided and maintained on each side of each of the proposed driveway access's which directly access onto the distributor road to the north of the application site such that there shall be no obstruction to visibility above a height of 1.05 metres measured from the adjacent carriageway level within the area defined as:-

\*a line 2.5 metres long measured along the access road from the nearside edge of the main road carriageway;

\* a line 70 metres long measured along the nearside edge of the main road carriageway from the centre of the access road in both directions; and

\* a straight line joining the termination of the above two lines;

iii) A joint dilapidation survey of adjoining roads, to include all carriageways and footways adopted by East Lothian Council, shall be undertaken. Roads and footways affected by construction vehicle access shall be resurfaced/repared by the developer in compliance with the Council's specifications and requirements at no cost to the Council as Roads Authority;

iv) All internal and external roadworks, including proposed access junctions and off-site works, shall be subject to Road Safety Audit. This process must be completed through Stages 1, 2, 3 & 4 (Preliminary Design, Detailed Design, Post Opening Audit & finally Post Opening Audit + 12 months) - The audit process shall be undertaken in accordance with GG 119 - Revision 2 Road Safety Audit Design Manual for Roads and Bridges Volume 5, Section 2, Part 2, or as amended by latest version;

v) Prior to the commencement of any part of the development hereby approved a Quality Audit to independently assess walking, cycling, and road safety aspects within and around the development shall be submitted for planning authority approval. The Quality Audit will further provide details of signage to identify vehicular and active travel routes through the development. The Quality Audit will be reviewed after construction is substantially complete and the developer required to make good any issues;

vi) A Travel Information Pack with information for residents to encourage use of sustainable modes of transport such as trains, buses, cycling and walking is submitted to and approved by the Planning Authority prior to the commencement of the development hereby approved. 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;

vii) 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. Temporary measures shall be put in place to control surface water drainage during the construction works. The Construction Method Statement shall also make recommendations in respect of how building materials and waste will be safely stored

and managed on site.

Council Roads Services further require that the proposed development complies with the following:

- i) all access roads shall conform to ELC Standards for Development Roads in relation to road layout and construction, footways & footpaths, parking layout and number, street lighting and traffic calming measures. This shall also comply with Design Standards for New Housing Areas Supplementary Planning Guidance 2020;
- ii) 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;
- iii) 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;
- iv) within residential 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;
- v) cycle parking for dwellings without private back garden with a gate (e.g. flats/mid-terraces), shall be included at a rate of 1 space per dwelling. This shall be in the form of a lockable room or shed; and
- vi) wheel washing facilities shall be provided and maintained in working order during the period of construction of the site. All vehicles must use the wheel washing facilities to prevent deleterious materials being carried onto the public road on vehicle tyres;

All of these requirements can reasonably be made conditions on a grant of planning permission for the proposed development.

Subject to the imposition of those planning controls and on these foregoing transportation and other access considerations the proposed residential development is consistent with Policies T1 and T2 of the adopted East Lothian Local Development Plan 2018.

The mechanism of a financial contribution towards additional educational provision for a housing development of 1450 residential units has already been secured through the grant of planning permission in principle (Ref: 14/00903/PPM). Therefore as an approval of matters of that planning permission in principle there are no further contributions required from this proposal.

The mechanism of the provision within the residential development of 1450 residential units of 25% affordable housing (i.e. 363 units of the proposed 1450 units) is already secured through the grant of planning permission in principle (Ref: 14/00903/PPM). Additionally, the masterplan docketed to planning permission (Ref: 14/00903/PPM) indicates the parts of the wider Wallyford development that will provide for affordable housing. There is no affordable housing allocated for this part of the site in that docketed masterplan. In this regard the proposal is consistent with the indicative masterplan docketed to planning permission in principle (Ref: 14/00903/PPM).

The Indicative masterplan docketed to planning permission in principle (Ref: 14/00903/PPM) indicates how three sustainable urban drainage scheme (SUDS) detention basins could be formed within the site to attenuate the flow of surface water run-off. Condition 27 of planning permission in principle 14/00903/PPM states that a



SUDS scheme should be submitted for the written approval of the planning authority, in consultation with the Scottish Environment Protection Agency. The position of the three SUDS detention basins has already been approved by approval of matters (Ref: 15/00136/AMM).

The applicant's agent has confirmed that all onsite drainage/Suds features will be served by the SUDS scheme previously consented and installed within the larger development and which were approved by approval of matters (Ref: 15/00136/AMM).

Further to the submission of an updated Drainage Statement providing a Climate Change Rainfall Allowance of 39% the Council's Flooding Officer is satisfied with the proposed drainage arrangements and raises no objection to the application.

Scottish Water were consulted on the planning application and raise no objection to it.

The Council's Waste Services were consulted on the application and raise no objection.

The **Council's Contaminated Land Officer** has reviewed the submitted Addendum Geo-Environmental Report and is satisfied that no further assessment is required for the application site with regards to contamination or ground gas. He does however note findings within the Report which state that the risk from unknown areas of contamination could not be discounted and advises that in the event that any unexpected ground contamination is encountered at any time during development works on the application site those works will immediately cease and the matter reported to the Planning Authority. Thereafter the Planning Authority may require that additional site investigation and risk assessment is undertaken. Should findings confirm requirements for remedial measures a Remediation Strategy will be required to be submitted, with a further Validation Report submitted for Planning Authority approval confirming that the required works have been carried out in accordance with the Remediation Strategy.

The above recommendations can reasonably form the subject of a condition attached to a grant of planning permission.

At its meeting on Tuesday 27th August 2019 the Council approved a motion declaring a Climate Emergency. Thereafter, at its meeting on Tuesday 3rd September 2019 the Council's Planning Committee decided that a report on the actions to be taken to reduce the carbon emissions from the building and from the completed development should be required on relevant applications for planning permission. The applicant has submitted a Car Parking Allowance Plan advising that all vehicle parking spaces proposed for the development will be served by electric vehicle charging points. It would be prudent to require proposals for the provision of new car charging points and infrastructure for them. This can reasonably be secured by a condition imposed on a grant of planning permission for the proposed development.

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 proposals accordance with the Development Plan.

## **RECOMMENDATION**

That Approval of Matters Consent be granted 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 houses 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 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. All such materials used in the construction of the houses shall conform to the details so approved.

Reason:

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

- 3 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 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.

- 4 Prior to the occupation of the last residential unit hereby approved, the proposed access roads, parking spaces and footpaths shall have been constructed on site, in accordance with the docketed drawings. Those areas of land shall not thereafter be used for any other purpose than for accessing and for the parking of vehicles in connection with the residential use of the houses and 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 and bicycle parking in the interests of road safety.

- 5 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

- 6 All of the landscaping as required by condition 5 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.

- 7 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 dwellings 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 those enclosing 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.

- 8 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.

Reason

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

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

i) all access roads shall conform to ELC Standards for Development Roads in relation to road layout and construction, footways & footpaths, parking layout and number, street lighting and traffic calming measures. This shall also comply with Design Standards for New Housing Areas Supplementary Planning Guidance 2020;

ii) 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;

iii) 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;

- iv) within residential 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;
- v) cycle parking for dwellings without private back garden with a gate (e.g. flats/mid-terraces), shall be included at a rate of 1 space per dwelling. This shall be in the form of a lockable room or shed; and
- vi) wheel washing facilities must be provided and maintained in working order during the period of construction of the site. All vehicles must use the wheel washing facilities to prevent deleterious materials being carried onto the public road on vehicle tyres;

Reason

In the interests of pedestrian and road safety

- 10 A visibility splay of 4.5 metres by 70 metres shall be provided and maintained on each side of each of the proposed access junctions from the application site such that there shall be no obstruction to visibility above a height of 1.05 metres measured from the adjacent carriageway level within the area defined below:-
- a) A line 4.5 metres long measured along the access road from the nearside edge of the main road carriageway.
  - b) A line 70 metres long measured along the nearside edge of the main road carriageway from the centre of the access road in both directions.
  - c) A straight line joining the termination of the above two lines.

Reason

In the interests of road safety.

- 11 A visibility splay of 2.5 metres by 70 metres shall be provided and maintained on each side of each of the proposed driveway access's which directly access onto the distributor road to the north of the application site such that there shall be no obstruction to visibility above a height of 1.05 metres measured from the adjacent carriageway level within the area defined below:-
- a) A line 2.5 metres long measured along the access road from the nearside edge of the main road carriageway.
  - b) A line 70 metres long measured along the nearside edge of the main road carriageway from the centre of the access road in both directions.
  - c) A straight line joining the termination of the above two lines.

Reason

In the interests of pedestrian and road safety

- 12 A joint dilapidation survey of adjoining roads, to include all carriageways and footways adopted by East Lothian Council, shall be undertaken. Roads and footways affected by construction vehicle access shall be resurfaced/repared 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.

- 13 All internal and external roadworks, including proposed access junctions and off-site works, shall be subject to Road Safety Audit. This process must be completed through Stages 1, 2, 3 & 4 (Preliminary Design, Detailed Design, Post Opening Audit & finally Post Opening Audit + 12 months) - The audit process shall be undertaken in accordance with GG 119 - Revision 2 Road Safety Audit Design Manual for Roads and Bridges Volume 5, Section 2, Part 2, or as amended by latest version.

Reason:

In the interests of road and pedestrian safety.

- 14 Prior to the commencement of any part of the development hereby approved a Quality Audit to independently assess walking, cycling, and road safety aspects within and around the development shall be submitted for planning authority approval. The Quality Audit will further provide details of signage to identify vehicular and active travel routes through the development. The Quality Audit will be reviewed after construction is substantially complete and the developer required to make good any issues.

Reason

In the interests of road and pedestrian safety.

- 15 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 the commencement of the development hereby approved. 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.

Reason:

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

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

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

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

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

If no unexpected ground conditions are encountered during the development works then this should be confirmed in writing to the Planning Authority prior to occupation of the houses hereby approved.

Reason:

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

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

Reason:

To minimise the environmental impact of the development.

- 18 The drainage scheme as detailed on drawing number 22-029-20 Revision G, titled '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.

- 19 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 and the temporary measures that shall be put in place to control surface water drainage during the construction works. 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.

Reason:

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