



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

**TUESDAY 16 AUGUST 2022
VIA A DIGITAL MEETING FACILITY**

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 and water 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 22,000m², and the components of the onshore substation, which shall generally accord with that shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0009 docketed to planning permission in principle 21/00290/PPM;

f) The layout shall ensure that the substation platform and onshore substation shall be located within the area identified as "Substation Development Zone" on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to planning permission in principle 21/00290/PPM;

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

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

In this condition, the onshore substation means all the electrical equipment, ancillary equipment, internal roads and any perimeter security fence to be located on the substation platform, as indicatively described in Chapter 2 (Development Description) of the Environmental Impact Assessment Report docketed to planning permission in principle 21/00290/PPM.

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

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

146 within the western section of the application site and the duration of the temporary rerouting;

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

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

Reason:

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

- 5 Prior to the commencement of development on the 'Substation Development Zone', the 'Onshore Export Cable Development Zone', the 'Grid Connection Development Zone', the 'Access Development Zone' and the 'Temporary Construction Compound Development Zone' all as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to planning permission in principle 21/00290/PPM, a Construction Environmental Management Plan (CEMP) for development of that Development Zone shall be submitted to and approved in writing by the Planning Authority. The CEMP shall include the following details:

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

With regards to Noise the CMS shall adopt "Best Practice Guidance" as recommended in BS 5228-1:2009+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_{Ar,Tr} of 35 dB at any sensitive receptor. All

measurements to be made in accordance with BS 4142: 2014 "Methods for rating and assessing industrial and commercial sound".

Reason:

In the interests of the amenity of nearby sensitive receptors.

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

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

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

o A survey of the extent, scale and nature of contamination, and reporting on the appropriate risk assessment(s) carried out with regards to Human Health, the Water Environment and Gas Characteristic Situation as well as an updated conceptual model of the site;

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

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

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Councillor Norman Hampshire
Convener of the Planning Committee